

ELEVATOR SAFETY REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Elevator Safety Rules
- 2) Code Citation: 41 Ill. Adm. Code 1000
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1000.60	Amendment
1000.80	Amendment
- 4) Statutory Authority: Implemented and authorized by Section 35 of the Elevator Safety and Regulation Act [225 ILCS 312/35].
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rule changes would incorporate nationally recognized technical codes which were recently published and are required by Section 35(a) of the Elevator Safety and Regulation Act ("Act") to be incorporated into the rule promulgated under that Act [225 ILCS 312/35(a)]. These rule changes would also amend certain of the code updates to align with safety standards as determined and voted upon by the Elevator Safety Review Board ("the Board") on November 5, 2020, as well as amend to clarify responsibility regarding test-taking fees, as voted upon by the Board on November 5, 2020. 225 ILCS 312/35.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. A variety of codes and standards developed by independent nationally recognized associations and work groups have been incorporated and are available for public inspection at:

Office of the State Fire Marshal
100 W. Randolph St., Suite 4-600
Chicago IL 60601

fax: 312/814-3459
- 10) Are there any other rulemakings pending on this Part? No

ELEVATOR SAFETY REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objective: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandate Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Nancy Robinson, Associate General Counsel
Legal Division
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

217/785-7629
fax: 217/524-5487

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected:

Any small business that inspects, installs, repairs or maintains a regulated conveyance may be affected.

Municipalities that inspect regulated conveyances will be required to enforce these new codes locally, per their municipal elevator agreements with OSFM.

Small businesses and not-for-profit corporations may be affected if they are the registered owner of a regulated conveyance that is inspected, installed, repaired or maintained.
 - B) Reporting, bookkeeping or other procedures required for compliance: Individuals and companies that inspect, install, repair or maintain regulated conveyances are required to maintain records on licenses, applications, inspections, installations, repairs and maintenance of individual regulated conveyances. Units of local government that permit and/or inspect regulated conveyances are required to maintain records on such activity.

ELEVATOR SAFETY REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: Individuals prove competence to inspect, install, repair and maintain regulated conveyances by either experience, education or testing, which demonstrates conformance to national standards published for the particular type of conveyance upon which the individual seeks to be licensed to perform inspections, installations, repairs or maintenance.
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed amendment: Those businesses that inspect, install, repair or maintain individual conveyances, and any business that is the registered owner of an individual conveyance, which commonly may include these industries:
- 31-33 Manufacturing
 - 42 Wholesale Trade
 - 44-45 Retail Trade
 - 48-49 Transportation and Warehousing
 - 51 Information
 - 52 Finance and Insurance
 - 53 Real Estate Rental and Leasing
 - 54 Professional, Scientific, and Technical Services
 - 55 Management of Companies and Enterprises
 - 56 Administrative and Support and Waste Management and Remediation Services
 - 61 Educational Services
 - 62 Health Care and Social Assistance
 - 71 Arts, Entertainment, and Recreation
 - 72 Accommodation and Food Services
 - 81 Other Services (except Public Administration)
 - 92 Public Administration
- B) Categories that the Agency reasonably believes the rulemaking will impact, including:
- ii. Regulatory requirements
 - viii. Record keeping
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2020

ELEVATOR SAFETY REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments begins on the next page:

ELEVATOR SAFETY REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER II: ELEVATOR SAFETY REVIEW BOARDPART 1000
ILLINOIS ELEVATOR SAFETY RULES

Section	
1000.10	Purpose of this Part
1000.20	Applicability
1000.30	Definitions
1000.40	Local Regulation
1000.50	Elevator Safety Review Board
1000.60	Adoption of Nationally Recognized Safety Codes
1000.70	Variance and Appeal
1000.75	New Technology
1000.80	Licensure and Registration Requirements
1000.90	Application for License or Registration
1000.100	License and Registration Fees
1000.110	Renewal of License
1000.120	Registration of Conveyances
1000.130	Permits
1000.140	Conveyance Inspection
1000.145	Request for Investigation
1000.150	Certificate of Operation
1000.160	Administrative Hearing
1000.170	Administrative Procedures
1000.180	Service or Inspection of Non-Compliant Conveyances
1000.190	Conveyance Maintenance, Repair, and Upgrade History

AUTHORITY: Implementing and authorized by Section 35 of the Elevator Safety and Regulation Act [225 ILCS 312].

