Regulatory Analysis Form

(Completed by Promulgating Agency)

(All Comments submitted on this regulation will appear on IRRC's website)

INDEPENDENT REGULATORY REVIEW COMMISSION

RECEIVED

Independent Regulatory Review Commission

March 12, 2026

IRRC Number: **3451**

(1) Agency

Department of Labor and Industry

(2) Agency Number: 12

Identification Number: 123

(3) PA Code Cite: 34 Pa. Code, Part XIV, Chapters 401 and 405

(4) Short Title: Elevator Safety Standards under the Uniform Construction Code

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: Joseph Marchioni, Director, Bureau of Occupational and Industrial Safety, (717) 783-6304, jmarchioni@pa.gov
Secondary Contact: Justin Romano, Deputy Chief Counsel, Office of Chief Counsel, (717) 787-4186, jusromano@pa.gov

(6) Type of Rulemaking (check applicable box):

- ☐ Proposed Regulation
- ☒ Final Regulation
- ☐ Final Omitted Regulation
- ☐ Emergency Certification Regulation;
  - ☐ Certification by the Governor
  - ☐ Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

This final-form regulation updates the Uniform Construction Code (UCC) for the construction, repair, maintenance, and inspection of all elevators and other lifting devices in the Commonwealth. This final-form regulation updates the standards, known as the elevator code, by adopting more recent editions of nationally recognized standards published by the American Society of Mechanical Engineers (ASME) and the American National Standards Institute (ANSI), with revisions made by the Department and Elevator Safety Board (ESB) and with input from stakeholders. Additionally, the final-form regulation adds a definition of "Elevator Safety Board" to Chapter 401.

(8) State the statutory authority for the regulation. Include specific statutory citation.

This final-form regulation is authorized under 35 P.S. § 7210.105(c)(2), which allows the Department to modify the 1999 BOCA National Building Code, Fourteenth Edition, Referenced Standards for elevator construction, repair, maintenance and inspection by regulation, subject to the Regulatory Review Act.

Further, 71 P.S. § 574.1(f)(1) requires the ESB to recommend regulations relating to the construction, maintenance, and inspection of elevators and safe operation of elevators to the Secretary of Labor and Industry (Secretary) and 71 P.S. § 574.1(f)(2) requires the Secretary to review any recommendations from the ESB, and if approved by the Secretary, promulgate regulations consistent with the recommendations. The ESB recommended regulatory changes in a letter to the Secretary in November 2020. This final-form regulation is the product of the recommendations included in the letter, ongoing conversations, suggestions by the ESB, as well as other updates deemed necessary by the Department, and in response to public comment on the proposed regulation.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The Secretary has approved the recommendations made by the ESB, and as such, this final-form regulation is required under 71 P.S. § 574.1(f)(2). As stated above, 71 P.S. § 574.1(f)(1) requires the ESB to recommend regulations relating to the construction, maintenance, and inspection of elevators and safe operation of elevators to the Secretary and 71 P.S. § 574.1(f)(2) requires the Secretary to review any recommendations from the ESB, and if approved by the Secretary, promulgate regulations consistent with the recommendations. The ESB recommended regulatory changes in a letter to the Secretary in November 2020. This final-form regulation is the product of the recommendations included in the letter, ongoing conversations, suggestions by the ESB, as well as other updates deemed necessary by the Department, and in response to public comment on the proposed regulation.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

This final-form regulation is necessary because the current standards are outdated. The current standards in effect for Pennsylvania have not changed in over 20 years. As such, the Commonwealth has one of the oldest codes in the nation. Since 2004, Pennsylvania has enforced elevator codes under the 2000 and 2002 addenda editions of ASME Al7.1. For any equipment that has been manufactured after that date and utilizes updated technology that was not found in that adopted standard, the Department has used a variance process to ensure that the equipment is safe for the mechanics installing lifting equipment, as well as the riding public in Pennsylvania. The Department has been utilizing this process since the successor of the 2002 addenda came out in 2007. As the 2002 addenda becomes more outdated, an increasing number of lifting equipment components are no longer covered by this standard, necessitating the need for variances.

In the intervening years, modernized equipment and new safety standards have been introduced in national and international building codes as well as in industry best practices. Updating this regulation and the standards for elevator construction, repair, maintenance, inspection, and testing will align Pennsylvania's UCC with modern safety protocols and industry best practices for elevators.

The final-form regulation is designed to uphold and enhance the protection of life, property, and public safety. Recognizing that industry practices alone are often insufficient to mitigate all risks associated with lifting devices, the regulation mandates the use of safeguards or control systems to enhance safety and

minimize potential harm to life and structures in the event of an incident. By incorporating established standards for lifting devices, this final-form regulation ensures a robust foundation of safeguards.

This regulation is an important step towards ensuring the safety of all residents of and visitors to the Commonwealth who utilize any of the approximately 54,000 pieces of lifting equipment located within its jurisdiction.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no applicable federal standards.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

This final-form regulation adopts national standards that have been adopted in many other states. The current regulations in Pennsylvania are based on the 1999 BOCA National Building Code, a standard promulgated 25 years ago. Many other states have adopted standards updated more recently, and Pennsylvania's neighboring states have elevator codes based on the following standards:

State	Standard	Last Updated
New York	2013 ASME A17.1	5/11/2020
New Jersey	2019 ASME A17.1	9/6/2022
Delaware	Unknown	Unknown
Maryland	2019 ASME A17.1	10/22/2022
West Virginia	2013 ASME A17.1	3/3/2018
Ohio	2019 ASME A17.1	6/3/2020

By revising the prior regulation, the Department will modernize one of the oldest codes in the nation and better align with surrounding states. As such, the Department does not anticipate any effect on Pennsylvania's ability to compete with other states that already utilize higher standards, including Category 1 annual testing.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This final-form regulation will not affect any other regulation.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Department's Bureau of Occupational & Industrial Safety (BOIS) performed initial outreach with the ESB, and other stakeholders, during an ESB meeting of November 13, 2018. In this outreach, BOIS advised the stakeholders that review of the 2016 ASME A17.1 had begun and that BOIS recommended that standard largely replace the current standard in place.

Additional discussions continued into 2019, with public meetings occurring during ESB meetings in November and December 2019. They continued to be a topic on ESB agendas through 2020. In November 2020, the ESB made recommendations to the Secretary to adopt the 2016 ASME A17.1.

Based on the ESB recommendations, BOIS undertook cross reference research and created white papers for each comment that was provided by members of the ESB, the public, and other stakeholders. The Department completed its initial and cross-reference research in February 2023. The ESB then made additional recommendations in December 2023, and additional initial and cross-reference research was needed on those additional line items.

At the ESB's June 2024 meeting, the ESB voted to review the draft annex. At the July 2024 meeting, the ESB voted to have BOIS present and answer questions on the draft annex. Some ESB members submitted questions in advance of the August meeting, and questions were discussed and addressed at said meeting. Public comments were offered during the meeting by ESB members Evensen and Williams, as well Rob Leuthe from IUEC Local 84, speaking as a member of the public.

