



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: June 05, 2018

TIME: 3:14 PM

WSR 18-12-103

Agency: Department of Labor and Industries

Original Notice

Supplemental Notice to WSR \_\_\_\_\_

Continuance of WSR \_\_\_\_\_

Preproposal Statement of Inquiry was filed as WSR 17-15-093 ; or

Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW \_\_\_\_\_.

Title of rule and other identifying information: (describe subject) Amendments to the elevator rules in chapter 296-96 WAC Safety Regulations and Fees for All Elevators, Dumbwaiters, Escalators, and Other Conveyances

### Hearing location(s):

Date: Time: Location: (be specific) Comment:

Date:	Time:	Location: (be specific)	Comment:
July 10, 2018	10:00 a.m.	L&I Tukwila Office 12806 Gateway Dr S Tukwila, Washington 98168	
July 11, 2018	10:00 a.m.	Red Lion River Inn 700 N Division St Spokane, Washington 99202	
July 12, 2018	10:00 a.m.	Red Lion Hotel Yakima Center 607 E Yakima Ave Yakima, Washington 98901	
July 13, 2018	10:00 a.m.	Towne Place Suites Marriott 17717 SE Mill Plain Blvd Vancouver, Washington 98683	

Date of intended adoption: July 31, 2018 (Note: This is NOT the effective date)

### Submit written comments to:

Name: Alicia Curry

Address: Department of Labor & Industries, P.O. Box 44400 Olympia, Washington 98504-4400

Email: Alicia.Curry@Lni.wa.gov

Fax: 360-902-5292

Other:

By (date) 5 p.m. on July 13, 2018

### Assistance for persons with disabilities:

Contact Alicia Curry

Phone: 360-902-6244

Fax: 360-902-5292

TTY:

Email: Alicia.Curry@Lni.wa.gov

Other:

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The Department of Labor and Industries is proposing amendments to the elevator rules in chapter 296-96 WAC. The department performed a formal review of the rules to adopt new safety code requirements, to update and clarify the rules, and make housekeeping changes. This rulemaking excludes the elevator licensing rules (Part B – Elevator Contractor and Conveyance Mechanic Licenses and Regulations and Fees), due to a separate rulemaking in progress.

Proposed rules to this chapter will:

- Adopt new safety code requirements for conveyances in the state of Washington. This includes:
  - American Society of Mechanical Engineers (ASME), Safety Code for Elevators, Escalators, Dumbwaiters, Residential Elevators, and Special Purpose Elevators (ASME A17.1-2016/CSA B44 – 16);
  - ASME A17.2 Guide for the Inspection of Elevators, Escalators, & Moving Walks (2017);
  - ASME A17.3 Safety Code for Existing Elevators and Escalators (2015);
  - ASME A18.1 Safety Standard for Platform Lifts and Stairway Chairlifts (2017);
  - ASME A90.1 Safety Code for Belt Manlifts (2015);
  - American Society of Safety Engineers (ASSE)/American National Standards Institute (ANSI) A10.4 Safety Code for Personnel Hoists (2016); and
  - ASSE/ANSI A10.5 Safety Code for Material Hoists (2013).
- Adopt references to other safety codes, such as the National Electrical Code (NEC), International Code Council (ICC) and National Fire Protection Agency (NFPA).
- Adopt exceptions to the national safety code requirements, such as allowing a timeframe for owners to comply with ASME A17.3 without penalty.
- Adopt proposals requested by stakeholders, for example:
  - Allowing replacement data tags to be created with known information in the event of missing tags to provide an affordable and reasonable means for customers to comply with data tag requirements;
  - Removing the requirement for installation of pit switches between 36 and 48 inches above the bottom landing to eliminate safety hazards for elevator mechanics performing work in the pit and the undue financial burden for building owners;
  - Removing the requirements to obtain a permit for certain repairs and replacements to eliminate unnecessary costs for building owners and elevator contractors; and
  - Relocating various sections in Part C to Part D requirements to eliminate duplication, reduce confusion in enforcement, and unnecessary additional costs for customers.
- Amend the rules for clarity, to improve safety and reflect the existing processes and practices of the department, for example:
  - Clarifying that approved installation or alteration permits must be posted along with approved plans issued by the department on the job site;
  - Clarifying where light needs to be measured in the pit and machine room for better illumination;
  - Creating new definitions, such as “layout drawings, engineering” to clarify that engineering drawings are different than shop drawings and which of these drawings must be stamped by an engineer;
  - Clarifying that shunt-trip breakers need to be in the elevator machine or control room where it is less likely to be reset by persons other than elevator personnel who have surveyed the equipment after a sprinkler discharge in the hoistway or machine/control room;
  - Requiring that handrails installed in elevator cars comply with the Americans with Disabilities Act (ADA) requirements;
  - Requiring that governor overspeed testing in chair lifts be tested by the manufacturer with documentation;
  - Clarifying the procedures for units placed out of service on a voluntary basis; and
  - Clarifying the department investigates an injury-related accident reported by the owner or owner’s duly authorized agent to align with the statute.
- Align the elevator rules with Department of Safety & Health (DOSH) requirements for confined space.
- Amend language to update the rules, for example:
  - Eliminating the requirement to submit two sets of plans, since plans are now received and returned electronically and only one set is needed; and
  - Requiring that periodic test results be retained on-site for review by elevator personnel instead of submitting the results to the department for approval.
- Amend language to exclude residential incline chair lifts that are labeled and listed by a product-testing laboratory from plan review requirements to reduce the processing time for review of plans that are essentially similar.

