

**COMMUNITY AFFAIRS**

**DIVISION OF CODES AND STANDARDS**

**Uniform Construction Code**

**Elevator Subcode**

**Elimination of Six-Month Elevator Inspections**

**Proposed Amendments: N.J.A.C. 5:23-12.1, 12.2, 12.3, 12.6, and 12.9**

**Proposed Repeal: N.J.A.C. 5:23-12.10**

Authorized By: Charles A. Richman, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-124.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2016-104.

Submit written comments by September 3, 2016, to:

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The agency proposal follows:

**Summary**

The proposed amendments would eliminate the need to have elevator devices inspected at six-month intervals. The Department has traditionally relied on the recommended guidelines for periodic testing and inspection of elevator devices that are found in appendix "N" of ASME

A17.1. However, the Department is reconsidering the current schedule due to substantial increases in workload, as well impending changes to the qualifications of elevator contractors.

Under the Uniform Construction Code, municipalities have the option of hiring their own employees to perform elevator inspections, hiring a third-party inspection agency to perform the inspections, or electing to have the State perform those functions. In 2000, the Department performed elevator inspections for 402 municipalities; it now provides those services for 470 municipalities. While the increase in the number of municipalities is significant, the increase in the number of devices that the Department inspects has increased at an even greater rate. In 2005, the Department was responsible for the inspection of 12,339 devices; today it is responsible for 18,117. This dramatic increase, as well as the small pool of qualified elevator inspectors, has led the Department to reexamine the inspection workload. The Department believes that it can eliminate the six-month inspection of elevators and escalators with no adverse effect on public safety.

The six-month inspection performed on elevator devices is a visual inspection by the elevator inspector of the machine room, hoist-way, pit, cab, and hall elevator access area for violations that can be seen. This inspection is much less rigorous when compared to the inspection and test that is performed annually. In most cases, the functioning of important safety devices is not tested because the testing is beyond a visual inspection and requires the presence of the elevator maintenance company. A review of violations found during six-month inspections shows that the most common violations are for items that could be found and corrected by an elevator maintenance contractor. Typical violations are: hall and car lights that are not working, trash in the elevator pit, and material stored in the machine room. Owners are currently responsible for the maintenance of their elevators. However, in some cases, owners do

not have this maintenance done, but rather rely on the six-month inspection by the elevator subcode official to determine whether there are items that need to be corrected. The proposed amendments would shift maintenance responsibility back to the owner.

Under the proposed amendments, owners would be responsible for a visual check for the items that standard ASME A17.1 outlines for examination at six-month intervals. The results of the examination would be required to be maintained by the building owner. The elevator subcode official or elevator inspector would be able to review those records upon request. This is consistent with the approach that the code takes for other systems and equipment in the building. For example, backflow preventers are required to be tested annually by the building owner to ensure that they are operating properly. The results of the test are required to be recorded and submitted to the plumbing subcode official for review. Similarly, building fire alarm systems are required to be tested periodically by the building owner. The results of the test are required to be documented by the company performing the test in the form of a certification that is submitted to the local fire official. The proposed amendments would extend this approach to elevators, acknowledging that an elevator is a piece of equipment that needs to be maintained by the building owner to continue to operate properly and requiring that the owner has the maintenance done and keeps records of the results in the form of a checklist.

Under the proposed amendments, the elevator subcode official would still be present during annual testing, as well as the five-year full load test and would perform a visual inspection at that time. This will ensure that the full burden of ensuring public safety is not shifted to the building owner. It will also afford the elevator subcode official an opportunity to see if the owner is fulfilling her or his maintenance responsibility. Six-month inspections would

still be performed on escalators because of the notable differences between elevators and escalators in terms of maintenance of the device in safe operating condition.

