

~~RULES~~
~~OF~~
~~OFFICE OF INSURANCE AND SAFETY FIRE COMMISSIONER~~
~~CHAPTER 120-3-25~~
~~RULES AND REGULATIONS FOR ESCALATORS AND ELEVATORS~~

RULES AND REGULATIONS OF
THE SAFETY FIRE
COMMISSIONER
CHAPTER 120-3-25 RULES AND REGULATIONS
FOR ESCALATORS AND ELEVATORS

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120-3-25-.01 Authority and Purpose. Promulgation and Purpose.

(1) These rules and regulations of the Safety Fire Commissioner entitled, "Rules and Regulations for escalators and elevators" are promulgated to establish the State's minimum fire safety codes and standards for escalators and elevators as specified in the Official Code of Georgia Annotated, (O.C.G.A.) Section 8-2-1

(2) A primary purpose of these rules and regulations is to establish the state minimum safety codes and standards for the prevention of loss of life, injury and structural damage in all buildings, structures and other locations governed by state regulations.

Authority. - O.C.G.A. §8-2-1 and 50-13-21.

120-3-26-.02 Application.

(1) Pursuant to O.C.G.A. 8-2-1, rules and regulations adopted by the Safety Fire Commissioner shall have the force and effect of law and shall have statewide application as being the state minimum fire safety codes and standards for escalators and elevators and shall not require adoption by a municipality or county.

(a) Pursuant to O.C.G.A. Section 25-15-1, the Office succeeded to all rules and regulations of the Department of Labor which were in effect on June 30, 2012, or were scheduled to go into effect on or after July 1, 2012, which related to the functions transferred to the Office pursuant to either Chapter 15 of Title 25 or Part 6 of Article 1 of Chapter 2 of Title 8. The Office has the authority to modify the Escalator and Elevator regulations or promulgate new regulations pursuant to O.C.G.A. Sections 8-2-104, 25-15-1, 33-2-9 and 50-13-21.

(b) The primary purpose of these rules and regulations is to promote consumer protection through state regulation of elevators, dumbwaiters, escalators, manlifts, and moving walks as adopted by these regulations listed below:

(c)(1) ASME A17.1, ~~2013~~ 2019 Edition, American National Standard Safety Code for elevators, escalators, dumbwaiters, moving walks, with such revisions, amendments, and interpretations thereof as are made, approved and adopted by the Council of the Standard.

Copies may be obtained from the American Society of Mechanical Engineers, 22 Law Drive, Box 2300, Fairfield, NJ 07007. The state amendments to this Code are as follows: Note – Except for Testing and Inspection Requirements, Existing Hydraulic Jack Requirements and QEI Requirements. See Rule 120-3-25-.14.

(2) ASME A17.2, ~~2012~~ 2017 Edition of the Inspector's Manual for Elevators, with such revisions, amendments and interpretations thereof as are made, approved and adopted by the Standards Committee. (See (c)(1) herein to order copies)

(3) ASME A17.3, ~~2014~~ 2017 Edition of the Safety Code for Existing Elevators and Escalators, with such revisions, amendments, and interpretations thereof as are made, approved and adopted by the Standards Committee. (See (c)(1) herein to order copies.)

(4) ASME A17.7, 2007 Performance-Based Safety Code for Elevators and Escalators.

(5) ASME A17.6, 2017 Standard for Elevator Suspension, Compensation and Governor Systems.

(6) ICC/ANSI A117.1, 2017 Edition, American National Standard for Building and Facilities, Providing Accessibility and Usability for Physically Handicapped People and Rule 120-3-20 as approved by the State Fire Marshal's office. Copies may be obtained from the State Fire Marshal's office. (See note below)

Note – ICC/ANSI A117.1, Section 409 is a recommended Standard only. Exception taken to Section 407.4.6.2.2.

(7) ASME B20.1, ~~2012~~ 2018 Edition of the Safety Standards For Conveyors and related equipment with such revisions, amendments and interpretations thereof as are made, approved

and adopted by the Standards Committee.

(8) ASME A90.1, 2015 Edition of the Safety Standards for Manlift, with such revisions, amendments and interpretations thereof as are made, approved, and adopted by the Standards Committee. (See (c)(1) herein to order copies.)

(9) ANSI A10.4, 2007 2016 Edition and ANSI A10.5, 2020 Edition for the Safety Requirements for Personnel Hoists and Employee Elevators used for construction and demolition and Safety Standard for Construction Hoist, with such revisions, amendments, and interpretations thereof as are made, approved, and adopted by the Council of the Standard. (See (c)(1) herein to order copies)

(10) National Electrical Code, State adopted Edition, with such revisions, amendments and interpretations thereof as are made, approved and adopted by the Standards Committee.

Copies may be obtained from the National Fire Protection Association, 1 Battery March Park, Post Office Box 9101, Quincy, MA 02269.

(11) The International Building Code, State approved Edition, with such revisions, amendments and interpretations thereof as are made, approved and adopted by the Standards Committee. Copies may be obtained from the International Code Council, Birmingham District Office, 900 Montclair Road, Birmingham, AL 35213-1206.

(12) NFPA Section 101, Life Safety Code, State adopted Edition of the National Fire Protection Association, with such revisions, amendments and interpretation thereof as are made, approved and adopted by the Standards Committee. (See (c)(9) herein to order copies.)

(13) ASME A18.1, 2011 2017 Edition of the Safety Standard for Platform Lifts and Stairway Chairlifts, with such revisions, amendments and interpretations thereof as are made, approved and adopted by the Standards Committee. (See (c)(1) herein to order.)

(14) ANSI A92.10, 2009 (R2014) Edition of the American National Standard for Transport Platforms, with such revisions, amendments, and interpretations thereof as are made, approved and adopted by the Standards Committee. Copies may be obtained from the American National Standards Institute, 11 West 42nd St, New York, NY 10036

Authority O.C.G.A. Secs. 8-2-100, 8-2-101, 8-2-102, 8-2-104, 25-15-1, 33-2-9, 50-13-21.

120-3-25-.02 03 Definitions.

(1) Accident means an unplanned or unscheduled event that results in property damage and/or personal injury.

(2) Act is Part 6 of Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia, O.C.G.A. Sections 8-2-100 through 8-2-109.1.

(3) Approved means that which is acceptable to the Office.

(4) Board is the Advisory Committee as described in Section 8-2-109 of the Act.

(5) Certified Inspector is an inspector, by reason of experience and knowledge, considered qualified by the Office. The minimum experience shall be established by these rules. Knowledge shall be evidenced by approved written and oral examinations, acceptable to and administered by the Office.

(6) Cessation order is the official order stopping an action by an individual or company.

(7) Citation is the written document by which a person or company is summoned or cited.

~~(8) (7A) The Commissioner is the Commissioner of Insurance and Safety Fire, and .~~

~~(6) (9) the Office is the Office of the Commissioner of Insurance and Safety Fire.~~

~~(7) (10) Dormant Elevator means an elevator that is intact and on the premises and the equipment is entirely disconnected in an approved manner.~~

~~(8) (11) Elevators as used in these Rules means, Elevators, Escalators, Dumbwaiters, Material lifts, Manlifts, Moving Walks, or Platform Lifts (Wheelchair Lifts) or Stairway Chairlifts where the Rule is applicable in accordance with the adopted Codes and~~

Standards.

