

**Elevator Advisory Board**  
**April 18, 2007 - 1:00 pm**  
**Commissioner's Conference Room (Rm. 205)**  
**Labor Building**  
**Raleigh, N.C.**

**Attendees:**

**Members:**

Jonathan Brooks, Chairman	NCDOL, Elevator & Amusement Device Bureau (EADB)
Nick Mebane	ThyssenKrupp Elevator Company
Joseph Brummett	Elevator Specialists
H.E. (Buddy) Godwin	The Godwin Company
Roger Shumate	International Union of Elevator Constructors, Local No. 80
Craig Andersch	Schindler Elevator Company

**Members Absent:**

Eric Barber	Otis Elevator Company
Clyde Wagner	Wagner Consulting

**Visitors:**

Jason Brummett	Elevator Specialists
Pete Lagow	Otis Elevator Company
Gerald Harvell	Mecklenburg Co. Chief Electrical Inspector
Kevin Leonard	Womble Carlyle Sandridge & Rice

**Staff:**

Tom Chambers	NCDOL, Elevator & Amusement Device Bureau (EADB)
John Baldwin	NCDOL, Commissioner's Office, Chief of Staff
Art Britt	NCDOL, Commissioner's Office, Government Affairs
Jennifer Haigwood	NCDOL, Commissioner's Office, Government Affairs
Nancy Vick	NCDOL, Elevator & Amusement Device Bureau (EADB)

**Call To Order/Quorum:**

Chairman Jonathan Brooks determined the presence of a quorum and called the meeting to order welcoming members and guests. Attendees introduced themselves.

**Minutes:**

The minutes of the February 22, 2006 meeting were approved with a few minor corrections specified by members.

**Guests:**

The Chairman introduced the following guests; Pete Lagow of Otis Elevator Company, Gerald Harvell of the Mecklenburg County (N.C.) Engineering Department/Building Standards, and Kevin Leonard, Senior Government Relations Manager for Womble Carlyle Sandridge and Rice, PLLC.

**Membership Terms:**

Chairman Brooks acknowledged that several board member positions have already expired or are about to expire. Jonathan asked these members if they would like to remain on the board.

Art Britt reminded the members that all board appointments and re-appointments must be approved by Commissioner Berry. This would be accomplished by Chairman Brooks submitting a formal recommendation to Commissioner Berry.

Chairman Brooks mentioned that Gerald Harvell, Mecklenburg County Building Inspector, has an interest in filling the “county/municipality” board vacancy. Chairman Brooks acknowledged another vacancy existing per Mr. Davie Trimmer’s resignation from the Board.

**Legislative Update / Building Code Council (BCC) Proposed Rules:**

Art Britt was recognized to discuss the history and current status of legislation regarding elevator mechanic and contractors licensing and inspection of private residence elevators. Britt reminded all that this discussion began in December 2004 at the inaugural meeting of the elevator advisory board. Since that time, there has been at least three proposed or introduced pieces of legislation dealing with this issue. 1 – A bill was drafted in 2006 that would have created a study committee to “study the status of elevator safety in N.C.” This draft bill was never introduced. 2 – Senator Rand introduced S.B. 2036 during the 2006 short session. This bill addressed the issues of elevator mechanics/contractors licensing, private residence inspections and the creation of a statutory advisory board. The bill was never heard in committee. 3 – Senator Rand has introduced S.B. 1206, which only addresses the issue of licensing mechanics and contractors. Private residence inspections and a codified advisory board are not mentioned in this legislation.

Britt stated that Commissioner Berry has studied both the licensing and private residence elevator inspections issues and her current position is to not support either. Britt points out that as Chief Executive of a constitutionally created and statutorily directed agency, she is obligated to constantly assess threats to workers (OSH) and the general public (elevators, boilers) as well as other protections in the form of employment discrimination and wage and hour laws. In so doing, she must constantly assess threats to safety. To date, proponents of licensing elevator mechanics and contractors and certifying private residence elevators had not provided any information validating a significant safety threat that would warrant increased regulation to the business community and especially not to private homeowners.

Britt advised the Board of a meeting earlier in the day with the bill sponsor, Senator Rand, and other interested parties. In this meeting, Commissioner Berry made clear that she does not support this bill.

Britt stated that the bill is still in committee in the General Assembly.

Kevin Leonard was recognized to address the status of the residential portion of the original bill. Leonard stated that there have been many meetings over the past two years regarding this issue. The bill introduced in 2006 reflected Commissioner Berry’s concern that the licensing entity shouldn’t be housed within NCDOL. That bill proposed placing the responsibility of licensing contractors and mechanics with the N.C. Electrical Contractors Board.

Leonard stated that the original bill also proposed a new codified elevator advisory board. However, since this group already exists, there was no need to duplicate. Therefore, this component was left out of the new bill, SB 1206.

If SB 1206 passes in its current form, the elevator mechanics/contractors licensing requirement would become effective January 1, 2008.

Leonard then explained the proposed Building Code Council rule, which addresses inspections of private residence elevators. The rule would require all private residence elevators to meet ASME A17.1 code. This means that the installer would have to be QEI certified.

The earliest date the new rule could go into effect is June 1, 2007. It must first go before the Rules Review Commission, which is scheduled to meet on May 17. Comments must be received by 5 pm on May 18.

Chairman Brooks stated that he sent a letter to the Building Code Council with comments on behalf of NCDOL.

There is much confusion among building code inspectors. They are QEI certified, but not in ASME elevator code.

NCDOL has many questions about the enforcement, training, money and personnel regarding both the licensing requirement in the bill and the private residence inspection component of the BCC proposed rule.

General Statutes (Elevator Safety Act) take precedence over rules. Since private residence devices are specifically excluded from the Elevator Safety Act, the BCC may be overstepping their authority. Regardless, if the rule passes, nothing in the NCDOL statutes would change.

There are several ways to address the proposed rule if approved. First – NCDOL inspectors may be best suited to inspect since they are already QEI certified and know the A17.1 code. Second – someone outside NCDOL could become QEI certified. Third – use a private QEI certified mechanic.

Right now, this is the sole responsibility of the BCC. Someone must make a decision about who will handle the certification of private residence elevators.

**Fee Increase:**

Chairman Brooks explained the increase in elevator inspection fees that is coming soon. Elevator Bureau is self supported by the inspection fees collected.

**Closing:**

Chairman Brooks asked the members to send in any agenda items they would like to discuss.

Meeting Adjourned.