

**Michigan Office of Administrative Hearings and Rules**  
MOAHR-Rules@michigan.gov

**AGENCY REPORT TO THE  
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

**1. Agency Information**

**Agency name:**

Licensing and Regulatory Affairs

**Division/Bureau/Office:**

Bureau of Construction Codes

**Name of person completing this form:**

Amanda Johnson

**Phone number of person completing this form:**

517-241-3408

**E-mail of person completing this form:**

JohnsonA39@michigan.gov

**Name of Department Regulatory Affairs Officer reviewing this form:**

Elizabeth Arasim

**2. Rule Set Information**

**MOAHR assigned rule set number:**

2019-138 LR

**Title of proposed rule set:**

Elevator

**3. Purpose for the proposed rules and background:**

The rules are being revised to update the Michigan Elevator Rules by adopting the following national standards: the ASME A17.1-2016. The standards cover the design, construction, operation, inspection, testing, maintenance, alteration, and repair of elevating devices.

The adoption of national standards ensures that elevating devices are constructed, maintained, and inspected to the most current standards. As with all construction codes, it is essential to establish standards that address new technology and innovative equipment, as well as resolve problem areas that have been identified with the use of existing or older standards.

The adoption of national standards further ensures that rules are developed through a consensus process by persons affected by the rules.

**4. Summary of proposed rules:**

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**5. List names of newspapers in which the notice of public hearing was published and publication dates:**

Newberry News- Published on 1/19/2022.  
MLive Ann Arbor- Published on 1/20/2022.  
The Morning Sun- Published on 1/19/2022.

**6. Date of publication of rules and notice of public hearing in Michigan Register:**

2/1/2022

**7. Date, time, and location of public hearing:**

2/4/2022 10:00 AM at Michigan Library & Historical Center , 720 W. Kalamazoo, Lansing, Michigan 48915

**8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:**

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=124>

**9. List of the name and title of agency representative(s) attending public hearing:**

Amanda Johnson- Analyst in BCC  
Rebecca Jones- Elevator Manager  
Craig Lalone- LARA BCC  
Derek Sova-LARA OPLA

**10. Persons submitting comments of support:**

Michael E. Vanderennet- Elevator Journeyman  
Tony Worth- IUEC Local 85  
Russell O' Donnell- International Union of Elevator Constructor Local 36  
Scott Hulstrom- Elevator Industry Work Preservation Fund

**11. Persons submitting comments of opposition:**

Phillip Grone- National Elevator Industry

**12. Persons submitting other comments:**

None

**13. Identify any changes made to the proposed rules based on comments received during the public comment period:**

	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for Rule Change and Description of Change(s) Made	Rule number & citation changed
1	Phillip Grone		<p>The Department proposes to amend R408.7019 (Rule 19) to provide for increases in fees associated with permits, inspections, and the issuance of certificates of operation for building transportation devices. NEII recognizes that the fee schedule was last modified in 2014 and that fee revenue is integral to the management of the elevator program. NEII also notes the performance audit report of the Office of the Auditor, dated October 2021, that addresses several program activities within the Bureau of Construction Codes. That report included several findings</p>	<p>The department decided that having this information in the rule set was a good idea because it informs the public that fees may change. The department added a sentence explaining that fees can increase.</p>	R 408.7019 Fees

related to necessary improvements to the processes for inspecting elevating devices in Michigan. NEII believes interested stakeholders would benefit from a statement by the Department concerning the expected use of an increase in fee revenue; namely, whether the increases are designed solely to maintain existing services or to improve upon the existing practices of the elevator program. NEII recognizes the initiatives undertaken by the Department in immediate response to the audit and appreciates the dialogue with industry on ways and means to address the findings of the Auditor General. Additional transparency regarding fee revenue would be an additional

