



# 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: April 16, 2019

TIME: 10:59 AM

WSR 19-09-064

Agency: Department of Labor and Industries

Original Notice

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

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

Preproposal Statement of Inquiry was filed as WSR 18-18-069 ; 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, 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:

May 30, 2019 9:00 a.m. L&I Tukwila Office  
12806 Gateway Dr S  
Tukwila, Washington 98168

May 31, 2019 9:00 a.m. Davenport Grand Hotel  
333 W Spokane Falls Blvd  
Spokane, Washington 99201

Date of intended adoption: July 23, 2019 (Note: This is NOT the effective date)

### Submit written comments to:

Name: Alicia Curry

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

Email: Alicia.Curry@Lni.wa.gov

Fax: 360-902-5292

Other:

By (date) 5 p.m. on May 31, 2019

### Assistance for persons with disabilities:

Contact Alicia Curry

Phone: 360-902-6244

Fax: 360-902-5292

TTY:

Email: Alicia.Curry@Lni.wa.gov

Other:

By (date) May 17, 2019

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Department is proposing changes to the elevator rules to adopt additional requirements from the 2015 American Society of Mechanical Engineers (ASME) A17.3 safety codes for existing elevators and escalators. These additional requirements include:

- ASME A17.3 requirement 2.7.6 Hoistway Emergency Door Contacts;
- ASME A17.3 requirement 3.3.5 Protection of Platforms Against Fire;
- ASME A17.3 requirement 3.10.7 Operating of Driving Machine

- ASME A17.3 requirement 3.10.12 System to Monitor and Prevent Automatic Operation of the Elevator with Faulty Door Contact Circuits;
- ASME A17.3 requirement 3.11.3 Firefighter's Service;
- ASME A17.3 requirement 3.9.5 Piston Connections; and
- ASME A17.3 requirement 5.5.3 Adjacent Floor Surfaces.

The proposed rules also provide an extended timeframe of two years to come into compliance with ASME A17.3 Requirements 2.7.6, 3.3.5, 3.10.7, 3.9.5, and 5.5.3 or to submit a written plan with a projected timeframe for compliance and 5 years for compliance with ASME A17.3 Requirements 3.10.12 and 3.11.3.

**Reasons supporting proposal:** On June 5, 2018, the department filed proposed rule amendments to the elevator rules (Chapter 296-96 WAC) following a formal review of the rules and new safety code requirements from the 2016 edition of the American Society of Mechanic Engineers (ASME) and other related codes (WSR 18-12-103). The proposed rules were developed using a Technical Advisory Committee of diverse elevator stakeholder representatives and were reviewed and approved by the Elevator Safety Advisory Committee. The proposed rules included adoption of the 2015 American Society of Mechanical Engineers (ASME) A17.3 safety codes for existing elevators and escalators. The ASME A17.3 code contains several provisions already adopted in existing requirements under chapter 296-96 WAC but also some new requirements.

On August 31, 2018, the Department adopted only those provisions of ASME A17.3 that were consistent with existing requirements and decided to pursue adoption of the remaining provisions in this separate rulemaking to address concerns that elevator owners did not understand how the rule changes would affect them. This rulemaking allows the Department to further engage in discussions with building owners and other interested parties on the impacts of adopting the additional requirements from ASME A17.3.

**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:**

**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. Mrg.   | 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:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

No: Please explain: Under certain circumstances, a rule or rule component is exempt from the economic analysis requirement. These exemption criteria are listed in RCW 34.05.328(5)(b) including both:

- Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and
- Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

**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 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 \_\_\_\_\_.

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. \_\_\_\_\_

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:** April 16, 2019

**Name:** Joel Sacks

**Title:** Director

**Signature:**