SOURCE: Adopted by emergency rule at 30 Ill. Reg. 13186, effective July 21, 2006, for a maximum of 150 days; emergency expired December 17, 2006; adopted at 31 Ill. Reg. 7043, effective April 24, 2007; amended at 32 Ill. Reg. 8377, effective May 27, 2008; amended at 33 Ill. Reg. 5750, effective April 2, 2009; amended at 36 Ill. Reg. 13131, effective October 1, 2012; amended at 39 Ill. Reg. 3417, effective February 19, 2015; amended at 45 Ill. Reg. _____, effective _____.

ELEVATOR SAFETY REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 1000.60 Adoption of Nationally Recognized Safety Codes

- a) All conveyances shall be designed, constructed, installed, operated, inspected, tested, maintained, altered and repaired in accordance with the following standards and safety codes:

- 1) American Society of Mechanical Engineers (ASME)
Three Park Avenue
New York NY 10016-5990

- A) Safety Code for Elevators and Escalators (ASME A17.1-~~2019~~2013/CSA B44-~~2019~~2013) and Performance-Based Safety Code for Elevators and Escalators (ASME A17.7-2007 reaffirmed 2017/CSA B44.7-07 reaffirmed 2017).

Modification and Exclusion to the Safety Code for Elevators and Escalators (ASME A17.1-2019/CSA B44-2019) adopted by the Illinois Elevator Safety Review Board:;

- i) Modification: Witnessing of Initiating Devices for Fireman's Emergency Operation.

All initiating devices for all elevators shall be tested every 5 years. The test shall be witnessed by an elevator inspector. Documentation of the results of the testing of initiating devices must be kept on site in the maintenance records. All hydraulic elevators shall have this documentation completed no later than December 31, 2023. All traction elevators shall have this documentation completed at the time of their first Category 5 test after January 1, 2023. After the initial test, subsequent tests of the elevator's initiating devices shall be conducted no later than 5 years after the date of the last test.

- ii) Exclusion: Specifically Excluded from Adoption is Section 8.6.4.20.1(b) Alternative Test Method for Car Safeties;

ELEVATOR SAFETY REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

- B) Safety Code for Existing Elevators and Escalators (ASME A17.3-2005), but only as required under Section 35(h) and (i) of the Act and subsection (d) of this Section;
- C) Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1-~~2017~~2014);
- D) Standard for the Qualification of Elevator Inspectors (ASME QEI-1-~~2018~~2013).

- 2) American Society of Civil Engineers (ASCE)
1801 Alexander Bell Drive
Reston VA 20191-4400

Automated People Mover Standards (ANSI/ASCE/T&DI 21-13).

- b) All the materials incorporated by reference in this Section are incorporated as of the date specified and include no later editions or amendments.
- c) *The Board shall adopt, or amend and adopt, the latest editions of the standards referenced in this Section within 12 months after the effective date of the standards.* [225 ILCS 312/35(a)]
- d) Upgrade Requirements for Existing Conveyances
 - 1) *Notwithstanding anything else in this Part, the following upgrade requirements of the 2007 edition of the Safety Code for Elevators and Escalators (ASME A17.1) and the 2005 edition of the Safety Code for Existing Elevators (ASME A17.3) must be completed by January 1, 2015, but OSFM or the Local Administrator may not require their completion prior to January 1, 2013:*
 - A) *Restricted opening of hoistway doors or car doors on passenger elevators* in accordance with ASME A17.3-2005;
 - B) *Car illumination* in accordance with ASME A17.3-2005;
 - C) *Emergency operation and signaling devices* in accordance with ASME A17.3-2005;