ESB meeting attendees and organizations represented:

November 12, 2019 – August 20, 2024

Chairman & Board Members
Scott G. Weiant, Chairman
David Wade
E. James Sims
Joseph Williams
Carson Baker
Robert Frey
Tom Scott
Suzanne Sieber
Stephen Gielarowski
Andy Evensen

NEII/Schindler
Norman Martin, NEII/Schindler

International Union of Elevator Contractors (IUEC)
Joe O'Connor, Local 5 Organizer
Ed Loomis
Jack Koch, Local 5 BA
Augie Whymeyer, Local 84
Don Shafer, Local 59
Vance Ayers
Kevin McGettigan
Rob Leuthe, Local 84
Ron Martin, Local 59
Paul Ryan, Local 6
Eric Rittenhouse, Local 5

Code Elevator
Steve Vogelman
Jim Scache

Wanner Associates
Alex Rahn
John Wanner

Gannett Fleming (GF), previously known as Vertical Transportation Excellence (VTX)
Sean Steiner
Mark DeCocinis

Buchanan Ingersoll & Rooney, PC
Eric Battisti
Jordan Yeagley
Caitlin Olivas
Jayson Wolfgang

Savaria
Allen Thompson
Bill Richardson

National Elevator Industry, Inc. (NEII)
Dylan Isenberg
Kevin Brinkman
Amy Blankenbiller
Philip Grone
Savannah Clarkston

OTIS Elevator (NEII Member)
Matt Weaver
Jim Buechel
Michael Mellon
Mike Satkovich
Bruce Horne
Rainee Lutz

Russell Sheridan
Scott Cottrill
Russ Larson
Jim Walters
David Heiner
Rich Hanlon

Schindler Elevator (NEII Member)
Jon Netzel
Marc Sorisi
Lawrence Taylor
Terry Davis
Don Wills
Nick Rainwater
John Carlson
James Bibby
Matthew Schultz

Delaware Elevator
Frank Giampa
David Smarte

Troutman Pepper Hamilton Sanders LLP
Adam Martin
Brian Downey

Kencor Elevator
Jean Elliott
Karen Dodds

Thyssenkrupp Elevator
John Stockstill
Sean Zoll

Other
R. Scott Hultstrom, EIWPF
Brian Doran, Pincus Elevator
Joseph Bonaulti, Superintendent
Taylor Lee, Coordinator
Dennis Bartnik, American Pride Remodeling
Michael Lee, Superintendent
Patrick Rogers, General Manager
Samuel W. Clark, Fire Service of PA, PSFA
Bill Kane, Public
Brian Vallor, Public
Joseph Pastorik, University of Pittsburgh
Michael Walsh, Inspector
Michael Henderson, Garaventa

Kate Seiber, EMS
Scott Boucher, Kone Elevator (NEII Member)
Gaylan Carl, UCC Elevator Plans and Variances Reviewer
Jaren Bard, Alliance Elevator Solutions
Austin Cawley, ABC PA
Michael Martin, TEC Elevator
Bill Jones, Hadfield Elevator
Chris Newhouse, SCA Engineers

The Department considered and addressed a number of public comments on the proposed regulation 12-123. The commenters are as follows:

Local 5 of IUEC
National Elevator Industry Inc. (NEII)
IUEC International
Pennsylvania Society of Professional Engineers (PSPE)
Senator John Kane
Representative Rich Irvin
Representative Sean Dougherty
Representative Brandon Markosek
Senator Devlin Robinson
Senator Lisa Baker

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

This final-form regulation will affect any person who enters a building or structure that houses an elevator or lifting device by ensuring that the elevator or lifting device in that building or structure adheres to modern construction, repair, and inspection maintenance standards. That number potentially includes the approximately 13 million Pennsylvanians residing, working, and attending school within the Commonwealth. It also potentially includes the over 200 million annual visitors to Pennsylvania who conduct business, visit tourist attractions, visit family, and stay in hotels.

This final-form regulation will affect the owners of any commercial building or structure that houses a lifting device as they will be required to comply with the provisions of this regulation. Building and facility owners, contractors, developers, and manufactured housing and modular building manufacturers are affected as they are required to absorb the cost of compliance with annual Category 1 testing for all equipment, including existing equipment, and any new or altered construction to meet the new standards mandated by this final-form regulation. However, the Department does not anticipate an increase in installation costs of new equipment, because many states have already adopted versions of these standards. As such, manufacturers have already adjusted products to be compliant with the updated code.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Anyone owning, maintaining, repairing, or installing elevators or lifting devices in Pennsylvania will be required to comply with this regulation as they may encounter a lifting device in commercial buildings or structures.

It is not possible to determine precisely the exact number of persons, groups, or entities who will need to comply with this regulation, however, the Department has developed an estimate of the persons, groups, or entities of different types. Note that not all entities listed may have an elevator or lifting device, and some entities may have multiple elevators and/or lifting devices.

Building and facility contractors, architects, manufactured housing and modular building manufacturers, building and facility owners, developers, construction code officials, third party inspection agencies, and the Department must comply with this final-form regulation. Based on an analysis of occupations in the building contractor, architecture, third party inspector, manufactured housing and modular building construction industries, at least 53,893 persons will be required to comply with this final-form regulation (see chart below).

Persons, Groups, or Entities Required to Comply with the Elevator Safety Regulation

Prepared by the Center for Workforce Information & Analysis using Quarterly Census of Employment & Wages, Private Ownership (except Local Municipalities), 2nd Quarter 2024 (preliminary)

Industry	NAICS Code	NAICS Title	Count of Establishments	Total Establishments	Average Monthly Employment	Total Employment
Building Contractors and Real Estate Developers	236116	New Multifamily Housing Construction (except For-Sale Builders)	139	2,862	916	38,640
	236117	New Housing For-Sale Builders	95		1,360	
	236210	Industrial Building Construction	248		3,281	
	236220	Commercial and Institutional Building Construction	1,944		27,827	
	238291	Other Residential Equipment Contractors	79		412	
	238292	Other Nonresidential Equipment Contractors	357		4,844	
Architects	541310	Architectural Services	894	**894**	7,117	**7,117**
Manufactured Housing and Modular Building Manufacturers	321991	Manufactured Home (Mobile Home) Manufacturing	19	**192**	1,829	**6,990**
	321992	Prefabricated Wood Building Manufacturing	134		3,337	
	332311	Prefabricated Metal Building and Component Manufacturing	39		1,824	
Third Party Inspection Agencies	541350	Building Inspection Services	275	**275**	1,146	**1,146**
Total				**4,223**		**53,893**

Additionally, any of the 2,500 plus local municipalities in Pennsylvania that have elevators or lifting devices in municipal-owned buildings and any of the 500 Pennsylvania school districts that have elevators or lifting devices in their buildings will also be required to comply with the final-form regulation.

There are approximately 200 small businesses certified with the Department as third-party agencies. These businesses are comprised of inspection agencies and engineer and architecture firms. Beyond third-party agencies, it is not possible to determine what percentage of Pennsylvania lifting devices or elevators are owned, operated or installed by entities classified as small businesses, as upwards of 99 percent of all businesses in Pennsylvania are regularly considered "small" by the standards developed by the federal Small Business Administration (SBA).

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(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The final-form regulation will ensure continued protection of life, property, and public safety. By utilizing adopted standards that cover lifting devices, that information will serve as fundamental safeguards for the installation and use of lifting devices in the Commonwealth.

By recognizing that reduction of risks from industry alone is typically not adequate to address all aspects of lifting device risk, the regulation provides additional requirements for the use of lifting device safeguards or control systems to provide life and structural safety to prevent incidents from occurring.

This regulation will protect the lives and property of every citizen and visitor to the Commonwealth of Pennsylvania who utilize any of the approximately 54,000 pieces of lifting equipment found within the Commonwealth. It is unknown how many different entities own, operate, or lease lifting equipment in the Commonwealth, but it is possible that many of the 500 school districts and over 2,500 municipalities in Pennsylvania have lifting devices and would be affected. Additionally, approximately 200 small businesses registered as third-party inspectors will be required to comply. An unknown number of private and non-profit entities that own, operate, or lease lifting equipment will also be required to comply.

