

## LARA-BCC-Rules

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**From:** Scott Hultstrom <SHultstrom@eiwpf.org>  
**Sent:** Friday, February 4, 2022 3:39 PM  
**To:** LARA-BCC-Rules  
**Subject:** ;Michigan proposed rule set (2019-138 LR) RS Hultstrom Comments  
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Greetings,

Please see the attached document. I am submitting this as a written comment wherein the entire Michigan proposed rule set (2019-138 LR) was reviewed and I have made my recommended changes by adding language in [blue underline](#) and striking language in ~~red strikethrough~~.

I want to commend the State of Michigan for the obvious care they have taken thus far in vetting the next evolution in the caretaking of their communities.

If any additional rationale, clarification, or support is desired I would avail myself to assist in anyway you see fit. Please call me at the below numbers if that is desired.

Please provide written confirmation of reception of this correspondence and the attachment.



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1 DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

2  
3 DIRECTOR'S OFFICE

4 From Scott Hulstrom

5 ELEVATORS

6  
7 Filed with the secretary of state on

8  
9 These rules take effect 90 days after filing with the secretary of state.

10  
11 These rules take effect immediately upon filing with the secretary of state unless adopted under section 33,  
12 44, or 45a(6)(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a.

13 Rules adopted under these sections become effective 7 days after filing with the secretary of state.

14  
15 (By authority conferred on the director of the ~~d~~Department of licensing and regulatory affairs by section 8  
16 of 1967 PA 227, MCL 408.808, ~~and~~ section 3 of 1976 PA 333, MCL 338.2153, **and** Executive Reorganization  
17 Order Nos. 1996-2, ~~2003-1~~, **2003-1**, 2008-4 and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

18  
19 ~~R 38.131, etc of the Michigan Administrative Code are amended, as follows:~~

20  
21 R 408.7002, R 408.7003, R 408.7004, R 408.7005, R 408.7006, R 408.7007, R 408.7012, R 408.7014, R  
22 408.7015, R 408.7019, R 408.7020, R 408.7023, R 408.7023a, R 408.7023b, R 408.7024, R 408.7025, R  
23 408.7029, R 408.7030, R 408.7031a, R 408.7034, R 408.7034a, R 408.7037a, R 408.7041, R 408.7045, R  
24 408.7046, R 408.7054, R 408.7057, R 408.7057a, R 408.7058a, R 408.7058b, R 408.7059a, R 408.7060, R  
25 408.7062, R 408.7071, R 408.7079, and R 408.7081a of the Michigan Administrative Code are amended, R  
26 408.7054a is rescinded, and R 408.7031b, R 408.7033a, R 408.7040a, R 408.7041a, ~~and~~ R 408.7048a, R  
27 408.7058c, R408.7058d and R 408.7061 are added, as follows:

28  
29 CHAPTER 1. GENERAL PROVISIONS

30  
31 R 408.7002 Definitions.

32 Rule 2. (1) As used in these rules:

33 (a) "Act" means ~~elevator safety board~~, Elevator Safety Board 1967 PA 227, MCL 408.801 to 408.824.

34 (b) "Belt manlift" means a power-driven endless belt ~~which that~~ has steps and handholds and ~~which~~ is used  
35 to transport persons in a vertical direction through successive floors or levels of a building or structure.

36 (c) "Department" means the department of licensing and regulatory affairs.

37 (d) "Electrical-powered, 1-man elevator" means an elevator that has a car platform area of not more than 5  
38 square feet, a rated load of not more than 300 pounds, and a rated speed of not more than 100 feet per minute. It  
39 is for the exclusive use of certain designated operating and maintenance employees and is installed in any of the  
40 following structures:

41 (i) A grain or feed mill.

42 (ii) A chemical or alcohol distillery.

43 (iii) A cement storage tower.

44 (iv) A radio tower.

45 (v) A similar structure that is not accessible to the general public.

46 (e) "Examination" means a survey of the design and construction of elevators or elevator equipment by a  
47 dealer in elevators or elevator equipment or an approved insurance company.

48 (f) "Hand-powered, 1-man elevator" means an elevator ~~which that~~ has a car platform area of not more than 5  
49 square feet, ~~which~~ has a rated load of not more than 300 pounds, and ~~which~~ is operated from the car only by  
50 pulling on a stationary rope that is located in the hoistway and passing through or adjacent to the car platform.

October 4, 2021

The elevator is for the exclusive use of certain designated operating and maintenance employees and is installed in a grain or feed mill or a similar structure that is not accessible to the general public.

(g) "Inspection" means the official determination by a general inspector of the condition of all parts of equipment on which the safe operation of an elevator depends.

(h) "Private residence elevator" means any elevating device installed in or at a private residence or installed in a building as a means of access to a private residence within such building, provided the elevator is installed so that it is not accessible to the general public or to other occupants in the building. The use is restricted to the owner and the owner's immediate family and nonpaying guests. All other elevating device installations ~~shall~~ **must** be classified as commercial.

(j) "Special elevating device" includes other lifting or lowering apparatus ~~which~~ **that** is guided as provided in section 3 of the act, **MCL 408.803**.

(k) "Temporary inspection" means the inspection of a permanent elevator that is to be used on a temporary basis.

**(l) "Maintenance" means the process of routine examination, lubrication, cleaning, and adjustment of parts components or subsystems, or both, to ensure performance pursuant to these rules and the American Society of Mechanical Engineers (ASME) A17.1.**

(2) Terms defined in the act have the same meanings when used in these rules.

R 408.7003 Applicability of national standards.

Rule 3. The following standards are adopted by reference.

(a) The following standards are available from the American Society of Mechanical Engineers (ASME), 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900, <https://www.asme.org>, at a cost as of the time of adoption of these rules, as stated in this subrule:

(i) ASME A17.1-~~2010~~ **2016** ~~s~~**S**~~afety~~ ~~e~~**C**~~ode~~ for ~~e~~**E**~~levators~~ and ~~e~~**E**~~scalators~~, except for ~~sections~~ ~~requirements~~, **1.2.1(b), 1.2.1(c), 2.5.1.5.3, 2.8.3.3.2, 2.8.6, 2.11.1.3, 2.11.1.4, 2.11.7.2, 2.11.7.2.1, 2.11.7.2.2, 2.11.7.2.3, 2.11.7.2.4, 2.11.7.2.5, 2.12.7.2.1(c), 2.12.7.2.2, 2.14.2.2(f), 2.14.2.6, ~~2.14.5.8.2, 2.14.5.9.2, 2.16.5.1.3, 2.22.2, 2.27.3.1.6(c), 3.18.3.8.3, 3.19.5.2, 3.22.1.6, 5.3.1.1.1, 5.3.1.1.2, 5.3.1.2.1, 5.3.1.14.3, 5.4.10.1, 5.4.10.2, 5.11, section 5.12, 5.12.1, 5.12.1.1, 5.12.1.2, 5.12.1.3, 5.12.1.4, 5.12.2, 5.12.3, 8.6.1.7.1, 8.6.4.19.12(b), 8.6.4.20.1(b), 8.6.4.20.1(b)(1), 8.6.4.20.1(b)(2), 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), 8.6.4.20.4(b)(2), 8.6.4.20.10(b), 8.6.4.20.10(b)(1), 8.6.4.20.10(b)(2), 8.6.5.8, 8.6.7.11 to 8.6.7.11.3, 8.6.7.12, 8.6.7.12.1, 8.6.7.12.2, 8.6.11.5 to 8.6.11.5.6, 8.6.11.10 to 8.6.11.10.4, 8.7.2.14.5.2, 8.10.1.1.3, 8.11.1.1, 8.11.1.1.1, 8.11.1.1.2, 8.11.5.14 to 8.11.5.15.~~** Cost ~~\$310.00~~ **\$252.00**.

(ii) ASME A17.2-~~2012~~ **2017** ~~g~~**G**~~uide~~ for ~~i~~**I**~~nspection~~ of ~~e~~**E**~~levators~~, ~~e~~**E**~~scalators~~, and ~~m~~**M**~~oving~~ ~~w~~**W**~~alks~~. Cost ~~\$180.00~~ **\$195.00**.

(iii) ASME A17.3-**2017** ~~s~~**S**~~afety~~ ~~e~~**C**~~ode~~ for ~~e~~**E**~~xisting~~ ~~e~~**E**~~levators~~ and ~~e~~**E**~~scalators~~. Cost **\$168.00**.

~~(iii)~~(iv) ASME A17.6-~~2010~~ **2017** ~~s~~**S**~~tandard~~ for ~~e~~**E**~~levator~~ ~~s~~**S**~~uspension~~, ~~e~~**C**~~ompensation~~, and ~~g~~**G**~~overnor~~ ~~s~~**S**~~ystems~~. Cost ~~\$90.00~~ **\$92.00**.

~~(iv)~~ ASME A17.7-~~2007~~ ~~performance-based safety code for elevators and escalators, except for where the Michigan elevator rules make an exception to, addition to, or an amendment of, an ASME A17.1/CA B44 code section the Michigan elevator rules shall govern over the corresponding section in ASME A17.7/CSA B44.7 and must obtain department approval.~~ Cost ~~\$155.00~~.

~~(v)~~(v) ASME A18.1-~~2011~~ **2017** ~~s~~**S**~~afety~~ ~~code~~ ~~s~~**S**~~tandard~~ for ~~p~~**P**~~latform~~ ~~h~~**H**~~lifts~~ and ~~s~~**S**~~tairway~~ ~~e~~**C**~~hairlifts~~, except for sections 2.1.2 to 2.1.2.8, 2.1.3 to 2.1.3.10, 3.10.2 to 3.10.2.4, 10.1.1, 10.1.2 to 10.1.2.3, 10.1.3.3, 10.1.4, and 10.2.1. Cost ~~\$90.00~~ **\$98.00**.

~~(vi)~~ (vi) ASME A90.1-2009 ~~s~~**S**~~afety~~ ~~s~~**S**~~tandard~~ for ~~b~~**B**~~elt~~ ~~m~~**M**~~anlifts~~. Cost \$59.00.

