

ELEVATOR SAFETY ACT

**North Carolina General Statutes
Chapter 95, Article 14A**

AND

ADMINISTRATIVE RULES

**North Carolina Administrative Code
Title 13, Chapter 15**

With Revisions Through September 2007



**Elevator and Amusement Device Bureau
1101 Mail Service Center
Raleigh, North Carolina 27699-1101
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**Cherie K. Berry
Commissioner of Labor**

Introduction

The Elevator and Amusement Device Bureau is responsible for the proper installation and safe operation of all elevators, escalators, workman's hoists, dumbwaiters, moving walks, aerial passenger tramways, amusement rides, incline railways and lifting devices for persons with disabilities that operate in public establishments (except federal buildings) and private places of employment. More than 28,000 inspections are conducted annually by the Bureau, which first undertook its periodic safety code inspection program in 1938. It now operates under a set of laws passed by the N.C. General Assembly in 1986 – the Elevator Safety Act of North Carolina (Chapter 95, Article 14A of the N.C. General Statutes) and the Amusement Device Safety Act of North Carolina (Chapter 95, Article 14B of the N.C. General Statutes).

Any company or persons wanting to erect any equipment under the Bureau's jurisdiction, except amusement rides, must submit prints and applications for approval before any installation is begun. Any company or person wanting to operate amusement devices is required to submit a location notice in writing to the bureau's Raleigh office at least ten (10) days prior to the intended date of operation. The Bureau will issue an installation permit, which must be posted on the job site. All new installations, as well as all alterations to existing equipment, are inspected. In addition Bureau personnel conduct regular, periodic inspections of all such operating equipment in the state and inspect amusement rides before they operate at each location. Employers, institutions such as churches, and private individuals who desire technical assistance in selecting and installing safe lifting devices for persons with disabilities may acquire help from the Bureau. The Bureau also offers architects and builders the service of reviewing plans for code compliance on proposed installations of elevators and related equipment.

This publication contains the Elevator Safety Act of North Carolina and the Administrative Rules contained in the N.C. Administrative Code which govern these laws. It is intended to be used by owners and operators of equipment and devices covered under these laws, as well as employees of such owners and operators, in order to inform them of their rights and obligations with regard to ensuring the safe operation of such equipment and devices in North Carolina. Our experience shows that most businesses and workers want to comply with the labor laws of the State, and will generally do so when they know what the laws provide. We hope the use of this publication will help build the spirit of cooperation and fairness which currently characterizes most workplaces in North Carolina. That gives our State a more effective and productive workforce with which to maintain our competitive national economic position.

We encourage and solicit public comments concerning these laws and regulations. Please direct your comments and questions to the Elevator and Amusement Device Bureau, N.C. Department of Labor, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101.

Cherie K. Berry
Commissioner of Labor

September 2007

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NORTH CAROLINA DEPARTMENT OF LABOR

ELEVATOR SAFETY ACT OF NORTH CAROLINA

§ 95-110.1. Short title and legislative purpose.

(a) This Article shall be known as the Elevator Safety Act of North Carolina.

(b) The General Assembly finds that the use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury to employees and the public exposed to unsafe conditions and that prevention of these injuries and protection of employees and the public from unsafe conditions is in the best interests and welfare of the people of the State. (1985 (Reg. Sess., 1986), c. 990, s. 1.)

§ 95-110.2. Scope.

This Article shall govern the design, construction, installation, plans review, testing, inspection, certification, operation, use, maintenance, alteration, relocation and investigation of accidents involving:

- (1) Elevators, dumbwaiters, escalators, and moving walks;
- (2) Personnel hoists;
- (3) Inclined stairway chair lifts;
- (4) Inclined and vertical wheelchair lifts;
- (5) Manlifts; and
- (6) Special equipment.

This Article shall not apply to devices and equipment located and operated in a single family residence, to conveyors and related equipment within the scope of the American National Standard Safety Standard for Conveyors and Related Equipment (ANSI/ASME B20.1) constructed, installed and used exclusively for the movement of materials, or to mining equipment specifically covered by the Federal Mine Safety and Health Act or the Mine Safety and Health Act of North Carolina or the rules and regulations adopted pursuant thereto. (1985 (Reg. Sess., 1986), c. 990, s. 1.)

§ 95-110.3. Definitions.

(a) The term "Commissioner" shall mean the North Carolina Commissioner of Labor or his authorized representative.

(b) The term "Director" shall mean the Director of the Elevator and Amusement Device Division of the North Carolina Department of Labor.

(c) The term "dumbwaiter" shall mean a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction, the floor area of which does not exceed nine square feet, the total inside height of which, whether or not provided with fixed or removable shelves, does not exceed four feet, the capacity of which does not exceed 500 pounds, and which is used exclusively for carrying materials.

(d) The term "elevator" shall mean a hoisting and lowering mechanism equipped with a car or platform which moves in guides, and which serves two or more floors of a building or structure.

(e) The term "escalator" shall mean a power driven, inclined continuous stairway used for raising and lowering passengers.

(f) The term "inclined stairway chair lift" shall mean a hoisting and lowering mechanism with one or more chairs or a platform for one or more wheelchairs installed on a stairway for the purpose of transporting a physically disabled person.

(g) The term "inclined or vertical wheelchair lift" shall mean a powered platform-elevating device used to transport a physically disabled person in a wheelchair.

(h) The term "manlift" shall mean platforms or brackets and accompanying handholds, mounted on, or attached to, an endless belt operating vertically in one direction only and being supported by, and driven through, pulleys at the top and bottom and intended primarily for the conveyance of persons.

(i) The term "moving walk" shall mean a type of passenger carrying device on which passengers stand or walk and in which the passenger carrying surface remains parallel to its direction of motion and is uninterrupted.

(j) The term "operator" shall mean any person having direct control over the operation of any covered device or equipment.

(k) The term "owner" shall mean any person or authorized agent of such person who owns a device or equipment subject to regulation under this Article, or in the event the device or equipment is leased, the lessee. The term "owner" also shall include the State of North Carolina or any political subdivision thereof or any unit of local government.

(l) The term "person" shall mean any individual, association, partnership, firm, corporation, private organization, or the State of North Carolina or any political subdivision thereof or any unit of local government.

(m) The term "personnel hoist" shall mean an elevator installed inside or outside of buildings during construction, alteration or demolition and used primarily to raise and lower workers and other persons connected with or related to the building project.

(n) The term "special equipment" shall mean any permanently or semi-permanently located device, manually or power-operated, used for moving or lifting person or persons and materials but not considered as an elevator, escalator, dumbwaiter, moving walk, personnel hoist, inclined stairway chair lift, inclined or vertical wheelchair lift, or manlift. Special equipment shall include, but not be limited to, manhoists, lift bridges, elevators which are used only for handling building materials and workmen during construction, and stage and orchestra lifts. (1985 (Reg. Sess., 1986), c. 990, s. 1.)

§ 95-110.4. Elevator and Amusement Device Division established.

There is hereby created an Elevator and Amusement Device Division within the Department of Labor. The Commissioner shall appoint a director of the Elevator and Amusement Device Division and such other employees as the Commissioner deems necessary to assist the director in administering the provisions of this Article. (1985 (Reg. Sess., 1986), c. 990, s. 1.)

§ 95-110.5. Powers and duties of Commissioner.

