



**PROPOSED RULE MAKING  
(RCW 34.05.320)**

**CR-102 (7/22/01)  
Do NOT use for expedited  
rule making**

Agency: Department of Labor and Industries	<input checked="" type="checkbox"/> Original Notice <input type="checkbox"/> Supplemental Notice to WSR _____ <input type="checkbox"/> Continuance of WSR _____
<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR <u>02-09-090</u> ; or <input type="checkbox"/> Expedited Rule Making -- Proposed notice was filed as WSR _____; or <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	

(a) Title of rule: Safety regulations and fees for all elevators, dumbwaiters, escalators and other conveyances. (Chapter 296-96 WAC)

Purpose: **See attachment (a)**

Other identifying information: None

(b) Statutory authority for adoption: <b>RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, Chapter 98, Laws of 2002 (Substitute House Bill 2629), Chapter 143, Laws of 2003 (Engrossed Substitute Senate Bill 5942) and SB 6650.</b>	Statute being implemented: Chapter 70.87 RCW
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(c) Summary: **See attachment (a)**

Reasons supporting proposal: **See attachment (a)**

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting..... <b>Dotty Stanlaske</b>	<b>Tumwater</b>	<b>360-902-6128</b>
2. Implementation.... <b>Patrick Woods</b>	<b>Tumwater</b>	<b>360-902-6348</b>
3. Enforcement..... <b>Patrick Woods</b>	<b>Tumwater</b>	<b>360-902-6348</b>

(e) Name of proponent (person or organization): **Department of Labor and Industries**

Private  
 Public  
 Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:  
NA

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Citation:
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

(h) HEARING LOCATION: <b>See attachment (h)</b>	Submit written comments to: <b>See attachment (h)</b>
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Date: \_\_\_\_\_ Time: \_\_\_\_\_

DATE OF INTENDED ADOPTION: May 18, 2004

<b>CODE REVISER USE ONLY</b>	
<b>WSR#04-08-087</b>	
NAME (TYPE OR PRINT) <b>Paul Trause</b>	
SIGNATURE	
TITLE <b>Director</b>	DATE <b>April 6, 2004</b>

**Assistance for persons with disabilities or other special accommodation needs contact: Christine Swanson by 5/3/04 at 360-902-6411 or copc235@LNI.wa.gov**

(j) Short explanation of rule, its purpose, and anticipated effects:

See attachment (a)

Does proposal change existing rules?  YES  NO

If yes, describe changes:

See attachment (a)

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by writing to:

telephoning: (     )

faxing: (     )

No. Explain why no statement was prepared

No small business economic impact statement has been prepared under Chapter 19.85 RCW. The department has considered whether these proposed rules are subject to the Regulatory Fairness Act and has determined that they do not require a small business economic impact statement because the costs associated with the proposed rules will not place a more than minor impact on any business or contractor or are exempted by law [see RCW 19.85.025 referencing RCW 34.05.310 (4)] from the small business economic impact requirements.

(l) Does RCW 34.05.328 apply to this rule adoption?  Yes  No

Please explain:

Significant rule-making criteria does apply to these rule changes because the exempt criteria outlined in RCW 34.05.328(5) was not met.

- (a) Purpose, summary, reasons supporting proposal, short explanation of rule, its purpose, and anticipated effect, and changes the proposal makes to existing rules.

The purpose of this rulemaking is to:

- Implement legislation relating to the licensing of elevator mechanics and contractors from Chapter 98, Laws of 2002 (Substitute House Bill 2629), Chapter 143, Laws of 2003 (Engrossed Substitute Senate Bill 5942) and SB 6650;
- Adopt the most recent versions of the American Society of Mechanical Engineers national standards for elevators, escalators, and other conveyances, with exceptions and state specific requirements;
- Incorporate necessary policy into rule;
- Make changes based on feedback and recommendations of the Elevator Safety Advisory Committee and various other stakeholders;
- Make several other clarifying and housekeeping changes.

