

**Removing unused elevators from service**

Opportunity for public input:

Those who would like to provide public testimony may attend a public hearing on December 21, 2010 at 9:30 a.m. The hearing will be located at the Building Codes Division, Conference Room A. Written comments may also be submitted to the contact below. The last day to submit written comments is 5:00 p.m. December 27, 2010.

Live broadcast via the internet:

To view the public hearing live, click on "[View live meeting](#)"

Purpose of the rule:

OAR 918-400-0755 establishes procedures for building owners to temporarily remove an unused elevator from service in an unoccupied building.

Citation:

Adopt: 918-400-0755

This proposed rule will become effective January 1, 2011.

History:

Owners of unoccupied buildings containing elevators are responsible for the annual testing, maintenance, and inspections of those unused elevators. Allowing those types of elevators to be temporarily removed from service would provide some relief to those building owners.

Contact:

If you have questions or need further information, please contact Hearing Officer Trevor Johnson at (503) 373-1354, or trevor.w.johnson@state.or.us.



Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form.

| | |
|---|-------------------------------------|
| Department of Consumer and Business Services, Building Codes Division | 918 |
| Agency and Division | Administrative Rules Chapter Number |
| Stephanie Snyder | PO Box 14470, Salem, OR 97309 |
| Rules Coordinator | (503) 373-7438 |
| | Address Telephone |

RULE CAPTION

Temporarily removing elevators from service in unoccupied buildings
Not more than 15 words that reasonably identify the subject matter of the agency's intended action.

| | | | |
|-------------------|-----------|---|------------------|
| December 21, 2010 | 9:30 a.m. | 1535 Edgewater Street NW, Salem, OR 97304 | Trevor Johnson |
| Hearing Date | Time | Location | Hearings Officer |

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

ADOPT: 918-400-0755

AMEND:

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 455.117, 460.085, and 460.125

Other Auth.:

Stats. Implemented: ORS 455.117, 460.085, and 460.125

RULE SUMMARY

This proposed rule establishes procedures for building owners to temporarily remove unused elevators from service in an unoccupied building and return those elevators to service one a building is reoccupied.

Owners of elevator-equipped unoccupied buildings are responsible for the inspection, maintenance, and permit requirements of their unused elevators. OAR 918-400-0755 will allow building owners to temporarily remove these unused elevators from service until a building is reoccupied. This will give building owners some relief from the inspection, maintenance, and permit requirements of these unused elevators and create procedures for returning elevators to service once a building is reoccupied.

December 27, 2010 by 5:00 p.m.

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

| | | |
|-----------|---------------|------|
| | Patrick Allen | |
| Signature | Printed name | Date |

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services, Building Codes Division
Agency and Division

918

Administrative Rules Chapter Number

Temporarily removing elevators from service in unoccupied buildings

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Adopting 918-400-0755

Statutory Authority: ORS 455.117, 460.085, and 460.125

Other Authority:

Stats. Implemented: ORS 455.117, 460.085, and 460.125

Need for the Rule(s):

OAR 918-400-0755 establishes procedures for owners of elevator-equipped unoccupied buildings to temporarily remove unused elevators from service, which will provide relief from the operation expenses associated with leaving those unused elevators in service.

Owners of elevator-equipped unoccupied buildings are responsible for the inspection, maintenance, and permit requirements of their unused elevators. OAR 918-400-0755 will allow building owners to temporarily remove these unused elevators from service until a building is reoccupied. This will give building owners some relief from the inspection, maintenance, and permit requirements of these unused elevators and create procedures for returning elevators to service once a building is reoccupied.

Documents Relied Upon, and where they are available: Draft rules are available from the division's rules coordinator, located at 1535 Edgewater St NW, Salem, OR 97304 and are available on the division's web site at www.bcd.oregon.gov/rules.html.

