



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, 2018

TIME: 1:02 PM

WSR 18-18-070

Agency: Department of Labor and Industries

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) October 1, 2018 (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 Department of Labor and Industries is adopting amendments to the elevator rules in chapter 296-96 WAC Safety Regulations and Fees for All Elevators, Dumbwaiters, Escalators, and Other Conveyances. 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.

This rulemaking 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:
 - Allow 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;
 - Remove 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;
 - Remove the requirements to obtain a permit for certain repairs and replacements to eliminate unnecessary costs for building owners and elevator contractors; and
 - Relocate various sections in Part C to Part D requirements to eliminate duplication, reduce confusion in enforcement, and eliminate unnecessary additional costs for customers.
- Adopt rules for clarity, to improve safety and reflect the existing processes and practices of the department, for example:
 - Clarify that approved installation or alteration permits must be posted along with approved plans issued by the department on the job site;
 - Clarify where light needs to be measured in the pit and machine room for better illumination;

- Establish 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;
- Clarify 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;
- Require that handrails installed in elevator cars comply with the Americans with Disabilities Act (ADA) requirements;
- Require that governor overspeed testing in chair lifts be tested by the manufacturer with documentation;
- Clarify the procedures for units placed out of service on a voluntary basis; and
- Clarify the department’s process when investigating an injury-related accident reported by the owner or owner’s duly authorized agent to align with the statute.
- Adopt amendments to align with Department of Safety & Health (DOSH) requirements for confined space.
- Adopt amendments to bring the rules up-to-date, for example:
 - Eliminate the requirement to submit two sets of plans, since plans are now received and returned electronically and only one set is needed; and
 - Require that periodic test results be retained on-site for review by elevator personnel instead of submitting the results to the department for approval.
- 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.
- 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.
- Adopt rules for general housekeeping, reformatting and relocating of certain sections, grammatical and reference corrections, to eliminate the question and answer format in section titles, etc.

Citation of rules affected by this order:

New: WACs 296-96-00675, 296-96-05000, 296-96-23000, 296-96-24000, 296-96-24100, 296-96-24103, 296-96-24106, 296-96-24109, 296-96-24112, 296-96-24115, 296-96-24118, 296-96-24121, 296-96-24124, 296-96-24127, 296-96-24130, 296-96-24133, 296-96-24136, 296-96-24139, 296-96-24142, 296-96-24145, 296-96-24148, 296-96-24151, 296-96-24154, 296-96-24157, 296-96-24160, 296-96-24163, 296-96-24166, 296-96-24169, 296-96-24172, 296-96-24175, 296-96-24178, 296-96-24200, 296-96-24203, 296-96-24206, 296-96-24209, 296-96-24212, 296-96-24215, 296-96-24218, 296-96-24221, 296-96-24225, 296-96-24228, 296-96-24231, 296-96-24234, 296-96-24237, 296-96-24240, 296-96-24243, 296-96-24246, 296-96-24249, 296-96-24252, 296-96-24255, 296-96-24258, 296-96-24261, 296-96-24264, 296-96-24267, 296-96-24270, 296-96-24273, 296-96-24276, 296-96-24279, 296-96-24301, 296-96-24350, 296-96-24401, 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, 296-96-24457, 296-96-24460, 296-96-24466, 296-96-24470, 296-96-24478, 296-96-24480, 296-96-24500, 296-96-24516, 296-96-24519, 296-96-24522, 296-96-24525, 296-96-24528, 296-96-24531, 296-96-24534, 296-96-24537, 296-96-24540, 296-96-24543, 296-96-24547, 296-96-24550, 296-96-24553, 296-96-24557, 296-96-24560, 296-96-24600, 296-96-24611, 296-96-24620, 296-96-24630, 296-96-24635, 296-96-24640, 296-96-24645, 296-96-24650, 296-96-24655, 296-96-24660, 296-96-24665, 296-96-24670, 296-96-24700, 296-96-24703, 296-96-24706, 296-96-24709, 296-96-24712, 296-96-24715, 296-96-24718, 296-96-24721, 296-96-24724, 296-96-24727, 296-96-24730, 296-96-24733, 296-96-24736, 296-96-24739, 296-96-24742, 296-96-24745, 296-96-24748, 296-96-24751, 296-96-24754, 296-96-24757, 296-96-24760, 296-96-24765, 296-96-24770, 296-96-24775, 296-96-24780

