

675 IAC 21-1-3.1 Operating certificate; display; location

Authority: IC 22-13-2-13; IC 22-15-5-4; IC 22-15-5-5

Affected: IC 22-13; IC 22-14; IC 22-15

Sec. 3.1. (a) A regulated lifting device may not be operated without an operating certificate that covers the operation of the regulated lifting device. However, an individual who is performing maintenance on, repairing, installing, or altering the regulated lifting device may use the regulating lifting device without an operating certificate to the extent necessary to complete the work and required testing.

~~(b) The office shall issue an initial operating certificate for a regulated lifting device if:~~

~~(1) the applicant for the operating certificate has:~~

~~(A) demonstrated through an acceptance inspection and tests that the regulated lifting device complies with the laws governing its construction, repair, maintenance, and operation. This acceptance inspection must be conducted by a licensed inspector;~~

~~(B) submitted a notice of compliance/completion to the office that has been completed and signed and affirmed by the appropriate signatory as required under section 1.5 of this rule;~~

~~(C) paid the required fee; and~~

~~(2) been inspected by the office and the office has determined that the regulated lifting device complies with the laws governing its construction, repair, maintenance, and operation.~~

~~(e) The office shall issue a renewal operating certificate for a regulated lifting device if the applicant:~~

~~(1) demonstrates through the completion of applicable safety tests that the regulated lifting device complies with the laws governing the construction, repair, maintenance, and operation of the regulated lifting device; and~~

~~(2) has paid the required fee. _____~~

~~(d) Upon receiving an initial or renewal operating certificate, a copy of the initial or renewal operating certificate shall be displayed in or on each regulated lifting device or in an associated machine room.~~

(b) An application for an initial operating certificate for a regulated lifting device shall be made to the department on a form and in a manner approved by the department. Each application shall contain the following:

(1) a copy of the acceptance inspection as required under IC 22-15-5-4(c)(1) or a request for the department to complete an acceptance inspection;

(2) the operating permit fee in 675 IAC 12-3-14(b); and

(3) an affirmation, in accordance with section 1.5 of this rule, by the owner of the building in which the regulated lifting device is located, affirming under the penalty of perjury the following:

(A) This application and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

(B) The regulated lifting device will be maintained and repaired in accordance with all applicable statutes and rules adopted by the commission.

(C) I hereby grant the authority to and require all individuals employed by either the elevator contractor or the owner to immediately suspend the operation of the regulated lifting device upon discovering a condition that could result in the unsafe operation of the regulated lifting device, and to report the discovery of such a condition to the department.

(c) Acceptance inspections shall include a certification that all required tests and inspections have been completed and the regulated lifting device complies with all applicable laws.

(d) A request for the department to complete an acceptance inspection under subitem (b)(1) shall include the acceptance inspection fee in 675 IAC 12-3-14(x) and a certification that the installation or alteration was completed in accordance with the installation or alteration permit and ready for inspection.

(e) A complete application for an initial operating permit shall be made within thirty (30) days of the

completion of the acceptance inspection, if not performed by the department. Failure to apply within this timeframe results in expiration of the acceptance inspection.

(f) Upon receipt of a complete application, the department shall perform an inspection in accordance with IC 22-15-5-4(c)(2) and, if requested in subsection (b)(1), the acceptance inspection. If compliance is verified, the department shall issue an initial operating permit and place a copy of the permit on the regulated lifting device in accordance with IC 22-15-5-4(h).

(g) An application for renewal of an operating certificate for a regulated lifting device shall be made to the department on a form and in a manner approved by the department. Each application shall contain the following:

- (1) safety tests as required under IC 22-15-5-4(d);
- (2) the operating permit fee in 675 IAC 12-3-14(b); and
- (3) the affirmation contained in subsection (b)(3).