~~(9)~~ (12) Hand powered one-man elevator is an elevator having a car platform area of not more than five square feet and a rated load of not more than three hundred pounds and which is operated from the car only by pulling on a stationary rope located in the hoistway and passing through or adjacent to the car platform. It is for the exclusive use of certain designated operating and maintenance employees and installed in a grain or feed mill or similar structure not accessible to the general public.

~~(10)~~ (13) Inspection means the official determination by a certified inspector of the condition of all parts of the equipment on which the safe operation of an elevator depends.

~~(11)~~ (14) Personnel Hoist is those elevators used during construction to carry workers. Such elevators are temporary and shall not become a permanent part of the structure.

~~(12)~~ (15) Personal Injury, as used in O.C.G.A. § 8-2-106(a), means bodily injury, sickness, or disease sustained by any person by reason of the operation or malfunction of an elevator, escalator, manlift moving walk or power dumbwaiter, platform lifts or stairway chairlifts including death at any time resulting therefrom. Personal Injury does not include false arrest, detention, imprisonment, confinement, slander, libel, violation of privacy or any mental disease, disability or disorder not accompanied by physical injury at the time of the incident.

~~(13)~~ (16) Property Damage, as used in O.C.G.A. § 8-2-106(b), means physical injury to, or destruction of tangible property to the structure or operational parts (including safety equipment and devices) of an elevator, escalator, manlift, moving walk or power dumbwaiter, sustained by reason of accident or malfunction, other than routine wear and tear.

~~(14)~~ (17) Special Purpose Personnel Elevator is an elevator permanently installed to provide vertical transportation of authorized personnel. Such elevators are typically installed in Grain Elevators, Radio Antennas and Bridge Towers.

~~(15)~~ (18) ~~Standard means American Society of Mechanical Engineers' Safety Code for elevators, manlifts, dumbwaiters and moving walks A17.1 1993, with such revisions, amendments, and interpretations issued and adopted by the American Society of Mechanical Engineers. Deleted for future use.~~

~~(16)~~ (19) Temporary Inspection is the inspection by a certified inspector of an elevator to be used on a temporary basis.

~~(17)~~ (20) Elevator Contractor – Any person, firm, or corporation who possesses an “Elevator Contractor’s Certification” in accordance with the provisions of Rule 120-3-25-.21 and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing or maintaining elevators or related conveyance equipment covered by this chapter.

~~(18)~~ (21) Elevator Mechanic – Any person who possesses an elevator mechanic certification in accordance with the provisions of Rule 120-3-25-.21.

~~(19)~~ (22) Certification, Elevator Contractor (Class I, Class IR) – A certification issued to an elevator contractor who has proven qualifications and ability, and who has been authorized by the Office to possess this type of Certification. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing or maintaining elevators or related conveyance equipment covered by this Chapter.

~~(20)~~ (23) Certification, Elevator Contractor (Class II) – A certification issued to an elevator contractor who has proven qualifications and ability, and who has been authorized by this Office to possess this type of Certification. It shall entitle the holder thereof to engage in the business of servicing, testing, repairing or maintaining elevators or related conveyance equipment covered by this Chapter.

~~(21)~~ (24) Certification, Elevator Contractor, Limited (Class III) – A certification issued to an elevator contractor who has proven qualifications and ability, and who has been authorized by the Office to possess this type of Certification. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing or

maintaining residential dumbwaiters, elevators, platform lifts and stairway chairlifts.

~~(22)~~ (25) Certification, Elevator Contractor, Limited Class IIIR – A certification issued to an elevator contractor who has proven qualifications and ability, and who has been authorized by the Office to possess this type of Certification. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing or maintaining residential platform lifts and stairway chairlifts.

~~(23)~~ (26) Certification, Elevator Mechanic (Class I, Class IR) – A certification issued to a person who has proven qualifications and ability, and who has been authorized by the Office to work on conveyance equipment. It shall entitle the holder to install, service, repair, test, maintain and perform electrical work on elevators or related conveyance equipment covered by this Chapter.

~~(24)~~ (27) Certification, Elevator Mechanic (Class II) – A certification issued to a person who has proven qualifications and ability, and who has been authorized by the Office to work on conveyance equipment. It shall entitle the holder to service, repair, test and maintain elevators or other conveyance equipment covered in this Chapter. The Class II Mechanic shall be employed by a Class II Elevator Contractor or owner user.

~~(25)~~ (28) Certification, Elevator Mechanic (Class III) – A certification issued to a person who has proven qualifications and ability, and who has been authorized by the Office to work on residential platform lifts and stair chairlifts. It shall entitle the holder to install, alter, service, repair, test, maintain and perform electrical work on residential elevators, platform lifts and stair chairlifts.

~~(26)~~ (29) Certification, Elevator Mechanic Class IIIR – A certification issued to a person who has proven qualifications and ability, and who has been authorized by the Office to work on residential platform lifts and stair chairlifts. It shall entitle the holder to install, alter, service, repair, test, maintain and perform electrical work on residential elevators, platform lifts and stair chairlifts.

~~(27)~~ (30) Private Residence – A single unit of a multiple unit facility or a detached dwelling designed for, inhabited by, accessible to only one person or that person's family.

~~(28)~~ (31) LULA Elevator – A passenger elevator limited in size, capacity, travel and speed. These elevators shall comply with ASME A17.1, Section 5.2 (Capacity, Speed, Travel, Etc.) and ICC/ANSI A117.1, Section 407.4 (Car Size, Power Operation, Signal Location, Etc.).

Authority O.C.G.A. Secs. 8-2-100 to 8-2-102, 8-2-104.

120-3-25-.03 04 Jurisdiction Numbered Tags.

(1) A jurisdiction numbered tag shall be furnished and shall be permanently attached on or near the elevator or dumbwaiters crosshead by the State Deputy Inspector.

(2) On elevators or dumbwaiters without a crosshead, jurisdiction tags shall be attached to the equipment on the car top. Elevators or dumbwaiters without car tops, escalators, manlifts, moving walks or platform lifts (wheelchair lifts) stairway chairlifts, the jurisdiction tag shall be attached on or near the control panel.

Authority O.C.G.A. Secs. 8-2-101, 8-2-104.

120-3-25-.04 05 Qualification of Inspectors.

(1) All persons inspecting elevator equipment shall be tested for compliance with Georgia statutes and regulations governing escalators and elevators and shall be certified inspectors.

- (2) All persons eligible for certification by the Office must have a minimum of ~~two~~ three (3) years' experience in the installation, repair, maintenance or inspection of elevators and be a current QEI (Qualified Elevator Inspector) pass the written and oral examination given by the Office.
- (3) All private inspection firms inspecting elevators in the State of Georgia shall have a minimum of \$500,000 general liability insurance issued by a company acceptable to the Office.
- (4) All private inspection firms certified by the Office to inspect elevators shall provide the Office of the Insurance and Safety Fire Commissioner a copy of a signed contract for each inspection location and a list of equipment to be inspected. ~~Existing locations shall be exempted from the contract requirements.~~ The contract shall give the initial inspection date and expiration date.
- (5) Inspection reports shall be sent electronically. Any reports not sent electronically will have a \$5.00 entry fee charged per inspection report.

Authority O.C.G.A. Secs. 8-2-101, 8-2-104.

120-3-25-.05 06 Responsibility of Elevator Operations and Maintenance.

