



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: August 31, 2021

TIME: 8:58 AM

WSR 21-18-096

**Agency:** Department of Labor & Industries (L&I)

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** The purpose of this rulemaking is to adopt amendments to the elevator rules and fees under chapter 296-96 WAC.

L&I has reviewed the elevator rules to address requests from stakeholders held over from a past 2018 rulemaking process and to further update and clarify existing rules. Washington’s elevator stakeholders were invited to participate in the review, submit proposals for changes to the rules, and provide recommendations to L&I regarding possible rule changes. A Technical Advisory Committee (TAC) of industry experts and the Elevator Safety Advisory Committee (ESAC) reviewed the proposals and provided recommendations to L&I on adoption of the rules. This rulemaking adopts amendments based on the review and stakeholder recommendations to improve public safety.

L&I has also evaluated the elevator program’s budget and projected revenue and a fee increase is needed to support operating expenses for inspections of conveyances and other elevator program public safety activities.

This rulemaking will:

- Increase fees by the fiscal growth factor of 5.08 percent for fiscal year 2020.
- Adopt rules for uniformity with national safety codes and standards that are recognized and used to regulate the conveyance industry. For example:
  - American Society of Mechanical Engineers (ASME) A90.1-2015 Safety Code for Belt Manlifts;
  - ASME A18.1-2017 Safety Standards for Platform Lifts and Stairway Chair Lifts – OSG Exemption; and
  - ASME A17.1-2016/CSA B44-13 Safety Code for Elevators, Escalators, Dumbwaiters, Residential Elevators, and Special Purpose Personnel Elevators.
- Adopt rules that make exceptions to the national safety codes and standards. For example:
  - Excluding all references to QEI certification in ASME A17.1- 2016/CSA B44-13, ASME A18.1-2017 and American Society of Safety Engineers/American National Standards Institute (ASSE/ANSI) A10.4-2016;
  - Requiring the installation of a stop switch that is accessible from the landing on existing elevators; and
  - Disallowing alternative Category 5 testing methodologies for conveyances in the state of Washington.
- Adopt rules to bring the rules up-to-date and improve public safety. For example:
  - Allow L&I to charge for portions of an hour for elevator services, such as technical services and consultations, and accident investigations to account for the actual time and cost of services;
  - Allow for reduced guard railing heights on car tops on existing elevators based upon existing instruction conditions to provide an alternative method of compliance;
  - Allow an access door to the motor brake for equipment installed in the hoistway for private residential elevators; and
  - Require posting of an overhead sign in the hoistway when guardrail clearances are less than allowed by code.
- Adopt amendments to the elevator licensing and continuing education requirements. For example:
  - Clarifies the minimum passing scores on the Washington state written examination for elevator contractors and elevator mechanics to obtain a license; and

- Clarifies that certificates of completion for continuing education courses for elevator mechanics must be signed or marked to receive educational credit from L&I.
- Adopt rules to reflect L&I's existing processes and practices. For example:
  - Clarifies a permit application needs to be sent to L&I, along with plans for new installations and major alterations prior to the start of construction and permit issuance; and
  - Allows L&I to request additional information and safety testing results for plan review exceptions for new residential incline chairlifts to ensure code compliance and testing standards are met.
- Adopt rules requested by stakeholders. For example:
  - Clarifying the allowance of driving machines in the hoistway for machine room-less elevators;
  - Clarifying the requirements for machine rooms and main line disconnects;
  - Requiring car safeties for belt manlifts to be tested at 100 percent of its rated load;
  - Replacing five-year safety testing with annual safety testing for belt manlifts;
  - Creating a new section to clarify the additional documentation that must be onsite and the items needed for maintenance and test logs;
  - Updating requirements for electric manlifts; and
  - Clarifying the governor overspeed safety testing requirements for residential stairway chairlifts and inclined commercial stairway chair lifts.
- Adopt rules for clarity, to streamline the rules, and for ease of use. For example:
  - Corrects the safety code installation dates for the adopted standards;
  - Clarifies the requirements for keys and key boxes for operation and maintenance of elevators;
  - Clarifies the fee for processing of permit applications; and
  - Adds standard application material lifts to Part D of the chapter to clarify provisions for older lifts.
- Repeal rules that are obsolete, to eliminate redundancy, and simplify the rules.
- Adopt rules for general housekeeping, such as punctuation, typographical and reference corrections, uniformity with code dimensions, formatting of section headers and numbers, removal of obsolete language, etc.

**Citation of rules affected by this order:**

New: WAC 296-96-02650 and 296-96-02700.

Repealed: WAC 296-96-02470, 296-96-02471, 296-96-11080, 296-96-20005, 296-96-23118, 296-96-23303, 296-96-24416, 296-96-24419, 296-96-24422, 296-96-24425, 296-96-24428, 296-96-24431, 296-96-24434, 296-96-24437, 296-96-24440, 296-96-24445, 296-96-24448, 296-96-24451, 296-96-24454, 296-96-24460, 296-96-24466, 296-96-24470, and 296-96-24478.

Amended: WAC 296-96-00650, 296-96-00675, 296-96-00904, 296-96-00906, 296-96-00910, 296-96-00912, 296-96-00916, 296-96-00922, 296-96-01005, 296-96-01010, 296-96-01025, 296-96-01027, 296-96-01030, 296-96-01035, 296-96-01040, 296-96-01045, 296-96-01055, 296-96-01057, 296-96-01060, 296-96-01065, 296-96-02410, 296-96-02452, 296-96-02460, 296-96-02465, 296-96-02530, 296-96-02552, 296-96-02580, 296-96-02605, 296-96-02640, 296-96-05000, 296-96-05020, 296-96-05030, 296-96-05070, 296-96-05090, 296-96-05140, 296-96-05190, 296-96-05210, 296-96-07150, 296-96-18020, 296-96-23117, 296-96-23119, 296-96-23126, 296-96-23130, 296-96-23132, 296-96-23200, 296-96-23605, 296-96-23701, 296-96-24401, 296-96-24457, 296-96-24480, 296-96-24500, 296-96-24516, 296-96-24528, 296-96-24537, 296-96-24543, 296-96-24553, 296-96-24560, 296-96-24600, 296-96-24611, 296-96-24630, and 296-96-24670.

Suspended:

**Statutory authority for adoption:** Chapter 70.87 RCW

**Other authority:** None.

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 21-12-089 on June 1, 2021 (date).

Describe any changes other than editing from proposed to adopted version: The following are changes from the proposed to adopted version:

- WAC 296-96-00910, Elevator mechanic license categories.
  - Subsection (4)(c) of this section was changed back to the original rule language regarding special purpose elevators. Based on a recent audit, we discovered that essential stakeholders affected by this change were not a part of the rule development process and the proposed rule is problematic. It could cause work interruptions for some businesses.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Alicia Curry

Address: Department of Labor & Industries, PO Box 44400, Olympia, WA 98504-4400

Phone: 360-902-6244

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TTY:

Email: [Alicia.Curry@Lni.wa.gov](mailto:Alicia.Curry@Lni.wa.gov)

Web site: <https://lni.wa.gov/licensing-permits/elevators/laws-rules-policies#rule-development>

Other:

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**

New	<u>2</u>	Amended	<u>61</u>	Repealed	<u>23</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	<u>2</u>	Amended	<u>61</u>	Repealed	<u>23</u>

**Date Adopted:** August 31, 2021


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**Name:** Joel Sacks

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**Title:** Director

**Signature:**



Elizabeth Smith, Deputy Director, on behalf of Joel Sacks