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## Proposed Rules

b) who spends more than \$250.00, not including his own traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-5148.

Dated: 14 December 1989

Sandra J. Hale, Commissioner  
Department of Administration

### Statement of Need and Reasonableness

The above-captioned proposed rules are amendments to the state elevator code and the existing *Minnesota State Building Code*.

Pursuant to *Minnesota Statutes* Section 16B.61 the Commissioner of Administration is charged with the responsibility of promulgating the *Minnesota State Building Code* which contains a Chapter 1320 entitled, "Elevator, and Related Devices Section 1320.0100 to 1320.2400." It is the duty of the Commissioner to amend the *Minnesota State Building Code* to maintain the most modern code standards regarding minimum safeguards of life, limb, health, property and public welfare together with regulating and controlling the design construction and quality of materials, use and maintenance of building, structures and appurtenances.

The *Minnesota State Building Code Rules, 1987* printing, effective February 9, 1987, Minnesota Rules 1320.0100 to 1320.2400 adopted by reference the *American National Safety Code* for Elevators, Dumbwaiters, Escalators and Moving Walks, ANSI-A17.1-1984 including supplement ANSI-A17.1a-1985 as a part the code. The promulgation of the code amended these documents as deemed necessary. The proposed amendments to the 1987 publication of the rules update the *Minnesota State Building Code* to incorporate the adoption of the 1987 Edition of the *American National Standard Safety Code* for Elevators and Escalators A17.1-1987 together with supplement A17.1a-1988 and A17.3-1986 as published by the American National Standard Institute and the American Society of Mechanical Engineers (ANSI/ASME), United Engineering Center, 345 East 47th Street, New York, New York 10017. Part XII of the proposed ANSI A17.1, 1987 has been revised to clarify the difference between repairs and replacements versus alterations, which includes modernization. As a minimum, all elevators being modernized must comply with A17.3. We quote Rule 1200.1:

#### **Rule 1200.1—Conformance With Safety Code for Existing Installations**

"When any alteration is made regardless of any other requirements of this Part, all installations, as a minimum, shall conform to the requirements of the ANSI/ASME A17.3 Safety Code for Existing Elevators and Escalators."

The history of accidents involving sub-standard equipment related to hoistway and car doors, interlocks, drum machines, electrical protective devices, car safeties, etc., revealed the need for a code covering existing elevators and escalators. Previous to the establishing of A17.3 code, the equipment standard was established only by the code in effect at the time of original installation, rather than the latest A17.1 code. The A17.1 code has very limited retroactive requirements related only to inspection, maintenance and alterations. The A17.3 Code had been in preparation for 5 years.

The proposed rules will delete in its entirety Chapter 1320 of the *Minnesota State Building Code* and will relocate the proposed rules as amendments to Chapter 51 of the 1988 Edition of the *Uniform Building Code*.

The proposed rules conform as far as practicable to model building codes. They reflect amendments for regional utilization in keeping with the legislative intent of *Minnesota Statutes* Section 16B.61. The amendments provide for a reorganization of certain sections currently found in the rules and the placement of the proposed rules in a dedicated chapter within the *Uniform Building Code*, namely Chapter 51, entitled Elevators, Dumbwaiters, Escalators and Moving Walks.

Any business entity which constructs, expands or remodels a building is required to comply with the *Minnesota State Building Code* when applicable. When adopted, these proposed rules become part of the Minnesota State Building Code and will be applicable to all future construction, when required, and certain conditions when expansion or remodeling is encountered.

The Building Codes and Standards Division has evaluated the effect of the proposed rules on small businesses and has considered each of the methods prescribed by *Minnesota Statutes*, section 14.115, subd. 2, for reducing the impact of the rules on small businesses. The proposed rules do not require businesses to make reports so the requirements for reporting identified in items (a), (b), and (c) are not applicable.

Compliance requirements of items (a), (b), (c), and (e) are not appropriate because the purpose of these rules is to establish a minimum uniform standard for the construction and installation of elevators and other related devices within all public, private,

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commercial, industrial or residential structures within the State of Minnesota to protect life, limb, health, property, and public welfare of the residents of the state at the least possible cost consistent with recognized standards. *Minnesota Statutes* section 16B.59 (1988). To exempt small businesses from any or all requirements of the rules would be contrary to the statutory objectives that are the basis of the proposed rulemaking, *Minnesota Statutes* section 16B.59, 16B.61 and 16B.64. The legislature has specifically mandated that the uniformity of building standards is in the public interest. *Minnesota Statutes* section 16B.61 states in part:

“The (building) code shall conform insofar as practicable to model building codes generally accepted and in use throughout the United States.”

*Minnesota Statutes* section 14.115, subd. 2(d) calls for the establishment of performance standards for small businesses as one method of reducing the adverse impact of rules upon them. The code and its amendments are based on the application of scientific principles, approved tests, and professional judgement; and to the extent practicable, are in terms of results rather than requiring specific methods or materials. The building code uses performance standards whenever possible. Since the performance standards apply across the board to all entities subject to the building code, the methods of reducing the impact of the rules provided by subdivision 2(d) has been utilized. No special changes are necessary for small businesses.