- (1) The person, firm or corporation installing, repairing, relocating or altering an elevator shall be responsible for its safe operation, test and maintenance until the elevator is inspected and approved by a certified deputy inspector.
- (2) The owner of the equipment shall be responsible for the safe operation and proper maintenance of the elevator. Maintenance records required by the Maintenance Control Program shall be maintained at the location for a period of three (3) years, with the exception of the five (5) year testing, which will be kept for five (5) years. The records shall contain, but not be limited to, all tests, inspections and other maintenance duties referred to in the latest adopted version of ASME A17.1. The records that are kept in electronic format shall also be maintained on site as a printed copy.
- (3) The holder of the operating permit shall be responsible for all Code required testing ~~"Periodic Tests"~~, and Code compliance.
- (4) The company holding a temporary operating permit shall be responsible for the safe operation and maintenance of the elevator during the period that the temporary operating permit is in force.
- (5) All operating permits shall be posted in the elevator car or a sign shall be posted in the car or in the elevator lobby, in a conspicuous location, stating where the permit is located on premises. Operating permits for other equipment shall be posted on or near the control panel or a sign stating where the permit is located.
- (6) A Certificate of Inspection shall be conspicuously placed inside each elevator within 72" of the centerline of frame and 72" inches above the elevator cab floor, in a permanently mounted frame with a clear glass or plastic removable cover. The frame shall be sized to provide full visibility of a 2 1/2" x 3" certificate. The cover shall be secured by one or more tamper resistant screws. The Inspection Certificate shall be signed and dated for each inspection, by the authorized inspector and replaced at each succeeding inspection. The Inspection Certificate is required in addition to the operating permit. On all other equipment (dumbwaiters, escalators, etc.) the Inspection Certificate shall be placed in a location where it will be visible to the users of the equipment.
- (7) All companies performing escalator and moving walk maintenance repair shall have trained personnel and equipment for measuring the "Performance Step Index" on or before January 1, 2003.
- (8) An elevator which is inactive for one year, or as removed from service by the owner/user

shall be classified as a dormant elevator and placed out of service in accordance with ASME A17.1 Definition Section for "Installation placed out of service."

(9) Before a dormant elevator can be placed in service it shall be inspected by a certified deputy inspector and shall conform to requirements of the applicable standard.

(10) Owners who places elevators in dormant status shall notify the Office within 10 days of the change in status.

(11) Escalators shall not be used as stairs in any location. They will be barricaded with a secure barricade at both the top and bottom landing when temporarily shut down for any reason.

Authority O.C.G.A. Secs. 8-2-101, 8-2-102, 8-2-103, 8-2-104 and 8-2-106.

120-3-25-~~06~~07 Reporting of Accidents.

(1) All incidents involving Personal Injury or Property Damage sustained by reason of the operation or malfunction of an elevator, escalator, manlift, moving walk or power dumbwaiter, platform lifts and stairway chairlifts, including death shall be reported by the owner, operator, lessee, or Maintenance Company as follows:

(a) For incidents in which actual Personal Injury or Property Damage is observed or reported by the owner, operator, lessee, or maintenance company at the scene at the time of the incident, immediately by telephone to the Office on the same day or by noon the next business day. The elevator, escalator, manlift, moving walk, or power dumbwaiter, platform lifts and stairway chairlifts, involved shall be taken immediately out of service and no work will be done to the equipment unless otherwise advised (see subparagraph (2) below).

(b) For all other incidents becoming known as the owner, operator, lessee, or maintenance company not at the scene at the time of the incident (including belated reports of Personal Injury after the person alleging injury has departed the scene without notifying the owner, operator, lessee, or maintenance company) by telephone not later than noon the next business day after the incident becomes known to the owner, operator, lessee, or maintenance company. The elevator, escalator, manlift, moving walk, or power dumbwaiter involved shall be taken immediately out of service unless otherwise advised (see subparagraph (2) below).

(c) For all incidents, the owner, operator, lessee shall file a written report, including witness statements, within three ~~seven~~ days of the date of the incident or of the date the incident became known to the owner, operator, lessee, or maintenance company, whichever is later.

(2) Upon receiving a telephonic report or emailed report, the Office may at its discretion determine whether or not to investigate an incident. At the time of the report, the Office shall inform the owner, operator, lessee, maintenance company, or agent reporting the incident whether the Office be investigating and when the elevator, escalator, manlift, moving walk or power dumbwaiter, platform lifts and stairway chairlifts, involved may be repaired or put back in service. In its discretion, the Office may require a telephonic conference with the certified elevator mechanic or Maintenance Company prior to making a decision to investigate an incident.

(3) All telephonic and written reports for accidents involving personal injury shall include the name(s), address, phone number and injuries of the person(s) injured and any witnesses. It will also include a description of the accident.

Authority O.C.G.A. Secs. 8-2-101, 8-2-106.

120-3-25-~~07~~08 New, Altered or Relocated Elevators.

The installation of a new, altered, or relocated elevator, escalator, dumbwaiter, material lift, manlift, moving walk, wheelchair lift or chair lift shall not begin until a construction permit has

been issued by the authority having jurisdiction for the elevators in the installation area. The equipment shall not be placed into service until it has been inspected, all acceptance tests have been successfully completed in the presence of a certified deputy inspector and all violations have been resolved to the satisfaction of the deputy inspector.

Authority O.C.G.A. Sec. 8-2-101.

120-3-25-.08 09 Temporary Use of Permanent Elevators, Temporary Construction Elevators and Transport Platforms During Construction,

(1) An elevator contractor may request a temporary operating permit to allow the use of a passenger or freight elevator before its completion for carrying workmen, authorized personnel or materials. Such elevator shall not be used until it has been inspected and approved by a certified deputy inspector and the required fee has been paid. The operating permit shall be issued for a period not to exceed ninety days. Renewals may be granted at the discretion of the Office, and upon inspection by a certified deputy inspector.

(2) Personnel Hoist Used During Construction.

(a) Personnel hoist shall be installed and maintained in accordance with the latest accepted edition of the American National Standard A10.4 or the latest edition of the Rules adopted by the Commissioner.

(b) An operating permit shall be required. Double cage units on a common tower shall require an operating permit for each cage.

(c) Personnel hoist used during construction shall be inspected every ninety days and after each jump, by a certified deputy inspector.

(d) The following sections outline the minimum requirements, regular maintenance and approved safety practices for elevators as provided for in the Georgia Laws Regulating Elevators. All Existing features or components of the elevators shall comply with this law and the rules proposed by the Board and adopted by the Commissioner.

(e) Certified Inspectors shall use the latest adopted edition of the ANSI A90.1, ANSI A10.4 or ANSI A92.10 codes and standards with such revision, amendments, and interpretation.

(f) All Temporary Transport Platforms shall meet the requirements of ANSI A10.4 Section 5

(g) All Temporary Transport Platforms shall meet the requirements as set forth in ANSI A10.4 Section 17

Authority O.C.G.A. Secs. 8-2-101, 8-2-102.

120-3-25-.09 10 Existing Freight Elevators.

(1) Existing freight elevators shall comply with the following descriptions:

(a) Freight elevators with operating stations in the car, which allow personnel to ride shall comply with ASME A17.3, the standards for existing elevators.

(b) Material Lifts (other than those that fall under the requirements of ASME A17.1) that do not allow personnel to ride and does not have an operating station in the car, shall comply with ASME B20.1, the standards for conveyors and related equipment.