The Commissioner of Labor is hereby empowered:

- (1) To delegate to the Director of the Elevator and Amusement Device Division such powers, duties and responsibilities as the Commissioner determines will best serve the public interest in the safe operation of lifting devices and equipment;
- (2) To supervise the Director of the Elevator and Amusement Device Division;

- (3) To adopt, modify, or revoke such rules and regulations as are necessary for the purpose of carrying out the provisions of this Article including, but not limited to, those governing the design, construction, installation, plans review, testing, inspection, certification, operation, use, maintenance, alteration and relocation of devices and equipment subject to the provisions of this Article. The rules and regulations promulgated pursuant to this rulemaking authority shall conform with good engineering practice as evidenced generally by the most recent editions of the American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, the National Electrical Code, the American National Standard Safety Requirements for Personnel Hoists, the American National Standard Safety Code for Manlifts, the American National Standard Safety Standard for Conveyors and Related Equipment and similar codes promulgated by agencies engaged in research concerning strength of material, safe design, and other factors bearing upon the safe operation of the devices and equipment subject to the provisions of this Article. The rules and regulations may apply different standards to devices and equipment subject to this Article depending upon their date of installation. The rules and regulations for special equipment shall not adopt specifically any portion of the American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks to inclined and vertical reciprocating conveyors;
- (4) To enforce rules and regulations adopted under authority of this Article;
- (5) To inspect and have tested for acceptance all new, altered or relocated devices or equipment subject to the provisions of this Article;
- (6) To make maintenance and periodic inspections and tests of all devices and equipment subject to the provisions of this Article as often as every six months;
- (7) To issue certificates of operation which certify for use such devices and equipment as are found to be in compliance with this Article and the rules and regulations promulgated thereunder;
- (8) To have free access, with or without notice, to the devices and equipment subject to the provisions of this Article, during reasonable hours, for purposes of inspection or testing;
- (9) To obtain an Administrative Search and Inspection Warrant in accordance with the provisions of Article 4A of Chapter 15 of the General Statutes;
- (10) To investigate accidents involving the devices and equipment subject to the provisions of this Article to determine the cause of such accident, and he shall have full subpoena powers in conducting such investigation;
- (11) To institute proceedings in the civil or criminal courts of this State, when a provision of this Article or the rules and regulations promulgated thereunder has been violated;
- (12) To issue a limited certificate of operation for any device or equipment subject to the provisions of this Article to allow the temporary or restricted use thereof;
- (13) To adopt, modify or revoke rules and regulations governing the qualifications of inspectors;

- (14) To grant exceptions from the requirements of the rules and regulations promulgated under authority of this Article and to permit the use of other devices when such exceptions and uses will not expose the public to an unsafe condition likely to result in serious personal injury or property damage;
- (15) To require that a construction permit must be obtained from the Commissioner before any device or equipment subject to the provisions of this Article is installed, altered or moved from one place to another and to require that the Commissioner must be supplied with whatever plans, diagrams or other data he deems necessary to determine whether or not the proposed construction is in compliance with the provisions of this Article and the rules and regulations promulgated thereunder;
- (16) To prohibit the use of any device or equipment subject to the provisions of this Article which is found upon inspection to expose the public to an unsafe condition likely to cause personal injury or property damage. Such device or equipment shall be made operational only upon the Commissioner's determination that such device or equipment has been made safe;
- (17) To order the payment of all civil penalties provided by this Article. Funds collected pursuant to a civil penalty order shall be deposited with the State Treasurer;
- (18) To require that any device or equipment subject to the provisions of this Article which has been out-of-service and not continuously maintained for one or more years shall not be returned to service without first complying with all rules and regulations governing existing installations; and
- (19) To coordinate enforcement and inspection activity relative to equipment, devices and operations covered by this Article in order to minimize duplication of liability or regulatory responsibility on the part of the employer or owner.
- (20) To establish fees not to exceed two hundred dollars (\$200.00) for the inspection and issuance of certificates of operation for all devices and equipment subject to this Article upon installation or alteration, for each follow-up inspection, and for annual periodic inspections thereafter. (1985 (Reg. Sess., 1986), c. 990, s. 1; 1995, c. 217, s. 2; 2001-427, s. 11(e).)

§ 95-110.6. Noncomplying devices and equipment; appeal.

(a) Whenever the Commissioner determines that a device or equipment is subject to the provisions of this Article, and that the operation of such device or equipment is exposing the public to an unsafe condition likely to result in serious personal injury or property damage, he may immediately order in writing that the use of the device or equipment be stopped or limited until such time as he determines that the device or equipment has been made safe for use by the public.

(b) Whenever the Commissioner determines that the provisions of this Article or the rules and regulations promulgated thereunder have not been complied with, he may refuse to issue or renew or may revoke, suspend or amend a certificate of operation.

(c) Whenever action is taken under this section, the affected party shall be given notice of the availability of an administrative hearing and of judicial review in accordance with Chapter

150B of the General Statutes, the Administrative Procedure Act. (1985 (Reg. Sess., 1986), c. 990, s. 1.)

§ 95-110.7. Operation without certificate; operation not in accordance with Article or rules and regulations; operation after refusal to issue or after revocation of certificate.

(a) No person shall operate or permit to be operated or use any device or equipment subject to the provisions of this Article without a valid certificate of operation unless the absence of a valid certificate is the result of the Commissioner's failure to inspect such device.

(b) No person shall operate or permit to be operated or use any device or equipment subject to the provisions of this Article otherwise than in accordance with this Article and the rules and regulations promulgated thereunder.

(c) No person shall operate or permit to be operated or use any device or equipment subject to the provisions of this Article after the Commissioner has refused to issue or has revoked the certificate of operation for such device or equipment. (1985 (Reg. Sess., 1986), c. 990, s. 1.)

§ 95-110.8. Operation of unsafe device or equipment.

No person shall operate, permit to be operated or use any device or equipment subject to the provisions of this Article if such person knows or reasonably should know that such operation or use will expose the public to an unsafe condition which is likely to result in personal injury or property damage. (1985 (Reg. Sess., 1986), c. 990, s. 1.)

§ 95-110.9. Reports required.

(a) The owner of any device or equipment regulated under the provisions of this Article, or his authorized agent, shall within 24 hours notify the Commissioner of each and every occurrence involving such device or equipment when:

- (1) The occurrence results in death or injury requiring medical treatment, other than first aid, by a physician. First aid means the one time treatment or observation of scratches, cuts not requiring stitches, burns, splinters and contusions or a diagnostic procedure, including examination and x-rays, which does not ordinarily require medical treatment even though provided by a physician or other licensed personnel; or
- (2) The occurrence results in damage to the device indicating a substantial defect in design, mechanics, structure or equipment, affecting the future safe operation of the device. No reporting is required in the case of normal wear and tear.

(b) The Commissioner, without delay, after notification and determination that an occurrence involving injury or damage as specified in subsection (a) has occurred, shall make a complete and thorough investigation of the occurrence. The report of the investigation shall be placed on file in the office of the division and shall give in detail all facts and information available. The owner may submit for inclusion in the file results of investigations independent of the department's investigation.

(c) No person, following an occurrence as specified in subsection (a), shall operate, attempt to operate, use or move or attempt to move such device or equipment, or part thereof, without the approval of the Commissioner, unless so as to prevent injury to any person or persons.

(d) No person, following an occurrence as specified in subsection (a), shall remove or attempt to remove from the premises any damaged or undamaged part of such device or

equipment or repair or attempt to repair any damaged part necessary to a complete and thorough investigation. The department must initiate its investigation within 24 hours of being notified. (1985 (Reg. Sess., 1986), c. 990, s. 1.)

§ 95-110.10. Violations; civil penalties; appeals.