**(vii) ASME A17.8-2016 Standard for wind turbine tower elevators Cost \$98.00.**

(b) ANSI A10.4-~~2007~~ **2016**, the American ~~n~~**N**~~ational~~ ~~s~~**S**~~tandards~~ ~~i~~**I**~~nstitute~~ (ANSI), ~~s~~**S**~~afety~~ ~~r~~**R**~~equirements~~ for ~~p~~**P**~~ersonnel~~ ~~h~~**H**~~oist~~ and ~~e~~**E**~~mployee~~ ~~e~~**E**~~levators~~ for ~~e~~**C**~~onstruction~~ and ~~d~~**D**~~emolition~~ and ~~e~~**O**~~perations~~, except for

sections 24.1.2.1 and 26.4.8.1, is available from ANSI at 1430 Broadway, New York, New York, 10018, <https://www.ansi.org>. Cost ~~\$74.00~~ **\$110.00**.

(c) The following standards are available from American Society for Testing and Materials, (ASTM), 100 Bar Harbor Drive, 2 Conshohocken, PA **Pennsylvania** 19428-2959, at a cost as of the time of adoption of these rules, as stated in this subrule.

(i) ASTM D 2667-2008, “~~Standard Test Method for Biodegradability of Alkylbenzene Sulfonates~~”. Cost ~~\$47.00~~ **\$69.00**.

(ii) ~~ASTM E 648-2010, standard test method for critical radiant flux of floor covering systems using a radiant heat energy source. Cost \$47.00.~~ ASTM E 648-2010, **Standard Test Method for Critical Radiant Flux of Floor-Covering Systems Using a Radiant Heat Energy Source**. Cost ~~\$47.00~~ **\$69.00**.

(iii) ASTM F 714-2012, “~~Standard Specification for Polyethylene (PE) Plastic Pipe (SDR-PR) Based on Outside Diameter~~”. Cost ~~\$47.00~~ **\$69.00**.

(d) The standards adopted in this subrule are also available for inspection at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, ~~2501 Woodlake Circle, Okemos, Michigan 48864~~ **611 W. Ottawa St., 1<sup>st</sup> Floor Ottawa Building, Lansing, Michigan 48933**. ~~Copies~~ **Direction to the organizations’ website to order the book** may be obtained from the bureau. ~~at The cost of the individual codes as is noted in this subrule, plus the department’s cost for shipping and handling.~~

(e) All references to NFPA 70-~~2011~~ **2017** mean the Michigan electrical code. The Michigan electrical code is available for inspection ~~at or may be purchased from~~ the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes ~~2501 Woodlake Circle, Okemos, Michigan 48864~~, **611 W. Ottawa St., 1<sup>st</sup> Floor Ottawa Building, Lansing, Michigan 48933**, at a cost as of the time of adoption of these amendatory rules of \$89.50.

R 408.7004 Registration of elevators.

Rule 4. An elevator shall be registered by the owner or user stating the location, type, capacity, name of manufacturer, and purpose for which it is used. ~~This registration shall be made on a form furnished by the department.~~ **The Whether the original owner or regardless of any change in ownership the current certificate holder is responsible for submitting this information and the subsequent updating of this information due to changes. The certificate holder shall submit this information to the Department in writing.**

R 408.7005 Identification plates and tags.

Rule 5. (1) The holder of a certificate of operation shall permanently attach to the elevator in an approved area an identification plate **or an engraving in the car operating panel**, showing **the type**, the rated load, and the **state-assigned** serial number of each elevator. **The assignment of a serial number does not automatically deem the unit safe for public operation. All units shall be inspected prior to use pursuant to R 408.7010.**

(2) One serial number tag ~~shall~~ **must** be furnished and ~~shall be~~ permanently attached to the elevator machine controller.

(3) Identification plates and tags ~~shall be~~ **are must be** furnished by the **Department** and remain the property of the **Department**.

R 408.7006 Accident reports.

Rule 6. The holder of a certificate of operation shall notify the **Department** within ~~48~~ **24** hours of every accident involving personal injury or damage to the elevator: **in a manner and on a form prescribed by the Department**. The **Department** ~~may~~ **must** investigate all such accidents.

R 408.7007 Responsibility for elevator operation and maintenance.

Rule 7. (1) **The responsibility for safe operation and maintenance applies to the owner of the equipment or their representative. The work performed on the equipment must be performed by a licensed elevator contractor**

149 as permitted by these rules. See R 408.7020(3). Responsibility for the operation and maintenance of elevators  
 150 shall be ~~is~~ must be as follows:

151 (a) The person, firm, or corporation must be required to utilize a licensed elevator contractor to installing,  
 152 perform replacement on, repairing, ~~relocating-relocate,~~ or ~~altering alter~~ an elevator shall be ~~is~~ and must be  
 153 responsible for its operation and maintenance until the certificate of operation is issued, except as provided for  
 154 in R 408.7012, and shall be ~~is~~ must be responsible for all tests of new, repaired, relocated, and altered  
 155 equipment until the certificate of operation is issued.

156 (b) The holder of a certificate of operation or duly appointed agent shall be ~~is~~ must be responsible for the safe  
 157 operation and proper maintenance of the elevator(s).

158 (c) The holder of the certificate of operation shall be ~~is~~ must be responsible for all periodic inspections and  
 159 tests, securing the renewal of the certificate of operation, and the compliance with ~~correction orders. of~~  
 160 **violation notices.**

161 ~~(e)~~(d) The licensed contractor holding a temporary certificate of operation shall be ~~is~~ must be responsible for  
 162 the safe operation, and maintenance, repair, replacement, testing, and fees of the elevator during the period that  
 163 the temporary certificate is in force.

164 (2) Safety tests shall ~~must~~ be performed by ~~elevator journeypersons who are licensed in this state~~ a person  
 165 who is licensed by the department of labor as an elevator journeyman, or by an apprentice, helper, assistant  
 166 mechanic or mechanic under the immediate supervision of a licensed elevator journeyman in accordance with  
 167 Act 333, 338.2155, personnel approved by the department.

168 R 408.7012 Temporary use of permanent elevators during construction.

169 Rule 12. (1) A licensed elevator contractor may request a temporary certificate of operation to permit the use  
 170 of a passenger or freight elevator before its completion in conformance with A17.1, Section 5.10. ~~for carrying~~  
 171 ~~workers, authorized personnel, or materials.~~ Such ~~This~~ elevator shall ~~may~~ must not be used until it has been  
 172 approved by a general inspector, the required fee has been paid, and a temporary certificate of operation has  
 173 been obtained. Such ~~This~~ certificate shall ~~must~~ be issued for a period not to exceed 90 **calendar** days.  
 174 Renewals may be granted at the discretion of the ~~d~~Department.

175 (2)(a) Permanent elevators used temporarily during construction in conformance with A17.1, Section 5.10 to  
 176 ~~move workers, authorized personnel, and materials~~ shall ~~must~~ have maintenance performed ~~be inspected~~  
 177 every 30 **calendar** days ~~by a licensed elevator journeyperson.~~ These elevators must be inspected by a  
 178 general elevator inspector employed by the ~~d~~Department every 90 calendar days.

179 (b) Periodic inspections may be conducted by a general inspector every 30 calendar days. The fees are  
 180 cited in R 408.7019 and ~~may~~ must be assessed ~~at the discretion of by~~ the ~~d~~Department based on the  
 181 frequencies in this rule.

182 ~~(2) A licensed elevator contractor may also request an inspection and temporary certificate of operation~~  
 183 ~~to allow the use of a passenger or freight elevator by the public before its completion. This elevator may~~  
 184 ~~not be used until it has been inspected by a general inspector; the required fee, listed in R 408.7019, has~~  
 185 ~~been paid; and a temporary certificate of operation has been issued by the department to the licensed~~  
 186 ~~elevator contractor. This certificate must be issued for a period not to exceed 90 calendar days. Renewals~~  
 187 ~~may be granted at the discretion of the department.~~

188 ~~—(a) Permanent elevators used temporarily by the public must have maintenance performed by a~~  
 189 ~~licensed elevator journeyperson every 30 calendar days.~~

190 ~~—(b) Periodic inspections may be conducted by a general inspector every 30 calendar days and the~~  
 191 ~~appropriate fees assessed at the discretion of the department.~~

192 R 408.7014 Inspection reports and certificates of operation.

193 Rule 14. (1) A general inspector shall ~~must~~ provide forward to the department a report to the ~~d~~Department  
 194 of each inspection stating the condition of the elevator **within 28** business days of the inspection. The  
 195 inspection report shall be filed with the department within 10 days after the inspection has been completed.  
 196  
 197

(2) A report indicating an elevator has been sealed out of service shall ~~must~~ be forwarded to the ~~e~~Department within 48 hours of being sealed.

(3) The director shall ~~must~~ issue a certificate of operation for a capacity not to exceed ~~that~~ the capacity named in the inspection report.

R 408.7015 ~~Correction orders~~ Violation notices.

Rule 15. (1) If upon inspection an elevator is determined to be in an unsafe condition, or if the owner or user has not complied with these rules, then the general inspector shall issue to the holder of the certificate of operation a violation notice ~~written correction order~~ stating corrections required and a time limit within which the owner or user must comply with the violation notice. ~~correction order shall be complied with by the owner or user.~~ The owner or user shall notify the ~~e~~Department in writing as soon as he or she has complied with the corrections stated in the violation notice and full compliance is affected. Notification shall ~~must~~ be on forms furnished by the department.

(2) If in the judgment of the general inspector, failure to make ~~such~~ these corrections would endanger human life, then compliance with the violation notice ~~correction order~~ may be required immediately.

(3) Noncompliance with the violation notice ~~correction order~~ may ~~must~~ subject the holder of the certificate of operation to the penalty provisions of the act.

(4) Where a defective part directly affecting the safety of the operation is identified, the equipment must be taken out of service until the defective part has been adjusted, repaired, or replaced.

R 408.7019 Fees.