Authority O.C.G.A. Sec. 8-2-102(c), (d).

120-3-25-.40 11 Notice of Hearing and Penalties.

(1) Cessation Order.

(a) The Office may issue a written order for the cessation of operation of elevators, escalators, moving walks and all other equipment covered by these regulations when it

has been determined to be hazardous, unsafe, or the failure to comply with any of the provisions of these rules or the safety act. Operation shall not resume until such violations are corrected to the satisfaction of the Commissioner or the Commissioner's authorized representative.

(b) In the event a person knowingly commits a violation or allows a violation to be committed after being issued a cessation order, or warning the Commissioner or the Commissioner's authorized representative may initiate a Citation as stated below.

(2) Issuance of Citation or Notice of Administrative Proceeding:

(a) If upon inspection by an inspector or deputy inspector;

1. An elevator, escalator, dumbwaiter, manlift, or moving walk, platform lifts and stairway chairlifts, is deemed to be in an unsafe condition,
2. The owner, operator, user, contractor, or installer has not complied with the Elevator Law or Rules, or
3. When a written warning or citation has been issued and the violation continues, then the deputy inspector shall issue the violator a citation stating the date, time and place of the violation, the specific violation, the recommended penalty, and shall offer the respondent the opportunity for a hearing as set forth in this section.

(b) If upon receiving information from any source, the Chief ~~Engineer~~ Inspector determines that there is a reasonable belief that:

1. An elevator, escalator, manlift, dumbwaiter, or moving walk platform lifts and stairway chairlifts, may be in an unsafe condition,
2. The owner, operator, user, contractor, or installer has not complied with the Elevator Law or these Rules, or
3. When a warning has been issued, and the violation is a continuing violation, the Chief ~~Engineer~~ Inspector or the Director, Safety Engineering, on behalf of the Office, may issue Notice of Administrative Proceeding stating the date, time, and place of the violation, the specific violation, the recommended penalty, and shall offer the respondent the opportunity for a hearing as set forth in this section.

(c) The Director, Safety Engineering, upon review of a citation issued under subsection

(a) above, may, in his sole discretion, dismiss the citation and substitute therefore a Notice of Administrative Proceeding pursuant to subsection (b) above on the same, similar, or different violation, as required by the evidence.

(d) The Commissioner, upon review of a Citation or Notice of Administrative Proceeding, in his sole discretion, may refer the matter to the appropriate prosecuting official for criminal or injunctive relief as permitted under law. In such event, the Commissioner may, in his sole discretion, elect to dismiss, suspend, or continue with the civil penalty proceeding.

(3) Hearing Procedure:

(a) If request for a hearing is not received from the respondent within the allotted time, the Director, Safety Engineering, on behalf of the Commissioner, may without further process impose a civil penalty not greater than the total of civil penalties set forth on the citation or in the Notice of Administrative Proceeding. An administrative order under the authority of the Commissioner may be issued to collect the civil penalty assessed.

(b) If a hearing request is received in response to a Citation or Notice of Administrative Proceeding, further actions or proceedings shall be governed by the Georgia Administrative Procedure Act, O.C.G.A. Chapter 50-13, O.C.G.A. 25-2-29, and applicable Rules and Regulations of the Commissioner. ~~Upon receipt of a request for a hearing pursuant to any Citation or Notice of Administrative Proceeding, the Director, Safety shall determine, in his sole discretion, whether the hearing shall be held before the Commissioner of Insurance or referred to the Office of State Administrative Hearings. If the hearing is to be before the Commissioner, the Director shall set a date and time for the hearing and shall cause the case file to be referred~~

to the Attorney General for legal representation of the Office. If the Director determines that a hearing before the Commissioner is not warranted, the matter shall be referred to the Office of State Administrative Hearings pursuant to O.C.G.A. § 50-13-41(a)(1). The case file for an OSAH proceeding may be referred to staff counsel within the Department or to the Attorney General for representation of the Office. The Office of State Administrative Hearings will set the date, time and place of the hearing as prescribed by OSAH Rules.

(c) All hearings, whether before the Commissioner or before the Office of State Administrative Hearing, an appointed adjudicator, shall be conducted in accordance with the statutes and regulations cited in the preceding sub-paragraph, including the applicable Rules and Regulations of the Commissioner.

(d) The decision of an Administrative Law Judge appointed adjudicator made after a hearing shall be an initial agency decision within the meaning of O.C.G.A. §50-13-41(d) and shall be subject to review by the Commissioner, Insurance and Safety Fire, as set forth in O.C.G.A. § 50-13-41(e). A hearing before the Commissioner shall be the final agency decision in the matter and shall be subject to judicial review as set forth in O.C.G.A. §50-13-19.

(4) Guidelines for Imposition of Civil Penalties:

(a) Any person, firm, partnership, corporation or other business entity, which violates this part, shall be subject to the imposition of civil penalties. Each day on which a violation occurs shall constitute a separate offense. Repeat offenders, whom a violation occurs, shall constitute a separate offense. Repeat offenders, including those who refuse to adhere to orders of the inspectors, exceed the limitations of operating permits, or refuse to adhere to the requirements of these rules and regulations, may be referred to appropriate prosecuting official for criminal (misdemeanor) or injunction relief as permitted under law. Serious violations, including those causing serious bodily injury or death, or which exhibit gross negligence or serious disregard for public safety, may also be referred appropriate prosecuting official for criminal (misdemeanor) or injunctive relief as permitted under law.

(b) Notwithstanding the recommended minimum penalties set forth below, a serious violation, including those causing serious bodily injury or death, or which exhibit gross negligence or serious disregard for public safety, may receive the maximum penalty of \$5,000.00 for each violation including a first offense. The imposition of a penalty for a violation of this part shall not excuse the violation or permit it to continue.

(c) The deputy inspector issuing a Citation shall, at the time of issuance, specify a recommended civil penalty amount for each specific violation in accordance with these Rules and Regulations. The Director is charged with the responsibility to insure that recommended penalties for violations are graduated with the more serious violations receiving the heavier penalty and with assuring uniformity of recommended penalties such that offenders in similar circumstances with similar violations receive similar penalty recommendation. In this regard, the Director may dismiss a Citation and issue a Notice of Administrative Proceeding solely for the purpose of making an appropriate penalty recommendation.

(d) The recommended civil penalty set forth in the Citation or Notice of Administrative Proceeding shall be given great deference by the Hearing Officer appointed adjudicator. The minimum recommended penalties set forth below is normally for the first offense with only one violation being cited. The Hearing Officer appointed adjudicator shall, after hearing the case, consider factors in mitigation of the violation as well as those in aggravation. The Hearing Officer appointed adjudicator shall impose a penalty less than the recommended minimum penalty only upon finding unusually signification mitigating factors, and shall set forth those factors in the order.

The Hearing Officer appointed adjudicator may impose a penalty substantially greater than the Office recommended penalty upon finding signification aggravating factors associated with violations, and shall set forth those factors in the order. The Hearing Officer appointed

adjudicator shall consider the provision of these Rules and Regulations guiding the assessment of penalties. In particular, the ~~Hearing Officer~~ appointed adjudicator shall, in cases involving structural damage, bodily injury, or death; or continued operation after an unsafe condition is detected or after the equipment is taken out of service by an inspector or deputy inspector, consider the imposition of separate penalties for each day of violation. No penalty exceeding \$5,000.00 for each violation and each day of violation shall be assessed.