(a) Any person who violates G.S. 95-110.7(a) or (b) (Operation without certificate; operation not in accordance with Article or rules and regulations) shall be subject to a civil penalty not to exceed two hundred fifty dollars (\$250.00) for each day each device or equipment is so operated or used.

(b) Any person who violates G.S. 95-110.7(c) (Operation after refusal to issue or after revocation of certificate) or G.S. 95-110.9(c) (Reports required) shall be subject to a civil penalty not to exceed five hundred dollars (\$500.00) for each day any such device or equipment is operated or used.

(c) Any person who violates the provisions of G.S. 95-110.9(d) (Reports required) shall be subject to a civil penalty not to exceed five hundred dollars (\$500.00).

(d) In determining the amount of any penalty ordered under authority of this section, the Commissioner shall give due consideration to the appropriateness of the penalty with respect to the size of the business of the person being charged, the gravity of the violation, the good faith of the person and the record of previous violations.

(e) The determination of the amount of the penalty by the Commissioner shall be final, unless within 15 days after receipt of notice thereof by certified mail with return receipt, by signature confirmation as provided by the U.S. Postal Service, by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2) with delivery receipt, or via hand delivery, the person charged with the violation takes exception to the determination in which event the final determination of the penalty shall be made in an administrative proceeding and in a judicial proceeding pursuant to Chapter 150B of the General Statutes, the Administrative Procedure Act.

(f) The Commissioner may file in the office of the clerk of the superior court of the county wherein the person, against whom a civil penalty has been ordered, resides, or if a corporation is involved, in the county wherein the corporation maintains its principal place of business, or in the county wherein the violation occurred, a certified copy of a final order of the Commissioner unappealed from, or of a final order of the Commissioner affirmed upon appeal. Whereupon, the clerk of said court shall enter judgment in accordance therewith and notify the parties. Such judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same, as though said judgment had been rendered in a suit duly heard and determined by the superior court of the General Court of Justice. (1985 (Reg. Sess., 1986), c. 990, s. 1; 2003-308, s. 3; 2007-231, s. 7.)

§ 95-110.11. Violations; criminal penalties.

(a) Any person who violates G.S. 95-110.8 (Operation of unsafe device or equipment) shall be guilty of a Class 2 misdemeanor.

(b) Any person misrepresenting himself as an authorized inspector administering or enforcing the provisions of this Article or the rules and regulations promulgated thereunder shall be guilty of a Class 2 misdemeanor.

(c) Any person knowingly making a material and false statement, representation or certification in any application, record, report, plan or any other document filed or required to be

maintained pursuant to this Article or the rules and regulations promulgated thereunder shall be guilty of a Class 2 misdemeanor which may include a fine of up to five thousand dollars (\$5,000). (1985 (Reg. Sess., 1986), c. 990, s. 1; 1993, c. 539, s. 669; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 95-110.12. Legal representation.

It shall be the duty of the Attorney General of North Carolina, when requested, to represent the Department of Labor in actions or proceedings in connection with this Article or the rules and regulations promulgated thereunder. (1985 (Reg. Sess., 1986), c. 990, s. 1.)

§ 95-110.13. Authorization for similar safety and health federal-State programs.

Consistent with the requirements and conditions provided in this Article and the rules and regulations promulgated thereunder, the State, upon recommendation of the Commissioner of Labor, may enter into agreements or arrangements with appropriate federal agencies for the purpose of administering the enforcement of federal statutes and rules and regulations governing devices and equipment subject to the provisions of this Article. (1985 (Reg. Sess., 1986), c. 990, s. 1.)

§ 95-110.14. Confidentiality of trade secrets.

All information reported to or otherwise obtained by the Commissioner or his agents or representatives in connection with any inspection or proceeding under this Article or the rules and regulations promulgated thereunder which contains or might reveal a trade secret shall be considered confidential, except as to carrying out this Article and the rules and regulations promulgated thereunder, or when it is relevant in any proceeding under the same. In any such proceeding the Commissioner or the court shall issue such orders as may be appropriate to protect the confidentiality of trade secrets. (1985 (Reg. Sess., 1986), c. 990, s. 1.)

§ 95-110.15. Construction of Article and rules and regulations and severability.

This Article and the rules and regulations promulgated thereunder shall receive a liberal construction to the end that the welfare of the people may be protected. If any provisions of either or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect those provisions or applications which can be given effect without the invalid provision or application, and to that end the provisions of this Article are severable. (1985 (Reg. Sess., 1986), c. 990, s. 1.)

**NORTH CAROLINA DEPARTMENT OF LABOR
ELEVATOR SAFETY ACT OF NORTH CAROLINA**

ADMINISTRATIVE RULES

(Revised as of September 1, 2007)

N.C. ADMINISTRATIVE CODE

TITLE 13, CHAPTER 15

SECTION .0100 – GENERAL PROVISIONS

13 NCAC 15 .0101 ELEVATOR AND AMUSEMENT DEVICE DIVISION

The main office of the Elevator and Amusement Device Division, which administers the provisions of Article 14, Article 14A, Article 14B and Article 15 of Chapter 95 of the North Carolina General Statutes, is located in the Raleigh office of the North Carolina Department of Labor. The mailing address and telephone number are:

Elevator and Amusement Device Division
North Carolina Department of Labor
1101 Mail Service Center
Raleigh, North Carolina 27699-1101
(919) 807-2770

*History Note: Authority G.S. 95-110.4; 95-110.5; 95-111.4; 95-120;
Eff. August 1, 1987;
Amended Eff. December 1, 2004.*

13 NCAC 15 .0102 APPLICABILITY

The requirements of this Chapter shall be applicable to the design, construction, installation, plans review, testing, inspection, certification, operation, use, maintenance, alteration, and relocation of, and investigation of accidents involving devices and equipment subject to Articles 14, 14A, 14B and 15 of Chapter 95 of the North Carolina General Statutes as hereinafter specified.

*History Note: Authority G.S. 95-110.5; 95-111.4; 95-120;
Eff. August 1, 1987.*

13 NCAC 15 .0103 DEFINITIONS

- (a) The definitions found in G.S. 95-110.3, 95-111.3 and 95-117 are applicable throughout this Chapter unless a different meaning is plainly required by the context.
- (b) The following definitions also apply throughout this Chapter.
- (1) The term "alteration" means any change made to an existing device or piece of equipment other than the repair or replacement of damaged, worn or other parts necessary for operation.

- (2) The term "division" means the Elevator and Amusement Device Division of the North Carolina Department of Labor.
- (3) The term "existing installation" means any device or equipment, the application for the installation of which was filed with the department or the installation of which was completed before the effective date of the rules and regulations which are currently in effect.
- (4) The term "new installation" means any device or equipment, the application for the installation or relocation of which is filed with the department on or after the effective date of these rules and regulations.

History Note: Authority G.S. 95-110.3; 95-110.5; 95-111.3; 95-111.4; 95-117; 95-120; Eff. August 1, 1987; Amended Eff. December 1, 2004.

13 NCAC 15 .0104 NOTIFICATION OF DECISION BY OWNER OR OPERATOR

(a) Whenever the owner or operator of any device or equipment has received an order from the Commissioner that the use of the device or equipment should be stopped or limited pursuant to G.S. 95-110.6, 95-111.6, or 95-123, he shall notify the Director in writing within 15 days of receipt of such order:

- (1) certifying that the device or equipment has been repaired or altered in compliance with the Commissioner's specifications;
- (2) indicating his intention to comply with the standards of safety for such devices or equipment with the understanding that:
 - (A) the use of the device or equipment will be limited as specified by the Commissioner's order;
 - (B) the certificate of operation is suspended until the device or equipment has been repaired or altered in compliance with the Commissioner's specifications; or
 - (C) the certificate of operation has been permanently revoked; or
- (3) requesting a hearing pursuant to Chapter 150B of the General Statutes.