The estimated cost of compliance for this final-form regulation by the regulated community is likely between $15,974,865 and $79,874,327, depending on how many lifting devices are currently covered by a maintenance contract, and the terms provided therein. See (19) for more information.

The current adopted standards and regulations that govern lifting devices dealt with technology that was prevalent over 20 years ago. The newer standards in the final-form regulation meet the current technological advances in the industry that have occurred over the past two decades and poise Pennsylvania to meet future advances in this industry.

The Department is unaware of any social impact caused by the final-form regulation.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The final-form regulation will ensure continued protection of life, property, and public safety. Utilizing adopted standards that cover lifting devices will enhance fundamental safeguards for the installation and use of lifting devices in the Commonwealth.

The current adopted standards and regulations that govern lifting devices correspond to industry standards prevalent over 20 years ago. The newer standards in the final-form regulation comport with current technological advances in the industry that have occurred over the past two decades and poise Pennsylvania to meet future advances in this industry.

The benefits to the protection of life, property, and public safety due to compliance with the current standards already adopted by competing neighboring states are considered to be greater than the anticipated costs to the regulated community of between $15,974,865 and $79,874,327.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The regulated community's costs associated with compliance with this regulation will be the cost of the new code books and the costs associated with annual Category 1 testing. The one-time costs of new code books are as follows:

ASME A17.1-2016/CSA B44-16 Safety Code for Elevators and Escalators: $345

ASME B20.1, 2018 edition: $75

ASME A90.1, 2015 edition: $80

ANSI B77.1, 2022 edition: $200

ASME A18.1, 2017 edition: $125

ASME A17.8, 2016 edition: $58

Approximate Total: $883

The final-form regulation applies to the installation of new equipment or the replacement or relocation of current equipment. The annual Category 1 testing requirements in this regulation applies to all equipment, including existing equipment, and will increase costs on the regulated community. However, the Department does not anticipate an increase in installation costs of new equipment, because many states have already adopted versions of these standards and manufacturers have already adjusted products to be compliant with the updated codes.

Category 1 (annual) testing cost estimates

Based on three survey responses from companies that do this work, the Department anticipates the following as the maximum cost for Category 1 testing requirements:

The average annual cost, per unit, for traction elevators will be approximately $3,833. There are approximately 13,619 traction elevators in the Commonwealth. As such, the average total annual cost for the Category 1 testing across all traction elevator units in the Commonwealth is approximately $52,201,627.

The average annual cost, per unit, for hydraulic elevators will be approximately $1,100. There are approximately 25,157 hydraulic elevators in the Commonwealth. As such, the average total annual cost for the Category 1 testing across all hydraulic elevator units in the Commonwealth is approximately $27,672,700.

This reflects the average cost charged by an elevator company that performs the testing and stems from the labor and material costs incurred by the elevator company.

The total average cost for annual testing for all traction and hydraulic elevator units in the Commonwealth is approximately $79,874,327.

This is a high estimate since it assumes that no traction or hydraulic elevator units have current maintenance contracts that include Category 1 testing and includes elevator units that are owned, operated, or maintained by public schools, state and state-related universities, and Commonwealth buildings. Category 1 testing for traction or hydraulic elevator units owned, operated, or maintained by public schools, state and state-related universities, and Commonwealth buildings may in some cases be witnessed by BOIS inspectors at no cost, which would reduce the estimated cost to the regulated community and is also reflected as a cost to state government in (20), (21), and (23).

The actual cost to the regulated community is likely lower but cannot be quantified at this time since the Department does not have a way of knowing how many units currently undergo Category 1 testing. BOIS estimates that approximately 80 percent of units are under maintenance contracts, including full maintenance contracts that may already include Category 1 testing. Those contracts would likely not be impacted. However, for the contracts that do not already include annual testing, there would be an increased cost for those contracts.

If all 80 percent of units currently estimated to be under maintenance contracts all include Category 1 testing, thus leaving 20 percent of all units necessitating a stand-alone Category 1 test, the cost for compliance on the regulated community would be $15,974,865. This amount, $15,974,865, constitutes the low estimate.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are approximately 1,420 elevators identified in school districts across the state. If these units do not have a full maintenance contract that includes Category 1 testing, the school districts could expend a total of $1,944,620 annually for Category 1 testing to be performed. This includes additional costs to local governments in the form of a variance request to the ESB in the event that new or existing equipment would not be able to be installed or altered to meet the newest standards in the final-form regulation.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Department is already incurring costs to comply with the final-form regulation, as variances have been granted for lifting equipment by the Industrial Board and/or the ESB to meet the updated standards. The Department has started training its elevator inspectors in the code and has purchased these standards.

The enforcement costs will be similar to the costs incurred by the current UCC enforcement program. The Department's SFY 24-25 costs for the UCC enforcement program are approximately $7,128,164. The Department estimates it must add twelve (12) additional elevator inspectors to its staff complement to adequately enforce the final-form regulation. The Department estimates that $636,760 is required to fund these positions and related operating costs for the remainder of SFY 25-26, $1,857,153 in SFY 26-27, and $1,912,868 in SFY 27-28.

The Department will incur approximately $800 per individual, totaling $28,000, in costs to train staff concerning the new standards in this final-form regulation.

The Commonwealth owns approximately 1,384 elevators. If Category 1 testing is not included in a maintenance contract, an additional $2,574,605 in annual costs will be required to perform Category 1 testing.

Additionally, state universities and state-related universities have approximately 645 elevators that, if Category 1 testing is not already included in a maintenance contract, would cost an additional $1,204,173 annually to perform.

While it is unknown how many additional Category 1 tests will be necessary, it is estimated that the testing may generate up to $3,500,000 in revenue for the Commonwealth on an annual basis.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

The final-form regulation will require modification of the existing reporting, record keeping, invoicing, and other paperwork requirements to account for Category 1 testing. These modifications are estimated to cost $75,000 in FY 26-27. The Department will update its current forms following enactment of the final-form regulation, because the current forms have reference to prior codes that will no longer be in effect.

(22a) Are forms required for implementation of the regulation?

Yes.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here.** If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

ASME A17.1-2016 CATEGORY 1 TEST REPORT. HYDRAULIC ELEVATORS
ASME A17.1-2016 CATEGORY 1 TEST REPORT. ELECTRIC ELEVATORS
ASME A17.1-2016 CATEGORY 1 TEST REPORT. OUTSIDE EMERGENCY ELEVATORS
ASME A17.1-2016 CATEGORY 1 TEST REPORT. ESCALATORS & MOVING WALKS
ASME A17.1-2016 CATEGORY 5 TEST REPORT. HYDRAULIC ELEVATORS
ASME A17.1-2016 CATEGORY 5 TEST REPORT. ELECTRIC ELEVATORS
ELEVATOR SAFETY BOARD PETITION
APPLICATION FOR CONSTRUCTION AND ALTERATION PERMIT

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	**$**	**$**	**$**	**$**	**$**	**$**

Regulated Community						

Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community	$79,874,327	$79,874,327	$79,874,327	$79,874,327	$79,874,327	$79,874,327
Local Government	$972,310	$1,944,620	$1,944,620	$1,944,620	$1,944,620	$1,944,620
State Government	$2,708,903	$5,417,806	$6,226,112	$7,217,598	$8,341,409	$9,683,588
Total Costs	$83,555,54 0	$87,236,75 3	$88,045,059	$89,036,45 4	$90,160,35 6	$91,502,535
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government	$1,889,389	$3,778,778	$4,534,534	$5,441,440	$6,529,728	$7,835,674
Total Revenue Losses	$1,889,389	$3,778,778	$4,534,534	$5,441,440	$6,529,728	$7,835,674

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
UCC Enforcement	$6,920,548	$6,989,753	$7,128,164	$2,772,173

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

(a) An identification and estimate of the number of small businesses subject to the regulation.