(c) The ~~Hearing Officer~~ appointed adjudicator may, in addition to a civil penalty, recommend in the order that the Commissioner suspend for a period of time or indefinitely, operating certificate, permits to install, or certificates for contractors.

(5) Minimum recommended penalties.

(a) Specific violations:

1. Operating equipment without an operating certificate. (O.C.G.A. § 8-2-103)

First offense \$250.00

Second offense \$500.00

2. Operating equipment in an unsafe condition. (O.C.G.A. § 8-2-101)

First offense \$500.00

Second offense \$1000.00

3. Failure to permit access for the purpose of inspecting or investigating equipment. (O.C.G.A. § 8-2-102)

First offense \$500.00

Second offense \$1000.00

4. Failing to notify the Chief Engineer Inspector of any accidents involving structural damage or injury as defined in the definition section. (O.C.G.A. § 8-2-106)

First offense \$500.00

Second offense \$1000.00

5. Failing to notify the Chief Engineer Inspector of an accident which involved death. (O.C.G.A. § 8-2-106)..... \$5000.00

6. Placing unit back in service, which has been Red Tagged and placed out of service by a deputy inspector, without first having the unit inspected. (O.C.G.A. § 8-2-102)

First offense \$1000.00

Second offense \$2500.00

7. Placing a unit which has been involved in an accident back in service prior to having the unit inspected or otherwise cleared. (O.C.G.A. § 8-2-106, Rule 120-3-25-.06 07)

First offense \$1000.00

Second offense \$2500.00

8. Turning equipment over for use without a final acceptance inspection. (O.C.G.A. § 8-2-101)

First offense \$500.00

Second offense \$1000.00

9. Installing equipment without a permit. (Rules 120-3-25-.07 08 & .24.22)

First offense Double Permit Fee

Second offense..... Triple Permit Fee

10. Inspecting without qualifications. (~~300-3-6-.24~~)(120-3-25-.22)

First offense \$500.00

Second offense \$1000.00

11. Using construction elevators or personnel hoist without first obtaining a permit or receiving an inspection. (Rule 120-3-25-.21)

First offense Double permit fee

Second offense Triple permit fee

(b) General Violations:

1. Violating adopted Codes, Standards, Rules, Regulations or Order. (Rule 120-3-25-.04)

- First offense \$250.00
 Second offense \$500.00
 2. Certified company performing an activity, which violates the law or regulations.
 Any Offense \$2500.00 and Suspension of Certificate
 3. Any third repeated offense might subject the violator to the maximum civil penalty permitted under the Act..... \$5000.00

Authority O.C.G.A. Secs. 8-2-102, 8-2-103, 8-2-104.

120-3-25-.11(12) Discontinuance of Operation.

- (1) A certified inspector may seal an elevator out of service and void the operating permit if any of the following conditions exist:
 (a) The holder of the operating permit fails to pay the required fee.
 (b) The holder of the operating permit fails to report an accident as required by these Rules.
 (c) Continued use of the elevator presents immediate danger to the user or people exposed to the hazards of the elevator.
 (d) The holder of the operating permit fails to comply with Safety Act, Rules, or Codes and Standards within the specified time on the inspection report.

Authority O.C.G.A. Secs. 8-2-102(d), 8-2-103(b).

~~120-3-25-.12 Reserved.~~ 120-3-25-.13 Reserved.

120-3-25-.13 (14) Fees.

- (1) ~~Fees and civil penalties required under the law or these rules and regulations shall be paid by money order, cashier's check, certified check, or banking institution official check made payable to:~~

~~Office of Insurance and Safety Fire Commissioner
 Suite 920, West Tower
 2 Martin Luther King Jr. Drive
 Atlanta, Georgia 30334~~

Payment of required fees and civil penalties imposed under these rules and regulations shall be made in accordance with instructions and forms on the website of the Commissioner of Insurance and Safety Fire.. In determining acceptable methods of payment, the Commissioner should consider all relevant factors, including the convenience of the parties, the availability of better means of payment through enhanced technology, the need for efficient administration of the law, and the cost to the agency.

- (2) Once permits are processed by this office, no refunds will be issued.

(2)-(3) Fees shall be paid in accordance with the following schedule: (a) Certification – Examination:

- | | |
|--|------------------------------------|
| 1. Inspector | \$60.00 <u>\$100.00</u> |
| 2. Elevator Mechanic | \$60.00 <u>\$100.00</u> |
| (b) Certification – Annual: | |
| 1. Inspector | \$25.00 <u>\$50.00</u> |
| 2. Class I Elevator Contractor | \$300.00 |
| 3. Class II Elevator Contractor | \$200.00 |
| 4. Class III Elevator Contractor | \$100.00 |

(c) Certification – Bi-Annual Renewal:

- | | |
|----------------------------|-----------------------------------|
| 1. Elevator Mechanic | \$25.00 <u>\$50.00</u> |
|----------------------------|-----------------------------------|

(d) Installation Permits:

1. Passenger or Freight base price, per unit	\$400.00
Plus, each opening	\$25.00 <u>\$50.00</u>
2. Dumbwaiters and material lifts, per unit	\$250.00
3. Escalator, per unit	\$500.00
4. Workmen's hoist, initial inspection, per unit	\$500.00
5. Workmen's hoist, tower rise, per jump	\$150.00
6. Private residence elevators	\$250.00 <u>\$400.00</u>
Plus, each opening	\$50.00
7. Private residence platform lifts (wheelchair lifts) and stairway chairlifts, first unit permitted at single residence	\$250.00
any additional units at time of permitting	\$50.00 per unit
8. Belt Manlift	\$250.00
9. Special purpose personnel elevators and wheelchair lifts, per unit	\$250.00

(e) One acceptance inspection and the operating permit fees are included in the installation permit fee. All additional permit inspections shall be at two hundred fifty (\$250.00) dollars ~~per inspection per hour~~. Elevator Construction Permits shall expire two (2) years from the date of issue, if the permit has shown no action. Elevator Construction Permit Certificates shall expire no more than six (6) months from the date of completion of the permit. If the permit is open more than two (2) years with no action, it will therefore be cancelled.

(f) Major Alteration Permits:

1. Each Alteration — One item as outlined in the Standard, per unit	\$120.00 <u>\$240.00</u>
2. Each additional alteration as outlined in the Standard, per unit	\$60.00 <u>\$120.00</u>
3. Maximum alteration fee, per unit	\$600.00 <u>\$1,200.00</u>

(g) The acceptance inspection fee is included in the major alteration permit fee. The alterations acceptance inspection will not change the normal inspection or the operating permit due date.

(h) Additional permit inspections shall be at the rate of two hundred fifty dollars (\$250.00) ~~per elevator per hour~~.