Rule 19. This fee schedule is subject to a 2-3% increase per annum at the discretion of the Department. The fee amounts below are in effect at the date this document is approved for 1 calendar year. After this first calendar year the Department must issue and enforce an updated fee schedule each calendar year.:

(1) Fees shall ~~must~~ be paid in accordance with the following schedule

Commissions to inspect elevators

Commission .....	<del>\$50.00</del> <u>55.00.</u>
Commission renewal.....	<del>\$50.00</del> <u>55.00.</u>

Examination for certificates of competency

Certificate of competency examination (nonrefundable) .....	<del>\$50.00</del> <u>55.00.</u>
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Elevator contractors and journeyman examination and licenses

Elevator contractor's license and renewal (nonrefundable).....	<del>\$100.00</del> <u>110.00.</u>
Elevator contractor's examination (nonrefundable) .....	<del>\$100.00</del> <u>110.00.</u>
Elevator journeyman license and renewal (nonrefundable).....	<del>\$40.00</del> <u>44.00.</u>
Elevator journeyman examination (nonrefundable).....	<del>\$100.00</del> <u>110.00.</u>

Installation permits fees

<del>Elevator installation application</del> Application fee all devices (nontransferable and nonrefundable)	<del>\$60.00</del> <u>66.00.</u>
Base permit fee for each of the following devices:.....	<del>\$200.00</del> <u>300.00</u> <u>220.00.</u>
Passenger elevator	
Freight elevator	
<del>Mine elevator</del> <u>Mine elevator</u>	
Inclined elevator	
Limited-use/limited application elevator	
Private residence elevator	
Private residence inclined elevator	

- 248 Special purpose personnel elevator
- 249 Dumbwaiter
- 250 Material lift
- 251 Power sidewalk elevator
- 252 Rooftop ~~Elevator~~ elevator
- 253 Belt manlift
- 254 Special elevating device

**Personnel Hoist hoist**

For the ~~above~~ **these** installations, an additional amount of ~~\$50.00~~ ~~\$25.00~~ **30.00** is charged ~~for each hoistway opening and for each floor traveled without a hoistway opening~~ **or for each floor traveled without a hoistway opening, or both.**

Base permit fee: Escalators and moving walks ..... \$240.00 ~~360.00~~ **264.00.**  
 Moving walk ..... \$240.00. ~~360.00~~ **264.00**

**Base permit fee: private residence platform lift and private residency stairway chairlift..... \$250.00.**

**Base permit fee: platform lift and stairway chairlift .....\$100.00.**

Personnel hoist, initial inspection ..... \$340.00.  
 Plus \$25.00 for each hoistway opening and for each floor traveled without a hoistway opening.

Private residence platform lift and private  
~~residence stairway chairlift~~ ..... \$40.00.  
 Platform lift and stairway chairlift in buildings other  
~~than private residence~~ ..... \$70.00.

**Alteration, replacement, and dormant elevator permit fees**

**Application fee: all devices, excluding emergency permits, nontransferable and nonrefundable.**  
 ..... \$100.00.

**Alteration personnel hoist ..... \$150.00.**

**For the specified alteration fees, an additional amount is charged for each additional alteration and or personnel hoist tower rise at \$75.00.**

**Dormant elevator ..... \$100.00.**

**For alterations, excluding personnel hoist, and dormant elevators, an additional amount of ~~\$25.00~~**30.00** is charged for each hoistway opening or for each floor traveled without a hoistway opening, or both.**  
**Emergency permit fee, maximum 2 items and not applicable for installations. \$500.00.**

**Major alteration permits**

Elevator alteration application fee (nontransferable and nonrefundable) ..... \$60.00.  
 First alteration (including 1 final inspection) ..... \$90.00.  
 Each additional alteration ..... \$65.00.  
 Personnel hoist tower rise ..... \$90.00.  
 Plus \$25.00 for each added hoistway opening and for each floor traveled without a hoistway opening.  
~~Maximum alteration fee (includes \$60.00 nontransferable and nonrefundable application fee) \$395.00.~~

(2) A final inspection fee is included in the installation and alteration permit fee. If a scheduled final inspection is canceled without 24 hours notice to the ~~d~~**D**epartment, or if the elevator is not complete in the judgment of the general elevator inspector, then an additional fee ~~shall~~**must** be charged to the elevator contractor as follows:

- (a) ~~\$300.00~~ **450.00** for private residence elevator, dumbwaiter, platform lift, or stairway chairlift.

(b) ~~\$500.00~~ **750.00** for all other devices.

(3) A written request for a refund on a permit must be made within 1 year from the application date. An issued permit ~~shall~~ **becomes** must be invalid unless the work on the site authorized by such permit is commenced within 180 days after issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after work is commenced. A 1-time 180-day permit extension ~~shall~~ **must** automatically be granted when a building permit for the same project remains valid.

Certificate of operation

Biennial and annual certificate of operation .....	\$45.00 <del>60.00</del> <u>50.00</u> .
Temporary certificate of operation .....	\$200.00 <del>250.00</del> <u>220.00</u> .

Inspection by general inspector

Biennial inspection for devices complying with R 408.7011(b) ..... ~~\$110.00~~ **125.00**.

Annual and biennial inspection for all other devices ..... ~~\$125.00~~ **175.00**.

~~Plus \$5.00 for each hoistway opening and for each floor traveled without a hoistway opening.~~

**The items listed under "Inspection by general inspector" also have an additional amount of ~~\$25.00~~ 30.00 that will be charged for each hoistway opening or for each floor traveled without a hoistway opening, or both.**

Temporary certificate of operation inspection ..... ~~\$125.00~~ **200.00**.

**The temporary certificate of operation inspection has an additional amount of \$35.00 that will be charged for each hoistway opening or for each floor traveled without a hoistway opening, or both.**

~~Plus \$5.00 for each hoistway opening and for each floor traveled without a hoistway opening.~~

Reinspection or ~~correction order~~ violation notice follow-up for devices complying with R 408.7011(b) .....

..... ~~\$110.00~~ **125.00**.

Reinspection or ~~correction order~~ violation notice follow-up for all other devices..... ~~\$125.00~~ **175.00**.

(4) The ~~d~~**d**Department may provide, upon written request, special services that are not otherwise covered in the fee structure. The charge for this service ~~shall be~~ **is** at the rate of ~~\$100.00~~ **150.00** per hour including travel time., **any overnight accommodations, or special traveling needs, such as flights, if required.** Fees that are required pursuant to the provisions of the act ~~shall~~ **must** be paid to the ~~d~~**d**Department. Checks or money orders ~~shall~~ **must** be made payable to the "State of Michigan."

R 408.7020 ~~Supervising employees~~ **Licensed elevator contractor and elevator contracting company.**

Rule 20. (1) ~~If a contractor's license is based on the qualification of a supervising employee, then termination of employment of a supervising employee shall result in the suspension of the license 90 days after termination of employment and the license shall remain suspended until another supervising employee is certified for the employer by the board. The supervising employee and the employer shall each notify the department in writing when the termination of the employment of the former occurs. If an elevator contracting company's ability to apply for permits is based on the qualification of employing full-time an individual who is licensed in this state as an elevator contractor, the termination or separation of employment of the licensed elevator contractor must result in the immediate suspension of the elevator contracting company's ability to obtain new permits. An elevator contracting company's ability to request permits remains suspended until another licensed elevator contractor is working full time for the elevator contracting company. Upon separation from the elevator contracting company, the licensed elevator contractor and the elevator contracting company shall~~ **must** each immediately notify the ~~d~~**d**Department in writing when the termination or separation of the employment occurs. The notification to the ~~d~~**d**Department of a new

licensed elevator contractor working for an elevator contracting company must be submitted in writing by the licensed elevator contractor and the elevator contracting company within 5 business days of employment. Failure to notify the ~~e~~Department of separation or hiring ~~may~~ **must** result in a \$500.00 fine per day to be paid by either or both parties found not to have notified the ~~e~~Department.

(2) ~~A person serving as supervising employee of a contractor may not concurrently serve as supervising employee of another contractor. A supervising employee shall be employed on a full-time basis by the contractor.~~ **A person serving as the licensed elevator contractor of an elevator contracting company ~~may~~ must not concurrently serve as a licensed elevator contractor for another elevator contracting company. A licensed elevator contractor must be employed on a full-time basis by the elevator contracting company for whom they request permits.**

(3) The person, firm, or corporation and the **licensed** elevator contractor ~~license holder supervising employee shall be~~ **are** jointly and **separately** ~~severally~~ responsible for exercising the supervision and control of the elevator operations necessary to secure full compliance with the act, the rules promulgated under the act, and all other laws and rules related to elevating devices.

R 408.7023 Appeals to the board.

Rule 23. (1) Any person, firm, or corporation aggrieved by any decision, ruling, or order of the director or of the ~~e~~Department may appeal one time. ~~within~~ The appeal must be made within 15 calendar days from date of mailing of the decision, ruling, or order to the board, for a hearing before the board in accordance with pursuant to section 8(d) of the elevator safety board act, of the act, MCL 408.808. An appeal **must** specify the reasons and the relief sought and shall be submitted to the director for presentation to the board. All submissions must be in writing including but not limited to make, model and drawings detailing top, side, front and orthographic views of equipment including detailed documentation specific to affected systems, parts, assemblies and devices as well as any connected equipment subject to the discretion of the elevator board. The decision of the elevator board for an appeal must be final.

(2) A ~~\$200.00~~ **250.00** ~~non-refundable~~ **nonrefundable** fee shall ~~must~~ be made to the ~~e~~Department at the time the appeal is filed. Checks, ~~or~~ money orders, **e-checks, cashier's checks, or credit card charges** shall ~~must~~ be made payable to the "State of Michigan."

(3) The board ~~shall~~ **must** set a time for hearing of the appeal and provide written notice to the appellant at least 10 days before the date set for hearing.

(4) A request for an adjournment shall ~~must~~ be filed in writing at least 5 days before the date set for hearing. The board or the director may, for good cause, grant an adjournment.

(5) If the appellant fails to appear at the time set for hearing, the board may proceed with the hearing and decide the case in the absence of the appellant. The board may affirm, modify, or set aside the ruling of the ~~e~~Department and shall notify the director and the appellant in writing of its decision.

