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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Elevator Safety Rules
- 2) Code Citation: 41 Ill. Adm. Code 1000
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1000.30	Amendment
1000.60	Amendment
- 4) Statutory Authority: Implemented and authorized by Section 35 of the Elevator Safety and Regulation Act [225 ILCS 312/35].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments would incorporate newer editions of nationally recognized technical codes which were recently published and are required by Section 35(a) of the Elevator Safety and Regulation Act ("Act") to be incorporated into the rule promulgated under that Act [225 ILCS 312/35(a)].
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State Mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Scott Gertz
Legal Division
Office of the State Fire Marshal

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555 W. Monroe, Ste. 1300-N
Chicago, IL 60661

Phone: (217) 785-7629
Fax: (217) 524-5487
SFM.1000rulemaking@fdmail.sfm.illinois.gov

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business that inspects, installs, repairs or maintains a regulated conveyance may be affected.

Municipalities that provide local oversight of regulated conveyances will be required to enforce the adopted codes locally, per their municipal elevator agreements with OSFM.

Small businesses and not-for-profit corporations may be affected if they are the registered owner of a regulated conveyance that is inspected, installed, repaired or maintained.

- B) Reporting, bookkeeping or other procedures required for compliance: Individuals and companies that inspect, install, repair or maintain regulated conveyances are required to maintain records on licenses, applications, inspections, installations, repairs and maintenance of individual regulated conveyances.

Units of local government that permit, inspect, and/or issue certificates for regulated conveyances are required to maintain records on such activity.

- C) Types of professional skills necessary for compliance: Individuals prove competence to inspect, install, repair and maintain regulated conveyances by either experience, education or testing, which demonstrates conformance to national standards published for the particular type of conveyance upon which the individual seeks to be licensed to perform inspections, installations, repairs or maintenance.

14) Small Business Impact Analysis:

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- A) Types of businesses subject to the proposed amendment: Those businesses that inspect, install, repair or maintain individual conveyances, and any business that is the registered owner of an individual conveyance, which commonly may include these industries:

31-33 Manufacturing
42 Wholesale Trade
44-45 Retail Trade
48-49 Transportation and Warehousing
51 Information
52 Finance and Insurance
53 Real Estate Rental and Leasing
54 Professional, Scientific, and Technical Services
55 Management of Companies and Enterprises
56 Administrative and Support and Waste Management and Remediation Services
61 Educational Services
62 Health Care and Social Assistance
71 Arts, Entertainment, and Recreation
72 Accommodation and Food Services
81 Other Services (except Public Administration)
92 Public Administration

- B) Categories that the Agency reasonably believes the rulemaking will impact, including:

ii. Regulatory requirements
viii. Record keeping

- 15) Regulatory Agenda on which this rulemaking was summarized: January 2024

The full text of the Proposed Amendments begins on the next page:

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TITLE 41: FIRE PROTECTION
CHAPTER II: ELEVATOR SAFETY REVIEW BOARDPART 1000
ILLINOIS ELEVATOR SAFETY RULES

Section

1000.10	Purpose of this Part
1000.20	Applicability
1000.30	Definitions
1000.40	Local Regulation
1000.50	Elevator Safety Review Board
1000.60	Adoption of Nationally Recognized Safety Codes
1000.70	Variance and Appeal
1000.75	New Technology
1000.80	Licensure and Registration Requirements
1000.90	Application for License or Registration
1000.100	License and Registration Fees
1000.110	Renewal of License
1000.120	Registration of Conveyances
1000.130	Permits
1000.140	Conveyance Inspection
1000.145	Request for Investigation
1000.150	Certificate of Operation
1000.160	Administrative Hearing
1000.170	Administrative Procedures
1000.180	Service or Inspection of Non-Compliant Conveyances
1000.190	Conveyance Maintenance, Repair, and Upgrade History

AUTHORITY: Implementing and authorized by Section 35 of the Elevator Safety and Regulation Act [225 ILCS 312/35].

SOURCE: Adopted by emergency rule at 30 Ill. Reg. 13186, effective July 21, 2006, for a maximum of 150 days; emergency expired December 17, 2006; adopted at 31 Ill. Reg. 7043, effective April 24, 2007; amended at 32 Ill. Reg. 8377, effective May 27, 2008; amended at 33 Ill. Reg. 5750, effective April 2, 2009; amended at 36 Ill. Reg. 13131, effective October 1, 2012; amended at 39 Ill. Reg. 3417, effective February 19, 2015; amended at 45 Ill. Reg. 7120, effective May 25, 2021; amended at 48 Ill. Reg. 825, effective December 28, 2023; amended at 49 Ill. Reg. _____, effective _____.