~~(h)~~ (i) Operating Permit:

1. Operating permit — one year, price per unit	\$65.00
2. Temporary operating permit, per unit	\$65.00 <u>\$100.00</u>

~~(i)~~ (j) Inspection by a certified inspector of the Office:

1. Initial inspection of a temporary elevator, per unit	\$200.00
2. Periodic inspection of a temporary elevator used during construction, per unit	\$50.00
3. Annual fee for annual and periodic inspections <u>are</u> based upon number of openings per unit.	
101 to 110 openings	\$445.00
91 to 100 openings	\$420.00
81 to 90 openings	\$395.00
71 to 80 openings	\$370.00
61 to 70 openings	\$345.00
51 to 60 openings	\$320.00
41 to 50 openings	\$295.00
31 to 40 openings	\$270.00
21 to 30 openings	\$245.00
11 to 20 openings	\$220.00
10 openings	\$195.00
9 openings	\$170.00
8 openings	\$145.00

7 openings	\$120.00
6 openings	\$95.00
5 openings	\$85.00
4 openings	\$75.00
3 openings	\$65.00
2 openings	\$55.00

(k) All third and subsequent inspections shall be at two hundred fifty (\$250.00) dollars per elevator for routine inspections.

(j) (l) Appeal hearings before the Board, per Appeal \$500.00

(k) (m) The Office may bill applicants for operating certificates prior to the issuance of such certificates.

(3)(4) The Office may provide services or perform inspections not otherwise specified in the fee structure. The charge for this service shall be at the rate of \$250.00 per visit, per elevator.

(5) The Office will allow licensed private inspection companies with valid commissioned inspectors to perform permit inspections on residential equipment that falls under the scope of ASME A18.1, latest adopted addition.

(a) No inspection will be allowed as in (5) above prior to the installer obtaining the required permit and two sets of approved stamped drawings from this Office. These are required to be at the site of the prior to any inspection.

(b) These inspections shall be subject to audit by the Office.

(c) Both the installer and the inspection company will be responsible for ensuring that the installation meets all state adopted regulations and that all testing has been completed. The inspection company is responsible for supplying a copy of this report to the installer. An electronic copy of this report shall be sent to the Office prior to the equipment being placed in service.

(d) Any inspection of residential equipment that falls under the scope of ASME A18.1 not performed by a licensed private inspection companies with commissioned inspectors shall be performed by a State Deputy Inspector.

Authority O.C.G.A. Secs. 8-2-102, 8-2-103, 8-2-104.

120-3-25-.44 (15) Existing Installation (General).

(1) The minimum requirements for regular maintenance and safety practices for existing elevators as provided for in the Safety Act and Rules. All existing features or components of the elevator shall comply with the Rules as adopted by the Commissioner.

(2) All existing elevators having a travel of more than 25' 0" shall have "Fire Emergency Service" complying with ASME A17.1 1987 Edition as a minimum.

(3) A permanent decal or metal tag shall be affixed to the lift equipment, in the machine room, control space, machine space, pits, hoistway required to be tested by ASME A17.1, Section 8.6 of the Standard. This decal or tag shall be affixed to the affected equipment when new installations, alterations, or periodic tests are conducted, as required by the Standard. This decal or tag must indicate the date of the test, and the name of the person or firm which performed the test and type of test performed. A decal will not be acceptable when the Standard requires a metal tag. At the time of new installation, alteration, or periodic tests, additional data shall be provided to the building owner or his representative. This document shall include the date of the test, the name of the person or firm conducting the tests and all pertinent data relating to the test.

(4) Mass transit equipment shall have a routine and a periodic inspection as defined

by ASME A17.1 latest adopted edition. ~~Elevator inspection and test shall be in accordance with Appendix N, Table N1. (Except for residence elevators.); as modified by OCGA Section 8-2-102.~~

(5) Existing Hydraulic Elevators are exempted from the requirements of Rule 8.6.5.8 for five (5) years. Elevators shall have all work required for compliance with ASME A17.3, Section ~~8.6.5.8~~ 4.3.3 completed within five (5) years of the effective date of this regulation. Failure to complete work within the required time period will result in the elevator being removed from service until such work is completed, unless the cylinder is replaced.

(6) Existing escalators shall meet the Performance Step Indexing requirements of ASME A17.3, Rule 5.1.11 within two (2) years of the effective date of this Rule revision.

(7) State Elevator Inspectors are not required to meet 8.11, QEI-1 requirements.

(8) Existing passenger elevators shall meet the Restricted Opening of Hoistway Doors or Car Doors as required by ASME A17.3, Rule 2.7.5 within two (2) years of the effective date of this Rule revision.

Authority O.C.G.A. Secs. 8-2-101, 8-2-102, 8-2-104.

120-3-25-.45 (16) Existing Installations (Special Purpose Personnel Elevators, Including Wheelchair Lifts).

Existing special purpose personnel elevators, and wheelchair lifts shall meet ASME A17.1, the Safety Code for Elevators and Escalators.

Authority O.C.G.A. Sec. 8-2-101.

120-3-25-.46 (17) Existing Installations - Belt Manlifts.

All existing belt manlifts shall meet latest adopted version of ASME A90.1 the standards for belt manlifts.

Authority O.C.G.A. Sec. 8-2-101.

120-3-25-.47 (18) Existing Installations - Side Walk Elevators.

All existing side walk elevators shall meet ASME B20.1, the Safety Standard for Conveyors and related equipment.

Authority O.C.G.A. Sec. 8-2-101.

120-3-25-.48 (19) Existing Installations - Dumbwaiters.

All existing dumbwaiters shall meet ASME A17.1, the standards for dumbwaiters.

Authority O.C.G.A. Sec. 8-2-101.

120-3-25-.49 (20) New Installation (General).

(1) The following sections outline the minimum requirements, regular maintenance and approved safety practices for elevators as provided for in the Georgia Laws Regulating Elevators. All Existing features or components of the elevators shall comply with this law and the rules proposed by the Board and adopted by the Commissioner.

(2) Certified Inspectors shall use the latest adopted edition of the ASME A17.2 inspector's manual with such revision, amendments, and interpretation.

(3) All new elevators machine rooms shall not have sprinklers in these rooms if they are

separated from the building with a minimum of a two hour fire separation and have smoke detectors in accordance with NFPA. If these rooms do not have the two hour minimum fire separation they shall have sprinkler protection conforming to the requirements NFPA and shall be provided with means to automatically disconnect the main power supply to the affected elevator prior to the application of water as required by ASME A17.1, unless prohibited by the building code as covered in Section 3007 or 3008. The machine room door shall swing outward from the machine room. Elevator machine rooms must have conditioned air (heated and cooled) to maintain a temperature range between 55 and 90 degrees Fahrenheit, with a maximum relative humidity of 85%.

(4) Elevator machine rooms and machinery spaces shall be enclosed with fire barriers constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 711, or both. The fire-resistance rating shall be not less than two hours. Openings in the fire barriers shall be protected with assemblies having a fire protection rating not less than that required for the hoistway enclosure doors.

Exceptions:

1. Where machine rooms and machinery spaces do not meet the required fire resistance rating, they shall require sprinklers and shunt trip breaker in accordance with NFPA 72.

(5) All machine rooms, machinery spaces, control rooms, control spaces, and elevator electrical spaces must meet electrical clearances as set in NFPA 70 with the room/spaces access doors closed. This will include all machine rooms, machinery spaces, control rooms, control spaces, and elevator electrical spaces that have fused elevator and cab light disconnects. .

(6) All residential elevators will be required to have a machine room with proper electrical clearance with the door in the closed position with the exception of machine room less elevators that have all equipment located in the hoistway.