A brief summary of the changes to these rules is as follows:

WAC SECTION NUMBER(S)	BRIEF SUMMARY OF CHANGES
WAC 296-96-00500	Expanded the scope of the chapter to necessary to implement legislative changes.
WAC 296-96-00600	Made clarification changes consistent with current department policy and practice.
WAC 296-96-00650	Adopted the most recent nationally recognized consensus codes pertaining to elevators and other conveyances, with exceptions.
WAC 296-96-00700	Eliminated definitions that are currently found in statute and/or included in the applicable, adopted national consensus standards. Also, added definitions necessary for use with this chapter.
WAC 296-96-00800	Made changes based on 2003 legislative changes.
NEW SECTION: WAC 296-96-00805	Clarified the appeal procedures necessary for use with this chapter.
PART B (New Sections: WAC 296-96-00900 through 296-96-00930)	Established a new part for purposes of establishing the licensing requirements to implement 2002, 2003 and 2004 legislative changes.
PART B-1	Renumbered the existing Part B to B-1.
WAC 296-96-01000	Clarified the permit process consistent with department policy and practice.
WAC 296-96-01005	Made minor clarification changes.
NEW SECTION: WAC 296-96-01006	Added a new section to clarify the current types of conveyance work that requires permitting and inspection. These changes are necessary based on 2003 legislative changes.
NEW SECTION: WAC 296-96-01007	Added a new section to clarify the current inspection and approval process. These changes establish current department policy and practice into rule.
NEW SECTION: WAC 296-96-01009	Added a new section based on 2003 legislative changes relating to who is allowed to purchase a permit.
WAC 296-96-01010	Made minor clarification changes.
WAC 296-96-01027	Made minor clarification changes.
WAC 296-96-01030	Made minor clarification changes.
WAC 296-96-01035	Made clarification changes to the red-tag status requirements to ensure consistency with local building occupancy requirements.
WAC 296-96-01070	Made changes based on 2003 legislative changes and other clarification related changes. Also, added a new penalty for the removal of a red tag from a conveyance.
NEW SECTION: WAC 296-96-01075	Added a new section to clarify the variance process. These changes are establishing current department policy and practice into rule.
WAC 296-96-01080	Repealed this section as it moved and clarified in Part A of this chapter.

NEW SECTION: WAC 296-96-02230	Added a new section to clarify the notification process for new and altered inspections. These changes are establishing current department policy and practice into rule.
NEW SECTION: WAC 296-96-02232	Added a new section to clarify the conditions for obtaining temporary operating permits. These changes are establishing current department policy and practice into rule.
NEW SECTION: WAC 296-96-02235	Added a new section to clarify the requirements for temporary operating permits. These changes are establishing current department policy and practice into rule.
WAC 296-96-02240	Clarified the exceptions from the requirements of this section.
WAC 296-96-02275	Clarified the requirements associated with Fireman's Service Phase I and II recall. These changes are establishing current department policy and practice into rule.
NEW SECTION: WAC 296-96-02276	Added a new section to clarify the requirements for sprinklers in hoistways and machine rooms. These changes establish current department policy and practice into rule.
WAC 296-96-02277	Made clarification changes to this section based on changes to the ASME. Also, clarified the exceptions from this section and made other clarification changes.
WAC 296-96-02278	Established requirements associated with keys being located on site. Previously, this rule was only a recommendation.
WAC 296-96-02280	Removed unnecessary language and clarified the exceptions from the requirements of this section.
WAC 296-96-02281	Clarified that the hatch must be able to be opened without the use of tools. These changes establish current department policy and practice into rule.
NEW SECTION: WAC 296-96-02282	Added a new section to establish requirements for Firefighters' Service that are less rigid than the adopted national consensus standards. Also, clarified the exceptions from the requirements of this section.
NEW SECTION: (3) WAC 296-96-02283	Added a new section to clarify the minimum working space in machine rooms, which do not supercede NFPA 70.
NEW SECTION: (1) WAC 296-96-02285	Added a new section to clarify exceptions associated with correction facility elevators.
NEW SECTION: WAC 296-96-02290	Established requirements associated with underground hydraulic elevator pipes, fittings, and cylinders. These changes establish current department policy and practice into rule.
WAC 296-96-02310	Clarified the exceptions from the requirements of this section.
WAC 296-96-02315	Made clarification changes relating to car interiors. Also, made changes to ensure consistency with local building official requirements.
NEW SECTION: WAC 296-96-02317	Added a new section to ensure that local building officials are notified and approve conveyance type for existing buildings.
NEW SECTION: WAC 296-96-02318	Added a new section to ensure consistency with local building official requirements relating to accessibility access.
WAC 296-96-02320	Made minor clarification changes. Clarified the exceptions from the requirements of this section.
WAC 296-96-02325	Clarified the exceptions from the requirements of this section.
WAC 296-96-02330	Made clarification changes relating to communication devices. Clarified the exceptions from the requirements of this section.
WAC 296-96-02340	Clarified that residential elevators must have one handrail consistent with current policy. Also, clarified the exceptions from the requirements of this section.
WAC 296-96-02350	Clarified the exceptions from the requirements of this section.
WAC 296-96-02355	Clarified the exceptions from the requirements of this section.
WAC 296-96-02360	Clarified the exceptions from the requirements of this section.
NEW SECTION: WAC 296-96-02361	Added a new section to clarify the requirements associated with electrical mainline disconnects.
NEW SECTION: WAC 296-96-02362	Added a new section to clarify the requirements associated with machine rooms and established current department policy and practice into rule.
NEW SECTION: WAC 296-96-02363	Added a new section to clarify the requirements associated with fire doors and established current department policy and practice into rule.
NEW SECTION: WAC 296-96-02364	Added a new section to clarify the requirements associated with elevator pit equipment and established current department policy and practice into rule.
REPEALED SECTION: WAC 296-96-02365	Repealed this section and incorporated it into WAC 296-96-02370.
NEW SECTION: WAC 296-96-02366	Added a new section to clarify the requirements associated with submersible pumps and sumps and established current department policy and practice into rule.
NEW SECTION: WAC 296-96-02367	Added a new section to clarify the requirements associated with top of car lighting and established current department policy and practice into rule.
NEW SECTION:	Added a new section to clarify the requirements associated with physically handicapped lifts. Made