There are approximately 200 small businesses certified with the Department as third-party agencies. These businesses are comprised of inspection agencies and engineer and architecture firms. Beyond third-party agencies, it is not possible to determine what percentage of Pennsylvania lifting devices or elevators are owned, operated or installed by entities classified as small businesses, as upwards of 99 percent of all businesses in Pennsylvania are regularly considered "small" by the standards developed by the federal SBA.

(b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.

The anticipated costs for these businesses are approximately $345 for each UCC certified employee. These costs are for the purchase of the ASME A17.1-2016 code book. There may also be costs associated with training UCC certified staff; however, that will vary depending on the avenue the third-party wishes to pursue to provide training if it chooses to do so. The most cost-effective method would be for the agency to permit the UCC certified individuals to self-train or to provide training in-house.

(c) A statement of probable effect on impacted small businesses.

It is not possible to determine what percentage of Pennsylvania lifting devices or elevators are owned, operated or installed by entities classified as small businesses, as upwards of 99 percent of all businesses in Pennsylvania are regularly considered "small" by the standards developed by the federal SBA. Small businesses that do own, operate, or install lifting devices or elevators will bear increased costs for Category 1 testing. Additionally, the approximately 200 small businesses certified with the Department as third-party testing agencies will likely see increased demand for their inspection services.

(d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

The Department is unaware of any less intrusive or less costly alternative methods of achieving the purpose of the final-form regulation.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

There are no special provisions regarding particular needs of affected groups. However, the ESB is available to hear petitions for variances related to extensions of time, impracticality, infeasibility, monetary constraints, or other circumstances surrounding a lifting device not meeting the standards included in the final-form regulation.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulations have been considered since this final-form regulation seeks to adopt national safety standards in Pennsylvania.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

a) The establishment of less stringent compliance or reporting requirements for small businesses;

b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

c) The consolidation or simplification of compliance or reporting requirements for small businesses;

d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and

e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

Any deviation or permitted variance outside of the ESB variance process was deemed to be contrary to the overall purpose of the regulation, namely, to improve the general safety and to protect life, property, and the general public when in proximity to lifting devices. Any exception for the benefit of small business would create an uneven safety regime across the state with potentially heightened risks at certain types of establishments.

Additionally, the definition of small business most commonly used, that of the SBA, classifies businesses based on either number of employees or revenues. Neither is directly tied to facilities owned or operated or to the number of lifting devices or elevators owned, operated, or maintained. Creating less stringent compliance or reporting requirements for small businesses could create a perverse incentive for businesses that do not classify as small to lease from businesses entities that are by definition “small” but are wholly owned subsidiaries of the larger business.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data was not the basis for this final-form regulation. Instead, it is based on national standards that will improve the protection of life, property, and public safety.

(29) Include a schedule for review of the regulation including:

A. The length of the public comment period:	30 days
B. The date or dates on which any public meetings or hearings will be held:	None scheduled
C. The expected date of delivery of the final-form regulation:	March 2026
D. The expected effective date of the final-form regulation:	Six months after publication in the *Pennsylvania Bulletin*
E. The expected date by which compliance with the final-form regulation will be required:	Six months after publication in the *Pennsylvania Bulletin*
F. The expected date by which required permits, licenses or other approvals must be obtained:	Six months after publication in the *Pennsylvania Bulletin*

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The ASME adopted standards are periodically updated. As they are updated, the Department will review them and determine whether it should update its regulations.

Pennsylvania
Department of Labor & Industry
Bureau of Occupational & Industrial Safety

ASME A17.1-2016 CATEGORY 1 TEST REPORT. HYDRAULIC ELEVATORS

TEST DATE	BUILDING #	EQUIP. #	EQUIP. TYPE	START TIME	STOP TIME	INSPECTORS NAME (PRINT)

LOCATION NAME AND ADDRESS	INSPECTION AGENCY & ADDRESS	INSPECTOR SIGNATURE
		U.C.C. COMMISSION #

ELEVATOR COMPANY NAME & ADDRESS	TESTING RESULTS ☐ PASSED ☐ FAILED
	I hereby certify that I witnessed the required category 1 testing as required by the Uniform Construction Code Section§ 405.8. Periodic testing (a) The following periodic testing under ASME A17.1-2016.

ITEMS TESTED. *Mark (**P**) for Passing result, (**F**) for failed result, (**N/R**) for not required. All items must have a result indicated.*

P	F	N/A	ITEM	P	F	N/A	ITEM
☐	☐	☐	***8.6.5.14.1 Relief Valve***	☐	☐	☐	***8.6.5.14.1 System Pressure test***
☐	☐	☐	***8.6.514.2 Hydraulic Cylinder***	☐	☐	☐	***8.6.5.14.2 Pressure piping test***
☐	☐	☐	***8.6.5.14.3 Oil buffers***	☐	☐	☐	***8.6.5.14.3 Normal Term stopping device***
☐	☐	☐	***8.6.5.14.3 Emer.Term.speed Lim/dev***	☐	☐	☐	***8.6.5.14.3 Firefighters Emergency phase 1***
☐	☐	☐	***8.6.5.14.3 Standby/Emer. Power***	☐	☐	☐	***8.6.5.14.3 Firefighters Emergency phase 2***
☐	☐	☐	***8.6.5.14.3 Power Op. door system***	☐	☐	☐	***8.6.514.4 Flex Hose/Fitting Assemblies***
☐	☐	☐	***8.6.5.14.5 Pressure Switch***	☐	☐	☐	***8.6.5.14.6 Power op. of door system***
☐	☐	☐	***8.6.5.14.7 Slack rope device***	☐	☐	☐	***8.6.5.14.8 Earthquake operations***
☐	☐	☐	***8.6.5.14.3 Safeties***				

THIS FORM SHALL BE UPLOADED TO THE DOCCUMENT TAB UNDER THE INSPECTION TAB ON THE E-DAPT RECORDING SYSTEM. A COPY SHALL ALSO BE EMAILED TO THE ELEVATOR DIVISON CLERICAL STAFF AT LI, Elevators-Clerical <RA-li-elevators-cler@pa.gov>

UNIFORM CONSTRUCTION CODE SECTION § 405.8. Periodic testing. (g) A construction code official shall complete a test report after the official witnesses a periodic test in a format acceptable to the Department. The construction code official shall submit the report to the Department within 15 days of witnessing the tests.

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Pennsylvania
Department of Labor & Industry
Bureau of Occupational & Industrial Safety

ASME A17.1-2016 CATEGORY 1 TEST REPORT. ELECTRIC ELEVATORS

TEST DATE	BUILDING #	EQUIP. #	EQUIP. TYPE	START TIME	STOP TIME	INSPECTORS NAME (PRINT)

LOCATION NAME AND ADDRESS	INSPECTION AGENCY & ADDRESS	INSPECTOR SIGNATURE
		U.C.C. COMMISSION #

ELEVATOR COMPANY NAME & ADDRESS	TESTING RESULTS ☐ PASSED ☐ FAILED
	I hereby certify that I witnessed the required category 1 testing as required by the Uniform Construction Code Section§ 405.8. Periodic testing (a) The following periodic testing under ASME A17.1-2016.

