

In The Matter Of:
*NOI to Adopt Rules Changes to
Regulations 120-3-25, 120-3-26 and 120-3-7-.08*

*Proceedings
November 19, 2020*

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Min-U-Script® with Word Index

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1 BEFORE THE COMMISSIONER OF INSURANCE
2 STATE OF GEORGIA
3
4 IN THE MATTER OF:)
5 NOTICE OF INTENT TO ADOPT)
6 RULE CHANGES TO REGULATION)
7 120-3-25, RULES AND REGULATIONS)
8 FOR ESCALATORS AND ELEVATORS;)
9 120-3-26, RULES AND REGULATIONS)
10 FOR BOILERS AND PRESSURE VESSELS;)
11 and 120-3-7-.08, ANNUAL LICENSE.)
12
13 Proceedings before COMMISSIONER JOHN
14 KING, before Kelly D'Amico, RPR, Certified
15 Court Reporter and Notary Public, at 2 Martin
16 Luther King Drive, West Tower, Ninth Floor
17 Training Room, Atlanta, Georgia, on the 19th
18 day of November, 2020, commencing at the hour
19 of 10:00 a.m.
20
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1 A P P E A R A N C E S
2
3 Also present:
4
5 Sarah Crittendon, OCI
6 Pennie Womack, OCI
7 Keith Shadix, State Fire Marshal's Office
8 W.T. Hickox, DOI Health & Safety Inspector
9 Amanda McGovern, Manufactured Housing
10 Ben Crawford, State Fire Marshal's Office
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1 PROCEEDINGS
2 MR. CONLEY: Good morning. My name is
3 John King. I'm the Insurance and Safety Fire
4 Commissioner for the great state of Georgia, and we're
5 here -- we are here today to discuss proposed changes
6 to the Department's regulations. This hearing is
7 convened pursuant to Notice of Intent to Adopt Rule
8 Changes and Notice of Hearing issued.
9 Pursuant to the Georgia Administrative
10 Procedures Act and Title 25 of the Georgia Code
11 Annotated and the rules and regulations of this
12 Department -- of the Department are proposed to be
13 changed by repealing Chapter 120-3-25 entitled Rules
14 and Regulations for the Es- -- for Escalators and
15 Elevators and in lieu thereof adopting a new
16 Chapter 120-3-25 entitled Rules and Regulations for
17 Escalators and Elevators; repealing Chapter 120-3-26
18 entitled Rules and Regulations for Boilers and
19 Pressure Vessels and in lieu thereof adopting a new
20 Chapter 120-3-26 entitled Rules and Regulations for
21 Boilers and Pressure Vessels; repealing regulation
22 120-3-7-.08 entitled Annual License and in lieu
23 thereof adopting a new regulation 120-3-7-.08 entitled
24 Annual License.
25 Pursuant to O.C.G.A. 50-13-4(e) a copy of

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1 address the regulations pertaining to manufactured
2 homes and manufactured housing, which I believe was
3 the third notice that you read.
4 We've got -- we've got four exhibits for
5 each of these three categories and they're numbered
6 sequentially, but just by -- just a brief preview
7 there's three areas of subject matter: Manufactured
8 homes and manufactured housing is the first one; the
9 second one is elevators and escalators, which I'll
10 refer to as the elevator regulations; and the third
11 one is boilers and pressure vessels, which I'll call
12 the boiler regulations. And all of these areas are
13 subject matter in which the Commissioner has authority
14 to enforce the law and to promulgate regulations under
15 O.C.G.A. Titles 8 and 25.
16 (Thereupon, marked for identification,
17 Department Exhibit Number D-1, D-2, D-3 and
18 D-4.)
19 MR. PARKER: So first I'd like to -- and
20 I'll go ahead at this point and submit Exhibits 1
21 through 4 which pertain to the manufactured housing
22 regulation.
23 Before I do that, there are a couple of
24 people here from the Department, Keith Shadix.
25 And Keith, you have some folks here from

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1 the proposed regulations was provided to Legislative
2 Counsel for the Georgia General Assembly. Notice of
3 this hearing was posted on the Department's website
4 and published in the Fulton County Daily Report. A
5 notice stated that interested persons could
6 participate in the proposed rulemaking by submitting
7 written comments to this office. Interested persons
8 are also entitled to participate in today's hearing by
9 making oral arguments -- oral comments.
10 As stated in this notice, oral comments
11 should be limited to five minutes per person in order
12 to allow all interested persons an opportunity to be
13 heard. However, I may at my direction allow more time
14 for any given presentation. Interested persons who
15 would like to speak at this hearing need to sign the
16 sign-in sheet and indicate they would like to speak.
17 At this time the Department has several
18 exhibits to be entered into the record and I'm going
19 to ask a representative of the Department to identify
20 those exhibits.
21 Steve?
22 MR. PARKER: Yes, sir. Today we have
23 three separate regulations pertaining to Section --
24 and I'm just briefly -- going to briefly describe
25 them. With your permission I would like to first

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1 out of town, so if you can identify them for us, sir.
2 MR. SHADIX: (Inaudible) Hickox.
3 THE COURT REPORTER: I can't hear you,
4 unfortunately.
5 MR. SHADIX: Sorry. W.T. Hickox, south
6 Georgia supervisor; Amanda McGovern, south Georgia
7 supervisor, manufactured housing section.
8 MS. McGOVERN: Thank you.
9 MS. HICKOX: Thank you.
10 MR. PARKER: And Commissioner --
11 THE COMMISSIONER: Thank you for coming.
12 MR. PARKER: -- and if you have any
13 specific detailed questions, these folks can answer
14 them for you, but I would summarize it for you by
15 saying this: This is an amendment to just one section
16 of the rules governing manufactured homes and this one
17 has to do with licensing, the licensing function.
18 That's why the title of it is "Annual License."
19 Keith and his cohorts have modernized the
20 regulations to eliminate language which required the
21 mailing of renewal notices to licensees and the
22 regulation will provide for e-mail communications to
23 the licensees for renewal and it will eliminate
24 unnecessary mailing and provide an efficient method of
25 notification.