~~R 408.7023a Variance requests.~~

~~—Rule 23a. (1) Any A person, firm, or corporation upon application in specific cases, may request a variation of the requirements of the rules when it is clearly evident that exceptions or variations are necessary to prevent undue hardship or when existing conditions prevent compliance with the literal requirements of the act and these rules. The request shall must be on a form prescribed by the department. and A person, firm, or corporation shall specify on the form the reasons for the variance and the relief sought. The form and shall must be submitted to the department for review.~~

~~—(2) A \$75.00 100.00 nonrefundable fee shall must be paid to the department at the time the variance request is filed. Checks, or money orders, e-checks, cashier's checks, or credit card charges shall must be made payable to the "State of Michigan".~~

~~—(3) The department may submit the variance request to the board for its action. The department shall set a time for reviewing a request submitted to the board and provide written notice to the appellant at least 10 days before the date set for the review.~~

~~—(4) A request for an adjournment shall **must** be filed in writing by the appellant at least 5 days before the date set for the review. The department or the board may, for good cause, grant an adjournment.~~

~~—(5) If the appellant fails to appear at the time set for the variance request, the action may proceed **continue** and the board may decide the request in the absence of the appellant. The request may be approved, denied, modified, or set aside. The department shall notify the appellant in writing of the decision.~~

#### R 408.7023b Product approval **acknowledgement**.

Rule 23b. (1) All elevating devices, equipment, systems, subsystems, components, and functions must be reviewed for compliance with the current elevator requirements and approved by the ~~d~~**D**epartment prior to use in this state. An initial ~~\$75.00~~ **100.00** nonrefundable application fee shall **must** be made to the ~~d~~**D**epartment at the time of application.

(2) All product approval **acknowledgement** requests **must** be on a form prescribed by the ~~d~~**D**epartment and accompanied by a compliance document **that** reflects compliance with the corresponding requirements and supporting documents, ~~, including, but not limited to, drawings, wiring diagrams, factor of safety calculations, certifications, and any other information the department finds necessary for the specific review.~~ All submissions must be in writing including but not limited to make, model and wiring diagrams, factor of safety calculations, certifications, drawings detailing top, side, front and orthographic views of equipment including detailed documentation specific to affected systems, parts, assemblies and devices as well as any connected equipment subject to the discretion of the Department. All submittals must be issued to the elevator safety board for their review.

(3) A letter on the manufacturer's letterhead, signed by an engineer who is employed by the manufacturer, must accompany the documentation. The letter must state that when installed per manufacturer specifications, the unit ~~will~~ **must** comply with the applicable standards or codes, or both, that are adopted by reference in R 408.7003. Equipment not covered by codes and standards in accordance with R 408.7003 must not be installed until approved in accordance with this rule.

~~(3)(4)~~ A rate of ~~\$75.00~~ **100.00 150.00** per hour shall ~~may~~ **must** be charged for special services of a product review. The total charges shall ~~be~~ **are** determined on an hourly basis for the review upon completion. An approval **acknowledgement** ~~may~~ **must** not be granted until full payment of these services has been received.

#### R 408.7024 Applicability of rules and manual.

Rule 24. Elevators, as defined in section 3 of the act, **MCL 408.803, that were** installed before the effective date of this code edition shall **must** comply with the Michigan elevator laws and rules in effect at the time of adoption of this code until the device is altered. All other approved existing features or components of ~~the elevator~~ any installation shall **must** comply with these rules and shall ~~must be maintained as described in~~ comply with the American society of mechanical engineers (~~ASME~~) guide for inspection of ~~s~~**S**afety ~~e~~**C**ode for ~~e~~**E**xisting ~~e~~**E**levators, and ~~e~~**E**scalators, and moving walks ASME A17. 2-2012-17.3, which is adopted by reference in R 408.7003.

#### R 408.7025 ~~Service and examination~~ **Maintenance** of power elevators; frequency; exceptions.

Rule 25. (1) A power elevator, except a private residence elevator, private residence inclined elevator, private residence platform lift, or private residence stairway chairlift, shall **must** be ~~serviced~~ **maintained by and examined for defects by a licensed** an elevator journeyman **who is licensed in this state** at least once every ~~90~~ **60, (See Act 333, 338.2159)** days, except for the following devices, which shall **must** be ~~serviced~~ **maintained** and examined at least once every ~~180~~ **90** days:

(a) Dumbwaiters.

(b) One-person elevators, electric and hand-powered.

(c) Platform lifts and stairway chairlifts in buildings other than private residences.

(d) Private residences inclined elevators installed under the requirements of the act for use by multiple residences.

447 (2) An accessible ~~ongoing~~ written record of all ~~service and examination~~ **maintenance, repairs, replacement,**  
 448 **inspection, callbacks and testing shall must be maintained kept** in the machine room or on-site if a machine  
 449 room does not exist.

## 450 CHAPTER 2. ALL ELEVATORS

451 R 408.7029 Dormant elevators.

452 Rule 29. (1) An elevator, escalator, or moving walk ~~which that~~ is inactive for 1 year ~~shall must~~ be classified  
 453 as dormant and placed out of service in compliance with section 8.11.1.4(b) of the ASME A17.1 code.

454 (2) **A permit must be obtained and the elevator may not be placed into service until it has been**  
 455 **inspected and tested by a general inspector, except as provided in section 15 of the act, MCL 408.815.**

456 (2)(3) A platform lift or stairway chairlift ~~which that~~ is inactive for 1 year ~~shall must~~ be classified as dormant  
 457 and placed out of service as follows:

458 (a) The device ~~shall must~~ be lowered and any suspension means removed.

459 (b) The power feed lines ~~shall must~~ be disconnected from the machine disconnect switch ensuring all circuit  
 460 parts or conductors are deenergized. ~~and taped in compliance~~ The platform lift or stairway chairlift must  
 461 comply with section 10.1.6 of the ASME A18.1 code, **as adopted by reference in R 408.7003.**

462 (c) All landing entrances ~~shall must~~ be secured in a closed position from inside the runway ~~or hoistway~~.

463 (d) Folding type devices ~~shall must~~ be secured against movement.

464 (3)(4) Before a dormant elevating device may be placed in service, **an alteration permit must be applied**  
 465 **for and approved by the dDepartment. The dormant elevating device it shall must** be inspected **and**  
 466 **subject to a witnessed acceptance test** by the **dDepartment** and ~~shall~~ conform to these rules and the applicable  
 467 section of the standard.

470 R 408.7030 Elevator and escalator monitoring.

471 Rule 30. All elevators and escalators may be monitored from a remote location. Monitoring ~~shall must~~ consist  
 472 of passing information from the elevator control to a remote location for the collection of information. A device  
 473 shall ~~may must~~ not have the capability to adjust, alter, change, or reset any switch, parameter, or system of the  
 474 elevator control from any location except the corresponding car, hoistway, machine room, lobby panel, or fire  
 475 command center located in the same building. The device shall ~~may must~~ not be capable of bypassing or  
 476 resetting any safety or electrical protective device. ~~The monitoring means may be used to initiate car and hall~~  
 477 ~~landing calls or to secure floors from access.~~ Information collected ~~shall must~~ be made available to the  
 478 **dDepartment** and the elevator safety board upon request. **A system related to the operation of an elevator**  
 479 **or escalator that interfaces and communicates with the device and any other device must also comply**  
 480 **with this rule. Remote connections found to be in violation of the above requirements shall be removed**  
 481 **and henceforth prohibited.**

## 482 CHAPTER 3. ASME A17.1 MODIFICATIONS

483 R 408.7031a ~~ASME A17.7/CSA B44.7~~ **Automated equipment utilizing elevator.**

484 Rule 31a. Section 1.2.1 of the ASME A17.1/CSA B44 code is amended to read as follows:

485 ~~1.2.1~~ The purpose of this code is to provide for the safety of life and limb, and to promote the public welfare.  
 486 Compliance with this code shall be achieved by either subdivisions (a), (b) and (d) or (c) and (d):

487 ~~(a) Conformance with the requirements in ASME A17.1/CSA B44.—~~

488 ~~(b) Conformance with some of the requirements in ASME A17.1/CSA B44 and for systems, subsystems,~~  
 489 ~~components, or functions that do not conform with certain requirements in ASME A17.1/CSA B44, conform~~  
 490 ~~with the applicable requirements in ASME A17.7/CSA B44.7. Where the Michigan elevator rules make an~~  
 491 ~~exception to, addition to, or an amendment of, an ASME A17.1/CSA B44 code section the Michigan elevator~~  
 492 ~~rules shall govern over the corresponding section in ASME A17.7/CSA B44.7 and shall also obtain department~~  
 493 ~~approval.~~

497 ~~-(c) Conformance with the requirement in ASME A17.7/CSA B44.7. Where Michigan elevator rules make~~  
 498 ~~an exception to, addition to, or an amendment of, an ASME A17.1/CSA B44 code section the provisions of the~~  
 499 ~~Michigan elevator rules shall govern over the corresponding section in ASME A17.7/CSA B44.7 and shall also~~  
 500 ~~obtain department approval.~~

501 ~~-(d) Any ASME A17.7/CSA B44.7 certifications that violate the Michigan elevator rules exceptions,~~  
 502 ~~additions, or modifications to ASME A17.1/CSA B44 shall require approval from the department. Not more~~  
 503 ~~than 1 elevator in a bank may be occupied by an automated device at any 1 time. If a single elevator bank~~  
 504 ~~is selected due to normal power supply loss, automated devices may not utilize that car. General public~~  
 505 ~~passenger cars may not be used to transport automated devices.~~

506 (2) A maintenance program for devices must be instituted by the building owner and be available to the  
 507 requestor upon request.

508 (3) Devices that utilize multiple carts must be tested annually with all possible variations of carts.  
 509 Records must be kept onsite and be available to the requestor upon request.

510 (4) All circuitry and controllers must be kept out of elevator machine rooms and control spaces.

511 (5) Proper signage must be posted at each elevator connected to the automated devices. Signs must  
 512 include both of the following language:

513 (a) Do not enter or use elevator if automated carts are entering, exiting, or on the car.

514 (b) Service elevator interfaced with automated carts, "Stand clear!"

515 (6) Any interfacing must comply with R 408.7030.

516 (7) Automated equipment utilizing elevators must not be utilized for and connected to a network that  
 517 utilizes any function, feature, system, assembly or device that monitors an elevator from a remote  
 518 location as pertaining to R 408.7030.

519 (8) Automated equipment utilizing elevators if connected to a network, the network must be a stand  
 520 alone, isolated, independent local area network (LAN).

