

524 CMR: BOARD OF ELEVATOR REGULATIONS

524 CMR 4.00: ACCIDENT AND INJURY REPORTING REQUIREMENTS

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4.01: Scope

524 CMR 4.00 applies to all elevators as defined by M.G.L. c. 143, § 62 and 524 CMR 4.02. Elevator owners shall be responsible to ensure compliance with 524 CMR 4.00.

4.02: Definitions

Accident. An incident occurring on or caused by an elevator which results in minor injury or serious injury to a person.

Accident Report. A report filed by the owner of an elevator on a form provided by the Department.

Board. Board of Elevator Regulations.

Commissioner. Commissioner of the Department of Public Safety.

Department. Department of Public Safety.

Elevator. The term elevator shall include escalators, moving stairways, dumbwaiters, moving walks, freight elevators, including those subject to St. 1962, c. 288, material lifts and dumbwaiters with automatic transfer devices, wheelchair lifts, automatic people movers and other associated devices, except stair lifts located and installed in residential homes, and all other devices that are commonly included within the elevator industry.

Inspector. An elevator inspector employed by the Department of Public Safety.

Injury. Any bodily harm necessitating some form of medical treatment to a person including fatalities and including, but not limited to: lacerations, bruises, burns, and sprains, and broken bones.

Minor Injury. Bodily harm which may or may not require first aid or significant treatment, but can not be otherwise classified as a serious injury. This category shall include injuries in which treatment is limited to such things as the dispensation of over-the-counter medication or plastic adhesive strips, cleansing, rest, and other similar assistance.

Owner. The owner of an elevator or the owner's designee.

Serious Injury. Bodily harm that results in death, dismemberment, significant disfigurement, loss of a body part or use thereof, a bone fracture, severe lacerations or other significant harm that requires emergency medical attention or hospitalization.

4.03: Reporting Requirements

(1) Notification. All accidents involving serious injury must be reported by the owner to the Department by telephone within one hour of occurrence or promptly upon first learning of the accident if beyond that time frame. Notification telephone numbers can be found on the inspection certificates located inside the elevator. If the accident occurs on a weekend, holiday, or between the hours of 5:00 P.M. and 9:00 A.M. on a weekday, the accident must be reported to the Massachusetts State Police at (508) 820-2121.

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4.03: continued

(2) Written Reports. The owner of an elevator involved in an accident that results in a serious injury shall file a written accident report by facsimile or other electronic transmission with the Department within 48 hours of the accident. The report must be filed on the accident report form provided by the Department.

4.04: Post-accident Requirements

Once an owner learns that a person has sustained a serious injury in an elevator accident, the elevator shall be immediately shut down until express consent to resume operation is granted by a supervisor of elevator inspectors employed by the Department. In the event of such an accident, the owner shall be responsible to ensure that the elevator and area surrounding the elevator are secured and are not disturbed, cleaned, or altered in any way until such time as an inspector has completed an investigation. The only exception to this requirement shall be acts in furtherance of ensuring the safety of the area or a person, or for the extraction of an injured person.

4.05: Violations

The Department may immediately shut down an elevator or revoke its inspection certificate, for any of the following violations:

- (1) Continued operation of an elevator without proper authorization after an accident involving serious injury;
- (2) Failure of an owner to notify the Department of an accident involving serious injury within an hour of its occurrence, or promptly after first learning of it;
- (3) Failure of an owner to submit an accident report to the Department within 48 hours of an accident involving serious injury;
- (4) Submission of an incomplete accident report by an owner to the Department;
- (5) Failure to secure an elevator and the area surrounding an elevator subsequent to an accident involving serious injury and prior to the inspection of the elevator and area by an inspector;
- (6) A violation of any provision of 524 CMR 4.00.

4.06: Shutdown Period and Appeal

- (1) Any elevator shut down pursuant to 524 CMR 4.05 shall remain shut down until express written authorization is given to the owner to resume operation from the Department. In determining how long an elevator shall remain shut down or whether to revoke a certificate of inspection, the Department shall consider the seriousness of the violation, the deleterious effect of the violation on the public, any good faith on the part of the owner, and the owner's history of previous violations.
- (2) An owner may appeal a decision made pursuant to 524 CMR 4.05 to shut down an elevator or revoke an elevator's inspection certificate to the Board of Elevator Regulations. Such appeal must be made in writing and received by the Board within 30 days of the date of the Department's decision. The Board shall consider the factors outlined in 524 CMR 4.06(1) in reviewing the Department's decision. Appeals from the Board's decision shall be to Superior Court in accordance with M.G.L. c. 30A.

STATUTORY AUTHORITY

524 CMR 4.00: M.G.L. c. 143, § 68.