WAC 296-96-02370	changes to coincide with new state building code requirements.
<b>NEW SECTION:</b> WAC 296-96-02371	Added a new section to clarify the requirements associated private residence inclined stairway chairlifts consistent with national electrical standards.
WAC 296-96-05010	Made minor clarification changes to eliminate unnecessary provisions.
WAC 296-96-05030	Added a new section to clarify the requirements associated electrical equipment for hoistway gates and doors consistent with national electrical standards.
WAC 296-96-05070	Made changes to clarify the requirements associated with gates on material lifts to ensure materials are enclosed.
WAC 296-96-05160	Made minor clarification changes.
WAC 296-96-05170	Made clarification changes and established current department policy and practice into rule.
WAC 296-96-05230	Made clarification change to correct a reference.
WAC 296-96-05290	<b>Made changes based on 2003 legislative changes relating to who is allowed to test in light of the new licensing requirements.</b>
WAC 296-96-07010	Made a minor housekeeping change.
<b>NEW SECTION:</b> WAC 296-96-07021	Added a new section to clarify the permitting and inspection requirements associated with existing inclined private residence elevators.
<b>NEW SECTION:</b> WAC 296-96-07024	Added a new section to clarify the permitting and inspection requirements associated with alterations of existing inclined private residence elevators.
WAC 296-96-07080	Made changes to ensure consistency with ASME.
WAC 296-96-07100	Made changes to ensure consistency with ASME.
WAC 296-96-07170	Made changes to ensure consistency with ASME.
WAC 296-96-07180	Made clarification changes relating to driving machines and sheaves and established current department policy and practice into rule.
WAC 296-96-07190	Made clarification changes.
WAC 296-96-07200	Made clarification changes and established provisions to provide more flexibility to users and owners.
<b>NEW SECTION:</b> WAC 296-96-07215	<b>Added a new section to clarify that all controllers must be labeled and listed. This is consistent with national electrical standards and current department policy and practice into rule.</b>
WAC 296-96-07230	Made clarification changes.
WAC 296-96-07250	Made clarification changes to the inclined private residence elevators requirements to ensure protection from unauthorized access.
WAC 296-96-08010	Made minor housekeeping changes.
WAC 296-96-08020	Made minor housekeeping changes.
<b>NEW SECTION:</b> WAC 296-96-08022	Added a new section to clarify the requirements associated with inclined private residence conveyances and establishing current department policy and practice into rule.
<b>NEW SECTION:</b> WAC 296-96-08024	Added a new section to clarify the requirements associated with alterations of inclined private residence conveyances and establishing current department policy and practice into rule.
WAC 296-96-08030	Made minor housekeeping changes.
WAC 296-96-08050	Made minor housekeeping changes.
WAC 296-96-08060	Made minor housekeeping changes.
WAC 296-96-08090	Made minor housekeeping changes.
WAC 296-96-08100	Made minor housekeeping changes.
WAC 296-96-08110	Made minor housekeeping changes.
WAC 296-96-08140	Made minor housekeeping changes.
WAC 296-96-08150	Made minor housekeeping changes.
WAC 296-96-08160	Made minor housekeeping changes.
WAC 296-96-08170	Made minor housekeeping changes.
WAC 296-96-08175	Made minor housekeeping changes.
WAC 296-96-08180	Made minor housekeeping changes.
WAC 296-96-08190	Made minor housekeeping changes.
WAC 296-96-08200	Clarified the requirements associated with inclined private residence conveyance activation methods, which allow greater flexibility.
<b>NEW SECTION:</b> WAC 296-96-08215	<b>Added a new section to clarify that all controllers must be labeled and listed. This is consistent with national electrical standards and current department policy and practice into rule.</b>
WAC 296-96-08220	Made minor housekeeping changes.
WAC 296-96-08230	Made minor housekeeping changes.
WAC 296-96-08250	Made clarification changes to the inclined private residence elevators requirements to ensure protection from unauthorized access.
WAC 296-96-09002	Made clarification changes.
<b>NEW SECTION:</b> WAC 296-96-09003	Added a new section to clarify that landing gates must be equipped with electrical gate switches and established current department policy and practice into rule.
<b>NEW SECTION:</b> WAC 296-96-09004	Added a new section to clarify the inspection requirements associated with jumps for personnel hoists and established current department policy and practice into rule.
<b>NEW SECTION:</b>	Added a new section to clarify the inspection requirements associated with jumps for material hoists