(b) Where the owner or operator fails to notify the Director within 15 days of receipt of the order or refuses to discontinue or limit operation of the device or equipment, the Director may obtain injunctive relief on behalf of the Commissioner.

History Note: Authority G.S. 95-110.5; 95-110.6; 95-111.4; 95-111.6; 95-120; 95-123; Eff. August 1, 1987.

13 NCAC 15 .0105 NOTATION OF SUSPENSION OR REVOCATION

History Note: Authority G.S. 95-110.5; 95-110.6; 95-111.4; 95-111.6; 95-120; 95-124; Eff. August 1, 1987; Repealed Eff. April 1, 2001.

13 NCAC 15 .0106 OCCURRENCE REPORTING FOR TRAMWAYS

(a) The owner of any aerial passenger tramway shall within 24 hours notify the Director of each and every occurrence involving such device or equipment when:

- (1) The occurrence results in death or injury requiring medical treatment, other than first aid, by a physician. First aid means the one-time treatment or observation of scratches, cuts not requiring stitches, burns, splinters and contusions or a diagnostic procedure, including examination and x-rays, which does not ordinarily require medical treatment even though provided by a physician or other licensed personnel; or
 - (2) The occurrence results in a damage to the device indicating a substantial defect in design, mechanics, structure or equipment, affecting the future safe operation of the device. No reporting is required in the case of normal wear and tear.
- (b) The Director, without delay, after notification and determination that an occurrence involving injury or damage as specified in Subsection (a) has occurred, shall make a complete and thorough investigation of the occurrence. The report of the investigation shall be placed on file in the office of the Division and shall give in detail all facts and information available. The owner may submit for inclusion in the file results of investigations independent of the department's investigation.
- (c) No person, following an occurrence as specified in Subsection (a), shall operate, attempt to operate, use or move or attempt to move such device or equipment, or part thereof, without the approval of the Director, unless so as to prevent injury to any person or persons.
- (d) No person, following an occurrence as specified in Subsection (a), shall remove or attempt to remove from the premises any damaged or undamaged part of such device or equipment or repair or attempt to repair any damaged part necessary to a complete and thorough investigation. The department must initiate its investigation within 24 hours of being notified.

*History Note: Authority G.S. 95-120; 95-122;
Eff. August 1, 1987.*

13 NCAC 15 .0107 EXCEPTIONS AND SPECIAL DEVICES

The Director may at his discretion grant exceptions from the requirements of this Chapter or permit the use of other devices. Requests for exceptions or use of special devices shall contain specific information detailing how the exception or use of a special device will provide equivalent safety as the original design or device. Exceptions or the use of special devices shall be considered only when made by written request. All requests for exceptions or use of special devices shall be given due consideration by the Director and a decision rendered within ten days of receipt of such request whenever possible. Where the investigation of such requests makes it impossible to render a decision within the time specified, the person making the request shall be notified of the delay within ten days.

*History Note: Authority G.S. 95-110.5; 95-111.4; 95-120;
Eff. August 1, 1987.*

SECTION .0200 – CODES AND STANDARDS

13 NCAC 15 .0201 NEW INSTALLATIONS OF ELEVATORS, ESCALATORS, DUMBWAITERS AND MOVING WALKS

(a) The design, construction, installation, inspection, and operation of all new installations of elevators, dumbwaiters, escalators, and moving walks, shall conform to the rules in this Section

and the A17.1 - American National Standard Safety Code for Elevators and Escalators, which is incorporated by reference subject to the modifications provided in Paragraph (b) of this Rule. This incorporation includes subsequent amendments and editions of the Code.

(b) The provisions of the A17.1 - American National Standard Safety Code for Elevators and Escalators shall be subject to the following modifications:

- (1) Rule 2.1.2.1 – Observation Elevators Not Fully Enclosed. Change the rule to read as follows: For observation elevators which are not fully enclosed, protection at landings shall be provided as follows:
 - (A) An enclosure shall be provided which shall extend a minimum of ten (10) feet above the floor.
 - (B) The enclosure shall be constructed of unperforated material.
 - (C) Enclosures shall be located in the general line of the hoistway. Horizontal clearance shall be the same as stated in Section 2.5.
- (2) Rule 3.18.3.4 – Safety Bulkhead. Change the rule to read as follows:
 - (A) For new installations only, cylinders buried in the ground shall be provided with a safety bulkhead having an orifice of a size that would permit the car to descend at a speed not greater than 0.075 m/s (14 ft/min), nor less than 0.025 m/s (5 ft/min). A space of not less than 25 mm (1 in.) shall be left between the welds of the safety bulkhead and the other cylinder head. Safety bulkheads shall conform to 3.18.3.6.
 - (B) For existing installations only, cylinders buried in the ground do not have to be provided with a safety bulkhead of the type referred to in Part (A) of this Paragraph, provided that the following conditions are met:
 - (i) The relief valve setting and system pressure test prescribed by 8.11.3.2.1, and the cylinder test prescribed by 8.11.3.2.2, are each performed two times per year; and
 - (ii) After each of the tests referred to Subpart (i) of this Part, have been performed successfully, the test tag prescribed by 8.11.1.6 shall be installed in the machine room.
 - (C) A safety bulkhead shall not be required where a double cylinder is used and where both inner and outer cylinders conform to 3.18.3.

(c) The rules of this Chapter shall control when any conflict between these Rules and the A17.1 - American National Standard Safety Code for Elevators and Escalators exists.

(d) Copies of the A17.1 - American National Standard Safety Code for Elevators and Escalators are available for public inspection in the office of the Division, and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at United Engineering Center, 345 East 47th Street, New York, New York 10017, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is one-hundred ninety-five dollars (\$195.00) per copy.

History Note: Authority G.S. 95-110.5;

Eff. August 1, 1987;

Amended Eff. May 1, 1992;

Temporary Amendment Eff. January 1, 2000;

Amended Eff. December 1, 2004; July 1, 2003; April 1, 2001.

13 NCAC 15 .0202 EXISTING INSTALLATIONS OF ELEVATORS, ESCALATORS, DUMBWAITERS AND MOVING WALKS, ALTERATIONS, REPAIRS AND EXCEPTIONS

(a) Existing Installations. Existing installations of elevators, escalators, dumbwaiters, and moving walks shall be maintained under the departmental standards (if any) in effect at the time of their installation. Existing installations shall also meet the following standards, whether or not there were departmental standards in effect at the time of their installation:

- (1) Electrically-powered elevator driving machines shall be equipped with a friction brake applied by a spring or springs or by gravity and released electrically.
- (2) The car of every elevator suspended by wire ropes shall be provided with one or more safety devices. The safeties shall be attached to the car frame and one safety shall be located within or below the lowest members of the car frame (safety plank). All safeties shall be designed and installed in accordance with Section 2.17 of the A17.1 - American National Standard Safety Code for Elevators and Escalators.
- (3) Operating devices for electrically-powered or electrically-controlled elevators shall be of the enclosed electric type. Rope or rod operating devices activated directly by hand, or rope operating devices activated by wheels, levers or cranks shall not be used.
- (4) Elevator hoistways shall be enclosed throughout their height and all hoistway landing openings shall be protected with doors or gates. Hoistway enclosures shall be constructed to have a fire resistive rating of not less than one hour.
- (5) Hoistway enclosure doors or gates shall be equipped with electric interlocks.
- (6) Each elevator car shall be permanently enclosed on all sides and the top, except the sides for entrance and exit. Car side enclosures shall be of such strength and so designed and installed that when subjected to a pressure of 75 pounds applied horizontally at any point on the walls of the enclosure, the deflection will not exceed one inch.
- (7) Car top enclosures shall be so designed and installed as to be capable of sustaining a load of not less than 100 pounds at any one point.
- (8) An emergency exit with a cover shall be provided in the top of all elevator cars. The exit opening shall have an area of not less than 400 square inches and shall not measure less than 16 inches on any side. The exit shall be so located as to provide a clear unobstructed passage through it. The exit cover shall open outward and be hinged or otherwise attached to the car top and arranged to be opened from the top of the car only.
- (9) A door or gate shall be provided at each entrance to the car.
- (10) Doors shall be of the horizontally or vertically sliding type. Gates shall be of the vertically sliding or horizontally sliding collapsible type located not more than 1-3/4 inches from the car sill. Gates shall extend from a point not less than one inch above the car floor to not less than six feet above the car floor.
- (11) Vertically sliding gates when in the fully opened position shall provide an entrance of not less than six feet in height. Such gates shall be provided with pull straps to facilitate closing of the gate.

- (12) Each car door shall be equipped with a car door or gate electric contact so located as to be inaccessible from inside the car door and shall stop the car when the gate is opened a maximum of two inches.

The completion of any of the items in Subparagraphs (a)(1) through (12) of this Rule that increases the gross load of the elevator shall not reduce the safety factor of the driving machine below that required by Rule 2.24.3 of the A17.1 - American National Standard Safety Code for Elevators and Escalators.

(b) Exceptions. Existing elevators in warehouses of not more than two floors that are not accessible to the general public are exempt from Subparagraphs (a)(4) through (12) of this Rule providing that all of the following conditions are met:

- (1) The warehouse shall be used solely for the purpose of storing materials and products.
- (2) Hoistways that are not fully enclosed shall be protected by guards to prevent access to the hoistways by other than elevator personnel.
- (3) All capabilities of operating the elevator from the car or platform shall be removed.
- (4) Riders shall not be permitted to ride the car or platform.
- (5) A sign stating "Absolutely No Riders Permitted" in letters no less than one inch high on a contrasting background shall be posted at each entrance to the elevator.

(c) If an existing installation meets the requirements of Paragraph (a) of this Rule, it shall be issued a regular certificate of operation pursuant to Rule .0306 of this Chapter. If an existing installation is maintained under the departmental standards (if any) in effect at the time of its installation and is not exposing the public to an unsafe condition likely to result in serious personal injury or property damage, but does not meet the twelve standards specifically set out in Paragraph (a) of this Rule, it shall be issued a certificate of operation containing the following statement:

"Warning: This elevator has been inspected and found to be in a reasonably safe condition; however, it is not equipped with some of the safety features now required by the Department of Labor."

If the existing installation is not in compliance with the requirements of Paragraph (a) of this Rule, the following sign in letters no less than one inch high on a contrasting background shall be posted within and at each entrance to the elevator:

"Riders prohibited -- only a trained operator may ride this elevator."

(d) Units of existing installations which are out-of-service and not continuously maintained for a period exceeding one year shall be properly landed by complying with the following:

- (1) Land both car and counterweight (if any) at the bottom of the hoistway. Elevators of the roped type shall have their hoist ropes disconnected at both ends.
- (2) All electric power shall be removed by disconnecting and removing the power feeders.
- (3) All hoistway entrances shall be permanently secured to prevent accidental or inadvertent entry into the hoistway.

Any elevator, dumbwaiter, escalator or moving walk that has been properly landed or otherwise removed from service for a period exceeding one year shall comply with the requirements of the A17.3 - American National Standard Safety Code for Existing Elevators and Escalators in effect at the time they are returned to service, which is hereby incorporated by reference. This incorporation includes subsequent amendments and editions of this Code. Copies of the A17.3 -

American National Standard Safety Code for Existing Elevators and Escalators are available for public inspection in the office of the Division, and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at United Engineering Center, 345 East 47th Street, New York, New York 10017, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is seventy-five dollars (\$75.00) per copy.

(e) Alterations, repairs, replacement, maintenance, inspections and operation of existing installations of elevators, escalators, dumbwaiters or moving walks shall conform to the requirements of Sections 8.6 and 8.7 of the A17.1 - American National Standard Safety Code for Elevators and Escalators.

*History Note: Authority G.S. 95-110.5;
Eff. August 1, 1987;
Amended Eff. January 1, 2005; May 1, 1992.*

13 NCAC 15 .0203 SAFETY STANDARD FOR MANLIFTS

(a) The design, construction, installation, alteration, repair, replacement, inspection, maintenance and operation of all manlifts shall conform to the rules in this Section and the A90.1 - American National Standard Safety Standard for Manlifts, which is hereby incorporated by reference. This incorporation includes subsequent amendments and editions of this Code.

(b) The rules of this Chapter shall control when any conflict between these rules and the A90.1 - American National Standard Safety Standard for Manlifts exists.

(c) Copies of the A90.1 - American National Standard Safety Standard for Manlifts are available for inspection at the offices of the Division and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at United Engineering Center, 345 East 47th Street, New York, New York 10017, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost if fifty dollars (\$50.00) per copy.

*History Note: Authority G.S. 95-110.5;
Eff. August 1, 1987;
Amended Eff. December 1, 2004; May 1, 1992.*

13 NCAC 15 .0204 PERSONNEL HOISTS CODE

(a) The design, construction, installation, alteration, repair, replacement, inspection and operation of all personnel hoists shall conform to the rules in this Section and the A10.4 - American National Standard Safety Requirements for Personnel Hoists, which is hereby incorporated by reference. This incorporation includes subsequent amendments and editions of this Code.

(b) The rules of this Chapter shall control when any conflict between these rules and the A10.4 - American National Standard Safety Requirements for Personnel Hoists exists.

(c) Copies of the A10.4 - American National Standard Safety Requirements for Personnel Hoists are available for inspection at the offices of the Division and may be obtained from the American National Standards Institute (ANSI), via U.S. Mail at 11 West 42nd Street, New York, New York 10036, via telephone at (212) 642-4980, or via the internet at www.ansi.org. The cost is fifty-three dollars (\$53.00) per copy.

History Note: Authority G.S. 95-110.5;

Eff. August 1, 1987;
Amended Eff. December 1, 2004; May 1, 1992.

13 NCAC 15 .0205 TRAMWAY REQUIREMENTS

(a) The construction, operation and maintenance of all passenger tramways shall conform to the rules in this Section and the B77.1 - American National Standards Safety Requirements for Aerial Passenger Tramways, which is hereby incorporated by reference. This incorporation includes subsequent amendments and editions of this Code.

(b) The rules of this Chapter shall control when any conflict between these Rules and the B77.1 - American National Standards Safety Requirements for Aerial Passenger Tramways exists.

(c) Copies of the B77.1 - American National Standards Safety Requirements for Aerial Passenger Tramways are available for inspection at the offices of the Division and may be obtained from the American National Standards Institute (ANSI), via U.S. Mail at 11 West 42nd Street, New York, New York 10036, via telephone at (212) 642-4980, or via the internet at www.ansi.org. The cost is ninety-four dollars (\$94.00) per copy.