ITEMS TESTED. *Mark (**P**) for Passing result, (**F**) for failed result, (**N/R**) for not required. All items must have a result indicated.*

P	F	N/A	ITEM
☐	☐	☐	***8.6.4.19.1 Oil Buffers***
☐	☐	☐	***8.6.4.19.3 Governors***
☐	☐	☐	***8.6.4.19.4 Stop motion switch***
☐	☐	☐	***8.6.4.19.5 Final term stop dev.***
☐	☐	☐	***8.6.4.19.7 Standby/Emer. Power***
☐	☐	☐	***8.6.4.19.8 Power Op. door system***
☐	☐	☐	***8.6.4.19.9 Broken Tape Switch***
☐	☐	☐	***8.6.4.19.10 Sil rated devices***
☐	☐	☐	***8.6.4.19.11 Unintended car mov.***
☐	☐	☐	***8.6.4.19.12 Traction loss det. Means***
☐	☐	☐	***8.6.4.19.14 Occupant Evac. Op.***
☐	☐	☐	***8.6.4.19.15 Emer. Communications***
☐	☐	☐	***8.6.4.19.17 Earthquake operation***

P	F	N/A	ITEM
☐	☐	☐	***8.6.4.19.2 Safeties***
☐	☐	☐	***8.6.4.19.4 Slack Rope Device***
☐	☐	☐	***8.6.4.19.5 Normal Term stopping device***
☐	☐	☐	***8.6.4.19.6 Firefighters Emergency phase 1***
☐	☐	☐	***8.6.4.19.6 Firefighters Emergency phase 2***
☐	☐	☐	***8.6.4.19.9 Broken Rope Switch***
☐	☐	☐	***8.6.4.19.9 Broken Chain Switch***
☐	☐	☐	***8.6.4.19.11 Ascending Car over Speed***
☐	☐	☐	***8.6.4.19.11 Emergency brake***
☐	☐	☐	***8.6.4.19.13 Broken Suspension Det. Means***
☐	☐	☐	***8.6.4.19.13 Residual Strength Det. Means***
☐	☐	☐	***8.6.4.19.16 Means to Restrict hw/car door Op.***

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UNIFORM CONSTRUCTION CODE SECTION § 405.8. Periodic testing. (g) A construction code official shall complete a test report after the official witnesses a periodic test in a format acceptable to the Department. The construction code official shall submit the report to the Department within 15 days of witnessing the tests.

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Bureau of Occupational & Industrial Safety

ASME A17.1-2016 CATEGORY 1 TEST REPORT. OUTSIDE EMERGENCY ELEVATORS

TEST DATE	BUILDING #	EQUIP. #	EQUIP. TYPE	START TIME	STOP TIME	INSPECTORS NAME (PRINT)

LOCATION NAME AND ADDRESS	INSPECTION AGENCY & ADDRESS	INSPECTOR SIGNATURE
		U.C.C. COMMISSION #

ELEVATOR COMPANY NAME & ADDRESS	TESTING RESULTS ☐ PASSED ☐ FAILED
	I hereby certify that I witnessed the required category 1 testing as required by the Uniform Construction Code Section§ 405.8. Periodic testing (a) The following periodic testing under ASME A17.1-2016.

ITEMS TESTED. *Mark (**P**) for Passing result, (**F**) for failed result, (**N/R**) for not required. All items must have a result indicated.*

P	F	N/A	ITEM	P	F	N/A	ITEM
☐	☐	☐	***8.6.4.19.1 Oil Buffers***	☐	☐	☐	***8.6.4.19.2 Safeties***
☐	☐	☐	***8.6.4.19.3 Governors***	☐	☐	☐	***8.6.4.19.4 Slack Rope Device***
☐	☐	☐	***8.6.4.19.4 Stop motion switch***	☐	☐	☐	***8.6.4.19.5 Normal Term stopping device***
☐	☐	☐	***8.6.4.19.5 Final term stop dev.***	☐	☐	☐	***8.6.4.19.7 Standby/Emer. Power***
☐	☐	☐	***8.6.4.19.8 Power Op. door system***	☐	☐	☐	***8.6.4.19.9 Broken Tape Switch***
☐	☐	☐	***8.6.4.19.10 Sil rated devices***				

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UNIFORM CONSTRUCTION CODE SECTION § 405.8. Periodic testing. (g) A construction code official shall complete a test report after the official witnesses a periodic test in a format acceptable to the Department. The construction code official shall submit the report to the Department within 15 days of witnessing the tests.

Pennsylvania
Department of Labor & Industry
Bureau of Occupational & Industrial Safety

ASME A17.1-2016 CATEGORY 1 TEST REPORT. ESCALATORS & MOVING WALKS

TEST DATE	BUILDING #	EQUIP. #	EQUIP. TYPE	START TIME	STOP TIME	INSPECTORS NAME (PRINT)

LOCATION NAME AND ADDRESS	INSPECTION AGENCY & ADDRESS	INSPECTOR SIGNATURE
		U.C.C. COMMISSION #

ELEVATOR COMPANY NAME & ADDRESS	TESTING RESULTS ☐ PASSED ☐ FAILED
	I hereby certify that I witnessed the required category 1 testing as required by the Uniform Construction Code Section§ 405.8. Periodic testing (a) The following periodic testing under ASME A17.1-2016.

ITEMS TESTED. *Mark (**P**) for Passing result, (**F**) for failed result, (**N/R**) for not required. All items must have a result indicated.*

P	F	N/A	ITEM	P	F	N/A	ITEM
☐	☐	☐	***8.6.8.15.1 Machine room/Truss Int.***	☐	☐	☐	***8.6.8.15.2 Stop Switch. Machine Space***
☐	☐	☐	***8.6.8.15.3 Controller & wiring***	☐	☐	☐	***8.6.8.15.4 Drive Machine***
☐	☐	☐	***8.6.8.15.4 Brake Torque test***	☐	☐	☐	***8.6.8.15.5 Speed Governor***
☐	☐	☐	***8.6.8.15.6 Broken Drive Chain Dev.***	☐	☐	☐	***8.6.8.15.7 Reversal Stop Switch***
☐	☐	☐	***8.6.8.15.8 Broken Step Chain Dev.***	☐	☐	☐	***8.6.8.15.9 Step Upthrust Device***
☐	☐	☐	***8.6.8.15.10 Missing step/pallet Dev.***	☐	☐	☐	***8.6.8.15.11 Step/Pallet level Device***
☐	☐	☐	***8.6.8.15.12 Step/Pallet chain& Trus.***	☐	☐	☐	***8.6.8.15.13 Handrail Safety System***
☐	☐	☐	***8.6.815.14 Outdoor esc/mw heaters***	☐	☐	☐	***8.6.8.15.15 Permissible Stretch Esc. Chains***
☐	☐	☐	***8.6.8015.16 Disconnected motor Dev.***	☐	☐	☐	***8.6.8.15.19 Step/Skirt Perf. Index***
☐	☐	☐	***8.6.8.15.18 Comb Step/Pallet impact***	☐	☐	☐	***8.6.4.19.13 Broken Suspension Det. Means***
☐	☐	☐	***8.6.8.15.21 Inspection Control Dev.***	☐	☐	☐	***8.6.8.15.20 Clear between Step/skirt (Load G)***
☐	☐	☐	***8.6.8.15.22 Step Lat. Displace Dev.***	☐	☐	☐	***8.6.8.15.23 Seismic risk z-2 or greater***

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UNIFORM CONSTRUCTION CODE SECTION § 405.8. Periodic testing. (g) A construction code official shall complete a test report after the official witnesses a periodic test in a format acceptable to the Department. The construction code official shall submit the report to the Department within 15 days of witnessing the tests.