~~(4)~~ (7) All new elevators shall have a Fireman Emergency Keybox. The keybox is to be a minimum 5.375" wide by 9" high by 2" deep. Front cover shall be hinged on the right side. Lock and key shall be uniform with Lock and Key, Catalogue #25460 or equivalent. Box may either be flush or recessed mounted. Front cover shall be engraved with 1/4" high letters and shall read in capitals "FIRE DEPARTMENT USE ONLY." Engraving shall be filled with color which will be readily conspicuous. Location of key-box shall be at each bank of elevators in the lobby normally used as a place of entrance to the building. As a minimum, the keybox shall contain the key to the elevator machine room, the elevator hoistway access key, and necessary keys to operate Fireman's Emergency Return System. The key shall be ~~given ONLY to the fire-department~~ available to Group 1, Group 2 and Group 3 levels of security. This keybox shall be located within sight of the elevator (s) with all required keys at the designated level of Phase I recall.

~~(5)~~(8) All new elevators shall be prohibited from providing side emergency exits as detailed in ASME A17.1 Rule 2.14.1.10 provided the elevators are in full compliance with paragraphs ~~(7)~~(10) and ~~(8)~~(11) below.

~~(6)~~(9) All new elevators shall have the means in the elevator controller for a qualified elevator mechanic to electrically move a stalled elevator to the nearest landing. Key pads or control boxes used for this function shall be permanently installed.

~~(7)~~(10) All elevators shall have emergency key access at all landings.

~~(8)~~(11) Other Devices - Gravity elevators, hand elevators, incline elevators, multideck elevators, observation elevators, moving walks, material lifts and dumbwaiters with automatic transfer devices and screw column elevators shall meet the requirements of the Codes, as references by

these rules.

~~(9)(12) All Hydraulic elevators shall be designed to operate at no more than 85% of the nameplate motor horsepower. Deleted, reserved for future use~~

~~(10)(13) All new escalators installed after January 1, 2002, shall comply with the latest adopted edition of ASME A17.1.~~

~~(11)(14) All variance requests from the law, rules or standards on new, altered or modernized elevator, escalator, dumbwaiter, material lift, manlift, moving walk, wheelchair lift, or stairway chairlift shall be reviewed by the Elevator Advisory Board Members and recommendations given to the Safety Inspection Section. These variance requests shall be submitted to Board Members by Safety Inspection staff for letter email ballot by the quickest means possible, within three (3) days one (1) week from the date received. Board Members shall return their votes to approve or disapprove within ten (10) days. The majority of the returned votes are to be considered the recommendation of the Board.~~

~~(12)(15) Car Emergency Signaling Devices shall comply with ASME A17.1, Rule 2.27.1.1.6 and shall be activated within 45 seconds with loss of phone connection, both audible and visual signals. Deleted, reserved for future use~~

~~(13)(16) ASME A17.1, Section 5.3 shall be modified to read as follows:~~

~~5.3.1.7.2 5.3.1.8.3 Clearance Between Doors or Gates and Landing Sills and Car Doors or Gates.~~ The clearance between the hoistway doors or gates and the hoistway edge of the landing sill shall not exceed 19 mm (3/4 in.). The distance between the hoistway face of the landing door or gate shall not exceed 75 mm (3 in.).

Authority O.C.G.A. Secs. 8-2-101, 8-2-102.

120-3-25-.20 (21) New Installation – Platform Lifts (Wheelchair Lift) and Stairway Chairlifts.

(1) All existing wheelchair lifts and stair lifts installed before January 1, 2002, including temporary installed and portable lifts shall comply with ASME A117.1 and A17.1.

(2) All new wheelchair lifts and stair lifts installed after January 1, 2002, including temporary installed and portable lifts shall comply with ASME A18.1 and A117. If these lifts penetrate a floor, they shall be in a fire rated hoistway and shall comply with Rule 120-3-25-.19(5).

(3) Residential platform lifts (wheelchair lifts) and stairway chairlifts may be installed and placed into service prior to inspection once the permit and stamped drawings are obtained by the installation company. The installation and testing shall be done to the requirements of ASME A18.1, the latest adopted version. The installation and testing will be done by a Class IIIR elevator mechanic and a test report signed by them showing that both the installation and all tests required in Section 10 of the Code have been completed. A copy of the permit will be posted at the location and a copy of the test report will be emailed to safety engineering. The permit inspection, to include all testing will be conducted as soon as possible after the installation by a certified elevator mechanic of the company that installed the equipment.

Authority O.C.G.A. Sec. 8-2-101.

120-3-25-.24 (22) Certificate to Perform Elevator Installations, Alterations, Repairs, Maintenance or Inspections.

- (1) Elevator Contractor (Class I): Any persons, firms, partnerships, corporations or companies wishing to engage in the business of installation, alteration, service, replacement or maintenance of elevators, dumbwaiters, escalators, moving walks, residential elevators, platform lifts, and/or stairway chairlifts shall apply for Certification by the Office on a form provided by the Office. They shall receive Certification prior to permitting any work or engaging in any business activity.
- (2) Elevator Contractor (Class IR): Any persons, firms, partnerships, corporations or companies wishing to engage in the business of installation, alteration, service, replacement or maintenance of ASME A17.1, Section 4 and 5.7 elevators, temporary construction elevator and material lifts or separately cab interiors and phones, shall apply for Certification by the Office on a form provided by the Office. They shall receive Certification prior to permitting any work or engaging in any business activity.
- (3) Elevator Contractor (Class II): Any persons, firms, partnerships, corporations or companies wishing to engage in the business of alteration, service, replacement or maintenance of elevators, dumbwaiters, escalators, moving walks, residential elevators, platform lifts, and/or stairway chairlifts shall apply for Certification by the Office on a form provided by the Office. They shall receive Certification prior to permitting any work or engaging in any business activity.
- (4) Elevator Contractor (Class III): Any persons, firms, partnerships, corporations or companies wishing to engage in the business of installation, alteration, service, replacement or maintenance of residential dumbwaiters, ~~residential~~ elevators, platform lifts, and/or stairway chairlifts shall apply for Certification by the Office on a form provided by the Office. They shall receive Certification prior to permitting any work or engaging in any business activity.
- (5) Elevator Contractor (Class IIIR): Any persons, firms, partnerships, corporations or companies wishing to engage in the business of installation, alteration, service, replacement or maintenance of residential platform lifts, and/or stairway chairlifts shall apply for Certification by the Office a form provided by the Office. They shall receive Certification prior to permitting any work or engaging in any business activity.
- (6) Elevator Contractor's Certification shall expire twelve (12) months following the date of issuance after April 1, 2014.
- (7) Qualifications of Elevator Contractor.
 - (a) No Certification shall be granted to any person or firm who has not proven their qualifications and abilities. Applicants for Elevator Contractor's Certification must demonstrate the following qualifications:
 - (b) Elevator Contractor Class I, Class IR and II shall submit proof of Elevator Mechanic Certification. All Class II Elevator Contractors shall employ Class I or Class II Elevator Mechanics.
 - (c) Elevator Contractor Class III and Class IIIR shall submit proof of Elevator Mechanics Certification.
 - (d) Elevator Contractors shall have insurance as required by Rule 120-3-25-.22.
- (8) The application for Elevator Contractor Certification shall contain the following information:
 - (a) The Class of the Certification requested.
 - (b) Name and address of business.
 - (c) Such other information as the Office may require.
- (9) The application for Elevator Mechanic shall contain the following information:
 - (a) Name and address of the applicant and company where employed.
 - (b) The Certification class requested by the applicant.
 - (c) The number of years the applicant has engaged in the business of installing, maintaining and/or servicing elevators, escalators and/or platform lifts and stairway chairlifts.