521 R 408.7031b Guards between adjacent pits.

522 Rule 31b. Section 2.2.3 of the ASME A17.1 code is amended to read as follows: ~~Guards must be~~  
 523 ~~provided between adjacent pits. The guard must be not less than 2,000mm, or 79 inches, from the pit~~  
 524 ~~floor, metal unperforated or perforated, with openings that will reject a ball of 50 mm, or 2 inches. It~~  
 525 ~~must be supported and braced such that it will not deflect more than 25mm, or 1 inch, when subjected to~~  
 526 ~~a force of 4.79 kPa (100lbf/ft<sup>2</sup>) applied horizontally at any point. The guard may extend not less than~~  
 527 ~~305mm, or 12 inches, horizontally on each side of the ladder.~~

528 NOTE: ~~A single horizontal structural element at the top of a pit ladder, used to stabilize the vertical~~  
 529 ~~side rails, is not considered a rung or handgrip.~~

530 EXCEPTION: ~~The guard may be omitted if the clearance between the underside of the car sling when~~  
 531 ~~resting on a fully compressed buffer and the bottom of the pit is not less than 2.13m, or 7 feet.~~

532 2.2.3.1 Guards must be provided between adjacent pits. The guard must be of noncombustible material.  
 533 The guard, if of openwork material, must reject a ball 25 mm (1 in.) in diameter. The guard must be  
 534 supported such that when subjected to a force of 450 N (100 lbf) applied over an area of 100 mm x 100  
 535 mm (4 in. x 4 in.) at any location, the deflection must not reduce the clearance between the guard and the  
 536 adjacent pit below 25 mm (1 in.). Guards must extend not less than 2000 mm (79 in.) above the level of  
 537 the higher pit floor. Where a ladder is installed adjacent to a guard, the guard must extend not less than  
 538 2000 mm (79 in.) above the top rung or rungs used as handgrips. A single horizontal structural element  
 539 at the top of a pit ladder, used to stabilize the vertical side rails, is not considered a rung or handgrip.

540 2.2.3.2 Where access to pits of elevators in a multiple hoistway is by means of a separate pit access door  
 541 (see 2.2.4.5) and not by a pit access ladder, adjacent pits shall:

542 (a) be guarded as required by 2.2.3.1

(b) the guards may be omitted if the clearance between the bottom of the car or counterweight (including any equipment attached thereto) while resting on a fully compressed buffer and the bottom of the pit is not less than 2 130 mm (84 in.)

#### R 408.7033a Sumps and sump pumps.

Rule 33a. Section 2.2.2.6 of ASME A17.1 is amended to read as follows: Sumps and sump pumps in pits, where provided, must be covered. Covers must be secured and level with the pit floor and be either a recessed grate type or solid. If solid, it must have means to permit water flow to comply with section 2.2.2.5 of ASME 17.1.

#### R 408.7034 Enclosure of machine rooms and machinery spaces.

Rule 34. Section 2.7.1 of the ASME A17.1 code is amended to read as follows:

2.7.1. Machines, control equipment, sheaves, and other machinery ~~shall~~ **may-must** not be exposed to the weather. Machine room, control room, and machinery-space enclosures ~~shall~~ **must** conform to section 2.7.1.1 or 2.7.1.2, and ~~shall~~ **must** also conform to 2.7.1.3 of the ASME A17.1 code, as applicable.

Machine rooms and control rooms ~~shall~~ **must** be located at a hoistway landing associated with the equipment within the room. Elevator machine and control rooms **may-must** be located overhead, adjacent to, underneath the hoistway, or at a remote location. The entrance to the machine room or control room ~~shall~~ **may-must** be not more than 25 feet, clear unobstructed walking pathway from the elevator hoistway door. The distance from the machine room door to the hoistway door **may-must** be over 25 feet when the machine room is located directly above the hoistway in a conventional layout. Pit and hoistway access doors ~~shall~~ **may-must** not be a direct access between a hoistway enclosure and machine room or control room.

Elevators installed without a machine room or control room ~~shall~~ **must** locate the required disconnecting means ~~in a single machinery space or control space outside of the hoistway in a separate dedicated control space that is readily accessible and adjacent to the control space that contains the control~~ **or**, ~~located within 25 feet clear unobstructed walking pathway of the elevator hoistway door,~~ inspection, and test panel, ~~and at the same hoistway landing.~~

The disconnecting means ~~shall~~ **must** be ~~located~~ in a single dedicated space, or dedicated room, intended with or without full body entry, ~~and shall be secured so only the elevator journey person or other qualified personnel may gain access.~~ **at a distance not to exceed 25 feet from the landing that contains the elevator control, inspection, or inspection and test panel. The disconnecting means must be secured so that only elevator journeyman and qualified personnel may gain access. If the controller is within an manufacture's door-frame entrance assembly,** signage must be placed at or near the frame with the specific location of the disconnecting means.

Access to machine rooms, control rooms, machinery spaces, or control spaces ~~shall~~ **may-must** not be through restrooms, lavatories, locker rooms, or associated vestibules. Where enclosed ceilings are required or provided, they ~~shall~~ **may-must** be of a solid type with no access panels. Drop type ceilings ~~shall~~ **are must not** be ~~permitted~~ **prohibited**. Machine rooms, control rooms, machinery spaces, and control spaces ~~shall~~ **may-must** not be used as a pass through or for access to other areas. Building access panels or doors are prohibited in these areas.

#### R 408.7034a Location of equipment.

Rule 34a. Section 2.7.6.3.2 of the ASME A 17.1 code is amended to read as follows:

2.7.6.3.2 The motor controller ~~shall~~ **must** be located in a machinery space within the hoistway, a machine room, or control room. A motor controller ~~shall~~ **may-must** not be located outside the specified **rooms or** spaces. **Regardless of location, illumination of 19<sub>fc</sub>, meaning foot candles, must be provided where controller work is to be performed.**

595  
596 R 408.7037a Illumination of cars and lighting fixtures.

597 Rule 37a. Section 2.14.7.1.4 of ASME A17.1 is amended to read as follows:

598 2.14.7.1.4 Each elevator ~~shall~~ **must** be provided with at least 2 electric light fixtures and a **ground fault**  
599 **circuit interrupter convenience outlet fixture duplex receptacle** on the car top. The 2 light fixtures combined  
600 ~~shall~~ **must** provide an illumination level of not less than 10 fc at **any point on** the car top. The light fixtures  
601 ~~shall~~ **must** be permanent and be of the fixed or portable type and ~~shall~~ be equipped with guards.

602  
603 **R 408.7040a Phase I emergency recall operation.**

604 **Rule 40a. Section 2.27.3.1.5 of the ASME A17.1 code is amended to read as follows:**

605 All “ **FIRE RECALL**” switches **must be provided with an illuminated visual signal. The visual signal**  
606 **must be 1 of the symbols shown in Fig.2.27.3.1.6(h) to indicate when Phase I Emergency Recall Operation**  
607 **is in effect.**

608  
609 R 408.7041 Machinery spaces, machine rooms, control spaces, and control rooms.

610 Rule 41. Sections 3.7 and 3.7.1 of the ASME A17.1 code is amended to read as follows:

611 3.7. A machinery space outside the hoistway containing a hydraulic machine and an elevator controller  
612 ~~shall~~ **must** be a machine room. The hydraulic machine ~~shall~~ **must** be located in a ~~machine space within the~~  
613 ~~elevator hoistway or outside the hoistway in an elevator machine room.~~ **Hydraulic machines being installed in**  
614 **the line of movement of an elevator car or where an affected person is required to work in the line of**  
615 **movement of an elevator car must be prohibited.** The elevator controller ~~shall~~ **must** be accessible only from  
616 a machine room, control room, or hoistway.

617 3.7.1. Hydraulic machines, control equipment, sheaves, and other machinery ~~shall~~ **may-must** not be  
618 exposed to the weather. Machine room, control room, and machinery-space enclosures ~~shall~~ **must** conform to  
619 the requirements of sections 2.7.1 to 2.7.7 and 2.7.9 of the ASME A17.1 code and the following:

620 Machine rooms and control rooms ~~shall~~ **must** be located at a hoistway landing associated with the  
621 equipment within the room. Elevator machine and control rooms **may-must** be located overhead, adjacent to,  
622 underneath the hoistway, or at a remote location. The entrance to the machine room or control room ~~shall~~ **must**  
623 be not more than 25 feet, clear unobstructed walking pathway from the elevator hoistway door. The distance  
624 from the machine room door to the hoistway door may be over 25 feet when the machine room is located  
625 directly above the hoistway in a conventional layout. Pit and hoistway access doors ~~shall~~ **may-must** not be for  
626 direct access between a hoistway enclosure and machine room or control room. **Regardless of location,**  
627 **illumination of 19 fc, meaning foot candles, must be provided where controller and machinery work is to**  
628 **be performed.**

629 Elevators installed without a machine room or control room ~~shall~~ **must** locate the required disconnecting  
630 means ~~in a single machinery space or control space outside of the hoistway in a separate dedicated control~~  
631 **space, readily accessible and adjacent to the control space that contains the control,** ~~Located within 25 feet~~  
632 ~~clear unobstructed walking pathway of the elevator hoistway door, inspection,~~ and test panel, ~~and at the same~~  
633 ~~hoistway landing.~~

634 The disconnecting means ~~shall~~ **must** be located in a single dedicated space, or dedicated room, intended  
635 with or without full body entry, **at a distance not to exceed 25 feet from the landing that contains the**  
636 **elevator control, inspection, or inspection and test panel.** ~~and The disconnecting means shall~~ **must** be  
637 secured **so that only so only the elevator journey person-journeyman or other and qualified personnel may gain**  
638 access. **If the controller is within an entrance assembly, signage must be placed in plain view, at or near**  
639 **the controller, and state the location of the disconnecting means.**

640 Access to machine rooms, control rooms, machinery spaces, or control spaces ~~shall~~ **may-must** not be  
641 through restrooms, lavatories, locker rooms, or associated vestibules. Where enclosed ceilings are required or  
642 provided, they ~~shall~~ **must** be of a solid type with no access panels. Drop type ceilings ~~shall~~ **are must not be**  
643 **permitted prohibited.** Machine rooms, control rooms, machinery spaces, and control spaces ~~shall~~ **may-must** not

644 be used as a pass through or for access to other areas. Building access panels or doors are prohibited in these  
645 areas.