Repealed: WACs 296-96-01012, 296-96-01050, 296-96-02401, 296-96-02411, 296-96-02420, 296-96-02450, 296-96-02451, 296-96-02455, 296-96-02466, 296-96-02475, 296-96-02480, 296-96-02485, 296-96-02486, 296-96-02495, 296-96-02500, 296-96-02505, 296-96-02510, 296-96-02515, 296-96-02520, 296-96-02535, 296-96-02540, 296-96-02545, 296-96-02550, 296-96-02551, 296-96-02555, 296-96-02556, 296-96-02557, 296-96-02560, 296-96-02564, 296-96-02566, 296-96-02567, 296-96-02568, 296-96-02570, 296-96-02575, 296-96-02585, 296-96-02595, 296-96-02600, 296-96-02620, 296-96-02625, 296-96-02630, 296-96-05009, 296-96-07010, 296-96-07020, 296-96-07021, 296-96-07024, 296-96-07030, 296-96-07035, 296-96-07040, 296-96-07050, 296-96-07060, 296-96-07070, 296-96-07080, 296-96-07090, 296-96-07100, 296-96-07110, 296-96-07120, 296-96-07130, 296-96-07140, 296-96-07160, 296-96-07170, 296-96-07171, 296-96-07180, 296-96-07190, 296-96-07200, 296-96-07210, 296-96-07215, 296-96-07220, 296-96-07230, 296-96-07240, 296-96-07250, 296-96-08010, 296-96-08020, 296-96-08022, 296-96-08024, 296-96-08030, 296-96-08035, 296-96-08050, 296-96-08060, 296-96-08070, 296-96-08080, 296-96-08090, 296-96-08100, 296-96-08110, 296-96-08140, 296-96-08150, 296-96-08160, 296-96-08170, 296-96-08175, 296-96-08180, 296-96-08190, 296-96-08200, 296-96-08210, 296-96-08215, 296-96-08220, 296-96-08230, 296-96-08240, 296-96-08250, 296-96-09001, 296-96-09002, 296-96-09003, 296-96-09004, 296-96-10001, 296-96-10002, 296-96-11001, 296-96-11010, 296-96-11016, 296-96-11019, 296-96-11022, 296-96-11025, 296-96-11028, 296-96-11031, 296-96-11034, 296-96-11037, 296-96-11040, 296-96-11045, 296-96-11048, 296-96-11051, 296-96-11054, 296-96-11057, 296-96-11060, 296-96-11066, 296-96-11070, 296-96-11078, 296-96-13135, 296-96-13136, 296-96-13139, 296-96-13143, 296-96-13145, 296-96-13147, 296-96-13149, 296-96-13151, 296-96-13153, 296-96-14011, 296-96-13155, 296-96-13157, 296-96-13159, 296-96-13161, 296-96-13167, 296-96-13169, 296-96-13171, 296-96-14010, 296-96-14020, 296-96-14025, 296-96-14030, 296-96-14035, 296-96-14040, 296-96-14045, 296-96-14050, 296-96-14055, 296-96-14060,