The Building Codes and Standards Division has evaluated the effects of *Minnesota Statutes* 3.981 to 3.983 and 14.131 and believe that the promulgation of these proposed rules will not result in the expenditure of additional monies by local public bodies nor have an impact on agricultural land and meets the test of the exceptions to fiscal notes as provided by *Minnesota Statutes* 3.983.

Elroy Berdahl, Supervisor, and Alvin Kleinbeck, Code Administrator, of the Building Codes and Standards Division will appear on behalf of the proposed rules at the hearing if a hearing is required. They will testify regarding the need for and reasonableness of the proposed rules. The substance of the testimony is set forth herein.

The following is the evidence and argument which supports the need for and reasonableness of the proposed rule:

General	Present Chapter 1320.0100 to 1320.2400 of the Minnesota State Building Code is repealed in its entirety and any pertinent requirements found in these sections are relocated into the appropriate sections of Chapter 51 of the Uniform Building Code, 1988 Edition. The formulation of these new rules has taken into consideration the substance found in the current state building code, Appendix Chapter 51 of the Uniform Building Code and Chapter 51 of the Uniform Building Code has been used in the formulation of these new proposed rules to develop a workable approach as well as having the requirements a part of the Uniform Building Code which is used by the design professions, construction industry and inspectional services for the enforcement of the state building code. It is intended that the location of the requirements for elevators and related devices will make it easier to apply and enforce when all the requirements are located in one section of the code instead of many.
	The following is an item by item explanation of the sections of the proposed rules.
1305.5101 Purpose	This part describes the purpose of providing the avenue of safety to humans and property when these types of people moving and materials handling devices are installed and used within various structures and for various applications. Without a purpose there would be no direction for use and application.
1305.5102 Scope	The scope of this section identifies the application of the rules to all new as well as existing units requiring the securing of permits and inspection of these devices when any installation, maintenance or repair is performed on the devices. This section also identifies local government responsibility as well as that of the Department of Labor and Industry and identified where an exception to the rules is provided.
1305.5103 ANSI Code ADOPTED BY Reference	This section identifies which ANSI/ASME standards are adopted by reference and made a part of the code just as though they would be set out verbatim in the code. These standards are recognized national standards and are not subject to change on a whim but undergoes a due process in their change process. When adopted, these referenced standards will be placed on file with the Commissioner of Administration as well as the State Law Library.
1305.5104 Definitions	The definitions found in this section are of terms used in the body of the rule and are intended to amplify the understanding of their use within these rules. It identifies that there are two different authorities having jurisdiction over the permit, inspection and acceptance of these devices in the state. It also helps to clarify what an existing installation is when applying the rules to existing installations as compared to new installations.
1305.5105 Permits	The inclusion of this section will require that permits will be required for the installation of the listed devices. This section outlines the process of application, submission of plans and specifications, issuance of a certificate of operations, a permit fee requirement so that a more appropriate record of

- the installation of these devices may be provided for those authorities having jurisdiction. This vehicle of control will assist in the maintenance of these devices so that life safety considerations are maintained.
- 1305.5106  
Inspections,  
Tests and  
Approval  
This section further amplifies some of the requirements found in 1305.5105 by establishing the process of approval of plans, inspection and tests, issuing of a certificate of operation when appropriate. Item (d) allows for the temporary use of at least one elevator prior to the completion of a new building or structure. This part is needed to allow limited use of the equipment when necessary, provided sufficient tests have been made.
- 1305.5107  
Accidents  
This item is needed so that the authority having jurisdiction will be notified when accidents happen either to persons or apparatus and the requirement of an investigation to be made to verify the claim. This section also gives the authority having jurisdiction the power and responsibility to order a unit out of service until it has been made safe to operate again and restricts the removal of damaged parts without such jurisdiction permission.
- 1305.5108  
Design,  
Special  
Provisions  
This item outlines the specific requirements and design of elevator or related device systems for use in buildings or structures. The specific requirements described in this section should leave no doubt as to what is required, the specific locations of certain identifying devices, size of car platforms, minimum door sizes, required protective devices, inside car dimensions, location and construction of car controls which are suitable for persons with physical disabilities. All the items 1 to 15 with their sub-subjects establish minimum requirements and are needed to indicate to the unit builder, building contractor, elevator installer, authority having jurisdiction, elevator inspector and ultimate owner what is required to provide a safe installation for daily operation. Each of these items must be a part of a complete installation of an elevator.
- 1305.5109  
Elevator and  
Dumbwaiter  
Hoistway  
Enclosures  
The items contained in this section are needed to provide a safe enclosure to house these vertical movement devices. It is necessary to provide for construction of a fire safe nature when penetrations of floor and roof-ceiling systems are encountered. This section when properly administered should maintain the fire-resistant characteristic of the buildings in which they are installed.
- 1305.5110  
Hoistway  
Venting  
Venting of hoistway is necessary to provide a route of escape of smoke and hot gases to the exterior of the building to contribute to additional safety of the building if a hazard is encountered. The rule allows for an alternative method of providing resistance against a chimney effect within the building by providing pressurization within the building by providing pressurization of the enclosure.
- 1305.5111  
Elevator  
Machine Room  
Floors  
This section is necessary because the venting of the shaft through the machine room without such control could cause irreparable damage to the controls and cable system if exposed to smoke and certain hot gases.
- 1305.5112  
Amendments  
to ANSI A17.1  
1987  
The following amendments are made to the referenced American National Standards Institutes A17.1 1987 Edition and is language which is currently in rule 1320. It is felt that these amendments are necessary for continued life safety of the product installation and operation.  
Two new amendments are added to this section that addresses a concern: (1) that the moving handrail and the treadway of an escalator travel at approximately the same speed and that if the handrail device should stop for some reason an alarm would sound and the treadway movement would be stopped. (2) If a treadway device fails for some reason a mechanism must be provided to stop the action of the treadway. These measures are necessary to avoid any potential of the treadway from entering the passenger area and cause an accident or injury.
- 1305.5113  
Inclined and  
Vertical  
Wheelchair  
Lifts  
The amendments to the referenced ANSI A17.1-1987 found in this section are the same as that found in the current chapter 1320 of the state code. It is necessary to retain these amendments to provide continued provision of safety to life in the installation and use of these wheelchair lift devices.