WAC 296-96-10002	and established current department policy and practice into rule.
<b>PART C5</b>	Made a minor housekeeping change.
REPEALED SECTION: WAC 296-96-11000	Repealed this section as it is no longer necessary.
WAC 296-96-11001	Made changes to clarify the codes that must be complied with for belt manlifts.
WAC 296-96-11016	Made minor housekeeping changes.
WAC 296-96-11019	Made minor housekeeping changes.
WAC 296-96-11022	Made clarification changes.
WAC 296-96-11045	Made changes to clarify the repair and replacement requirements for belts.
WAC 296-96-11057	Made clarification changes and clarified that when a bar is used it must be of the “breakaway” type.
WAC 296-96-11078	Made changes based on ASME requirements and established current department policy and practice into rule.
NEW SECTION: WAC 296-96-11080	Made changes based on 2003 legislative changes relating to the new licensing requirements. Also, made other changes consistent with ASME.
<b>Electric Manlifts</b> NEW SECTION(S): WAC 296-96-13135 through 296-96-13171	Established electric manlifts requirements into the chapter 296-96 WAC based on 1998 legislative changes. The department is currently utilizing the electric manlift requirements found in chapter 296-56 WAC. These changes are consistent with current department policy and practice.
WAC 296-96-14045	Clarified that the weights must be contained and established current department policy and practice into rule.
WAC 296-96-14060	Made clarification changes relating to hoisting ropes consistent with national standards.
WAC 296-96-14070	Made clarification changes.
WAC 296-96-14080	Made clarification changes.
WAC 296-96-16040	Made minor housekeeping changes.
WAC 296-96-16150	Made minor housekeeping changes.
WAC 296-96-23100	Established requirements associated with keys being located on site. Previously, this rule was only a recommendation.
WAC 296-96-23101	Clarified the exceptions from this section
NEW SECTION: WAC 296-96-23117 through 296-96-23119	Created a new section to clarify the requirements associated with top of car railings for traction elevators and established current department policy and practice into rule.
WAC 296-96-23151	Clarified that the requirements associated with center-opening doors.
WAC 296-96-23240	Made minor housekeeping changes.
WAC 296-96-23270	Clarified that top of car operating stations must be installed under certain circumstances and established current department policy and practice into rule.
WAC 296-96-23287	Clarified the exceptions from this section.
NEW SECTION: WAC 296-96-23303	Added a new section to clarify the requirements that apply to hydraulic elevators without safety bulkheads. These requirements are less stringent than those proposed in ASME.
WAC 296-96-23610	Made clarification changes. Several of these changes are as a result of changes to ASME.

(h) **Hearing Location:**

**Spokane Hearing:**

Date: May 11, 2004 Time: 1:30 PM

Department of Labor and Industries Building  
901 N Monroe St  
Suite 100  
Spokane, WA

**Tumwater Hearing :**

Date: May 12, 2004 Time: 1:30 PM

Department of Labor and Industries Building  
7273 Linderson Way S.W.  
Tumwater, Washington

**Submit written comments to:**

Christine Swanson  
Specialty Compliance Services Division  
P.O. Bo x 44400  
Olympia, Washington 98504-4400 By: May 12, 2004

**Email comments to:**

[copc235@lni.wa.gov](mailto:copc235@lni.wa.gov) By: May 12, 2004

**Fax comments to:**

(360) 902-5292 By: May 12, 2004

\*Comments submitted by fax must be 10 pages or less.