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			positive step in addressing long-standing issues in program administration.		
2	Phillip Grone		The Department proposes to amend R408.7031 (Rule 31) with a new subsection (R408.7031b (Rule 31b)) to provide for guards between adjacent pits. Guards between adjacent pits is an area where industry is collaborating effectively with organized labor and other parties in the ASME code development process. The proposed amendment appears to be an earlier working draft of a similar code provision currently being considered between the parties and is continuing to work toward adoption of a code provision in the ASME process. NEII recommends the Department adopt	The department decided this change would be for the safety of the public and it helps the code in the ASME process. The department added a sentence about guards.	R 408.7031 b

a provision on guards between adjacent pits as follows: 2.2.3.1 Where cars are located adjacent to each other in multiple elevator hoistways, guard(s) shall be provided between adjacent elevator pits. The guard(s) shall be of noncombustible material. The guard(s), if of openwork material, shall reject a ball 50 mm (2 in.) in diameter and be made from material equal to or stronger than 1.110 mm (0.0437 in.) diameter wire. The guard(s) shall be so supported that when subjected to a force of 450 N (100 lbf) applied over an area of 100 mm x 100 mm (4 in. x 4 in.) at any location, the deflection shall not reduce the any running clearances as defined. The guard(s) shall extend not less than 2 000 mm

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			(79 in.) above the sill of the pit access door or the level of the working platform if provided. 2.2.3.2 The guard(s) may be omitted if the clearances between the underside of the car sling resting on fully comprised buffer and the bottom of the pit is not less than 2130 mm (84 in) and a separate pit access door is provided (see 2.2.4.5).		
3	Scott Hulstrom		Grammatical Changes	We accepted a few grammatical errors that Mr. Hulstrom caught within the rule set. The grammatical changes did not change any of the meanings of the rules.	Various
4	Scott Hulstrom		Mr. Hulstrom wanted the following to be excepted from R 408.7003 (a)(i) : 8.6.4.19.12(b), 8.6.4.20.3(a)(2), 8.6.4.20.3(g), 8.6.4.20.4(b), 8.6.4.20.4(b)(1), and 8.6.4.20.4(b)(2).	The department agreed with Mr. Hulstrom and decided it was better for the safety of the public to except these out.	R 408.7003 (a)(i)

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5	Scott Hulstrom		Mr. Hulstrom wanted a provision in R 408.7004 regarding less of change in ownership.	The department decided that with this change the rule would be more easily understood. The department added a sentence regarding the less change in ownership for this rule number.	R 408.7004
6	Scott Hulstrom		Mr. Hulstrom wanted to add repair, replace to the rule.	The department decided that with this change it would be easier for the Elevator Industry to understand. The department added the words repair and replace to R 408.7007.	R 408.7007
7	Scott Hulstrom		Mr. Hulstrom wanted to add “based upon the frequencies In this rule” to the ending of the sentence.	The department decided that by adding this to the rule it would be easier for the Elevator Industry to understand. The department added “ based upon the frequencies in this rule” to the rule to make it easier to understand for the industry.	R 408.7012 (1)(b)

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8	Scott Hulstrom		Mr. Hulstrom wanted a paragraph regarding fees. He also wanted to add violation notice to reinspection fees instead of correction order.	The department decided that including information regarding the change in fees is good information for the Elevator industry. The department added information regarding fees as well as changing “ correction order” to “ reinspection fees”.	R 408.7019 (1)
9	Scott Hulstrom		Mr. Hulstrom added a couple words throughout the rule to help the rule be easier to understand. He also wanted a sentence indicating what an appeal must include.	The department decided that the extra words Mr. Hulstrom wanted to add were good additions to help the Elevator Industry understand the rule better. The addition to the appeal information is helpful for the public to understand what is needed during that process.	R 408.7023 (1)
10	Scott Hulstrom		Mr. Hulstrom wanted the department to add some items regarding equipment to make it easier to understand.	This addition would make the rule easier to understand for the industry with the additions Mr. Hulstrom requested.	R 408.7023b (2) & (b)

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11	Scott Hulstrom		Mr. Hulstrom wanted to add a provision about the alteration of elevators complying with the state's laws & rules.	The department decided that this addition is important for the industry. This way they know that the alteration of elevators must comply with state laws and rules. The department added the provision of the alteration of elevators to the rule number.	R 408.7024
12	Scott Hulstrom		Mr. Hulstrom wanted repairs, replacements, inspection, and callbacks added to the rule.	This addition makes the rule easier to understand and assists with more detailed documentation of services that are performed. The department added repairs, replacements, inspections and callbacks to a sentence within this rule number.	R 408.7025 (2)