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Section 1000.30 Definitions

For the purposes of this Part, the definitions of terms in Section 15 of the Act and in this Section shall apply.

"Acceptance Inspection" means an inspection performed at the completion of the initial installation or alteration of equipment in accordance with applicable standards.

"Act" means the Elevator Safety and Regulation Act [225 ILCS 312].

"Alteration" means any change to equipment, including its parts, components or subsystems, other than maintenance, repair or replacement of the equipment or its parts, components or subsystems. [225 ILCS 312/15] For the purpose of this Part and the Act, this definition will take precedence over similar definitions used in safety codes incorporated by reference in Section 1000.60.

"Authority Having Jurisdiction", as used in [the editions of the Safety Code for Elevators and Escalators \(ASME A17.1-2010/CSA B44\)-10](#), and Performance-Based Safety Code for Elevators and Escalators (ASME A17.7-2007/CSA B44.7-07) [currently adopted under Section 1000.60](#), means the Board.

"Board" means the Elevator Safety Review Board created by Section 25 of the Act [225 ILCS 312/15].

"Certificate of Conformance" means a certificate issued by a nationally accredited independent conveyance certification organization designated by ANSI, ASME or SCC (Standards Council of Canada) to operate a certification program that conforms to the Performance-Based Safety Code for Elevators and Escalators (ASME A17.7/CSA B44.7) and that evaluates new technology applicable to a conveyance for conformance with ASME A17.7/CSA B44.7. The Certificate of Conformance provides proof that the conveyance complies with ASME A17.7/CSA B44.7 and any other applicable codes required under the Act. The Certificate shall be part of the basis for approval by the Board.

"Certificate of Operation" means a certificate issued by OSFM or the Local Administrator that indicates that the conveyance:

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has passed the required safety inspection and tests;

has been registered; and

fees have been paid. [225 ILCS 312/15]

"Code" or "State Code" means the standards and recommendations incorporated by reference in Section 1000.60.

"Contractor License Designee" means an individual designated by a licensed elevator contractor or licensed limited elevator contractor who holds a current elevator mechanic's license or limited elevator mechanic's license and has the responsibility to ensure that work performed by the contractor is done so in conformance with the Act.

"Elevator Contractor" means any person, firm, or corporation who possesses an elevator contractor license in accordance with the provisions of Sections 40 and 55 of the Act and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining and is entitled to perform electrical work on elevators or related conveyances covered by the Act within any building or structure, except exempt private residences. [225 ILCS 312/15]

"Elevator Industry Apprentice" means an individual who is enrolled in an apprenticeship program approved by the Bureau of Apprenticeship and Training of the U.S. Department of Labor and who is registered by OSFM and works under the general direction of a licensed elevator mechanic or licensed limited elevator mechanic. Licensure is not required for an elevator industry apprentice. [225 ILCS 312/15]

"Elevator Inspector" means any inspector, as that term is defined in ASME QEI, who possesses an elevator inspector license in accordance with the provisions of the Act. [225 ILCS 312/15]

"Elevator Mechanic" means any person who possesses an elevator mechanic license in accordance with the provisions of Section 45 of the Act and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances covered by the Act. [225 ILCS 312/15]

"Emergency Elevator Mechanic License" means a license issued by OSFM, under

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Section 45(d) of the Act and Section 1000.80(d) of this Part and based upon the certification of a licensed elevator contractor or licensed limited elevator contractor, whenever OSFM determines that *an emergency exists in the State due to disaster or work stoppage and the number of persons in the State holding mechanic licenses is insufficient to cope with the emergency.* [225 ILCS 312/45(d)]

"Hearing Officer" means the presiding officer or officers at the initial hearing before the Board and each continuation of that hearing. A hearing officer must be an attorney-at-law licensed to practice in Illinois.

"Inspector's License" or "Inspection Company License" means *a license issued to an ASME QEI certified elevator inspector or inspection company that has proven the inspector's or the company's qualifications and ability, and has been authorized by the OSFM to possess this type of license* under the provisions of this Part. [225 ILCS 312/15]

"Inspection Company License Designee" means an individual designated by a licensed elevator inspection company who holds an elevator inspector license.