History Note: Authority G.S. 95-120;
Eff. August 1, 1987;
Amended Eff. December 1, 2004; May 1, 1992.

13 NCAC 15 .0206 NATIONAL ELECTRICAL CODE

(a) All devices and equipment subject to this Chapter shall be designed, constructed, installed, maintained and operated in accordance with the rules in this Section and the requirements of the NFPA 70 - National Electrical Code, which is hereby incorporated by reference. This incorporation includes subsequent amendments and editions of this Code.

(b) The rules of this Chapter shall control when any conflict between these rules and the NFPA 70 -National Electrical Code exists.

(c) Copies of the NFPA 70 - National Electrical Code are available for inspection in the offices of the Division and may be obtained from the North Carolina State Board of Examiners of Electrical Contractors, via U.S. Mail at P. O. Box 18727, Raleigh, North Carolina 27619-8727, via telephone at (919) 733-4092, or via the internet at www.ncbeec.org. The cost is fifty-nine dollars (\$59.00) per copy.

History Note: Authority G.S. 95-110.5; 95-111.4; 95-120;
Eff. August 1, 1987;
Amended Eff. December 1, 2004; May 1, 1992.

13 NCAC 15 .0207 SAFETY STANDARDS FOR STAIRWAY CHAIRLIFTS, AND INCLINED AND VERTICAL WHEELCHAIR LIFTS

(a) The design, construction, installation, alteration, repair, replacement, inspection, maintenance and operation of all installations of inclined stairway chairlifts, and inclined and vertical wheelchair lifts shall conform to the rules in this Section and the A18.1 - American National Standard Safety Code for Platform Lifts and Stairway Chairlifts, which is hereby incorporated by reference. This incorporation includes subsequent amendments and editions of this Code.

(b) The rules of this Chapter shall control when any conflict between these rules and the A18.1 - American National Standard Safety Code for Platform Lifts and Stairway Chairlifts exists.

(c) Copies of the A18.1 - American National Standard Safety Code for Platform Lifts and Stairway Chairlifts are available for inspection at the offices of the Division, and may be obtained from the American Society of Mechanical Engineers (ASME), via U.S. Mail at United Engineering Center, 345 East 47th Street, New York, New York 10017, via telephone at (800) 843-2763, or via the internet at www.asme.org. The cost is seventy-five dollars (\$75.00) per copy.

*History Note: Authority G.S. 95-110.5;
Eff. December 1, 2004.*

SECTION .0300 - ELEVATORS AND RELATED EQUIPMENT

13 NCAC 15 .0301 SECTION APPLICABILITY

The requirements of this Section are applicable to all devices and equipment within the scope of Article 14A of Chapter 95 of the General Statutes.

*History Note: Authority G.S. 95-110.5;
Eff. August 1, 1987.*

13 NCAC 15 .0302 RESPONSIBILITY

Responsibility for the installation, alteration, operation, maintenance, and reporting of accidents for elevators, dumbwaiters, escalators, moving walks, personnel hoists, and special equipment shall be as follows:

- (1) The equipment manufacturer shall be responsible for designing and manufacturing equipment in compliance with the applicable code.
- (2) The person or firm installing or altering elevators, dumbwaiters, escalators, moving walks, personnel hoists, and special equipment shall be responsible for obtaining all permits and approvals. He shall be responsible for the safe operation of equipment during the installation until a certificate of operation has been issued and for conducting all tests required by these rules.
- (3) The owner, his duly appointed agent, or the lessee shall be responsible for the safe operation and proper maintenance of elevators, dumbwaiters, escalators, moving walks, personnel hoists, and special equipment after the installation has been approved and a certificate has been issued. He shall be responsible for conducting all periodic or maintenance tests required by these rules.
- (4) The owner shall also be responsible for having elevators in closed buildings inspected by North Carolina Department of Labor inspectors. The owner or agent shall contact the Elevator and Amusement Device Division to arrange a convenient time for inspection. Elevators not inspected shall be considered as being removed from service.

*History Note: Authority G.S. 95-110.5;
Eff. August 1, 1987;
Amended Eff. May 1, 1992.*

13 NCAC 15 .0303 CONSTRUCTION PERMITS

(a) Before erecting or constructing a new elevator, dumbwaiter, workman's hoist, escalator, moving walk, stairway inclined lift, or vertical wheelchair lift, or before moving such an apparatus from one location to another, or before making alterations to existing equipment, the owner or his authorized agent shall obtain a permit from the Director. The owner or his authorized agent shall submit an application for a permit accompanied by duplicate plans and drawings showing the proposed construction, type of equipment and mode of operation. The application to install which consists of the original and three copies shall include the following information:

- (1) name and address of architect, owner, and installer;
- (2) type and design of equipment;
- (3) pertinent information as to the location of the equipment and such specifications as required by the Elevator Safety Code.

(b) Upon finding that the application is in compliance with the regulations of this Chapter, the Director will issue a permit, subject to final field inspection.

(c) The permit shall be posted in a conspicuous place on the job site prior to the start of any work to be done.

(d) Upon receiving information indicating violation of this Rule, the Director may cause the stoppage of all work on that job until a hearing, pursuant to the provisions of the Administrative Procedure Act, N.C. General Statutes, Chapter 150B Article 3 can be held to determine the reason for the violation.

(e) The operation or use of any new, altered, or relocated equipment subject to the Elevator Safety Code other than by the installer acting under the authority of a construction permit is prohibited until such equipment has passed tests and inspections as required by Rule .0305 of this Section and a certificate to this effect has been issued in accordance with Rule .0306 of this Section.

*History Note: Authority G.S. 95-110.5;
Eff. August 1, 1987;
Amended Eff. May 1, 1992.*

13 NCAC 15 .0304 NUMBERING

All new devices and equipment shall have a registration number assigned by the Division painted on or attached in plain view to the elevator car, to the escalator or moving walk balustrade, or to the driving mechanism of all other equipment. This registration number also shall be shown on the certificate of operation. The owner or operator is responsible for having the registration number painted on or attached to the device or equipment.

*History Note: Authority G.S. 95-110.5;
Eff. August 1, 1987.*

13 NCAC 15 .0305 ACCEPTANCE INSPECTION

(a) Notification. The person or firm installing, moving or altering any device or equipment shall notify the Director at least five days before the inspection is desired. The notification shall be in writing and shall include the following:

- (1) name and address of the contractor,
- (2) name and address of the owner,
- (3) location of the device or equipment,
- (4) date of request for inspection.

If the person or firm installing, moving or altering the device or equipment will not be ready for inspection on the date requested, he shall immediately notify the Director so that an inspector will not be required to make an unnecessary trip.

(b) Inspections. The Director or an inspector of the Division shall inspect all new, altered or relocated devices or equipment subject to this Chapter for conformity with the requirements of these regulations. The inspection shall be made, when practicable, within two days of the date requested.

(c) Elevators, Dumbwaiters, Escalators and Moving Walks. The person or firm installing, moving or altering an elevator, dumbwaiter, escalator, moving walk, inclined stairway chairlift, or inclined or vertical wheelchair lift, shall, in the presence of the Director or an inspector, subject the new, moved or altered portions of the equipment to an acceptance test as required by the Elevator Safety Code.

(d) Special Equipment. The person or firm installing, moving or altering any special equipment shall, in the presence of the Director or an inspector, subject the new, moved or altered portion of the equipment to such tests as may be required by the Director to insure safe operation.