646  
647 **R 408.7041a. Fire extinguishers.**

648 **Rule 41a. Section 8.6.1.6.5 of ASME A17.1 is amended to read as follows: ~~In jurisdictions not enforcing~~**  
649 **~~the National Building Code of Canada,~~ Class “ABC” fire extinguishers must be provided in elevator**  
650 **machine rooms, control rooms, and control spaces outside the hoistway intended for full bodily entry,**  
651 **and walk-in machinery spaces and control rooms for escalators and moving walks; and they must be**  
652 **located convenient to the access door.**

653 **For machine-room-less (MRL) installations, Class “ABC” fire extinguishers must be conspicuously**  
654 **located where they are readily accessible outside of the elevator hoistway within 21 ft (6.4m) of the**  
655 **centerline of each elevator entrance associated with the controller. In the event of side or rear elevator**  
656 **entrance assemblies a Class “ABC” fire extinguishers must be conspicuously located in accordance with**  
657 **this requirement for every entrance assembly.**

658  
659 R 408.7045 Shutoff valves; gauge snaps; underground piping; tags.

660 Rule 45. Section 3.19.4.1 of the ASME A17.1 code is amended to read as follows:

661 3.19.4.1 A shutoff valve ~~shall~~ **must** be provided on a new or ~~modernized~~ **altered** hydraulic elevator and ~~shall~~  
662 **must** be installed in the ~~eylinder supply line~~ **pressure piping** within the elevator machine room. If the hoistway  
663 is remotely located from the machine room, then a shutoff valve ~~shall~~ **must** also be provided in the elevator pit.

664 ~~Where the hydraulic machine is located in the hoistway, the manually operated shutoff valve may be~~  
665 ~~located inside the hoistway, provided that it is accessible from outside the hoistway to elevator personnel only.~~

666  
667 R 408.7046 Pressure gauge fittings.

668 Rule 46. Section 3.19.4.5 of the ASME A17.1 code is amended to read as follows:

669 3.19.4.5 A new hydraulic machine ~~shall~~ **must** be provided with the necessary permanent pressure gauge snap-  
670 on fittings or permanent gauges, with a shut off valve to allow pressure readings at each pump for checking  
671 operating pressures. The gauge or fitting ~~shall~~ **must** be located on the jack side of the check valve or  
672 immediately adjacent to the hydraulic control valve. ~~Where the hydraulic machine is located in the hoistway,~~  
673 ~~the pressure gauge fittings shall only be accessible to elevator personnel from outside the hoistway.~~

674  
675 **R 408.7048a. Rupture or overspeed valve.**

676 **Rule 48a. Section 5.3.2.2.2 of the ASME A17.1 code is amended to read as follows:**

677 **A pressure switch must be provided to remove power from the pump motor and the control valve unless**  
678 **there is positive pressure at the control valve.**

679 **A rupture or overspeed valve must be provided on all roped hydraulic jacks, either cable or chain, to**  
680 **stop the flow of fluid and arrest the descent of the car in the event of line or pipe rupture.**

681  
682 R 408.7054 Skirt deflector devices.

683 Rule 54. Section 6.1.3.3.10 of the ASME A17.1 code is amended to read as follows:

684 6.1.3.3.10 Deflector devices ~~shall be~~ **are must be** permitted. Where provided, deflector devices ~~shall~~ **must**  
685 extend from skirt panels parallel to the escalator path of travel. Means to secure ~~such~~ **these** deflector devices  
686 may be on the exposed surface of the skirt. All fasteners ~~shall~~ **must** be of steel with machine screw threads.  
687 Any exposed fastener heads shall be of the tamper-resistant type and flush to within 1 mm, **or** (0.04 inch).

688 (1) Rigid elements ~~shall~~ **must comply** ~~be in compliance~~ with the following conditions:

689 (a) Horizontal protrusions extending above the step ~~shall~~ **must** be 18 mm, **or** (0.75 inch), maximum. Corners  
690 or changes in profile ~~shall~~ **must** be rounded or beveled.

691 The exposed surfaces of such elements ~~shall~~ **must** be smooth and permanently treated with a low-friction  
692 material.

(b) On the incline, the area of any protrusion ~~shall~~ **must** lie entirely offset outward from a line beginning on the vertical portion of the skirt panel measured 25 mm, ~~or~~ (1 inch), vertically above the step nose line. The lower surface ~~shall~~ **must** be beveled not less than 10 degrees upward and the upper surface ~~shall~~ **must** be beveled not less than 15 degrees downward in compliance with Figure 6.1.3.3.10 of the ASME A17.1 code.

(c) At the upper and lower landing, any protrusion ~~shall~~ **must** lie entirely above a line beginning on the vertical portion of the skirt panel 50 mm, ~~or~~ (2 inches), above the step nose line. The lower surface ~~shall~~ **must** be beveled not less than 10 degrees upward and the upper surface ~~shall~~ **must** be beveled not less than 15 degrees downward. Any rigid elements at the landings ~~shall~~ **must** smoothly blend into the rigid elements along the incline in accordance with the radius of curvature of the transition zone.

(d) If attached to the skirt, rigid elements ~~shall~~ **must** withstand a force of 900 N (200 lbf) perpendicular to the line of attachment of the element without detachment or permanent deformation. The force shall be applied to an area of 645 mm<sup>2</sup> (1 inch<sup>2</sup>).

(2) Flexible elements ~~shall~~ **must** be in compliance **comply** with the following conditions:

(a) The horizontal protrusion extending from the skirt surface above the step ~~shall~~ **must** be 50 mm, ~~or~~ (2 inches), maximum.

(b) ~~Shall~~ **Must** be capable of deflecting to an angle of 10 degrees or greater above the horizontal protrusion.

(c) Noncontinuous flexible elements ~~shall be~~ **are must be** allowed to deflect to allow a maximum of 9.5 mm, ~~or~~ (0.375 inch), interference with any point on the step surface.

(d) Continuous flexible elements ~~shall~~ **may must** not deflect such that they can contact the steps.

#### R 408.7054a ~~Code data plate.~~ **Rescinded.**

Rule 54a. Section 8.6.1.5.1 of the ASME A17.1 code is amended to read as follows:

~~8.6.1.5.1 A data plate that indicates the code and edition in effect at the time of installation and any alteration as described in section 8.7.1.8 of the ASME A17.1 code may be provided. The data plate may also specify the code and edition in effect at the time of any alteration and the applicable requirements of section 8.7 of the ASME A17.1 code.~~

#### R 408.7057 Applicability of alteration requirements.

Rule 57. Section 8.7.1.1 of the ASME A17.1 code is amended to read as follows:

8.7.1.1 (1) If **an** alteration is performed **to the elevator or any of its subsystems**, regardless of any other requirements of section 8.7 of the ASME A17.1 code, then ~~the installation~~ **the alteration**, at a minimum, ~~shall~~ **must** conform to both of the following requirements:

(a) ~~The Michigan~~ **This state's** elevator laws and rules at the time of installation.

(b) ~~The Michigan~~ **This state's** elevator laws and rules for the alteration at the time of any alteration.

(2) A permit ~~shall~~ **must** be obtained and the elevator ~~shall~~ **may must** not be placed into service until it has been inspected and tested in the presence of a general inspector, except as provided in section 15 of the act, **MCL 408.815**.

#### R 408.7057a ~~Code data plate~~ **Bottom car clearances.**

Rule 57a. Section 8.7.1.8 of the ASME A17.1 code is amended to read as follows: **Section Requirement 2.15.9.2(c) of ASME A17.1 is amended added to read as follows:**

~~8.7.1.8. A data plate may be provided as required by section 8.6.1.5 of the ASME A17.1 code. In jurisdictions enforcing national building code of Canada, the data plate required by 8.9.1 shall include the code and edition in effect at the time of alteration and the requirements in section 8.7 of the ASME A17.1 code that were applicable to the alteration. Where the installation is the result of replacement or **modernization alteration** utilizing an existing hoistway and pit, the **pit must be designed, engineered and altered as needed in order to comply with ASME A17.1 toe guard may be reduced in length utilizing an existing hoistway and pit, provided the car speed does not exceed 150 feet per minute. The toe guard may be reduced in length proportionate to the maximum length the pit depth will allow complying with**~~

~~section 2.4.1.5. At no time may the toe guard be shorter than the leveling or truck zone plus 75mm, or 3 inches.~~

R 408.7058a Escalators; ~~general requirements~~ **electrical protective devices.**

Rule 58a. Section ~~8.7.6.1.1~~ **6.1.6.3** of the ASME A17.1 code is amended to read as follows:

~~8.7.6.1.1 A change in component parts that are interchangeable in form, fit, and function is an alteration and shall comply with the requirements in this section as described in section 8.6.3.1 of the ASME A17.1 code.~~

~~The addition of a component or a device that was not part of the original design is an alteration and shall conform to the requirements of section 8.7.6.1 of the ASME A17.1 code for that device or component.~~

~~The requirements of section 6.1.3.6.5 of the ASME A17.1 code do not apply to existing escalators that were not required to comply with this requirement at the time of the original installation.~~ **Electrical protective**

**devices must be provided pursuant to 6.1.6.3 through 6.1.6.3.16 and be the manually resetting type. Automatic resetting of a safety device within these codes is prohibited.**

R 408.7058b Moving walks; ~~general requirements~~ **electrical protective devices.**

Rule 58b. Section ~~8.7.6.2.1~~ **6.2.6.3** of the ASME A17.1 code is amended to read as follows:

~~8.7.6.2.1. A change in component parts that are interchangeable in form, fit, and function is an alteration and shall comply with the requirements in this section as described in section 8.6.3.1 of the ASME A17.1 code.~~

~~The addition of a component or a device that was not part of the original design is an alteration and shall conform to the requirements of section 8.7.6.2 of the ASME A17.1 code for that device or component.~~

~~When multiple driving machines per moving walk are utilized, operating and safety devices required by section 8.7.6.2 of the ASME A17.1 code shall simultaneously control all driving machines.~~ **Electrical**

**protective devices must be provided pursuant to 6.2.6.3.1 through 6.2.6.3.12 and be the manually resetting type. Automatic resetting of a safety device within these codes is prohibited.**

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 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.

