

## 524 CMR: BOARD OF ELEVATOR REGULATIONS

### 524 CMR 1.00: ELEVATOR, ESCALATOR, WHEELCHAIR LIFT, DUMBWAITER AND OTHER SPECIAL HOISTING EQUIPMENT: INSTALLATION AND MAINTENANCE

#### Section

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#### 1.01: Scope

(1) Except as otherwise provided by statute, the provisions of 524 CMR shall control the design, construction, installation, relocation, alteration or material change, maintenance and operation of all elevators, escalators, lifts, dumbwaiters, moving walks, and special hoisting equipment, covered herein in all buildings and structures. The design, construction, installation, maintenance and operation of all miscellaneous hoisting and elevating equipment shall be subject to such special requirements as are deemed necessary by the authority having jurisdiction to secure their safe operation. The provisions of 524 CMR shall not apply to portable elevating devices used to handle materials only, and located and operated entirely within one story.

(2) The construction, alteration, maintenance, operation and inspection of manlifts is not within the scope of 524 CMR.

(3) The provisions of 524 CMR are not retroactive except as specifically provided in 524 CMR; and except further that if, upon inspection of any device covered by 524 CMR, the equipment is found in dangerous or unsafe condition, or there is an immediate hazard to those riding on or using such equipment, or the method of operation in combination with devices used is considered inherently dangerous in the opinion of the state elevator inspector, the state elevator inspector shall notify the owner in writing of the condition as required by 524 CMR 8.02: *Unsafe or Non-compliant Conditions*.

(4) All equipment and devices covered by 524 CMR shall meet the requirements of the applicable codes in effect at the time of installation, relocation, major alteration or material change.

EXCEPTIONS: All equipment and devices specifically exempted under the provisions of St. 1962, c. 288 and St. 1980, c. 324.

(5) 524 CMR shall become applicable to new and existing installation, a relocation, or material change for which plans and specifications are submitted for approval on or after November 1, 2006.

#### 1.02: Application

(1) Prior to the commencement of any work requiring a permit in accordance with 524 CMR 1.03, the owner of the elevator or designated elevator contractor shall apply for and obtain a permit from the Department of Public Safety. Application for a permit shall be made on a form provided by the Department of Public Safety. The application shall be accompanied by plans and/or specifications with sufficient clarity and detail showing: the location of the installation or alteration in relation to the building; the location of the machine room and equipment to be installed, relocated or altered; and all structural supporting members thereof, including foundations. Such plans and/or specifications shall indicate all materials to be employed and all loads to be supported or conveyed and shall be sufficiently complete to illustrate all details of construction and design. The application shall be signed by either the elevator owner, a designee of the owner, or by the elevator contractor in its capacity as designee of the elevator owner.

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### 1.02: continued

(2) If after the issuance of a permit there is any change of owner or elevator contractor, any material change in the scope of the work to be performed, or any change to the specified materials to be used, a new application for a permit must be filed. The permit fee from the original application will be transferred to the new application.

### 1.03: Permits

Equipment or devices subject to the provisions of 524 CMR shall not be constructed, installed, relocated or altered unless a permit has been obtained from the Commonwealth of Massachusetts Department of Public Safety, Elevator Division, before the work is commenced. A copy of such permit shall be kept posted in plain view at the site at all times while the work is in progress.

### 1.04: Tests and Inspections

(1) Acceptance tests and inspections shall be required on all new, relocated, or altered equipment subject to the provisions of 524 CMR. All such tests shall be made in accordance with 524 CMR 8.01: *Practical Tests and Inspections*.

(2) Annual tests and periodic inspections shall be required on all new and existing equipment covered by 524 CMR, except as otherwise modified by other provisions of 524 CMR or M.G.L. c. 143, § 64.

### 1.05 Fees

(1) The owner or person in control of a building in which an elevator is operated shall pay fees, as determined by the Commissioner of Administration and Finance pursuant to 801 CMR 4.04: *Rental Charge for Space Used in State Buildings*, prior to obtaining any inspection, test or permit in accordance with 524 CMR 1.00.

(2) The Department of Public Safety Board of Elevator Regulators (the Board) may reduce fees required under 524 CMR 1.05 upon a showing of medical necessity for residential elevators and lifts which are approved by the Board, and may waive fees required under 524 CMR 1.05 upon a showing of hardship.

(3) An individual or entity may apply to the Board for a reduction or waiver of any fees required under 524 CMR 1.05 on a form provided by the Board. The Board may request any documentation which the Board, at its discretion deems relevant to a showing of medical necessity or hardship. Upon receipt of an application for a reduction or waiver of fees, the Board shall investigate the matter and may:

- (a) Schedule a conference with the Applicant to clarify or dispose of any issue the Board, in its discretion, deems necessary;
- (b) Grant or deny the application without a hearing and send written notice to the applicant. Any applicant aggrieved by the Board's decision may request an adjudicatory hearing before the Board in accordance with M.G.L. c. 30A within 30 days of receipt of the decision;
- (c) Commence an adjudicatory hearing in accordance with the provisions of M.G.L. c. 30A and 801 CMR 1.02: *Informal/Fair Hearing Rules*.

### 1.06: Certificate of Compliance

The operation of all equipment governed by 524 CMR, and hereafter installed, relocated or altered shall be prohibited by persons other than a licensed installer thereof until such equipment has been inspected and tested as herein required and a final or limited certificate of compliance has been issued by the state elevator inspector.

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### 1.07: Limited Certificate of Compliance

The state elevator inspector is authorized to issue a limited certificate of compliance for any equipment covered by 524 CMR which is hereafter being installed, relocated or altered, to permit its limited use by the person designated therein during the period of such installation, relocation or alteration. Such certificate shall be signed by the state elevator inspector, shall bear the dates of issuance, renewal and/or expiration, and shall designate the class of service allowed.

### 1.08: Time Limitation

Limited certificates of operation shall be issued for periods of not more than 30 days. The state elevator inspector is authorized to renew the limited certificates of operation for additional periods of not more than 30 days each.

### 1.09: Owner Responsibility

The owner or the owner's legal agent for the building in which the equipment is located shall be responsible for the care, maintenance and safe operation of all equipment covered by 524 CMR after the installation thereof and its acceptance by such owner or agent. The owner or legal agent shall make or cause to be made all periodic tests and inspections, and shall maintain all equipment in a safe operating condition, as required by 524 CMR and M.G.L. c. 143, § 62A.

## REGULATORY AUTHORITY

524 CMR 1.00: M.G.L. c. 143, § 69.

NON-TEXT PAGE