- Amend language to allow the Elevator Safety Advisory Committee (ESAC) to appoint a new member to fill the remainder of a member's term if the member cannot fulfill their obligation.
- Amend language for general housekeeping, reformatting and relocating of certain sections, grammatical and reference corrections, to eliminate the question and answer format in section titles, etc.

**Reasons supporting proposal:** This rulemaking is necessary to replace the existing code requirements with the current national standards to bring the rules up-to-date with technological advances, align Washington's requirements with those of the national standards, and for changing industry needs.

American Society of Mechanic Engineers (ASME) is the recognized safety standard for the elevator industry. The ASME standards address both new and existing elevators, escalators, dumbwaiters, moving walks, material lifts, platform lifts and stairway chairlifts and provides requirements applying to the design, construction, installation, operation, testing, inspection, maintenance, alteration, and repair of those conveyances. The purpose of the safety codes and standards are to enhance public health and safety.

ASSE/ANSI promulgates standards for temporary installations for conveyances regulated by the Department. The purpose of these standards is to enhance worker safety.

For more information on this rulemaking, visit the L&I website at:

<http://www.lni.wa.gov/TradesLicensing/Rules/ByTrade/Elevator/Rulemaking.asp> or contact the individual below. Interested parties can sign up for e-mail updates at: <http://www.lni.wa.gov/main/listservs/default.asp>.

**Statutory authority for adoption:** Chapter 70.87 RCW, ELEVATORS, LIFTING DEVICES, AND MOVING WALKS

**Statute being implemented:** Chapter 70.87 RCW, ELEVATORS, LIFTING DEVICES, AND MOVING WALKS

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None.

**Name of proponent:** (person or organization) Department of Labor and Industries  Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Dotty Stanlaske, Prog. Mgr.	Tumwater, Washington	360-902-6456
Implementation:	David Puente Jr., Asst. Dir.	Tumwater, Washington	360-902-6348
Enforcement:	David Puente Jr., Asst. Dir.	Tumwater, Washington	360-902-6348

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
- Address:
- Phone:
- Fax:

TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name: Alicia Curry  
Address: PO Box 44400 Olympia, Washington 98504-4400  
Phone: 360-902-6244  
Fax: 360-902-5292  
TTY:  
Email: Alicia.Curry@Lni.wa.gov  
Other:

No: Please explain:

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- |   |  |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)<br>(Internal government operations)         | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(e)<br>(Dictated by statute)  |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(c)<br>(Incorporation by reference)  | <input type="checkbox"/> RCW 34.05.310 (4)(f)<br>(Set or adjust fees)  |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)<br>(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)<br>((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW 34.05.328(5)(b).

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated.

The proposed rules include four amendments that do not meet any of the Regulatory Fairness Act exemptions listed above. The department concludes, based on the best information available and detailed in the Cost Benefit Analysis, that the four proposed amendments do not impose any new costs on the parties involved.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:  
Address:  
Phone:  
Fax:


TTY:  
Email:  
Other:

**Date:** June 5, 2018

**Name:** Joel Sacks

**Title:** Director

**Signature:**

A handwritten signature in black ink that reads "Joel Sacks". The signature is written in a cursive style with a large initial 'J' and 'S'.