(h) Safety tests shall contain an affirmation, in accordance with section 1.5 of this rule, by the contractor who controls the elevator mechanic performing the safety test or the person overseeing the performance of a safety test for devices regulated by ASME A18.1, affirming under the penalty of perjury the following:

- (1) This document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.
- (2) The regulated lifting device is in compliance with all applicable equipment and building laws.
- (3) All individuals responsible for performing these safety tests of the regulated lifting device:
 - (A) are licensed mechanics or elevator apprentices working under the direct supervision of a licensed mechanic, or if the device is regulated by ASME A18.1, have sufficient background, knowledge, skills, and training to perform these tests on the regulated lifting device;
 - (B) have the training and expertise necessary to recognize and report any condition that could result in the unsafe operation of the regulated lifting device;
 - (C) are provided with sufficient ongoing training to reasonably ensure that the individuals are proficient in the standards affecting regulated lifting devices that have been adopted by the commission; and
 - (D) possess the requisite authority and are required to immediately suspend the operation of the regulated lifting device upon discovering a condition that could result in the unsafe operation of the regulated lifting device, and to report the discovery of such a condition to the department.

(i) A regulated lifting device shall be placed out of service upon expiration of an operating permit by submitting an out of service affirmation to the department and shutting off the power to the regulated lifting device. Any regulated lifting device placed out of service for more than five (5) years from the date it was placed out of service shall be decommissioned in accordance with the requirements of Section 8.11.1.4(b) of ASME A17.1 as adopted under 675 IAC 21-3.1, and notice that the regulated lifting device has been decommissioned shall be provide to the department no later than seven (7) days following its decommission.

(Fire Prevention and Building Safety Commission; 675 IAC 21-1-3.1; filed Sep 27, 1989, 4:30 p.m.: 13 IR 286; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1085; readopted filed Aug 20, 2009, 12:42 p.m.: 20090916-IR-675090380RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA; readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA).

NOTES

1. Although an initial review of the amendments to A17.1 did not find the requirement currently contained in 675 IAC 21-3-2(bb) was carried over (the requirement establishing the process for who performs an acceptance inspection). If this language is carried over or intended to be carried over, it should be deleted to the extent it prescribes the process for determining with the state or a third-party inspector shall complete the acceptance inspection. This determination shall be made by the applicant for an operating permit and

the state must proceed accordingly based on the decision. However, in all cases, the state is obligated, under IC 22-15-5-4(c)(2), to perform an inspection of regulated lifting devices even if an acceptance inspection is performed by a third party. But, the state's inspection under subsection (c)(2) does not need to be an acceptance inspection.

2. This new rule will obligate the IDHS to perform an acceptance inspection if not done by a third party and requested by an applicant. As this will now be a legal requirement for the state to perform, must modify 675 IAC 12-3-14 to include an acceptance inspection fee if conducted by the state to remain in compliance with IC 22-12-6-6.5.

REASON STATEMENT AND FISCAL IMPACT

1. Deleted language duplicating statute.
2. Modified reference to the office of the state building commissioner to reference the Department as provided in the updated statutory scheme.
3. Included the owner's affirmation needed for an operating permit, previously contained in section 1.5, in this section for clarity and deleted the contractor's affirmation for an initial operating permit application. The contractor's affirmation was deleted from an initial operating permit they have no authority to perform the inspection required to be submitted to obtain an initial operating permit. Included the specific affirmations needed for a renewal of an operating permit in this section which includes an affirmation from both the owner and the contractor (unless related to a device regulated under A18.1) as the contractor is required to oversee the performance of safety tests performed by licensed mechanics.
4. Included language previously voted on by the Committee regarding placing regulated lifting devices out of service in subsection (e).
5. Required the submission of an acceptance inspection (performed by a third party) or a notice of completion requesting the department to perform the acceptance inspection to establish the framework for the performance of acceptance inspections by third parties as contemplated in statute.
6. Included a requirement that acceptance inspections completed by a third party must be submitted with an application for an operating permit within 30 days otherwise the inspection becomes invalid to prevent instances where an operating permit can be applied for well after the performance of the inspection.
7. Requires the department to perform the acceptance inspection upon request.
8. Deleted rule on display of operating certificate as this requirement is contained in statute.
9. Require the department to place a copy of the initial operating permit on the device to ensure it is placed in the right location. The intent is to have these permits, be stickers with a barcode that do not need to be reapplied every year. The information on the barcode will tie back to the system and can be scanned by anyone to check the status of a permit.

Fiscal – NA. No new requirements.