"Limited Elevator Contractor License" means a license issued by OSFM, under Section 1000.80(g), that limits the licensee's business to a specific type of conveyance described in ASME A18.1.

"Limited Elevator Mechanic License" means a license issued by OSFM, under Section 1000.80(a), that *authorizes the licensee to carry on a business of erecting, constructing, installing, altering, servicing, repairing or maintaining a specific type of conveyance* described in ASME A18.1 *within any building or structure.* [225 ILCS 312/15]

"Local Administrator" means *the municipality or county that entered into a local elevator agreement with OSFM to operate its own elevator safety program in accordance with the Act and this Part.*

"Material Alteration" means an "alteration", defined in ASME A17.1 as, any change to equipment, including its parts, components, and/or subsystems, other than maintenance, repair, or replacement.

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"New Technology" means an elevator system, component or subsystem that has not been addressed in the [edition of the](#) Safety Code for Elevators and Escalators (ASME A17.1-~~2010~~/CSA B44-~~10~~) [currently adopted under Section 1000.60](#), but meets the requirements of a certificate of conformance under the Performance-Based Safety Code for Elevators and Escalators (ASME A17.7-~~2007~~/CSA B44.7-~~07~~) [currently adopted under Section 1000.60](#).

"OSFM" means the Office of the State Fire Marshal, which is designated by the Act to be the administrator of the Illinois Elevator Safety and Regulation Program.

"Owner" means the owner of the conveyance, which could be an individual, a group of individuals or an association, trust, partnership, corporation or person doing business under an assumed name. The owner may delegate his, her or its authority to manage the day-to-day operations of the conveyance to another party, but may not delegate his, her or its responsibilities and duties under the Act and this Part. [225 ILCS 312/15]

"Private Residence" means a separate dwelling or a separate apartment or condominium unit in a multiple-family dwelling that is occupied by members of a single-family unit. [225 ILCS 312/15] Private residence excludes a unit used on a time-share basis by more than one family over a period of time.

"Repair", as defined in ASME A17.1, means reconditioning or renewal of parts, components, and/or subsystems necessary to keep equipment in compliance with applicable code requirements. Repair includes only such work as is necessary to maintain present equipment in a safe and serviceable condition and to adjust or replace defective, broken, or worn parts with parts made of equivalent material, strength, and design, if the replacing part performs the same function as the replaced part.

"Temporary Elevator Mechanic License" means a temporary license issued by OSFM, under Section 45(e) of the Act and Section 1000.80(c) of this Part, *when OSFM agrees that there are no licensed personnel available to perform elevator work, and upon the request and certification of a licensed elevator contractor or licensed limited elevator contractor. The individual receiving the temporary elevator mechanic license shall have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. [225 ILCS 312/45(e)]*

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"Temporary Limited Authority" means a temporary license to perform work on a specific type of conveyance described in ASME A18.1 issued, under Section 45(g) of the Act and Section 1000.80(a)(3) of this Part. A temporary license will be issued when OSFM agrees that there are no licensed personnel available to perform elevator work. The license will be issued by OSFM to an individual that OSFM agrees is qualified to perform the work.

(Source: Amended at 49 Ill. Reg. _____, effective _____)

Section 1000.60 Adoption of Nationally Recognized Safety Codes

- a) All conveyances shall be designed, constructed, installed, operated, inspected, tested, maintained, altered and repaired in accordance with the following standards and safety codes:

- 1) American Society of Mechanical Engineers (ASME)
Three Park Avenue
New York NY 10016-5990

- A) Safety Code for Elevators and Escalators (ASME A17.1-~~2022~~~~2019~~/CSA B44-~~2022~~~~2019~~) and Performance-Based Safety Code for Elevators and Escalators (ASME A17.7-2007 reaffirmed ~~2021~~~~2017~~/CSA B44.7-07 reaffirmed ~~2021~~~~2017~~).

Modification and Exclusion to the Safety Code for Elevators and Escalators (ASME A17.1-~~2022~~~~2019~~/CSA B44-~~2022~~~~2019~~) adopted by the Illinois Elevator Safety Review Board:

- i) Modification: Witnessing of Initiating Devices for Fireman's Emergency Operation.