Fiscal and Economic Impact: These rules will result in negligible fiscal and economic impacts on state agencies, units of local government, small businesses, and the public. Allowing owners of elevator-equipped unoccupied buildings to temporarily remove elevators from service may result in some additional administrative requirements for building owners and some additional inspection activities by division inspectors.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government, and the public (ORS 183.335(2)(b)(E)): State agencies, units of local government, and members of the public that own buildings containing elevator equipment regulated by the division may be impacted by these rules.

All elevator equipment will continue to receive Building Codes Division inspections according periodic inspection cycles. These rules do not create any additional safety tests, inspections, or maintenance requirements.

2. Cost of compliance effect on small business (ORS 183.336):
 - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: Small businesses that own buildings containing elevator equipment regulated by the division may be impacted by these rules.

There are approximately 11,122 actively permitted elevators in the state. But, because individual elevators are permitted without regard to the size and type of businesses that owns them, the division does not have information on how many of these elevators are owned by small businesses. Furthermore, the dynamic nature of building vacancies, occupancies and transactions, prevents the division from maintaining detailed information on the specific number of small business impacted by this rule. However, as this rule is implemented and utilized by elevator owners, the division may be able to collect information on the number and types of small businesses that utilize the rule.

- b. Projected reporting, recordkeeping, and other administrative activities required for compliance, including costs of professional services: No more reporting and recordkeeping activities or professional services than currently required to comply with existing testing, inspection, and maintenance requirements. However, elevator owners temporarily removing elevators from service will need to meet certain procedural requirements and provide notices to the Building Codes Division. This may result in slightly increased administrative activities for those owners.
- c. Equipment, supplies, labor, and increased administration required for compliance: No more than currently required to comply with existing permit and inspection requirements. However, elevator owners temporarily removing elevators from service will need to comply with procedural requirements and provide notices to the Building Codes Division. This may result in slightly increased administration activities for those owners.

How were small businesses involved in the development of this rule?

The rule advisory committee included members who are employed by small businesses, provide elevator services for small businesses, and represent organized small business interests.

Administrative Rule Advisory Committee consulted?: Yes.

If not, why?:

| | | |
|-----------|---------------|------|
| | Patrick Allen | |
| Signature | Printed name | Date |

918-400-0755

Temporarily Removing Unused Elevators from Service in an Unoccupied Building

(1) Despite OAR 918-400-0740 and except as provided in OAR 918-400-0275, a person wishing to temporarily remove an unused elevator installed in an entirely unoccupied building from service must:

(a) At least 30 days prior to removing the elevator from service, notify the division in writing of the date the elevator will be removed from service;

(b) Within 30 days of removing an elevator from service, provide the division with written confirmation that:

(A) The building in which the elevator is installed is entirely unoccupied;

(B) The elevator removed from service will not be used for any purpose; and

(C) At least one elevator in full compliance with this chapter and the Oregon Elevator Specialty Code, and that serves all floors of the unoccupied building remains in service for any elevator transportation in the unoccupied building.

(2) After receiving notice under section (1)(b) that the elevator has been removed from service, the division will lock-out and red tag the elevator.

(3) Every 12 months from the date the elevator is removed from service, the responsible party must notify the division in writing that the requirements of section (1)(b) continue to be met.

(4) Despite OAR 918-400-0750, when an elevator temporarily removed from service is to be returned to operating service:

(a) At least 30 days prior to returning the elevator to service, the responsible party must notify the division in writing of the date the elevator will be returned to service;

(b) At least 30 days prior to returning the elevator to service, the responsible party must obtain an elevator operating permit from the division;

(c) With permission from the division, an elevator contractor may operate the elevator and make necessary repairs and adjustments to make the elevator operational.

(d) All testing required to place the elevator back in service shall be witnessed by a division inspector prior to the elevator being returned to service; and

(e) The elevator must not be placed back into service before an inspection by the division according to the code under which the unit was installed is performed and an operating permit under OAR 918-400-0660 is issued.

Stat. Auth.: ORS 460.085

Stats. Implemented: ORS 460.085

Hist.: New