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 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.

R 408.7059a Periodic test tags.

Rule 59a. Section ~~8.6.1.7.2~~ **8.10.1.1.1** of the ASME A17.1 code is amended to read as follows:

~~8.6.1.7.2~~ **8.10.1.1.1. The acceptance inspection must be made by an inspector employed by the authority having jurisdiction. All parts of the installation must be inspected for conformity with the requirements of this state's elevator laws, these rules, and section 8.10 of the ASME A17.1 and ASME 17.2. An approved paper tag with the applicable code requirement or requirements and date or dates performed, and the name of the person or firm performing the test, shall must be installed in the machine room or machine space for all periodic tests.**

792 R 408.7060 Three-year inspection and test requirements.

793 Rule 60. Section 8.6.5.15.3 is added to the ASME A17.1 code to read as follows:

794 8.6.5.15.3. (1) Cylinders ~~shall~~ **must** be tested at intervals of not more than 36 months.

795 (2) Three-year inspection and test requirements **are as follows**:

796 (a) The relief valve setting ~~must shall be in compliance~~ **comply** with section 3.19.4.2 of the ASME A17.1  
797 code. The relief valve ~~shall~~ **must** be resealed if the relief valve setting is altered or if the seal is broken.

798 (b) Test the relief valve setting by first inching the empty car upward to engage the  
799 plunger stop ring or to engage other suitable blocking provided and then apply pressure  
800 from the pump to check the setting. **A copy of test forms must be maintained on site in the machine room  
801 or space available to elevator personnel pursuant to section 8.6.1.4.1 of ASME A17.1.** Procedures for set  
802 test are as follows:

803 (i) Put rated load in the car and locate it at any convenient level.

804 (ii) Open the disconnect switch and locate the elevation of the platform with respect to a convenient  
805 reference.

806 (iii) For cylinders that are not completely exposed, after not less than 2 hours, note the position of the  
807 platform with respect to the chosen reference. For cylinders that are completely exposed, after not less than 30  
808 minutes, note the position of the platform with respect to the chosen reference. A change in the car position  
809 during a cylinder test that cannot be accounted for by visible oil leakage or temperature change of the oil  
810 indicates a failure of some type requiring further inspections, tests, or repairs. An accessible written record of  
811 all oil levels and all oil added ~~shall~~ **must** be maintained in the machine room.  
812

#### 813 CHAPTER 4. ASME A18.1 MODIFICATIONS

##### 814 R 408.7061 Platform Side Guarding

815 Rule 61. Requirement 2.1.1.7 of the ASME A18.1 code is amended to read as follows:

816 2.1.1.7 Platform sides not used for entrance or exit shall be guarded by enclosure walls of smooth  
817 construction to a height of at least 1 100 mm (42 in.) above the platform floor with no openings other than those  
818 necessary for operation. Openings necessary for operation shall reject a ball 12 mm (0.5 in.) in diameter. A  
819 grab rail extending the full length of either sidewall shall be provided at a height of 850 mm (34 in.) to 1 000  
820 mm (38 in.). The running clearance between platform enclosure walls that extend less than 2 000 mm (79 in.)  
821 above the platform floor and the runway enclosure walls, vertical face of the machine housing, or other rigid  
822 surfaces shall be not less than 50 mm (2 in.). The running clearance between platform enclosure walls that  
823 extend a minimum of 2 000 mm (79 in.) above the platform floor and runway walls or other surfaces shall be  
824 not less than 20 mm (0.75 in.). Running clearance between enclosure wall ends and the entrance and exit side of  
825 the runway shall be not less than 10 mm (0.375 in.) nor more than 75 mm (3 in.).  
826

827 R 408.7062 Runway entrance.

828 Rule 62. Section 2.1.1.2 of the ASME A18.1 code is amended to read as follows:

829 2.1.1.2 The runway entrance ~~shall~~ **must** be guarded at the upper landing by a door of unperforated  
830 construction not wider than the platform plus 1 inch, ~~or (25.4 millimeters)~~. The door ~~shall~~ **must** be self-closing  
831 **or power operated** and guard the entire opening to a height equal to or higher than the height of the platform  
832 enclosure. The openings created in the runway by these doors ~~shall~~ **must** provide a minimum vertical clearance  
833 of 6 feet 8 inches. The doors ~~shall~~ **must** guard the entire area of the openings except for space necessary for  
834 operation. Space necessary for operation ~~shall~~ **must** reject a ball 12 mm, ~~or (0.5 inches-),~~ in diameter. The lift  
835 side of the landing doors and sill ~~shall~~ **must** present a smooth surface located not closer than 10 mm, ~~or (0.375~~  
836 ~~inches-),~~ or more than 20 mm, ~~or (0.75 inches-),~~ from the platform floor.  
837

## CHAPTER 6. ANSI A10.4 MODIFICATIONS

## R 408.7071 Location.

Rule 71. Section 5.4.8 of the ANSI A10.4 standard is amended to read as follows:

5.4.8. (1) A personnel hoist ~~shall~~ **must** be installed not less than 10 feet from any other lifting or lowering apparatus except other personnel hoists.

(2) A hoistway ~~shall~~ **may-must** not be located either partially or wholly over sidewalks or passageways.

(3) If tower cranes **or any other lifting or lowering apparatus** are installed such that the boom, **load**, or trolley may go over or into the 10-foot restricted area, then the personnel hoist ~~shall~~ **must** be unoccupied anytime the boom, or trolley passes over the restricted area. The evacuation of the personnel hoist ~~shall~~ **must** be the responsibility of the crane operator and the general contractor.

## R 408.7079 Rated load safety test.

Rule 79. Section 26.4.8 of the ANSI A10.4 standard is amended to read as follows:

26.4.8 A rated load safety test, as required by section 26.2.1.1 of the ANSI A10.4 standard, ~~shall~~ **must** be performed by a licensed elevator contractor in the presence of a general elevator inspector every 90 days. **Periodic inspections may-must be conducted every 30 days and the appropriate fees assessed at the discretion of the dDepartment.**

## R 408.7081a Operators.

Rule 81a. Section 30.3 of the ANSI A10.4 standard is amended to read as follows:

30.3 The user ~~shall~~ **must** ensure that the operators are knowledgeable and capable of performing the duties outlined in the operating manual and are capable of recording such activity in their log. **A list certifying the training of any operator must be kept in the on-site documentation. Only authorized personnel listed in that document may operate the lift.**

Greetings,

For the Rule set 2019 - 138 LR, I submit the following public comment. I recommend the adoption of this Rule Set as one of progress and continuation of the State of Michigan's past standard for the safety of all persons in regards to conveyances. As a Class A Elevator Journeyperson License holder and representative of other and future license holders, we will pursue and assist with this and coming reviews of all codes covering conveyances for the security and safety of the general public and all citizens of the State of Michigan. Please confirm written receipt of this correspondence.

Michael E. Vandervennet

Class A Elevator Journeyperson License #2200510, State of Michigan

Elevator Journeyman LIC2001-08149, City of Detroit

BM/FS IUEC Local 36

Detroit, MI.



NATIONAL ELEVATOR INDUSTRY, INC.

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SETTING STANDARDS IN MOTION

**National Elevator Industry, Inc.  
Statement for the Record  
Hearing on Proposed Amendments to the Elevator Code**

**Submitted to  
Michigan Department of Licensing and Regulatory Affairs  
Bureau of Construction Codes**

**Lansing, Michigan  
February 4, 2022**

The National Elevator Industry, Inc. (NEII) is the leading trade association for companies that manufacture, install, and maintain elevators, escalators, moving walks, and other building transportation products. NEII members collectively represent over eighty-five percent of the work hours in the building transportation industry.

NEII welcomes the opportunity to continue the dialogue with the Michigan Department of Licensing and Regulatory Affairs (LARA) on the development of regulations to amend the state's elevator rule. NEII participated in the advisory meeting conducted by LARA on March 25, 2021, for the purpose of commenting on the draft proposed amendments and for recommending further amendments to the elevator rule. NEII submits the following written comments and recommendations regarding the proposed amendments to the Michigan elevator rule, which would adopt the 2016 edition of ASME A17.1/CSA B44, *Safety Code for Elevators and Escalators* (ASME A17.1), with Michigan-specific amendments, and appreciates the consideration of these recommendations by LARA.

**General Observations on the Rulemaking Process**

ASME A17.1, the consensus model safety code for building transportation equipment in North America, is the foundation of the Michigan elevator rule. ASME A17.1 is developed on a three-year cycle with expertise derived from various sectors, including industry, organized labor, architects, building owners and operators, and, importantly, regulators at the state and provincial level. While all jurisdictions retain their authority to modify the model code to meet unique operational or policy requirements, the code provides a solid baseline to provide for the safety of the riding public and the industry workforce. NEII promotes the adoption of ASME A17.1 without modification unless there is a clear safety issue or unique circumstance within a specific jurisdiction to justify deviations.

The State of Michigan, regrettably, modifies the consensus code to an extraordinary degree. The current elevator rule contains 72 deviations from the 2010 edition of ASME A17.1. Only New York City and the Commonwealth of Massachusetts depart more often from the consensus model code. For this reason, it is critical that the Department provide a justification for the deviations included in the proposed amendments to the elevator rule. The ability of NEII or any interested party to engage the Department effectively in the rule development process is limited by a lack of understanding of the rationale of the

Department in continuing prior deviations or, particularly, in imposing new requirements. If the intent or objective of the Department is opaque or unclear, it is correspondingly difficult for the regulated community and the public to offer recommendations that may meet or exceed the safety and other assumptions motivating the regulation. NEII recognizes that efforts to require state agencies in Michigan to provide such a justification during the rulemaking process have failed in the legislative process. However, LARA, as a matter of administrative discretion, could supplement a proposed regulation with a summary that details the rationale for continuing or new deviations from ASME A17.1. NEII recommends the Department consider providing such a summary for future rulemakings to update the elevator code.

