



DATE: March 31, 2011

TO: All Municipalities with Local Agreements

FROM: Robert Capuani, Director, Elevator Safety Division

RE: Pressure Test Witness Fees

Over two years ago, the Office of the State Fire Marshal (“OSFM”) made an effort to clarify the powers available to Local Authorities in regulating certain fees associated Category Tests. Since then, the OSFM has heard from both conveyance owners and Legislators about persistent confusion over the witness fees associated with Category Testing for Hydraulic, Traction and Escalators. Conveyance owners have, in certain instances, discovered that the witness fees exceed those which they negotiated when entering into contracts with elevator maintenance companies. To that end, the Office of the State Fire Marshal (“OSFM”) reiterates its position taken in a November 19, 2008 letter to all municipalities with Local Agreements.<sup>1</sup> The OSFM sent the 2008 letter in response to complaints over the cost of conveyance Category Tests, and sought to advise Municipalities as to their authority to regulate fees. As detailed in the letter, Municipalities may, via local ordinance, do the following:

- Require inspection companies to bill the conveyance owner directly (as opposed to passing the inspection fee through an elevator company), thereby eliminating any potential for mark-up;
- Establish the permissible fees to be charged by the third-party inspection companies hired to witness tests; or
- Establish a fee system in which the conveyance owners pay witnessing fees directly to the Municipality.

Should your Municipality choose not to effectuate the suggestions listed above, the OSFM seeks your assistance in educating conveyance owners subject to your Local Agreement. Specifically, the OSFM requests that you advise your conveyance owners that additional fees – as they relate to certain Category Tests – are associated with the ownership and operation of a conveyance above and beyond routine maintenance and inspection.

Pursuant to ASME A17.1, Section 8.11.1.1.2, periodic tests “shall be witnessed by an inspector employed by the authority having jurisdiction, or by persons authorized by the authority having jurisdiction.” The witness fees associated with the Category Tests vary widely, based upon a number of factors, including the underlying witness fee, travel time, mark up, type of testing

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<sup>1</sup> A copy of the November 18, 2008 correspondence can be found on the OSFM website at the following link: <http://www.sfm.illinois.gov/documents/Municipalities%20with%20State%20Agreements%20-%20Pricing%20-%2011-19-08-%20Final%20Version.pdf>



(i.e., Category 1 vs. Category 5), and the type of conveyance at issue (12 story traction conveyance vs. 2 story hydraulic conveyance). Conveyance owners have the following options to minimize or control the fees associated with the mandatory witnessing requirements:

- Where possible, request an in-house inspector employed by the maintenance company to witness the mechanic performing the test (**NOTE:** This option applies only to Category 1 Hydraulic Tests);
- Hire any other elevator maintenance companies licensed by the OSFM to perform Category Tests and in-house witnessing (**NOTE:** This option applies only to Category 1 Hydraulic Tests); or
- Opt for the status quo, and use the inspection company identified by its Municipality's local program to witness the Category Tests.

Please make every attempt to advise those conveyance owners subject to your Local Agreement of the options available to them. For your convenience, the OSFM is providing you with a draft memo that can be adapted by each Local Authority and provided to its Conveyance Owners using whatever means necessary. As always, please contact our office with any questions, comments or concerns about this, or any other Agency policy.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Robert Capuani'.

Robert Capuani  
Director, Elevator Safety Division  
Office of the State Fire Marshal

Enclosure