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1 They have also eliminated something
2 called temporary license and have made some other
3 changes, all of which were to better protect Georgia
4 consumers as I understand it.
5 And finally, and I got involved in this
6 part of it, we -- this regulation about licenses, new
7 regulations would clarify your responsibilities with
8 respect to refusal or revocation of licenses, and we
9 took out some, what I'll call, ambiguous language as
10 to when a hearing is required on a license refusal or
11 revocation.
12 That's it in a nutshell. If you have any
13 questions about the regulation, Keith and his folks
14 are here.
15 And I would just like to tender Exhibits
16 1 through 4, which are -- Number 1 is a clean copy of
17 the regulation, of the proposed regulation; Number 2
18 is a marked copy showing the changes; Exhibit 3 is an
19 affidavit of publication and the published notice
20 published in the Fulton Daily Report on October 19th;
21 and finally, Exhibit 4 is correspondence from the
22 Office of Legislative Counsel pertaining to this
23 particular regulation. Exhibits 1 through 4
24 (indicating).
25 THE COMMISSIONER: Thank you very much,

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1 you know, assist the Department in regulating the
2 industry. So they have had ample opportunity for
3 input and Ben has kept them posted periodically along
4 the way and so they're -- as far as I know, they're
5 totally on board with this as far as we know.
6 And a couple of other things I'll just
7 mention briefly. In addition to updating the
8 regulations as to applicable safety codes and
9 standards, that's really the most important part, and
10 then Ben has painstakingly gone through and updated
11 the references to fire codes and tried to just bring
12 our regulations up to -- up to current speed knowing
13 that they'll have to be remodified again in the
14 future.
15 Also we've updated the procedural rules
16 which applied to enforcement actions by the
17 Commissioner so as to eliminate some redundant and
18 unnecessary language in the regulations and also to
19 clarify the procedures to be followed by those who
20 wish to appeal orders and citations issued by the
21 office.
22 (Thereupon, marked for identification,
23 Department's Exhibit Number D-5, D-6, D-7 and
24 D-8.)
25 MR. PARKER: At this time I will tender

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1 sir.
2 MR. PARKER: Yes, sir. And if you have
3 no more questions about that, I'll move on to the next
4 two.
5 THE COMMISSIONER: Yes, sir.
6 MR. PARKER: The other two areas I'm
7 going to refer -- like I said, I'm going to call them
8 the elevator regulations and the boiler regulations.
9 I think it's interesting here to note
10 that the regulations that are being amended here are
11 really regulations which came over here from the
12 Department of Labor in 2012. They were readopted and,
13 of course, they changed the names as appropriate, but
14 basically I believe -- and I wasn't involved in it,
15 but I believe that a lot of the language which we
16 modified came over here from the Department of Labor
17 and it was written sometime prior to 2012.
18 So having said that, over the last, I'll
19 say, several months, maybe longer, Ben Crawford, who
20 is here today, has worked on modifications to both the
21 elevator and the boiler regulations. In doing so Ben
22 has had input from your advisory boards, the elevator,
23 boiler -- and the boiler -- the boiler and pressure
24 vessel boards. And both of these are advisory boards,
25 which are creatures of statute and which are here to,

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1 Exhibits 5 through 8, which pertain to elevators and
2 escalators, and leave this with the first batch. We
3 have clean and marked copies, Exhibits 5 and 6; and
4 Exhibits 7 and 8 are the affidavits of publication and
5 the Legislative Counsel endorsement. Not endorsement,
6 I'm sorry, it's the Legislative Counsel
7 correspondence.
8 (Thereupon, marked for identification,
9 Department's Exhibit Number D-9, D-10, D-11 and
10 D-12.)
11 MR. PARKER: Finally, I will go ahead and
12 tender Exhibits 9 through 12, and these are the same
13 identical documents which pertain to the boiler and
14 pressure vessel regulations, again a clean and marked
15 copy, affidavit of publication, and the Legislative
16 Counsel.
17 So that's all I have to present. And if
18 you have any questions, as I say, if you have anything
19 about the elevators and boilers, Ben is here; anything
20 about manufactured housing, Keith has his crew here.
21 So having said that, I'll sit down.
22 THE COMMISSIONER: Thank you very much.
23 We appreciate it.
24 Are there any other persons who would
25 like to make oral comments?

1 (No response.)
2 THE COMMISSIONER: If there are no other
3 persons wishing to speak today, then I will review the
4 proceedings, including all of the comments, and I will
5 make a decision. This hearing is adjourned.
6 (Proceedings concluded at 10:45 a.m.)

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1 C E R T I F I C A T E

2
3 I hereby certify that the foregoing
4 transcript was reported, as stated in the
5 caption; that the colloquies were reduced to
6 typewriting under my direction; and that the
7 foregoing pages 1 through 13 represent a true,
8 correct, and complete record of the evidence
9 given to the best of my ability.

10 The above certification is expressly
11 withdrawn and denied upon the disassembly or
12 photocopying of the foregoing transcript,
13 unless said disassembly or photocopying is done
14 under the auspices of D'Amico & Associates,
15 Inc. and the signature and original seal is
16 attached thereto.

17 This, the 3rd day of December, 2020.

18
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20 

21
22 KELLY D'AMICO, RPR, CCR-B-1322

23
24
25

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