(e) Violations. If, after inspecting and performing tests on the equipment, the inspector determines that the condition of the equipment is not in full compliance with the rules of this Chapter, the inspector will inform the person or firm installing, moving or altering the device of any violations and will require compliance before a certificate for operation, as prescribed in Rule .0306 of this Section, will be issued.

*History Note: Authority G.S. 95-110.5;
Eff. August 1, 1987.*

13 NCAC 15 .0306 CERTIFICATES OF OPERATION

(a) Issuing of Final Certificates of Operation. A certificate of operation shall be issued by the Director where the inspections and tests, required by Rule .0305 of this Section, show beyond a reasonable doubt that the equipment has been designed and installed in accordance with the requirements of these rules.

(b) Framing of Certificates. The certificate furnished by the Director shall be maintained in a suitable frame under transparent cover.

(c) Numbering of Certificates. The final certificate of operation shall show the registration number of the equipment for which it is issued, as required in Rule .0304 of this Section.

(d) Posting of Certificates of Operation. The required certificates shall be posted conspicuously as follows:

- (1) inside elevator cars, or
- (2) inside dumbwaiter cars, or
- (3) inside escalator and moving walk machine rooms, or
- (4) in locations designated by the Division.

(e) Limited Certificate of Operation.

- (1) Issuance for Elevator. The Director may allow the temporary use of any elevator for passenger or freight service during its installation or alteration under the

authority of a limited certificate, issued for each class of service. Such limited certificate shall not be issued for elevators until the elevator has been tested with rated load, and the car safety, hoistway door interlocks, car door switch, and terminal stopping devices have been tested to determine the safety of the equipment for construction purposes.

- (2) Issuance for Personnel Hoist. The Director may allow the temporary use of any personnel hoist under the authority of a limited certificate. Such limited certificate shall not be issued until the personnel hoist has been tested with rated load, and the car safety, hoistway door interlocks, car door switch, and terminal stopping devices have been tested to determine the safety of the equipment.
- (3) Life of Limited Certificates of Operation. Limited certificates of operation may in the case of an elevator be issued for a period not to exceed 90 days. Limited certificates of operation for a personnel hoist may be used for a period not exceeding the length of the applicable construction project. Such certificates may be renewed upon receiving a written request showing cause for renewal. Such request must be received 15 days prior to the expiration of said limited certificate.
- (4) Posting of Limited Certificates of Operation. Limited certificates of operation shall be posted conspicuously on each elevator or personnel hoist. Such limited certificates for elevators shall bear a notice stating that the equipment has not been finally approved.

(f) Revocation of Certificate of Operation.

- (1) The Director may revoke a certificate of operation for any of the following reasons:
 - (a) Operation of an unsafe device or equipment which is likely to result in personal injury or property damage.
 - (b) Failure to comply with the provisions of Article 14A of Chapter 95 of the North Carolina General Statutes or the rules in this Chapter.
 - (c) Non-payment of the inspection fees established in 13 NCAC 15.0702 if payment is not received within thirty (30) days of the date of invoice.
- (2) If the Director revokes a certificate of operation pursuant to 13 NCAC 15.0306(f)(1), the affected party shall be given notice of the availability of an administrative hearing and of judicial review in accordance with Article 3 of Chapter 150B of the N.C. General Statutes.

(g) Reissuance of Revoked Certificate of Operation.

- (1) If the Director revokes a certificate of operation pursuant to 13 NCAC 15.0306(f)(1)(a), the owner or operator shall notify the Director in writing when the hazard has been abated and shall request a reinspection of the device or equipment. Once the Director or his assignee has conducted the requested reinspection and has determined that the hazard has been abated and the device may be operated safely, the certificate of operation shall be reissued upon payment of the inspection fee pursuant to 13 NCAC 15.0702 and the reissuance fee pursuant to 13 NCAC 15.0706. Payment of the applicable fees shall be made in accordance with 13 NCAC 15.0306(g)(4).
- (2) If the Director revokes a certificate of operation pursuant to 13 NCAC 15.0306(f)(1)(b), the owner or operator shall notify the Director in writing when the provisions of Article 14A of Chapter 95 of the North Carolina General

Statutes and the rules in this Chapter have been satisfied. Once the Director or his assignee has conducted the requested reinspection and determined that the provisions of Article 14A of Chapter 95 of the North Carolina General Statutes and rules of this Chapter have been satisfied, the certificate of operation shall be reissued upon payment of the inspection fee pursuant to 13 NCAC 15.0702 and the reissuance fee pursuant to 13 NCAC 15.0706. Payment of the applicable fees shall be made in accordance with 13 NCAC 15.0306(g)(4).

- (3) If the Director revokes a certificate of operation pursuant to 13 NCAC 15.0306(f)(1)(c), upon payment of the original inspection fee pursuant to 13 NCAC 15.0702 and the reissuance fee pursuant to 13 NCAC 15.0706, the certificate of operation shall be reissued. Payment of the applicable fees shall be made in accordance with 13 NCAC 15.0306(g)(4).
- (4) Payment of the fees referenced in this rule shall be made by credit card, certified check, bank check or money order payable to the North Carolina Department of Labor. The owner shall notify the Division in writing when payment has been made.

*History Note: Authority G.S. 95-110.5; 95-110.6
Eff. August 1, 1987
Amended Eff. July 1, 2007.*

13 NCAC 15 .0307 MAINTENANCE AND PERIODIC INSPECTIONS AND TESTS

(a) Inspections and Tests. Devices and equipment shall be subject to maintenance and periodic inspections and tests in accordance with the requirements of the applicable code as adopted in Section 2.23 of the A17.1 - American National Standard Safety Code for Elevators and Escalators. Special equipment shall be subject to periodic and to maintenance inspections and tests as may be required by the Director to ensure safe operation.

(b) Inspections.

- (1) Advance Notice. Inspections shall be accomplished without advance notice, except where the Director determines that advance notice of an inspection is necessary to complete the inspection.
- (2) Inspection Report Forms. The inspector shall note findings of his inspection and tests on the inspection report form.

(c) Certificate of Operation Issuance.

- (1) Closing Conference. After the inspections and tests of the equipment prescribed in this Rule, the inspector shall, when possible, hold a closing conference with the owner or his representative.
- (2) Approval. When the inspector has determined that the equipment is in compliance with the rules in this Section and all applicable law, the inspector may reissue the certificate of operation.
- (3) Denial. When the inspector has determined the equipment is not in compliance with the regulations of this Chapter and all applicable law, the inspector shall provide the owner or his representative with a description of all violations and necessary repairs.
- (4) Abatement. In the event of a reissuance denial, the inspector may issue an abatement permit which shall be valid for a period not exceeding 60 days.

- (5) Notice. When the equipment is brought into compliance, the owner or his representative shall notify the Division in writing.
 - (6) Reinspection. After a certificate reissuance denial, an inspector shall always reinspect to determine if the equipment is in compliance.
- (d) Tests. Periodic tests required by the A17.1 - American National Standard Safety Code for Elevators and Escalators shall be performed in the presence of an elevator inspector whenever possible. In the absence of an inspector, a signed copy of the test report shall be sent to the Director of the Division without delay. The report shall be signed by the person conducting such tests.

*History Note: Authority G.S. 95-110.5;
Eff. August 1, 1987;
Amended Eff December 1, 2004.*

13 NCAC 15 .0308 WIRING DIAGRAMS

Wiring diagrams for elevators shall be left in the machine room in a permanently mounted receptacle and shall not be removed except by permission of the Director.

*History Note: Authority G.S. 95-110.5;
Eff. August 1, 1987.*

13 NCAC 15 .0309 LIMITATIONS ON WHEELCHAIR LIFTS

No inclined or vertical wheelchair lift shall be installed between any two floors already being served by an elevator.