There are numerous other jurisdictions that have chosen to perform the annual inspections and test, forgoing the semiannual inspections. Massachusetts, Vermont, New Hampshire, New York City, Virginia, and Rhode Island, are some of the regional jurisdictions that inspect elevators annually and do not perform the six-month visual inspection. While there is not an abundance of data, there does not appear to be a correlation between safety and whether a jurisdiction does six-month inspections. In other words, none of the jurisdictions listed above is thought to be more hazardous when compared with other jurisdictions that do perform six-month inspections; the Department could not find any data to suggest that they are.

A specific description of the proposed amendments by section number follows:

At N.J.A.C. 5:23-12.1, a proposed amendment is made to clarify that, in addition to inspection and maintenance, elevator devices must also be tested. This is an editorial change, since the Department, as well as the referenced standard, has always required devices to be tested in accordance with the nationally-recognized standard.

At N.J.A.C. 5:23-12.1(f), definitions of the terms used to describe the types of inspections and tests are proposed to be added for clarity.

At N.J.A.C. 5:23-12.2(b), a proposed amendment is made to emphasize that part of the owner's responsibility for maintaining elevator devices is to ensure that they are examined in accordance with the national standards and that they have the results of that examination recorded on a checklist and available to the elevator subcode official upon request.

At N.J.A.C. 5:23-12.3(a), a proposed amendment is made to eliminate the six-month inspections of elevators by the elevator subcode official. The proposed amendment retains the requirement that escalators be inspected at six-month intervals.

At N.J.A.C. 5:23-12.6, proposed amendments are made to the inspection fees. Since the elevator subcode will no longer require six-month inspections on elevators, those inspection fees are being eliminated. The inspection fee for the annual inspection and the five-year inspection remain unchanged. At N.J.A.C. 5:23-12.6(c), the annual fees to be paid are reduced to reflect the elimination of the fee for the six-month inspection. And a fee for reinspections where violations are found is proposed to be added at N.J.A.C. 5:23-12.6(d). It was the practice, for less serious violations, to reinspect the device during the next scheduled inspection rather than returning at some other time. The Department anticipates that elevator subcode officials will have to return to the site to look at corrective work that used to be looked at during the six-month inspection. In order to cover the cost of the additional time it will now take to revisit the site to ensure that violations have been corrected, the proposed amendment establishes a fee for reinspections.

At N.J.A.C. 5:23-12.9, a proposed amendment is made to eliminate the reference to routine (six month) inspections for elevators.

N.J.A.C. 5:23-12.10 is proposed for repeal. The section covers seasonal facilities that operate for 181 days or less and eliminates the need for six-month inspections at these facilities. In that six-month inspections are being eliminated, the section is not needed. In addition, based on this repeal, the fees at N.J.A.C. 5:23-12.6(c)3 and 4 are proposed for deletion.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The proposed amendments will shift some of the responsibility for maintenance inspections of elevator devices to building owners. Inspections that are currently performed at six-month intervals (except for escalators) would now be performed annually. As stated in the Summary above, it is the Department's position that performing inspections on an annual basis will not reduce public safety. The six-month inspections that are being eliminated are visual inspections. The items that are typically found during these inspections are items that would be apparent during an inspection by an elevator maintenance company. Similar to other building systems, responsibility to ensure that the elevators in their buildings are being maintained and serviced falls to the building owners with annual oversight by the Department.

### **Economic Impact**

The economic impact of the proposed amendments will vary depending on the building and the building owner. The proposed amendments make the owners responsible for maintaining their devices. The cost of that maintenance depends on the complexity of the elevator device, as well as how comprehensive the maintenance contract is. Building owners who currently have comprehensive maintenance plans will see little to no economic impact from the proposed amendments. Building owners who have not performed any maintenance in the past may incur additional costs. However, some of those costs may be offset by the benefits of preventative maintenance, as well as a reduction in inspection fees.