All initiating devices for all elevators shall be tested every 5 years. The test shall be witnessed by an elevator inspector. Documentation of the results of the testing of initiating devices must be kept on site in the maintenance records. All hydraulic elevators shall have this documentation completed no later than December 31, 2024. All traction elevators shall have this documentation

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completed at the time of their first Category 5 test after January 1, 2024. After the initial test, subsequent tests of the elevator's initiating devices shall be conducted no later than 5 years after the date of the last test.

- ii) Exclusion: Specifically Excluded from Adoption is Section 8.6.4.20.1(b) Alternative Test Method for Car Safeties;

- iii) Modification: Door Lock Monitoring - System to Monitor and Prevent Automatic Operation of an Elevator with Faulty Door Contact Circuits.

- Automatic passenger and freight elevators installed or permitted for installation prior to effective date of the adoption of ASME A17.1 (2022) shall comply with Section 2.26.5 by January 1, 2029.
- Automatic passenger and freight elevators permitted for installation on or after the effective date of the adoption of ASME A17.1 (2022) shall comply with Section 2.26.5.

- B) Safety Code for Existing Elevators and Escalators (ASME A17.3-2005), but only as required under Section 35(h) and (i) of the Act and subsection (d);
- C) Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1-~~2023~~~~2017~~);
- D) Standard for the Qualification of Elevator Inspectors (ASME QEI-1-~~2024~~~~2018~~).

- 2) American Society of Civil Engineers (ASCE)
1801 Alexander Bell Drive
Reston VA 20191-4400

Automated People Mover Standards (ANSI/ASCE/T&DI 21-~~21~~~~13~~).

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- b) All the materials incorporated by reference in this Section are incorporated as of the date specified and include no later editions or amendments.
- c) *The Board shall adopt, or amend and adopt, the latest editions of the standards referenced in this Section within 12 months after the effective date of the standards. [225 ILCS 312/35(a)]*
- d) Upgrade Requirements for Existing Conveyances
 - 1) *Notwithstanding anything else in this Part, the following upgrade requirements of the 2007 edition of the Safety Code for Elevators and Escalators (ASME A17.1) and the 2005 edition of the Safety Code for Existing Elevators (ASME A17.3) must be completed by January 1, 2015, but OSFM or the Local Administrator may not require their completion prior to January 1, 2013:*
 - A) *Restricted opening of hoistway doors or car doors on passenger elevators in accordance with ASME A17.3-2005;*
 - B) *Car illumination in accordance with ASME A17.3-2005;*
 - C) *Emergency operation and signaling devices in accordance with ASME A17.3-2005;*
 - D) *Phase reversal and failure protection in accordance with ASME A17.3-2005;*
 - E) *Reopening device for power operated doors or gates in accordance with ASME A17.3-2005;*
 - F) *Stop switch in pits in accordance with ASME A17.3-2005; and*
 - G) *Pit ladder installation in accordance with Section 2.2.4.2 of ASME A17.1-2007. [225 ILCS 312/35(h)]*
 - 2) *In the event that a conveyance regulated by this Part is altered, the alteration shall comply with the edition of ASME A17.1-2019/CSA B44-2019 currently adopted under Section 1000.60.*

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- 3) *Notwithstanding anything else in this Section, the firefighter's emergency operation and the hydraulic elevator cylinder or cylinders, including the associated safety devices outlined in Section 4.3.3(b) of ASME A17.3-2005, are not required to be upgraded unless:*
- A) *There is an alteration of the controller affecting operation control, motion control, or combination of the 2 types of control, (1.1) the operation control, motion control, or combination of the 2 types of control are replaced, (1.2) there is an alteration to the hydraulic cylinder;*
 - B) *The equipment fails; or*
 - C) *Failing to replace the equipment jeopardizes the public safety and welfare as determined by the Local Administrator or the Board.*
[225 ILCS 312/35(i)]
- e) Non-Mandatory Guidelines. It is recommended that all conveyances be inspected and tested in accordance with the following recommended practices. The following list should not be interpreted as excluding other practices recommended by equipment manufacturers.

American Society of Mechanical Engineers (ASME)
Three Park Avenue
New York NY 10016-5990

Guide for Inspection of Elevators, Escalators, and Moving Walks (ASME
A17.2-~~2017~~[2023](#))

(Source: Amended at 49 Ill. Reg. _____, effective _____)