*History Note: Authority G.S. 95-110.5;
Eff. August 1, 1987.*

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SECTION .0500 - CIVIL MONEY PENALTIES

13 NCAC 15 .0501 CIVIL PENALTIES

*History Note: Authority G.S. 95-110.5; 95-110.10; 95-111.4; 95-111.13;
Eff. August 1, 1987;
Repealed Eff. April 1, 2001.*

13 NCAC 15 .0502 EXCEPTIONS TO CIVIL PENALTY

A civil penalty determination by the Commissioner is final unless the person charged takes exception to the determination within 15 days after receiving notice of the determination. As used in G.S. 95-110.10 and this Subsection, "takes exception to the determination" means commencing a contested case pursuant to G.S 150B, Article 3 by filing a petition with the Office of Administrative Hearings.

*History Note: Authority G.S. 95-110.5; 95-110.10; 95-111.4; 95-111.13;
Eff. August 1, 1987;*

Amended Eff. April 1, 2001.

13 NCAC 15 .0503 REFUSAL TO ISSUE CERTIFICATE OF OPERATION

The Commissioner may refuse to issue a Certificate of Operation for a device when the owner or operator of the device has received an order to pay a civil penalty which has become a final order, but the penalty remains unpaid.

*History Note: Authority G.S. 95-110.5; 95-110.6; 95-111.4; 95-111.6;
Eff. February 1, 1989.*

SECTION .0600 - FORMS

- 13 NCAC 15 .0601 APPLICATION TO INSTALL**
- 13 NCAC 15 .0602 PERMIT FOR INSTALLATION OR ALTERATION**
- 13 NCAC 15 .0603 CERTIFICATE OF OPERATION**
- 13 NCAC 15 .0604 LIMITED CERTIFICATE OF OPERATION**
- 13 NCAC 15 .0605 INSPECTION FORM**
- 13 NCAC 15 .0606 REGISTRATION FORM**
- 13 NCAC 15 .0607 CERTIFICATE OF REGISTRATION**
- 13 NCAC 15 .0608 AMUSEMENT DEVICE INSPECTION FORM**
- 13 NCAC 15 .0609 AMUSEMENT DEVICE CERTIFICATE OF OPERATION**
- 13 NCAC 15 .0610 CHAIR-GONDOLA LIFTS/SKI TOWS INSPECTION REPORT FORM**
- 13 NCAC 15 .0611 ROPE INSPECTION REPORT FORM**
- 13 NCAC 15 .0612 INCLINED RAILROAD INSPECTION REPORT FORM**
- 13 NCAC 15 .0613 DAILY AMUSEMENT DEVICE RECORD FORM**

*History Note: Authority G.S. 95-110.5; 95-111; 95-111.4; 95-118; 95-119; 95-121; 150B-11(1);
Eff. August 1, 1987;
Repealed Eff. April 1, 2001.*

SECTION .0700 – FEES

13 NCAC 15 .0701 ELEVATOR, ESCALATOR, DUMBWAITER, AND SPECIAL EQUIPMENT INSTALLATION AND ALTERATION FEES SCHEDULE

Inspection fees for installation or alteration of elevators, escalators, dumbwaiters, and special equipment shall be two hundred dollars (\$200.00) per unit. In the event that the installation or alteration inspection cannot be completed on the initial visit, all follow up visits shall be charged at two hundred dollars (\$200.00) per visit per unit.

*History Note: Authority G.S. 95-107; 95-95-110.5(20);
Temporary Adoption Eff. October 17, 2001;
Eff. July 1, 2003.*

13 NCAC 15 .0702 ELEVATOR, ESCALATOR, DUMBWAITER, AND SPECIAL EQUIPMENT ANNUAL INSPECTION FEES SCHEDULE

Annual inspection fees for elevator, escalator, dumbwaiter, and special equipment shall be as follows:

	Equipment	Unit Fee
(a)	All dumbwaiters and handicapped lifts	\$65.00
(b)	All hydraulic elevators, belt man lifts, escalators, plus all elevators not identified as either hydraulic or traction and special lifting devices	\$175.00
(c)	Traction Elevators	
	(1) 1-10 Floors	\$200.00
	(2) Over 10 Floors	\$200.00

*History Note: Authority G.S. 95-107; 95-95-110.5(20);
Temporary Adoption Eff. October 17, 2001;
Amended Eff. September 1, 2007; Eff. July 1, 2003.*

13 NCAC 15 .0703 AMUSEMENT DEVICE INSPECTION FEE SCHEDULE

Inspection fees for amusement devices shall be as follows:

	Equipment	Unit Fee	Inspection Required
(1)	Inflatables	\$100.00	Annually
(2)	Rock Walls	\$100.00	Annually
(3)	Kiddie Rides (48 inch maximum height restriction)	\$45.00	Every setup, except in permanent parks, which shall be inspected annually
(4)	Go Karts	\$35.00	Every setup, except in permanent parks, which shall be inspected annually
(5)	Major Rides (any ride not otherwise listed herein) and Water Slides	\$90.00	Every setup, except permanent parks, which shall be inspected annually
(6)	Roller Coasters, other than mobile or portable roller coasters	\$250.00	Annually

*History Note: Authority G.S. 95-107; 95-111.4(19);
Temporary Adoption Eff. October 17, 2001;
Eff. July 1, 2003;
Amended Eff. April 1, 2007.*

13 NCAC 15 .0704 SPECIAL AMUSEMENT DEVICE INSPECTION FEE

(a) In the event that an inspection is scheduled and the amusement device operator or owner fails to have all amusement devices scheduled for inspection ready for inspection, any follow up inspection visits requested by the operator or owner shall be charged at two hundred fifty dollars (\$250.00) per amusement device, notwithstanding the provisions of 13 NCAC 15 .0703.

(b) All inspections conducted outside normal business hours for the North Carolina Department of Labor (7:00 a.m. to 7:00 p.m. Monday through Friday, exclusive of State government holidays) shall be charged at the rate of two hundred fifty dollars (\$250.00) per inspection, plus the amusement device inspection fee, notwithstanding the provisions of 13 NCAC 15 .0703, however, in no instance may the total fee assessed exceed an aggregate of two hundred fifty dollars (\$250.00) for each device inspected.

*History Note: Authority G.S. 95-107; 95-111.4(19);
Temporary Adoption Eff. October 17, 2001;
Eff. July 1, 2003;
Amended Eff. January 1, 2004.*

13 NCAC 15 .0705 PASSENGER TRAMWAY INSPECTION FEE SCHEDULE

Inspection fees for passenger tramway devices shall be as follows:

Equipment	Unit Fee
(1) Gondolas, Chairlifts, and Inclined Railroads	\$137
(2) J- or T-Bars and Conveyors	\$62
(3) Rope Tows	\$31

*History Note: Authority G.S. 95-120(9);
Emergency Adoption Eff. September 19, 2005;
Emergency Adoption Expired Eff. January 1, 2006;
Eff. May 1, 2006.*

13 NCAC 15.0706 ELEVATOR CERTIFICATE OF OPERATION REISSUANCE FEE

If a certificate of operation is revoked pursuant to 13 NCAC 15.0306, a reissuance fee of two hundred dollars (\$200.00) shall be paid, in addition to all overdue inspection fees, prior to reissuance of the certificate of operation.

*History Note: Authority G.S. 95-107; 95-110.5; 95-110.6;
Adopted Eff. July 1, 2007.*