The proposed amendments would eliminate the fee for the six-month inspection while establishing a fee for reinspections. In many cases, where the violations cited at the annual inspection were such that the elevator device could operate safely with the outstanding violation,

the re-inspection would be done at the next scheduled inspection, six months later. Because the proposed amendments would eliminate the six-month inspection, the enforcing agency will not have the option of deferring the re-inspection to coincide with the six-month inspection for which it currently receives a fee. Rather, the enforcing agency will have to perform a re-inspection for which there is no fee. To cover the costs of this additional inspection, the proposed amendments establish a fee of \$203.00 for re-inspections. The proposed amendments should benefit most building owners in that the six-month fee, now paid by all owners, is proposed to be eliminated. Only those owners cited for violations at the annual inspection will be required to pay a re-inspection fee.

#### **Federal Standards Statement**

A Federal standards analysis is not required because the proposed amendments are not being proposed under the authority of, or in order to implement, comply with, or participate in, any program established under Federal law, standards, or requirements.

#### **Jobs Impact**

It is not anticipated that the proposed amendments will have a net result of creation or elimination jobs. Jobs may be created as building owners who previously did not have maintenance plans enter into contracts to have maintenance performed, while it is anticipated that fewer inspectors will be needed in the public sector due to the elimination of the six-month inspections.

#### **Agriculture Industry Impact**

The Department does not anticipate that the proposed amendments would have any impact on the agricultural industry.

### **Regulatory Flexibility Analysis**

Many building owners could be considered “small businesses” as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. It is anticipated that the proposed amendments, which establish requirements to have maintenance inspections performed by building owners, will require those owners to obtain the services of an elevator maintenance company, if they do not already have one, and to maintain records of the performance of elevator maintenance, as discussed in the Summary above. Because the proposed amendments involve essential public safety functions, there is no basis for tailoring these requirements based on business sized.

### **Housing Affordability Impact Analysis**

The proposed amendments will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules pertain to the proposed elimination of the six-month visual inspection of elevator devices.

### **Smart Growth Development Impact Analysis**

The proposed amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules pertain to the proposed elimination of the six-month visual inspection of elevator devices.

**Full text** of the rule proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 5:23-12.10.

**Full text** of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

## SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE

5:23-12.1 Title; scope; intent; **definitions**

(a) – (c) (No change.)

(d) It is the purpose of this subchapter to enhance the public safety, health, and welfare by ensuring that elevator devices as defined in this subchapter are [periodically] inspected, **tested**, and maintained in accordance with nationally recognized, referenced standards **and in accordance with the established inspection cycle for the building.**

(e) (No change.)

(f) **The following terms, when used in this subchapter, shall have the following meanings:**

1. **“Routine inspections” shall mean the examination of elevator devices at six-month intervals where visual inspections are performed to check for compliance with the applicable requirements. The scope and performance of such inspections shall be as required by this subchapter.**

2. **“Periodic inspections and tests” shall mean the periodic inspections and tests of elevator devices at yearly intervals where inspections are performed by an elevator inspector and tests are witnessed by an elevator inspector to check for compliance with the**

**applicable requirements. The category of such tests and scope of these inspections and tests shall be as required by this subchapter.**

**3. “Cyclical inspections” or “cyclical testing” shall mean the inspections or tests performed on each elevator device on a schedule established by the enforcing agency in accordance with this subchapter, including, but not limited to, routine inspections and periodic inspections and tests.**

#### 5:23-12.2 Referenced standards

(a) Periodic[, routine] and acceptance tests and inspections, if applicable, shall be required on all new, altered, and existing [power] elevators, [escalators,] dumbwaiters, moving walks, wheelchair lifts, manlifts, and stairway chairlifts. **The required cyclical tests and inspections shall be performed** in accordance with the most recent edition of ASME A17.1, ASME A18.1, or ASME A90.1 referenced in the building subcode. This subsection shall not apply to elevator devices in structures of Group R-3, R-4, or R-5, or to any elevator device located wholly within dwelling unit in a structure of Group R-2 if the device is not accessible to the general public.