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Pennsylvania
Department of Labor & Industry
Bureau of Occupational & Industrial Safety

ASME A17.1-2016 CATEGORY 5 TEST REPORT. HYDRAULIC ELEVATORS

TEST DATE	BUILDING #	EQUIP. #	EQUIP. TYPE	START TIME	STOP TIME	INSPECTORS NAME (PRINT)

LOCATION NAME AND ADDRESS	INSPECTION AGENCY & ADDRESS	INSPECTOR SIGNATURE
		U.C.C. COMMISSION #

ELEVATOR COMPANY NAME & ADDRESS	TESTING RESULTS ☐ PASSED ☐ FAILED
	I hereby certify that I witnessed the required category 1 testing as required by the Uniform Construction Code Section§ 405.8. Periodic testing (a) The following periodic testing under ASME A17.1-2016.

ITEMS TESTED. *Mark (**P**) for Passing result, (**F**) for failed result, (**N/R**) for not required. All items must have a result indicated.*

P	F	N/A	ITEM	P	F	N/A	ITEM
☐	☐	☐	***8.6.5.16.1 Governors, safeties***	☐	☐	☐	***8.6.5.14.1 System Pressure test***
☐	☐	☐	***8.6.5.16.2 Coated Ropes test required***	☐	☐	☐	***8.6.5.16.1 Oil buffers***
☐	☐	☐	***8.6.5.16.3 Wire Rope Fastenings***	☐	☐	☐	***8.6.8.15.5 Speed Governor***
☐	☐	☐	***8.6.5.16.5 Overspeed Valve***	☐	☐	☐	***8.6.5.16.4 Plunger Gripper***
☐	☐	☐	***8.6.5.17 Plunger Gripper Maintained***	☐	☐	☐	***8.6.5.16.6 Freight Ele. Class 2 Load***

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UNIFORM CONSTRUCTION CODE SECTION § 405.8. Periodic testing. (g) A construction code official shall complete a test report after the official witnesses a periodic test in a format acceptable to the Department. The construction code official shall submit the report to the Department within 15 days of witnessing the tests.

Pennsylvania
Department of Labor & Industry
Bureau of Occupational & Industrial Safety

ASME A17.1-2016 CATEGORY 5 TEST REPORT. ELECTRIC ELEVATORS

TEST DATE	BUILDING #	EQUIP. #	EQUIP. TYPE	START TIME	STOP TIME	INSPECTORS NAME (PRINT)

LOCATION NAME AND ADDRESS	INSPECTION AGENCY & ADDRESS	INSPECTOR SIGNATURE
		U.C.C. COMMISSION #

ELEVATOR COMPANY NAME & ADDRESS	TESTING RESULTS ☐ PASSED ☐ FAILED
	I hereby certify that I witnessed the required category 1 testing as required by the Uniform Construction Code Section§ 405.8. Periodic testing (a) The following periodic testing under ASME A17.1-2016.

ITEMS TESTED. *Mark (**P**) for Passing result, (**F**) for failed result, (**N/R**) for not required. All items must have a result indicated.*

P	F	N/A	ITEM	P	F	N/A	ITEM
☐	☐	☐	***8.6.4.20.3 Oil Buffers***	☐	☐	☐	***8.6.4.20.1 Car & Counterweight Safeties***
☐	☐	☐	***8.6.4.20.2 Governors***	☐	☐	☐	***8.6.4.20.4 Drive Machine Brake(s)***
☐	☐	☐	***8.6.4.20.6 Emer. Term. Stop Dev.***	☐	☐	☐	***8.6.4.19.5 Final term stop dev.***
☐	☐	☐	***8.6.4.20.7 Power Op. door***	☐	☐	☐	***8.6.4.20.8 Leveling Zone/Speed***
☐	☐	☐	***8.6.4.20.9 Inner Landing Zone***	☐	☐	☐	***8.6.4.20.10 Braking Systems***
☐	☐	☐	***8.6.4.20.11 Emer. Brake Ascend OS***	☐	☐	☐	***8.6.4.20.11 Emer. Brake Unintended (CM)***
☐	☐	☐	***8.6.4.21 Drive Sheaves Non Met. Groove***				

Type of safety Car : ☐ **A** ☐ **B** ☐ **C** **Counterweight Safety** ☐ **Yes** ☐ **No** **Rated capacity: _____ LBS.**

Rated Speed: _____ F.P.M. **Governor Trip Speed: _____ F.P.M.** **Governor Switch Trip Speed: _____ F.P.M.**

Stopping Distance: _____ IN. **Platform Level** ☐ **Yes** ☐ **No** **Oil Buffer return test:** ☐ **Pass** ☐ **Fail**

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UNIFORM CONSTRUCTION CODE SECTION § 405.8. Periodic testing. (g) A construction code official shall complete a test report after the official witnesses a periodic test in a format acceptable to the Department. The construction code official shall submit the report to the Department within 15 days of witnessing the tests.

Bureau of Occupational & Industrial Safety | Elevator Division
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Pennsylvania
Department of Labor & Industry
Elevator Safety Board

File No.: _____
Date: _____

ELEVATOR SAFETY BOARD PETITION

Uniform Construction Code (UCC)

This form may be used to seek a variance or an extension of time.
Type or print legibly all requested information. If additional space is required, attach a separate 8-1/2"x11" sheet.

PLEASE TYPE OR PRINT NEATLY IN INK

☐ **EXPEDITED REVIEW. ADDITIONAL FEE SUBMITTED.**

Petitioner	**Contact person** _____ Company name _____ Street address _____ City _____ State _____ ZIP code _____ Phone _____ Fax no. _____ Email address _____
Elevator Location	**Building or structure name** _____ Building Code _____ If existing, provide the Department issued equipment no(s).: _____ If new, how many pieces of equipment does this variance apply to? _____ Street address _____ City _____ State _____ ZIP code _____
Request for Variance(s)	**Provide <u>all</u> of the following information <u>for each variance requested</u>:** • Section of code requesting variance(s). • Detail what your alternative approach entails and any compensatory measures. • State the reasons for the requested variance, including why the strict letter of regulation is impractical, how the variance would satisfy the code's intent, and why the modification would not lessen health, life and safety requirements in the listed code section(s).
Extension of Time Request	Detail the reasons for this request. Specify length of extension requested or completion date.
L&I USE ONLY	Date received: _____ Check #: _____ Bates #: _____

Appeal of Inspector Decision	Inspector name _____ Date of decision _____ Check which of the following form the basis for your appeal: ☐ The true intent of the Pennsylvania Construction Code Act (PCCA) and its regulations was incorrectly interpreted. ☐ The PCCA and its regulations do not apply. ☐ A compensatory measure is to be utilized. ☐ Other: Please explain. Detail the grounds for appealing this decision, citing PCCA or regulatory provisions, or explaining compensatory measures.
Filing Requirements	Submission requirements shall be as follows: 1. One copy of the completed **Elevator Safety Board Petition** and any additional information sheets. When variances are requested, as many variances as may be needed may be sought via this petition. 2. One copy of the completed elevator permit application and drawings, or a copy of the approved permit for the piece(s) of equipment you are requesting a variance for. 3. Additional set of drawings if needed for variance approval. 4. Check or money order made payable to **"Commonwealth of Pennsylvania."** All fees paid to the Elevator Safety Board must be separate from any fees paid to the Bureau of Occupational and Industrial Safety's Elevator Division. **Fee Schedule:** Variances/Appeals/Extension of Time Requests.....$402.03 (**per building**) .... May contain multiple pieces of equipment ..... and/or multiple variance requests. Expedited Review of petition.....Additional $1252.43 (**per building**) Elevator permit application.....Refer to elevator fee schedule Contact the Elevator Safety Board at 717–787–6114 or RA-LIELEVSAFETYBD@pa.gov for questions or concerns. Mail the complete submission package to: **Department of Labor & Industry** **Elevator Safety Board** **651 Boas Street, Room 1622** **Harrisburg, PA 17121–0750**
Petitioner Signature	_____ _____ Petitioner signature Telephone number