### **Notable Improvements in the Proposed Amendments to the Elevator Rule**

While NEII retains concerns with several elements of the proposed amendments to the elevator rule, we recognize the progress of the Department in proposing significant improvements in the elevator code through the adoption of comprehensive model code requirements for existing elevators and escalators and in reducing certain burdensome administrative requirements that are not additive to public safety.

#### *Adoption of A17.3 (2017) without Modification*

The Department proposes to amend R408.7003a (Rule 3a) to adopt the 2017 edition of ASME A17.3, the *Safety Code for Existing Elevators and Escalators* (ASME 17.3), without modification. This proposal represents an important change for Michigan given that the previous rulemaking concerning the elevator rule in 2014 did not adopt this model safety code. The 2017 edition of ASME A17.3 contains several critical safety improvements for existing building transportation systems that will enhance public safety in Michigan. NEII commends the Department for reconsidering its position on ASME A17.3 and recommends the adoption of the proposed amendment to R408.7003a to include ASME A17.3 in Michigan's regulatory regime.

#### *Escalators and Moving Walks*

The Department proposes to modify R408.7058a (Rule 58a) and R408.7058 (Rule 58b) to delete the current requirement applicable to escalators and moving walks that a replacement in component parts interchangeable in form, fit, and function is treated as an alteration. This proposed change will align Michigan's regulatory practice with ASME A17.1, and will benefit building owners and operators and the industry by reducing administrative burden and reducing operational costs without any diminution in public safety. The proposed amendments will resolve issues in enforcement and reduce stress on inspection resources that can be utilized elsewhere. NEII appreciates the consideration of the Department in addressing the concerns of the regulated community with the existing code provisions. NEII recommends the adoption of the proposed deletion of these requirements in R408.7058a and R408.7058b.

### **Concerns and Observations Regarding the Proposed Amendments to the Elevator Rule**

In two critical ways referenced previously, the Department's proposed amendments to the elevator rule would move Michigan closer to the model code and align more closely with the regulatory practices of other jurisdictions in the region. At the same time, NEII continues to have serious concerns about several proposed amendments that impose Michigan-specific requirements without a demonstrable public benefit.

### Car Door Interlocks

The Department proposes to continue provisions in R408.7003(a)(i) (Rule 3(a)(i)) of the current elevator rule that do not adopt ASME A17.1 section 2.5.1.5.3 concerning car door interlocks. ASME A17.1 provides for the use of a car door interlock, in lieu of fascia, that must meet the same design criteria as hoistway door interlocks that are permitted under the rule. The installation of fascia throughout the hoistway increases risk to elevator personnel due to various injuries that can occur from handling heavy sections of the material and the additional unnecessary time spent in the elevator hoistway. In addition, requiring the use of fascia adds to operational and sustainment costs for building owners and operators. As an enhancement of safety for industry personnel, NEII recommends R408.7003(a)(i) be amended to include the applicable provisions governing car door interlocks contained in ASME A17.1.

### Access Openings for Cleaning

The Department proposes to continue provisions in R408.7003(a)(i) (Rule 3(a)(i)) of the current elevator rule that do not adopt provisions of ASME A17.1 concerning access openings for cleaning (i.e., ASME A17.1 Sections 2.11.1.4, 2.14.2.2(f), 2.14.2.6, 2.14.5.8.2, and 2.15.5.9.2). ASME A17.1 provides that access panels for cleaning are required to contain an integrated means to disable the movement of a car when those panels are open. The requirements provide a safe means for cleaning the hoistway. In the absence of these requirements, it is possible that other, less safe, practices may be used to clean the hoistway. As an enhancement of safety for industry personnel, NEII recommends R408.7003(a)(i) be amended to include the applicable provisions governing access openings for cleaning contained in ASME A17.1.

### Hoistway Access Switch on Sight Guard

The Department proposes to amend R408.7003(a)(i) (Rule 3(a)(i)) to prohibit the application in Michigan of ASME A17.1 Sections 2.12.7.2.1(c) and 2.12.7.2.2 concerning the placement of a hoistway access switch on site guards. The modification governing these switches in ASME A17.1 was made to ensure that a hoistway access switch is located at a point which is readily visible to, and safely accessible by, elevator personnel when the door is open. By limiting locations for hoistway access switches, ASME A17.1 creates a safer environment for elevator personnel to access and to egress the hoistway. In addition, the provisions in ASME A17.1 ensure that in installations where a hoistway access switch is located on the sight guard, the structural support for the switch will be adequate, and no motion of the car will occur if a ground or short circuit occurs in the flexible wiring. NEII recommends the applicable provisions governing hoistway access switches on sight guards contained in ASME A17.1 be included in the amendments to the elevator rule.

### Performance-Based Safety Code

The Department proposes to amend R408.7003(a) (Rule 3(a)) by deleting the current subsection (iv) authorizing the use of ASME A17.7, *Performance Based Safety Code for Elevators and Escalators* (A17.7). The Department has provided no written justification for reversing its position on the acceptance of ASME A17.7. As the Department is aware, the 2007 and later editions of ASME A17.1 incorporate adoption of ASME A17.7. The performance-based code provides a pathway for new technology to be introduced under the rigorous oversight of a third-party certification organization to certify that emerging technologies not addressed by ASME A17.1 provide equivalent or enhanced safety. ASME A17.7 also facilitates innovations in accessibility and green technology that benefit both building owners and operators and the public. Many jurisdictions use ASME A17.7 to aid in the review

of new technology, and the adoption of ASME A17.7 does not preclude a jurisdiction from rejecting a new design or technology. The current elevator rule provides for appropriate departmental oversight and LARA approval of new technologies before they can be deployed in Michigan. Reversing the applicability of ASME A17.7 increases risk to the elevator program by encouraging additional variance requests and associated administrative costs and by increasing the costs associated with technology and design assessment that would otherwise be performed by a third-party Accredited Elevator/Escalator Certification Organization (AECO). NEII recommends the retention of R408.7003(a)(iv) with additional technical amendments renumbering subsequent provisions of Rule 3.

### Fees

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 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 positive step in addressing long-standing issues in program administration.

### Guards between Adjacent Pits

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 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 (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).

### Alternative Testing

The Department proposes to amend R408.7003(a)(i) (Rule 3(a)(i)) to prohibit the application in Michigan of ASME Sections 8.6.4.20.1(b), 8.6.4.20.1(b)(1), 8.6.4.20.1(b)(2), 8.6.4.20.10(b), and 8.6.4.20.10(b)(2) concerning alternative testing procedures. Alternative testing was added in the 2013 edition of ASME A17.1 in recognition that certain technologies permit safety tests to be performed without the need for elevator personnel to move heavy weights, thereby reducing the likelihood of injury to elevator personnel. Strains and sprains, which are often the direct result of moving the thousands of pounds of weights required for these tests, account for over half of all injuries to elevator personnel. Of note, the Department would retain the ability to authorize any alternative testing procedure prior to its use in Michigan. NEII urges the Department to retain the flexibility to utilize alternative testing under terms and conditions that the Department would establish. NEII recommends the applicable provisions governing alternative testing ASME A17.1 be included in the amendments to the elevator rule.

### Hydraulic Machine Room-Less Elevators

The Department proposes to amend R408.7041 (Rule 41) and R408.7046 (Rule 46) in a manner that would effectively prohibit the installation of hydraulic machine room-less elevators in Michigan. NEII strongly believes the needs of the facility should determine facility design and equipment. The proposed amendments to the elevator rule limit customer choice and increase marginal installation and sustainment costs for a building owner/operator due to an inability to secure the preferred equipment. NEII recommends the Department not proceed with the proposed amendments to ASME A17.1 section 3.7 in R408.7041 (Rule 41) and ASME A17.1 section 3.19.4.5 in R408.7046 (Rule 46) to ensure a full range of choice for consumers in the selection of elevator equipment.

## **Unique Elevator Regulations in the State of Michigan**

NEII urges the Department to reconsider Michigan-specific amendments to ASME A17.1 that are unique to the state and which do not provide any discernable public benefit or demonstrable improvement in the safety of industry personnel. In two instances, the proposed amendments would establish rules in Michigan that have no precedent, are not contained in the consensus model code, and are not imposed in any other jurisdiction in North America.

The Department proposes to amend R408.7041 (Rule 41) concerning machinery spaces, machine rooms, control spaces, and control rooms to require machine rooms and control rooms, as well as disconnecting means, to be located within 25 feet of the hoistway. The distance is arbitrary and has no analogue in fire or other codes related to the regulation of elevators. Similarly, the Department proposes to retain the three-year inspection and test requirement for cylinders in hydraulic equipment contained in R408.7060 (Rule 60). The three-year testing requirement for cylinders merely adds cost to the life-cycle management of the equipment for no demonstrable public safety benefit.

NEII urges the Department to reconsider requirements unique to Michigan that add costs and inefficiency to the management of these building transportation systems.

## **Conclusion**

NEII appreciates the opportunity to comment on the proposed amendments to the elevator rule. We believe there remain opportunities to improve the rule for the betterment of public safety and the safety of industry personnel, to foster innovation, to remove inefficiencies in administration and in building design, and to increase customer choice. Taken together, NEII's recommendations will result in a more effective regulatory environment in Michigan. NEII staff and member companies are available to provide any additional information as needed.

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National Elevator Industry, Inc.  
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MIKE JANCA  
BUSINESS MANAGER

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## **INTERNATIONAL UNION OF ELEVATOR CONSTRUCTORS**

AFFILIATED WITH THE AFL-CIO

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February 3, 2022

ATTN: Administrative Services Division  
Amanda Johnson, Rules Analyst

REF: Proposed Changes of Michigan Elevator Rules

IUEC Local 85 is in agreement with the changes that are proposed to the rule set 2019-138 LR.

Thank you,

Tony Worth  
President  
IUEC Local 85

Greetings,

In regards to the Notice of Public Comment for the Rule Set 2019-138 LR; Administrative Rules for Elevators. As President of Local 36, International Union of Elevator Constructors, Detroit, Michigan, I recommend adoption of the rules proposed as a continuation and progression of past Rules Sets that would further the standards of safety for those who interact with conveyances within the State of Michigan. This is for the benefit for the general public and the citizens of the State of Michigan.

Thank you for your time and consideration,

Russell O'Donnell

President, Local 36

International Union of Elevator Constructors

Detroit, Michigan