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1305.5114  
Stage and  
Orchestra  
Lifts

This is the same language found in the current Chapter 1320 and is retained as a part of the code because it is not specifically addressed in the ANSI A17.1 standard. Original reference can be found in 9 SR1557.

1305.5115  
Endless Best  
Lifts

This is a new item in the elevator code to address the design, installation and maintenance of these devices. The rules of Department of Labor and Industry, 5205.0550 to 5205.0590 provides the added requirements necessary for safe installation and operation of these system. This section is used for a cross reference to other agency rules when such an installation is encountered in the plan review of a building or during construction or renovation in an existing building.

1305.5116  
Temporary  
Interior and  
Exterior  
Hoists

This is a carry over from existing Chapter 1320 and is necessary to provide guidance for the installation and applications of these devices.

1305.5117  
Mechanical  
Parking  
Garage  
Equipment

This language is also found in the current chapter 1320 and is retained to provide guidance with this type of equipment and provide reference for the appropriate ANSI standard for its installation and application.

1305.5118  
Existing  
Installations

This section is essentially the same as rule 1320.0300 in the current code. It is retained to provide guidance when working with an existing installation. It remains necessary to retain this section to provide guidance for the correction of a system which has becomes damaged or unsafe.

Dated: 14 December 1989

Sandra J. Hale, Commissioner  
Department of Administration

### Rules as Proposed (all new material)

#### ELEVATORS AND RELATED DEVICES

##### 1305.5101 PURPOSE.

Sec. 5101. The provisions of parts 1305.5101 to 1305.5118 are to safeguard life, limb, property, and public welfare by establishing minimum requirements relating to the design, construction, installation, alteration and repair, and operation and maintenance of passenger elevators, freight elevators, handpowered elevators, dumbwaiters, escalators, moving walks, temporary hoists, stage and orchestra lifts, endless belt lifts, wheelchair platform lifts, and other related devices.

##### 1305.5102 SCOPE.

Sec. 5102. Parts 1305.5101 to 1305.5118 apply to new and existing installations of elevators and related devices, requiring permits therefore and providing for the inspection and maintenance of the conveyances. The requirements for the enforcement of these provisions are established by this chapter.

ANSI/ASME A17.1, Part XXI, is the administrative responsibility of the municipal building official and a legislative statute exempts the Department of Labor and Industry from the enforcement of these regulations in owner-occupied buildings of no more than four dwelling units.

##### 1305.5103 ANSI CODE ADOPTED BY REFERENCE.

Sec. 5103. The American National Standard Safety Code for Elevators and Escalators adopted by the American National Standards Institute and the American Society of Mechanical Engineers (ANSI/ASME) A17.1-1987, together with supplement A 17.1a-1988 and ANSI A17.3-1986, as published by the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017, is incorporated by reference and made a part of this code except as qualified or amended in this chapter. These standards are not subject to frequent change and are available in the office of the commissioner of administration.

##### 1305.5104 DEFINITIONS.

Sec. 5104. (a) "ANSI Code" means the ANSI/ASME A17.1 Code-1987, with supplement A17.1a-1988 and ANSI A17.3-1986, Safety Code for Elevators and Escalators, an American National Standard published by the American Society of Mechanical Engineers.

(b) "Authority Having Jurisdiction" means the building code enforcement agency of local government for areas where the code is enforced or the Department of Labor and Industry in areas outside the enforcement sphere of local government.