Auxiliary aids and services are available upon request to individuals with disabilities.
Equal Opportunity Employer/Program

pennsylvania
DEPARTMENT OF LABOR & INDUSTRY
BUREAU OF OCCUPATIONAL & INDUSTRIAL SAFETY

Building Code #:
Permit #s

Uniform Construction Code (UCC)

APPLICATION FOR CONSTRUCTION AND ALTERATION PERMIT

All of the information on this form must be supplied before a permit will be issued for the construction, repair, alteration, or replacement of components of any **passenger, freight, dumbwaiter, LULA, SPPE, RPE, escalator, moving walk, vertical platform lift, inclined platform lift, inclined stairway chairlift** and **VRC**

☐ **EXPEDITE REVIEW. ADDITIONAL FEE SUBMITTED.**

Application Type	☐ New installation/construction ☐ Repair, alteration or replacement of components: Building Code #:_____ Equipment #:_____
Owner Information	Owner Name _____ Mailing Address _____ City _____ State _____ Zip Code _____ Telephone _____ Fax _____ Email _____
Building Location Information	Building Name _____ Physical Address _____ City _____ State _____ Zip Code _____ County _____ Municipality Name _____ Municipality Type: Borough ☐ City ☐ Township ☐ 1. Hoistway or runway is: New ☐ Existing ☐ 2. Building is: New ☐ Existing ☐ 3. Is glass installed in the hoistway or runway? Yes ☐ No ☐ 4. Is there a lifting equipment already in this building? Yes ☐ No ☐ If yes, supply the building code: _____ 5. Is the new equipment replacing an existing lift? Yes ☐ No ☐ If yes, supply the equipment number: _____ 6. Is this lifting device required to comply with the seismic requirements of Section 8.4 or 8.5 of the ASME A17.1a-2002? Yes ☐ No ☐
UCC Building Permit Certification	I hereby certify that the building in which this lifting equipment will be located is designed to meet all fire safety, structural and other building code requirements applicable to the lifting devices to be installed in this building. I also certify that I have obtained the necessary UCC building permit from the Building Code Official and that this permit was based on the specifications for the type of lift shown on the elevator drawing submitted with this application. Printed name of design professional: _____ Signature of design professional: _____ Seal of design professional: SEAL
For L&I Use Only	Application #: _____ Check #: _____ Amount: _____ Bates #: _____

Department of Labor & Industry | Bureau of Occupational & Industrial Safety | Elevator Division
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Building Code Information	_____ Printed name of individual who obtained Building Code Approval _____ Signature of individual who obtained Building Code Approval Permit #: _____ BCO Name: _____
Hoistway Certification Used for Alteration & Replacement Elevator Only	I have examined and checked the building structure or building plans regarding the elevator hoistway, pit and machine room and hereby certify that they are adequate for the loads to be imposed on them and are in accordance with the applicable laws and regulations of this Commonwealth. Printed name of design professional: _____ Signature of design professional: _____ Seal of design professional: SEAL
Equipment Type(s)	Passenger ☐ Escalator ☐ Vertical platform lift ☐ Passenger/freight ☐ Moving walk ☐ Inclined platform lift ☐ Class A freight loading ☐ Dumbwaiter ☐ Inclined stairway chairlift ☐ Class B freight loading ☐ Rack and pinion elevator (RPE) ☐ Class C1 freight loading ☐ Limited use/limited access (LULA) ☐ Class C2 freight loading ☐ Special purpose personnel elevator (SPPE) ☐ Class C3 freight loading ☐ Vertical reciprocating conveyor (VRC) ☐ Temporary Construction use ☐ Other (specify) ☐: _____
Drive Type(s)	Geared ☐ Hydraulic ☐ Rack and pinion ☐ Gearless ☐ Roped/chained hydraulic ☐ Chained (escalator or moving walk) ☐ Drum ☐ Screw column ☐ Other (specify) ☐:
New Lifting Device Data	1. Capacity _____ (lbs.) 2. Rated speed _____ (ft/min) 3. Total travel _____ (ft & in) 4. Total number of hoistway openings _____ Front _____ Rear _____ 5. Manufacturer/type/PA approved model & certificate of # of platform/counterweight safety: _____ 6. Will the newly installed cab interior, enclosure, or platform meet the flame spread and smoke development requirements of the applicable ASME code? Yes ☐ No ☐
Existing Lifting Device Data	1. Capacity _____ (lbs.) 2. Rated speed _____ (ft/min) 3. Total travel _____ (ft & in) 4. Total number of hoistway openings _____ Front _____ Rear _____ 5. Will the newly installed cab interior, enclosure, or platform meet the flame spread and smoke development requirements of the applicable ASME code? Yes ☐ No ☐
Scope of Work for Repair, Alteration or Replacement of Components	Code Reference: Description of work: (Attach a separate 8 ½ " x 11" sheet with information listed above if space provided is insufficient to describe scope of work.)

Escalator or Moving Walk Data	1. Capacity _____ (people per hour) 2. Rated speed _____ (feet per minute) 3. Vertical rise _____ (feet and inches) 4. Length of horizontal projection of entire truss measured along center line: _____ (ft/in) 5. Angle of inclination: _____ Floor _____ to _____ 6. Brake rated load: _____ (lbs.) 7. Brake data plate info: a. Brake torque taken at test point: _____ (ft/lb) b. What is method of measuring required brake torque? Breakaway ☐ Dynamic ☐ c. At what location is the required brake torque to be taken? _____ Motor shaft ☐ Machine input shaft ☐ Main drive shaft ☐ d. What is the minimum stopping distance with no load? _____ (in) e. What is minimum distance from the skirt obstruction device to comb plate? _____ (in) 8. Is a speed governor provided: Yes ☐ Not Applicable ☐ 9. Are skirt deflector devices installed? Yes ☐ No ☐ 10. What is the minimum headroom between landings? _____ (ft/in) 11. Is this an outdoor unit? Yes ☐ No ☐ 12. If this is an outdoor unit: a. Is it of special design to withstand exposure to weather? Yes ☐ No ☐ b. Is a cover provided? Yes ☐ No ☐ c. Are heaters provided? Yes ☐ No ☐ d. Are drains provided in lower pit? Yes ☐ No ☐ e. Are slip-resistant landing plates and comb plates provided? Yes ☐ No ☐
Elevator Contractor	Name _____ Mailing Address _____ City _____ State _____ Zip Code _____ Telephone _____ Fax _____ Email _____
Filing Requirements	**FEE SCHEDULE**: For an up-to-date listing of fees, please see the Fee Schedule listed on our website (www.dli.pa.gov/Individuals/Labor-Management-Relations/bois) or contact our office for a copy of the Fee Schedule by telephone at 717-787-3806 option 2 or by fax at 717-705-7261. Be sure to include any additional information necessary when mailing this application and the appropriate fee to the Department.
Recipient of Approved Application	Applicant Name _____ Mailing Address _____ City _____ State _____ Zip Code _____ Telephone _____ Fax _____ Email _____ By signing this document, I certify that the proposed work will comply with the Pennsylvania Construction Code Law (1999, November 10 P.L. 491, No. 45), its regulations and all applicable standards. I further acknowledge that if any part of the proposed installation is not in compliance with the applicable regulations, I must submit a request for variance (Form LIIB 121) prior to installation and await a decision of the Industrial Board regarding my request. Applicant name (printed): _____ Date: _____ Applicant signature: _____
Additional Information	_____ _____ _____ _____ _____
For L&I Use Only	Approved by: _____ Date: _____ Applicable standards: _____