**1. Periodic, routine, and acceptance tests and inspections, as applicable, shall be required on all new, altered, and existing escalators.**

(b) All operating and electrical parts and accessory equipment for elevator devices shall be maintained in safe operating condition. The elevator devices shall be maintained to conform to the applicable safety standard **in effect** at the time of the installation and/or alteration. The maintenance of elevator devices shall conform to the most recent edition of ASME A18.1 or ASME A90.1, **or ASME A17.1** referenced in the building subcode[, or ASME A17.1 (1996-1998), Section 1206 (except 1206.1h)]. [Maintenance]**Additionally, maintenance** of ASME

A17.1 elevator devices shall be in accordance with (c) below. **Checklists of maintenance performed according to the applicable six-month inspection section of ASME A17.1 shall be maintained by the building owner and the owner shall make such records available to the authority having jurisdiction.**

(c) – (f) (No change.)

5:23-12.3 Inspection and test schedule

(a) [Routine, periodic] **Periodic** and acceptance inspections and test of elevators shall be conducted as follows:

1. [Routine and periodic] **Periodic** inspections shall be made at intervals of not more than six months for all [manlifts, and at] **escalators. Inspection intervals for ASME A17.1 elevator devices other than escalators shall not [exceeding] exceed** those set forth in Appendix N-1 of ASME A17.1 referenced in the most recent edition of the building subcode [for elevators, escalators, dumbwaiters, and moving walks], **provided that cyclical inspections shall not be required more frequently than once a year.** Stairway chairlifts and wheelchair lifts shall be inspected at intervals not exceeding one year.

2. [Routine tests shall be made and periodic] **Periodic** tests shall be witnessed at intervals not exceeding those set forth in Appendix N-1 of the most recent edition of ASME A17.1 referenced in the building subcode, **provided that cyclical tests shall not be required more frequently than once a year.** [Manlifts] **Cyclical testing of manlifts**, stairway chairlifts, and wheelchair lifts shall be [tested] at intervals not exceeding one year.

3. [Routine and periodic] **Periodic** inspections, including any applicable acceptance inspections, shall be made by the elevator subcode official or elevator inspector. [Routine tests

shall be made and periodic] **Periodic** tests, including any applicable acceptance tests, shall be witnessed by the elevator subcode official or elevator inspector.

4. Each building containing devices covered by this subchapter shall have an inspection cycle established by the enforcing agency. This cycle shall be consistent with the routine and periodic inspection and test intervals required in this section. Once this cycle is established, all such devices in the building shall be subject to inspections and tests, except as exempted by this section or by N.J.A.C. 5:23-12.9.

i. When a need to modify an existing inspection cycle exists, upon request of a construction official, where such needs are outlined, and approved by the Department, the existing inspection cycle can be changed. Such change shall not increase the intervals between **cyclical** inspections/tests required by this section, and any additional inspection that may be required as a result of the adjustment shall not be subject to a fee.

ii. Elevator devices that have been temporarily taken out of operation for alteration work to be performed shall be exempt from **required cyclical** routine and periodic inspections and tests, [requirements] as long as the elevator device is not accessible to the public or placed back in operation. Those devices that are still in operation, even though they are still included in the alteration permit, shall be subject to **the required cyclical** routine and periodic inspections and tests within the cycle of inspections in the building.

iii. Elevator devices that have been removed from service as per ASME A17.1, A18.1, or A90.1 as applicable, are exempt from **the required cyclical** routine and periodic inspections and tests until the device is placed back in service as per the applicable safety code, which is referenced in the building subcode. Taking a device in or out of service by Code shall be considered minor work within the meaning of N.J.A.C. 5:23-2.17A.

iv. (No change.)

5. (No change.)

5:23-12.6 Test and inspection fees

(a) (No change.)

