**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**041 Office of Professional and Occupational Regulation**

**ELEVATOR AND TRAMWAY SAFETY PROGRAM**

**Chapter 521: Elevator Owners’ Duties and Responsibilities**

**Summary:** This Chapter establishes general duties and responsibilities of owners of elevators. Duties and responsibilities of owners also are set forth in 32 MRS Chapter 133, and elsewhere in the Program’s rules.

**1. Initial Inspections**

A. **Interim Certificate.** After the Chief Inspector has made the initial inspection of an elevator, and if the elevator complies with all provisions of 32 MRS Chapter 133, the Program’s rules, and the applicable national code, the Chief Inspector may issue an interim certificate for the operation of the elevator up to 60 days pending issuance of the initial inspection certificate.

B. **Expenses.** The owner or the owner’s designee shall pay the initial inspection fee required by Chapter 10, Section 5(16) of the rules of the Office of Professional and Occupational Regulation, entitled “Establishment of License Fees”, and any related expenses for the initial inspection of an elevator. If the fee has not been paid by the date the interim certificate expires, the Chief Inspector shall direct the owner to suspend operation of the elevator.

**2.** **Application for Annual Inspection Certificates**

A. **Notice.** Approximately 90 days before the expiration of an inspection certificate, the Program will send an application for a new inspection certificate to the owner. A failure by the Program to send the application does not relieve the owner of the duty to file a timely application for a new certificate.

B. **Submission.** The owner shall submit to the Director an application for a new inspection certificate, the inspection report and the certificate fee required by Chapter 10, Section 5(16) of the rules of the Office of Professional and Occupational Regulation, entitled *Establishment of License Fees*, no later than 30 days before the date the current inspection certificate expires. The owner shall ensure that the elevator is inspected in sufficient time to comply with the requirements of this paragraph. The Director may assess a late inspection certificate fee if the owner fails to submit the application, inspection report, and certificate fee at least~~-~~ 30 days prior to the date the current inspection certificate expires.

C. **Rejection of Reports.** The Chief Inspector may reject any inspection report that is incomplete, illegible or otherwise fails to comply with the requirements of 32 MRS Chapter 133 or the rules adopted by the Director. If a report is rejected, the Chief Inspector shall return the report with a statement of the reasons for rejection to the owner.

**3. Expiration of Inspection Certificates**

A. **Date of Expiration.** Annual inspection certificates for elevators expire on the last day of the month when the unit was last inspected and will expire annually on the last day of that month unless the owner requests to change the month of inspection, in a manner acceptable to the Chief Inspector.

B. **Suspension of Operation.** If an inspection certificate expires before the Director issues a new inspection certificate, on the date of expiration the owner shall suspend operation of the elevator until the Director issues a new inspection certificate.

**4. Orders of Correction**

 When an owner receives an order of correction stating that an elevator requires repair, the owner will not receive a new inspection certificate for the elevator until the owner submits satisfactory written evidence that the repairs have been completed.

**5. Posting of Certificate**

A. **Display and Location.** The owner shall ensure that the original or a copy of the current inspection certificate issued under 32 MRS §15221 is displayed at all times in accordance with the following:

(1) **Elevators.** The owner of an elevator shall post the original or a copy of the inspection certificate in a conspicuous location in the elevator car.

(2) **Escalators.** The owner of an escalator shall post the original or a copy of the inspection certificate in a conspicuous location at the entrance to the escalator.

(3) **Inclined Lifts.** The owner of an inclined lift shall post the original or a copy of the inspection certificate at the bottom of the lift.

(4) **Manlifts.** The owner of a manlift shall post the original or a copy of the inspection certificate in a conspicuous place at the bottom landing.

(5) **Vertical Lifts.** The owner of a vertical lift shall post the original or a copy of the inspection certificate in the cab.

1. If an owner posts a copy of the inspection certificate rather than the original, the copy must state that it is a copy and specify the location where the original is located and available for examination.