ELEVATOR SAFETY REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

- D) *Phase reversal and failure protection in accordance with ASME A17.3-2005;*
 - E) *Reopening device for power operated doors or gates in accordance with ASME A17.3-2005;*
 - F) *Stop switch in pits in accordance with ASME A17.3-2005; and*
 - G) *Pit ladder installation in accordance with Section 2.2.4.2 of ASME A17.1-2007.*
- 2) *In the event that a conveyance regulated by this Part is altered, the alteration shall comply with ASME A17.1-~~2019~~2010/CSA B44-~~2019~~10.*
- 3) *Notwithstanding anything else in this Section, the firefighter's emergency operation and the hydraulic elevator cylinder, including the associated safety devices outlined in Section 4.3.3(b) of ASME A17.3-2005, are not required to be upgraded unless:*
- A) *There is an alteration;*
 - B) *The equipment fails; or*
 - C) *Failing to replace the equipment jeopardizes the public safety and welfare as determined by the Local Administrator or the Board.*
[225 ILCS 312/35(h) and (i)]
- e) Non-Mandatory Guidelines. It is recommended that all conveyances be inspected and tested in accordance with the following recommended practices. The following list should not be interpreted as excluding other practices recommended by equipment manufacturers.

American Society of Mechanical Engineers (ASME)
Three Park Avenue
New York NY 10016-5990

Guide for Inspection of Elevators, Escalators, and Moving Walks (ASME A17.2-~~2017~~2012)

ELEVATOR SAFETY REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 1000.80 Licensure and Registration Requirements

- a) Qualifications for Elevator Mechanic License, Limited Elevator Mechanic License or Temporary Limited Elevator Mechanic License
- 1) Elevator Mechanic License
Section 20(a) of the Act states that *no person shall erect, construct, wire, alter, replace, maintain, remove, or dismantle any conveyance contained within buildings or structures in the jurisdiction of this State unless he or she possesses an elevator mechanic license.*
- A) *No license shall be granted to any person who has not paid the application fee [\[225 ILCS 312/45\(a\)\]](#) required by Section 1000.100(a).*
- B) *No license shall be granted to any person who has not proven his or her qualifications and abilities. [\[225 ILCS 312/45\(b\)\]](#) Applicants for an elevator mechanic license must demonstrate one of the following qualifications:*
- i) *an acceptable combination of documented experience and education credits consisting of:*
- *not less than 3 years work experience in the elevator industry, in construction, maintenance, or service and repair, as verified by current and previous employers licensed to do business in this State or in another state if the Board deems that out-of-state experience equivalent; and*
 - *satisfactory completion of a written examination administered by the Elevator Safety Review Board or its designated provider, [for which all fees assessed by the designated provider for the administration of the examination will be directly paid by the applicant, and the examination shall test](#)*

ELEVATOR SAFETY REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

~~the testing~~ understanding of this Part and the State codes incorporated in Section 1000.60; or

- ii) *a certificate of successful completion of the mechanic examination of a nationally recognized training program for the elevator industry, such as the National Elevator Industry Educational Program or its equivalent; or*
- iii) *a certificate of completion of an elevator mechanic apprenticeship program, with standards substantially equal to those of the Act, registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor; or*
- iv) *a valid license from a state having standards substantially equal to those of this State. [225 ILCS 312/45]*

2) Limited Elevator Mechanic License

- A) No license shall be granted to any person or firm that has not paid the application fee required by Section 1000.100(h).
- B) Qualifications for a limited elevator mechanic license shall be the same as for an elevator mechanic license, with the exception that qualifying work experience shall consist of work performed on specific ASME A18.1 conveyances (platform lifts and stairway chairlifts). Examinations will cover ASME A18.1 standards, the Act and this Part.

3) Temporary Limited Elevator Mechanic License

OSFM may issue a temporary limited elevator mechanic license to an individual to perform work on a specific type of conveyance described in ASME A18.1 The license shall be issued for 30 days upon application attesting that there are no licensed personnel available to perform elevator work for the specific type of conveyance. The application shall also contain the certification of a licensed limited elevator contractor or licensed elevator contractor certifying that the individual is qualified to perform the work. Proof of competency cited in the certification must include at least 3 years of work experience in the elevator industry, without direct supervision, in Illinois or any other state having standards

ELEVATOR SAFETY REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

substantially equal to those of this State. The license shall be valid only while the person is employed by the licensed limited elevator contractor or licensed elevator contractor that certified the individual as qualified. *The applicant shall furnish any proof of competency that OSFM may require and must obtain a permanent license within one year.* [225 ILCS 312/45(g)]

- b) Elevator Industry Apprentice or Helper Registration
- 1) A person who is not licensed as an elevator mechanic or limited elevator mechanic may work as an elevator industry apprentice or helper if he or she is registered as an apprentice or helper by OSFM and works under the general supervision of a licensed elevator mechanic or licensed limited elevator mechanic.
 - 2) No person shall be registered as an elevator industry apprentice or helper who has not paid the registration fee required by Section 1000.100(k).
 - 3) All elevator mechanic apprentices shall be registered with an apprenticeship or training program approved by the Bureau of Apprenticeship and Training, U.S. Department of Labor.
 - 4) Elevator industry apprentices and helpers shall register with OSFM by submitting, on a form provided by OSFM, the following information:
 - A) Name, address and telephone number of the applicant.
 - B) Whether the applicant is registering as an apprentice or as a helper.
 - C) If an apprentice, the name and contact information for the apprenticeship or training program with which the apprentice is registered.
 - 5) Upon determination that the applicant for registration meets all the requirements of the Act and this Part, OSFM will provide the applicant with an elevator industry apprentice or helper registration card.
- c) Qualifications for a Temporary Elevator Mechanic License

ELEVATOR SAFETY REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) No license shall be granted to any person who has not paid the application fee required by Section 1000.100(f).
 - 2) *A licensed elevator contractor shall notify OSFM when there are no licensed personnel available to perform elevator work and may request that the OSFM issue temporary elevator mechanic licenses to persons certified by the contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision.*
 - 3) A person for whom a contractor requests a temporary elevator mechanic license shall show proof of competency by documenting 3 years of work experience in the elevator industry, without direct supervision, in Illinois or any other state having standards substantially equal to those of this State.
 - 4) *A temporary elevator mechanic license shall recite that it is valid for a period of 30 days from the date of issuance and only while the elevator mechanic is employed by the licensed elevator contractor that certified the individual as qualified. [225 ILCS 312/45(e)]*
 - 5) *A temporary elevator mechanic license shall be renewable as long as the shortage of license holders continues. [225 ILCS 312/45(e)]*
- d) Qualifications for Emergency Elevator Mechanic License
- 1) No application fee is required for an individual applying for an emergency elevator mechanic license or for the renewal of that license.
 - 2) *Whenever an emergency exists in the State due to disaster, act of God, or work stoppage and the number of persons in the State holding elevator mechanic licenses is insufficient to cope with the emergency, any person certified by a licensed elevator contractor or licensed limited elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic license from OSFM within 5 business days after commencing work requiring a license.*

ELEVATOR SAFETY REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) *The applicant shall furnish proof of competency by submitting to OSFM documentation of 3 years of work experience in the elevator industry, without direct supervision, in Illinois or any other state having standards substantially equal to those of this State.*
 - 4) *An emergency mechanic license is valid for 30 days from the date issued and for such particular elevators or geographical areas as OSFM may designate. The emergency license entitles the licensee to the rights and privileges of an elevator mechanic license issued under subsection (a).*
 - 5) *OSFM shall renew an emergency elevator mechanic license during the existence of an emergency. [225 ILCS 312/45(d)]*
- e) Qualifications for Elevator Inspector License
- 1) *No person shall inspect any conveyance within buildings or structures, including, but not limited to, private residences, unless he or she has an inspector license [225 ILCS 312/20(b)].*
 - 2) *No elevator inspector license shall be granted to any person who has not paid the application fee required by Section 1000.100(b).*
 - 3) *No inspector's license shall be granted to any person, unless he or she has been certified as meeting the requirements of ASME QEI-1 by a nationally or internationally recognized independent organization concerned with personnel certification. [225 ILCS 312/50]*
 - 4) *To be licensed as an elevator inspector, the applicant must have attained QEI certification (see Section 1000.60(a)(1)(D)). An elevator inspector shall notify OSFM within 24 hours after suspension, termination or expiration of his/her QEI certification. No inspector shall perform any inspection covered by the Act without a current QEI certification.*
 - 5) *All elevator inspector license applicants are required to submit proof of insurance as required by Section 100 of the Act and must provide notice at least 10 days in advance to OSFM of any substantial alteration or cancellation of a policy. No work covered by the Act is to be performed without insurance required by Section 100 of the Act.*

ELEVATOR SAFETY REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

- f) **Qualifications for Elevator Contractor License**
Section 40(a) of the Act requires that any person *wishing to engage in the business of installing, altering, repairing, servicing, replacing, or maintaining elevators, dumbwaiters, escalators, or moving walks within this State* must be licensed.
- 1) *No license shall be granted to any person or firm unless the application fee required by Section 1000.100(d) is paid.*
 - 2) *No license shall be granted to any person or firm who has not proven the required qualifications and abilities. An applicant must be individually licensed as an elevator mechanic under the Act, perform the work set forth in Section 20(a) of the Act, and have proof of compliance with the insurance requirements set forth in Section 100 of the Act or, in the case of a firm, employ a person who is individually licensed as an elevator mechanic under the Act, perform the work set forth in Section 20(a) of the Act, and have proof of compliance with the insurance requirements set forth in Section 100 of the Act. [225 ILCS 312/55]*
 - 3) All licensed elevator contractors must provide notice to OSFM at least 10 days in advance of any substantial alteration or cancellation of an insurance policy required by Section 100 of the Act. No work covered by the Act is to be performed without insurance required by Section 100 of the Act.
 - 4) *If the State of Illinois, a unit of local government, or an institution of higher education maintains in its employ licensed or limited licensed elevator mechanics who maintain only conveyances owned or leased by that entity, the employing entity is not required to be licensed as a contractor under this Section and none of the provisions of the Act concerning licensed contractors shall apply to these entities. [225 ILCS 40(a)]*
- g) **Qualifications for a Limited Contractor License**
- 1) No license shall be granted to any person or firm unless the application fee required by Section 1000.100(e) is paid.

ELEVATOR SAFETY REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) Qualifications for a limited contractor license shall be the same as for an elevator contractor license with the exception that work experience shall consist of work performed on ASME A18.1 conveyances (platform lifts and stairway chairlifts). Examinations will cover ASME A18.1 standards, the Act, and this Part.
- h) Qualifications for Elevator Inspection Company License
- 1) No company, limited liability company, corporation, not for profit corporation, partnership, limited partnership, sole proprietorship, or any other business organization authorized by law shall inspect or cause an employee to inspect any conveyance within buildings or structures, including, but not limited to, private residences, unless the company has an inspection company license.
 - 2) *No elevator inspection company license shall be granted to any person who has not paid the application fee required by Section 1000.100(c). [225 ILCS 312/50]*
 - 3) No inspection company license shall be granted to any company unless the company proves to the satisfaction of OSFM that one or more officers of the company meet the current ASME QEI-1, Standard for the Qualification of Elevator Inspectors. To be licensed as an elevator inspector, the applicant must have attained QEI certification (see Section 1000.60(a)(1)(D)).
 - 4) An elevator inspection company shall notify OSFM within 24 hours after suspension, termination or expiration of the officer's QEI certification. No inspection company shall perform any inspection covered by the Act without at least one officer possessing a current QEI certification and an Illinois inspector license and the company possessing a valid elevator inspection company license.
 - 5) All elevator inspection company license applicants are required to submit proof of insurance as required by Section 100 of the Act and must provide notice at least 10 days in advance to OSFM of any substantial alteration or cancellation of a policy. No work covered by the Act is to be performed without insurance required by Section 100 of the Act.

ELEVATOR SAFETY REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

- i) Miscellaneous Requirements
 - 1) No licensee shall work on non-registered or non-permitted conveyances covered by the Act, except for those conveyances exempted from registration by the Act or Section 1000.120(g).
 - 2) All license holders are required to report violations of the Act, this Part and the standards listed in Section 1000.60 to OSFM.
 - 3) Each licensee shall have his/her valid license, and each elevator industry apprentice or helper shall have his/her valid registration card, in his/her possession when working on conveyances covered by the Act.

(Source: Amended at 45 Ill. Reg. _____, effective _____)