



Date: August 14, 2008  
To: Local Municipal Code Enforcement Divisions  
From: John Fennell, Jr.  
General Counsel  
Subject: Elevator Regulation in Public Schools

We have been asked to review the provisions of the Elevator Safety Act and the Illinois School Code to determine who has authority to inspect and regulate conveyances in public schools. As a general rule, conveyances such as elevators, escalators, moving walks and people movers are regulated under the Elevator Safety Act and the rules adopted pursuant to the Act in 41 Ill. Adm. Code 1000. Also as a general rule, construction in public schools is regulated under the School Code and the rules adopted pursuant to the Code in 23 Ill. Adm. Code 180.

The School Code and the rules adopted under the authority of the code regulate the construction of the buildings, the fire protection, HVAC, and mechanical systems. It does not adopt any elevator regulation as required by the Elevator Safety Act. Therefore, the regulation of elevators is not a subject unique to schools and thus not under the exclusive control of the Illinois School Board rules.

The provisions of the Elevator Safety Act are an exclusive state interest and a comprehensive regulatory scheme including the licensing of inspectors, inspection companies, mechanics, limited mechanics, contractors, and limited contractors. The Act applies to home rule municipalities except for the City of Chicago which is specifically exempted from the provisions of the Act. The Act further vests authority to regulate the conveyances in public schools to the Illinois Elevator Safety Review Board (IESRB). The Act permits the IESRB to delegate its authority to local municipalities that request such delegation, sign a municipal agreement with the IESRB, and adopt standards equal to or more stringent than those adopted by the IESRB.

Finally, based on the above analysis, the municipalities are not enforcing their own codes with regard to the public schools. They are enforcing the State Codes on behalf of the IESRB and therefore have full authority to permit, inspect, and issue certificates to such schools for their conveyances.