- (d) Documentation of all training or classes applicant has attended in the last year.
- (e) Such other information as the Office may require.
- (10) All elevator mechanics installing, altering, repairing, maintaining, or servicing elevators, escalators, moving walks, dumbwaiters, material lifts, residential elevators, platform (wheelchair) lifts and stairway chairlifts after January 1, 2006 shall have a "Certificate of Authorization" issued by the Office.
- (11) Approval of training programs for Certification and Recertification of elevator mechanics. The Elevator Advisory Board shall review and approve all certification and recertification programs. The Office of Insurance and Safety Fire Commissioner shall prepare a testing program.
- (12) Renewal applications. Applicants renewing their Certification shall provide the following information:
 - (a) Certification number.
 - (b) Documentation of training, certification and classes successfully completed in the previous year [eight (8) hours minimum], including Code updates using a pre-approved or recognized training program.
- (13) Qualification of Class I Elevator Mechanic.
 - (a) Certification shall be granted to any person with a minimum of three (3) years for all except for Class IIR shall be one (1) year experience and who is employed by a company holding a State Certification and has proven their qualifications and abilities. Applicants must demonstrate the following qualifications:
 - (b) Certificate(s) of completion and successfully passing the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program, Certified Elevator Technician Program or the equivalent of an apprenticeship program for the elevator mechanics registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor or a State Apprenticeship Program.
 - (c) Any person who furnishes the Office with acceptable proof they have worked as an elevator constructor, maintenance person, or repair person may, upon making application for Certification and paying the fee, be entitled to receive a Certification without an examination at the discretion of the Office. They shall have worked under direct and immediate supervision of an elevator contractor certified to do business in this state. The person must make application within one (1) year of the effective date of these Rules and Regulations.
 - (d) A Certification may be issued to an individual holding a valid Certification or License from a state having a standard substantially equal to those of this Chapter.
- (14) Qualification of Class IIR Elevator Mechanic.
 - (a) Certification shall be granted to any person with a minimum of three (3) years' experience and who is employed by a company holding a State Certification and has proven their qualifications and abilities. Applicants must demonstrate the following qualifications:
 - (b) Certificate(s) of completion and successfully passing the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program, Certified Elevator Technician Program or the equivalent of an apprenticeship program for the elevator mechanics registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor or a State Apprenticeship Program.
 - (c) Any person who furnishes the Department with acceptable proof they have worked as an elevator constructor, maintenance person, or repair person may, upon making application for Certification and paying the fee, be entitled to receive a Certification without an examination at the discretion of the Department. They shall have worked under direct and immediate supervision of an elevator contractor certified to do business in this state. The person must make application within one (1) year of the effective date of these Rules and Regulations.
 - (d) A Certification may be issued to an individual holding a valid Certification or License from

a state having a standard substantially equal to those of this Chapter.

(15) Qualification for Class II Elevator Mechanic.

(a) Same as (11)(a).

(b) The mechanic shall provide documentation proving they have been trained in the service, repair and maintenance of the equipment they will be working on.

(c) Same as (11) (c).

(d) Same as (11) (d).

(16) Qualification for Class III Elevator Mechanic.

(a) Same as (11) (a).

(b) Same as (11) (b).

(c) Same as (11) (c). (d) Same as (11) (d).

(17) Qualification for Class IIIR Elevator Mechanic.

(a) Same as (11) (a).

(b) Same as (11) (b).

(c) Same as (11) (c). (d) Same as (11) (d).

(18) Issuance and Renewal of Certification.

(a) Upon approval of a mechanic's application, the Office may issue Certification(s), all of which shall be renewed bi-annually. The Certification(s) will expire on July 1, not more than two (2) years from the date of issue.

(b) Whenever an emergency exists, and upon request, the Office may waive all requirements.

(c) A Certified Elevator Contractor shall notify the Office when there are no Certified personnel available to perform elevator work. The Certified Elevator Contractor may request the Office issue Temporary Elevator Mechanic Certifications to personnel employed by the Certified Elevator Contractor who have an acceptable combination of documented experience and education to perform elevator work. The temporary certification will expire after six (6) months. Only three (3) temporary certification will be issued per person, per company.

(d) The renewal of all Certifications granted under the provisions of this Section shall be conditional upon the submission of a certificate of completion of a course designed to ensure the continuing education of Certified Personnel. Such course shall consist of not less than eight (8) hours of instruction that shall be attended and completed within one (1) year prior to any Certification renewal.

(e) The courses shall be taught by instructors who are qualified and approved by the Office.

(f) A mechanic who is unable to complete the education course required under this Section prior to the expiration of their Certification due to a temporary disability may apply for a waiver from the Office.

(19) Suspension and Revocation of Certification.

(a) A Certification issued pursuant to this Chapter may be suspended or revoked by the Office upon verification that one or more of the following exists:

1. Any false statement as to material matter in the application.
2. Violation of any provision of this Chapter.
3. Fraud or misrepresentation in securing a Certification.

(b) No Certification for a company or person shall be suspended, or revoked, until after a hearing before the Office upon notice to the person and/or company of a least ten (10) days at the last known address appearing on the Certification, served personally or by registered mail.

(c) Any company or person whose Certification is revoked or suspended may appeal such determination to the Office within thirty (30) days.

(d) Any company or person certified to perform an activity, who violates this part, after notice and hearing, may cause such company or person's Certification to be suspended and such company or person may receive a penalty not to exceed \$5,000.00 per violation.

120-3-25-.22 (23) Insurance Requirements.

(1) Class I, Class IR and Class II Elevator Contractors shall submit to the Office an original or certified copy of an insurance policy issued by an insurance company authorized to do business in this State to provide general liability coverage of at least one million dollars (\$1,000,000.00) for injury or death of one person and one million dollars (\$1,000,000.00) for injury or death of any number of persons in any one (1) occurrence, with the coverage of at least five hundred thousand dollars (\$500,000.00) for property damage in any one (1) occurrence and the statutory workers compensation insurance coverage.

(2) Class III and IIIR Elevator Contractors shall submit to the Office an original or certified copy of an insurance policy issued by an insurance company authorized to do business in this State to provide general liability coverage of at least five hundred thousand dollars (\$500,000.00) for injury or death of one (1) person and at least five hundred thousand dollars (\$500,000.00) for injury or death of any number of persons in any one (1) occurrence, with the coverage of at least two hundred fifty thousand dollars (\$250,000.00) for property damage in any one (1) occurrence and the statutory workers compensation insurance coverage.

(3) Private Elevator Inspectors shall submit to the Office an original or certified copy of an insurance policy issued by an insurance company authorized to do business in this State to provide Professional Errors and Omissions Insurance coverage of at least one million dollars (\$1,000,000.00) for injury or death of one person and one million dollars (\$1,000,000.00) for injury or death of any number of persons in any one (1) occurrence, with the coverage of at least five hundred thousand dollars (\$500,000.00) for property damage in any one (1) occurrence and the statutory workers compensation insurance coverage.

(4) Such policies must be issued by an insurance company authorized to do business in the State of Georgia by the Insurance Commissioner with a Best Policyholders rating of "A-" or better and with a financial size rating of Class V or larger.

Authority O.C.G.A. Secs. 8-2-101, 8-2-104.