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13	Scott Hulstrom		<p>Mr. Hulstrom wanted the following sentence added:          Remote connections found to be in violation of the above requirements shall be removed and henceforth prohibited.</p>	<p>This addition helps the industry understand that if you are not in compliance with that rule then the remote connections can be removed and prohibited for further use. This addition is for the safety of the public. The department added the sentence Mr. Hulstrom suggested to this rule number.</p>	R 408.7030
14	Scott Hulstrom		<p>Mr.Hulstrom wanted the following to be added to this rule and the old rule to be deleted:          2.2.3.1 Guards must be provided between adjacent pits. The guard must be of noncombustible material. The guard, if of openwork material, must reject a ball 25 mm (1 in.) in diameter. The guard must be supported such that when subjected to a force of 450 N (100 lbf) applied over an area of 100 mm x 100</p>	<p>This rule was just edited to add a few different words such as noncombustible fuel. The changes that were made will help the industry understand what is expected when working with guards between adjacent pits. This information that was added is for the safety of the public.</p>	R 408.7031 (b)

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			<p>mm (4 in. x 4 in.) at any location, the deflection must not reduce the clearance between the guard and the adjacent pit below 25 mm (1 in.). Guards must extend not less than 2000 mm (79 in.) above the level of the higher pit floor. Where a ladder is installed adjacent to a guard, the guard must extend not less than 2000 mm (79 in.) above the top rung or rungs used as handgrips. A single horizontal structural element at the top of a pit ladder, used to stabilize the vertical side rails, is not considered a rung or handgrip.</p>		

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15	Scott Hulstrom		Mr. Hulstrom wanted “entrance assembly” added to the rule instead of manufacture’s door frame.	By accepting this change this allows the industry to know that any entrance assembly needs signage. This will also help keep our public safe because the inspectors will know exactly where the disconnecting means are for that elevator. The department added “entrance assembly” to the rule number.	R 408.7034
16	Scott Hulstrom		Mr. Hulstrom wanted the words “ rooms or” added to the sentence within this rule number.	By adding these two words it makes the rule more clear on where motor controls must not be located.	R 408.7034a
17	Scott Hulstrom		Mr. Hulstrom wanted the following added to the rule: “If the controlled is within an entrance assembly”.	By adding this it makes the rule easier to understand. This addition also helps with proper placement of signage for the disconnecting means.	R 408.7041

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18	Scott Hulstrom		Mr. Hulstrom wanted a couple words within the rule to be added just to make the rule easier to understand. He also wanted information regarding elevator entrance assemblies and fire extinguishers added.	By adding the information Mr. Hulstrom requested it helps with more strict rules regarding fire extinguishers and their location. This will help with the safety of the public as well as safety of the inspectors.	R 408.7041a
19	Scott Hulstrom		Mr. Hulstrom wanted the following to be added: R 408.7058c Escalator Handrail Speed-Monitoring Device. Rule 58c. Requirement 6.1.6.4 of the ASME A17.1 code is amended to read as follows: A handrail speed monitoring device must be provided that will cause the activation of the alarm required by 6.1.6.3.1(b) without any intentional delay, whenever the speed of either handrail deviates from the step speed by 15% or more. The device	By adding this information it allows the industry to understand what is expected on Escalator Handrail Speed- Monitoring devices. By adding this information it allows with safety for the inspectors.	R 408.7058c

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			<p>must also cause electric power to be removed from the driving-machine motor and brake when the speed deviation of 15% or more is continuous within a 2 s to 6 s range. The device must be of the manual reset type. Automatic resetting of a safety device within these codes is prohibited.</p>		
20	Scott Hulstrom		<p>Mr. Hulstrom wanted the following added:  R 408.7058d  Moving Walk Handrail Speed-Monitoring Device.  Rule 58d.  Requirement 6.2.6.4 of the ASME A17.1 code is amended to read as follows:  A Handrail Speed Monitoring Device must be provided that will cause the activation of the alarm required by</p>	<p>By making this addition it helps the industry know what is expected when it comes to moving walk handrail speed monitoring devices.</p>	R 408.7058d

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			<p>6.2.6.3.1(b) without any intentional delay whenever the speed of either handrail deviates from the treadway speed by 15% or more. The device must also cause electric power to be removed from the driving-machine motor and brake when the speed deviation of 15% or more is continuous within a 2 s to 6 s range. The device must be of the manual reset type. Automatic resetting of a safety device within these codes is prohibited.</p>		
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**14.Date report completed:**

7/28/2022