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Amended: WACs 296-96-00600, 296-96-00650, 296-96-00700, 296-96-00800, 296-96-00805, 296-96-01000, 296-96-01005, 296-96-01006, 296-96-01008, 296-96-01009, 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, 296-96-01070, 296-96-01075, 296-96-02400, 296-96-02405, 296-96-02410, 296-96-02415, 296-96-02421, 296-96-02425, 296-96-02452, 296-96-02460, 296-96-02465, 296-96-02470, 296-96-02471, 296-96-02481, 296-96-02490, 296-96-02525, 296-96-02530, 296-96-02552, 296-96-02558, 296-96-02580, 296-96-02590, 296-96-02605, 296-96-02640, 296-96-05010, 296-96-05020, 296-96-05030, 296-96-05040, 296-96-05050, 296-96-05070, 296-96-05080, 296-96-05090, 296-96-05100, 296-96-05120, 296-96-05140, 296-96-05150, 296-96-05160, 296-96-05170, 296-96-05190, 296-96-05200, 296-96-05210, 296-96-05220, 296-96-05230, 296-96-05240, 296-96-05260, 296-96-05290, 296-96-07150, 296-96-11080, 296-96-18010, 296-96-18011, 296-96-18020, 296-96-18030, 296-96-18040, 296-96-18050, 296-96-18060, 296-96-18070, 296-96-18080, 296-96-20005, 296-96-20010, 296-96-23100, 296-96-23101, 296-96-23115, 296-96-23116, 296-96-23117, 296-96-23118, 296-96-23119, 296-96-23122, 296-96-23123, 296-96-23126, 296-96-23130, 296-96-23132, 296-96-23158, 296-96-23200, 296-96-23205, 296-96-23283, 296-96-23303, 296-96-23605, 296-96-23606, 296-96-23700, 296-96-23701

Suspended: None.

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

Other authority: None.

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as [WSR 18-12-103](#) on **June 5, 2018** (date).

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

- WAC 296-96-00675 Amendments to adopted standards, was amended to exclude some ASME A17.3 requirements from adoption. The following language was added in this section to read:
 - (8) ASME A17.3 requirement 2.7.6 Hoistway Emergency Door Contacts is not adopted.
 - (9) ASME A17.3 requirement 3.3.5 Protection of Platforms Against Fire is not adopted.
 - (10) ASME A17.3 requirement 3.10.7 Operating of Driving Machine with Hoistway Door Unlocked or Hoistway or Car Door Not in the Closed Position is not adopted.
 - (11) ASME A17.3 requirement 3.10.12 System to Monitor and Prevent Automatic Operation of the Elevator with Faulty Door Contact Circuits is not adopted.
 - (12) ASME A17.3 requirement 3.11.3 Firefighter's Service is not adopted.
 - (13) ASME A17.3 requirement 3.9.5 Piston Connections is not adopted.
 - (14) ASME A17.3 Adjacent Floor Surfaces requirement 5.5.3 is not adopted.
- WAC 296-96-01010 What are the installation permit fees for conveyances, material lifts, and hoists and how are they calculated?, was amended to further clarify the fees associated with the total cost of installation and alteration. The permit fee associated with the cost of alterations in excess of \$15,000 was moved from repealed WAC 296-96-01012 and added to the fee schedule identified in WAC 296-96-01010. The title of the fee table was amended to read: Total Cost of Installation or Alteration.
- WAC 296-96-05010 What are the department's rules on material lifts?, was amended by including the word "standard" for clarification purposes. The following language was added in subsection (2) of this section to read: WAC 296-96-05010 through 296-96-05290 establishes requirements for the construction, installation, and operation of standard material lifts.
- WAC 296-96-05240 What are the minimum maintenance requirements for lifts?, was amended to reference the ASME code, since the language was approved by the Technical Advisory Committee (TAC) and Elevator Safety Advisory Committee (ESAC), but was inadvertently omitted. Subsection (1) was amended to read: Maintenance,

examinations, and safety tests are to be performed and documented to the applicable sections of WAC 296-96-23605 and ASME A17.1/CSA B44, parts 8.6 and 8.11.

- WAC 296-96-23000 Compliance timeframes, was amended to remove the compliance timeframes for some ASME A17.3 requirements, since changes were made in WAC 296-96-00675 to exclude some of the ASME A17.3 requirements from adoption.

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, P.O. Box 44400 Olympia, Washington 98504-4400

Phone: 360-902-6244

Fax: 360-902-5292

TTY:

Email: Alicia.Curry@Lni.wa.gov

Web site: <http://www.lni.wa.gov>

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>133</u>	Amended	<u>100</u>	Repealed	<u>316</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>133</u>	Amended	<u>100</u>	Repealed	<u>316</u>

Date Adopted: August 31, 2018

Name: Joel Sacks

Title: Director

Signature:

