

Proposed Rules
of
Tennessee Department of Labor and Workforce Development
Division of Boiler and Elevator Inspection
Elevator Safety Board

Chapter 0800-03-04
Elevators, Dumbwaiters, Escalators, and Other Lifts

Presented herein are proposed amendments of the Department of Labor and Workforce Development, Division of Boiler and Elevator Inspection, Elevator Safety Board, submitted pursuant to T.C.A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Department of Labor and Workforce Development to promulgate the amendments without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed in the Legal Division of the Department of Labor and Workforce Development, Andrew Johnson Tower, 2nd Floor, 710 James Robertson Parkway, Nashville, Tennessee 37243, and in the Administrative Procedures Division of the Department of State, William R. Snodgrass Tennessee Tower, 8th Floor, 312 8th Avenue North, Nashville, Tennessee, 37243-0310, and must be signed by twenty-five (25) persons who will be affected by the amendments or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of the proposed amendments, contact Gary W. Cookston, Director, Division of Boiler and Elevator Inspection, Tennessee Department of Labor and Workforce Development, Andrew Johnson Tower, 3rd Floor, 710 James Robertson Parkway, Nashville, Tennessee 37243-0663, telephone: (615) 532-1929.

The text of the proposed amendments is as follows:

Amendments

Subparagraph (a) of paragraph (2) of Rule 0800-03-04-.03 Design, Installation and Alterations is amended by adding the words and year "installed after 1960" after the word "elevators" and before the word "having" in the second sentence, and after the word "installation" and before the word "does" in the fourth sentence so that, as amended, the subparagraph shall read:

- (a) Existing elevators, dumbwaiters, escalators, and other lifts at a minimum shall meet the requirements of the Safety Code for Existing Elevators and Escalators, ASME A17. .3 - 1996, Fourth Edition as defined by paragraph (8) of Rule 0800-03-04-.01 except as modified herein. Rule 211.3 Firefighters' Service - Automatic Elevators shall read as follows: All automatic (nondesignated attendant) operation elevators installed after 1960 having a travel of 70 feet or more above or below the designated level shall conform to the requirements of this Rule. See ASME A17.1 - 1987, Appendix C, Rules 211.3 - 211.8. If an existing installation installed after 1960 does not meet the requirements of the Safety Code for Existing Elevators and Escalators, as modified, it shall be upgraded. If an existing installation was required to meet more stringent requirements, it shall continue to meet those requirements. Every installation shall be maintained in a safe operating condition and shall be subject to inspections and tests specified in this Chapter.

Subparagraph (b) of paragraph (2) of Rule 0800-03-04-.03 Design, Installation and Alterations is amended by changing the date "April 30, 2007" to "June 30, 2010" at the end of the sentence so that, as amended, the subparagraph shall read:

- (b) All modifications as required to comply with subparagraph (a) of paragraph (2) shall be initiated as soon as possible, and shall be completed no later than June 30, 2010.

Authority: T.C.A. § 68-121-103(a)(4).

The proposed rules set out herein were properly filed in the Department of State on the 27th day of February, 2007, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of June, 2007. (FS 02-34-07, DBID 2420)