B. **Replacement.** If an original inspection certificate is lost or stolen, the owner must replace the certificate promptly, but in any event not later than 30 days after the date it was lost or stolen. A request for replacement of an original certificate shall be submitted to the Director in writing and must be accompanied by the replacement fee required by Chapter 10, Section 3(1) of the rules of the Office of Professional and Occupational Regulation, entitled “Establishment of License Fees”.

**6. General Responsibility**

Owners shall ensure that all parts of elevators, including machines, cars, hoistways, hoistway landing opening protective devices and all appurtenances are maintained in a structurally sound, firmly secured, and sufficient condition to perform safely the work for which they were intended and are kept sufficiently clean to prevent fire hazards. No existing elevator may be altered by removing, modifying or rendering inactive any safety feature that was part of the original installation or that was added at a later date, if the alteration diminishes the safety of the elevator below that which existed before the alteration.

**7. Change of Status**

A. **Owner.** An owner shall notify the Director of any change in the owner’s address or telephone number within 10 days of the change.

B. **Elevator.** An owner shall notify the Director of any change of status with respect to an elevator within 10 days of the change. As used in this section, “change of status” means the transferal of ownership of an elevator, physical removal of an elevator, or placing an elevator out of service.

**8.** **Accidents**

A. **Reporting of Accidents**

(1) **Initial Report.** When a reportable accident occurs, the owner of the elevator shall report the accident to the Chief Inspector, immediately, and in any event not later than 24 hours after the accident. The report must state the owner’s name, the location of the accident, a brief statement of facts surrounding the accident, and the name(s) and telephone number(s) of the person(s) to be contacted regarding the accident.

(2) **Additional Information.** After making the initial report required by subparagraph (1), the owner of an elevator involved in a reportable accident shall provide to the Chief Inspector any additional information requested by the Chief Inspector regarding the accident or the elevator.

 B. **Suspension of Operation**

 When a reportable accident occurs, the owner shall immediately suspend operation of the elevator, and the elevator must remain out of operation until the Chief Inspector has approved resumption of operation.

C. **Examination and Determination**

(1) **Examination.** When a reportable accident occurs that results in significant injury to a person or substantial damage to equipment, the Chief Inspector may examine the elevator and investigate the circumstances surrounding the accident.

When a reportable accident occurs that involves equipment failure to an elevator and does not result in significant injury to a person or substantial damage to equipment, the Chief Inspector may authorize a licensed elevator mechanic to examine the elevator and to report to the Chief Inspector the findings from the examination.

(2) **Determination.** After the Chief Inspector has examined, or has caused to be examined, the elevator and the circumstances surrounding the reportable accident, the Chief Inspector shall:

 (a) Approve the resumption of operation;

(b) Direct that the owner continue to suspend operation until required repairs have been made;

(c) Summarily revoke the inspection certificate in accordance with 32 MRS §5211(2); or

(d) Take other action with respect to the operation of the elevator that the Chief Inspector deems appropriate to ensure the safety of the public.

**9. Unsafe Conditions**

 If an owner becomes aware of an unsafe condition involving an elevator, the owner shall immediately notify the Chief Inspector in accordance with the procedure for reporting accidents specified in section 8.

**10. Placing an Elevator Out of Service**

An owner who:

A. Voluntarily places an elevator out of service;

B. Is required to place an elevator out of service by 32 MRS Chapter 133 or the Program’s rules; or

C. Is directed by the Chief Inspector to place an elevator out of service shall comply with the standards of the applicable national codes specified in Chapter 511 and the provisions of this section.

When an owner places an elevator out of service, the work must be performed by a licensed elevator mechanic except as provided in 32 MRS §15213.

*(Note: In 2013, statutory changes restructured the licensing and regulation of elevators and tramways by eliminating the Board of Elevator and Tramway Safety and creating the Elevator and Tramway Safety Program, administered by the Director of the Office of Professional and Occupational Regulation.)*

STATUTORY AUTHORITY: 32 MRS §§ 15205-A, 15211, 15212, 15221, 15227, 15229

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