(b) The Departmental fee for **required** routine and periodic tests and inspections for elevator devices in structures not of Group R-3, R-4, or R-5, or otherwise exempt devices in structures of Group R-2, shall be as follows:

1. The fee for the six-month routine inspection of [elevator devices] **escalators** shall be [as follows:] **\$211.00.**

[i. Traction and winding drum elevators:

(1) One to 10 floors \$211.00;

(2) Over 10 floors \$271.00;

ii. Hydraulic elevators \$151.00;

iii. Roped hydraulic elevators \$211.00;

iv. Escalators, moving walks \$211.00.]

2. The fee for the one-year periodic inspection and witnessing of tests of elevator devices [, which shall include a six-month routine inspection,] shall be as follows:

i. – iii. (No change.)

iv. [Escalators, moving] **Moving** walks \$484.00;

v. (No change.)

vi. Manlifts, stairway chairlifts,  
inclined and vertical wheelchair lifts \$183.00[.];

**vii. Escalators** **\$484.00.**

3. – 4. (No change.)

(c) When the Department is the enforcing agency, the fees set forth in (b) above shall be paid annually in accordance with the following schedule, which is based on the average of the fees to be collected over a five-year period:

1. Basic annual fee as follows:

i. Traction and winding drum elevators:

(1) One to 10 floors **\$[550.00]339.00;**

(2) Over 10 floors **\$[680.00]409.00;**

ii. Hydraulic elevators **\$[409.00]258.00;**

iii. Roped hydraulic elevators **\$[443.00]232.00;**

iv. [Escalators, moving] **Moving** walks **\$[695.00]484.00;**

v. (No change.)

vi. Stairway chairlifts, inclined and

vertical wheelchair lifts, manlifts **\$182.00[.];**

**vii. Escalators** **\$695.00.**

2. (No change.)

[3. Annual fee for inspections at seasonal facilities shall be as follows:

i. Traction and winding drum elevators:

(1) One to 10 floors **\$345.00;**

(2) Over 10 floors **\$404.00;**

ii. Hydraulic elevators **\$258.00;**

iii. Roped hydraulic elevators **\$302.00;**

iv. Escalators, moving walks	\$484.00;
v. Dumbwaiters	\$120.00;
vi. Stairway chairlifts, inclined and vertical wheelchair lifts, manlifts	\$183.00.

4. Additional charges for devices equipped with the following features as follows:

i. Oil buffers (charge per oil buffer)	\$60.00;
ii. Counterweight governor and safeties	\$120.00;
iii. Auxiliary power generator	\$76.00.]

**(d) The fee for any reinspection of an elevator device shall be set at \$203.00 and shall be billed separately from the above fees upon the issuance of a Notice of Violation necessitating a reinspection.**

5:23-12.9 Certificate of compliance requirements

(a) (No change.)

(b) A temporary certificate of compliance may be issued by the construction official for a device in order to keep the device in operation on which work, as a result of violations, is being diligently performed, if the elevator subcode official finds that no hazard to the public is thereby created. A temporary certificate of compliance may be issued for no longer than [180 days, even if the device is inspected on an annual basis] **the inspection cycle.**

(c) – (d) (No change.)

(e) No certificate of compliance or temporary certificate of compliance shall be issued for any elevator device, as required by this section, which has been approved to operate during the initial period, after a permit, in accordance with (f) below if the device has not been registered pursuant

to this subchapter by its first [routine] **cyclical** inspection, even if a certificate of occupancy, temporary certificate of occupancy, or certificate of approval has been issued.

(f) Except as otherwise provided in (e) above, a new device or an existing device which has had work done under a permit shall be issued a certificate of compliance upon the first cyclical inspection based on the following:

1. (No change.)

2. A device has been approved following the inspection process, as required for minor work by N.J.A.C. 5:23-2.17A(d)2 and 12.2, by the application of an Inspection Sticker of Approval for Elevator and a recommendation by the elevator subcode official on an Elevator Subcode Technical Section form for a certificate of approval.

- i. The device may operate under the approval given under the permit until the next cyclical inspection, as determined by the inspection cycle of the building, and then shall be subject to [a] **the applicable** routine or periodic inspection the same as all other elevator devices in the building.