CDL-1

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

RECEIVED

Independent Regulatory
Review Commission

March 12, 2026

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Copy below is hereby approved as to form and legality. Attorney General	Copy below is here by certified to be a true and correct copy of a document issued, prescribed or promulgated by:	Copy below is hereby approved as to form and legality. Executive or Independent Agencies.
BY: _____ (DEPUTY ATTORNEY GENERAL)	**Department of Labor and Industry** (AGENCY)	BY: Cynthia K. Montgomery Digitally signed by Cynthia K. Montgomery DN: cn=Cynthia K. Montgomery, o, ou, email=cymontgome@pa.gov, c=US Date: 2026.02.27 16:03:17 -05'00' · Deputy General Counsel
_____ DATE OF APPROVAL	DOCUMENT/FISCAL NOTE NO. 12-123 DATE OF ADOPTION: _____	February 27, 2026 DATE OF APPROVAL
☐ Check if applicable Copy not approved. Objections attached.	BY: Nancy A Walker TITLE **Secretary Nancy A. Walker** (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)	☐ (Chief Counsel, Independent Agency) (Strike inapplicable title) Check if applicable. No Attorney General approval or objection within 30 days after submission.

FINAL-FORM REGULATIONS

Elevator Safety Standards under the Uniform Construction Code

Title 34: LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 Pa. Code, Chap. 401]
Uniform Construction Code Training and Certification of Code Administrators

[34 Pa. Code, Chap. 405]
Elevators and Other Lifting Devices

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CHs. 401, 405]

Elevator Safety Standards under the Uniform Construction Code

Under section 105(c)(2) of the Pennsylvania Construction Code Act (act) (35 P.S. § 7210.105(c)(2)), and section 2214.1(f)(2) of The Administrative Code of 1929 (Code) (71 P.S. § 574.1(f)(2)), the Bureau of Occupational and Industrial Safety (Bureau) within the Department of Labor and Industry (department) adopts this final-form regulation to update the safety standards used within the Commonwealth's Uniform Construction Code (UCC) for elevators and other lifting devices and to update the fees section.

In this final-form regulation, the department amends Chapters 401 and 405 (relating to uniform construction code training and certification of code administrators; and elevators and other lifting devices) to read as set forth in Annex A.

Statutory Authority

Under section 105(c)(2) of the act and section 2214.1(f)(1) and (2) of the Code, the department may promulgate regulations that are necessary and related to construction, maintenance and inspection of elevators and safe operation of elevators and other lifting devices.

Purpose

This final-form regulation amends Chapter 405 to adopt, in large measure, updated National safety standards applicable to elevators and other lifting devices. Additionally, this final-form regulation defines the "Elevator Safety Board" and updates the applicable fees in Chapter 401. These amendments are necessary because the current standards are outdated and have not kept up with advances in technology. Currently, building owners and operators are burdened with pursuing the variance process to utilize modern technology. The current standards also endanger the riding public,

elevator personnel and department inspectors, in that the current standards are no longer aligned with best practices to protect against mechanical failure and other hazards.

Background

The General Assembly permits the department, by means of the act, to periodically update regulations governing elevator construction, repair, maintenance and inspection as needed. The General Assembly further established the Elevator Safety Board (ESB) in the act of June 28, 2018 (P.L. 451, No. 68) (Act 68 of 2018) and includes a provision to authorize the promulgation of regulations related to construction, maintenance and inspection of elevators and other lifting devices and the safe operation of elevators.

The regulations in Chapter 405 currently provide outdated safety standards for elevators and other lifting devices in this Commonwealth. Through this final-form regulation, the department updates the standards to keep up with technological and societal changes relevant to elevators and other lifting devices. Adoption of new safety standards, as modified, will ensure continued protection of life, property and public safety.

The Bureau performed initial outreach with the ESB and other stakeholders during an ESB meeting on November 13, 2018. Additional conversations continued in 2019, including public meetings in November 2019 and December 2019. The Secretary of the department received formal recommendations from the ESB in November 2020.

The Bureau also engaged in stakeholder outreach at 21 public ESB meetings held between July 2019 and August 2024. These meetings have included representatives from small businesses; construction companies; elevator manufacturers; labor unions; worker safety organizations; private, public and non-profit organizations; citizens with disabilities; and the general public. During these meetings, the department requested feedback from stakeholders on desired changes to the regulations. Upon receipt of the feedback, on a rolling basis, the department conducted research

related to the feedback and made certain changes to the regulations.

Public Comments and Responses on the Proposed Regulation

The department published the proposed regulation in the *Pennsylvania Bulletin* at 55 Pa.B. 5666 (August 9, 2025). Public comments on the proposed regulation were accepted through October 9, 2025. The department received nine comments during the public comment period, including comments from the National Elevator Industry, Inc (NEII), the International Union of Elevator Contractors (IUEC), Local 5 of the IUEC, the Pennsylvania Society of Professional Engineers (PSPE), as well as five comment letters from members of the General Assembly. The Independent Regulatory Review Commission (IRRC) submitted comments on October 8, 2025. All comments were considered and are addressed below.

IRRC Comments

Timetable Compliance

In addition to IRRC's summation of legislative comments and comments submitted by public commenters and its notice of intent to consider the department's response to those comments, IRRC raised a concern as to the timeline for implementation of this regulation. IRRC noted that the expected date of delivery listed in the proposed regulation for the regulation is "Fall 2025" and the effective date was July 1, 2026. IRRC asked that the department ensure that the effective date of July 1, 2026, "meets the Department's goal to provide the regulated community with sufficient time for compliance."

The department agrees with IRRC that a central component to the successful implementation of the final-form regulation is to provide the regulated community with sufficient time to understand the new regulatory requirements and ensure compliance. As a result, the department has changed the effective date for the regulation to 6 months after publication in the *Pennsylvania Bulletin*. The department believes that 6 months is sufficient for the regulated community to be put on notice of

the regulatory changes, especially given the many years that these regulations have been publicly discussed.

Furthermore, section 401(c) of the final-form regulation states that any permits issued prior to the effective date of the final-form regulation remain valid. This is also true for any elevator or lifting device with a certificate of operation issued prior to the effective date. As a result, parties are on notice that they may still seek permits and certificates of operation that require compliance with the current regulatory requirements through the day before the regulation's effective date. If issued, those parties will not need to update or otherwise reapply under the new regulatory framework.

The department also takes note, as IRRC does in its review of the Legislative comments, of a number of commenters who reflect on the serious need for the final-form regulations to update badly outdated regulations that no longer befit the current technology and installation techniques being used today. As such, the department has chosen a 6-month window between publication and effective date – and has submitted the final-form regulatory documents as quickly as possible after thorough review – in order to balance IRRC's concerns with other commenters' concerns that these regulatory changes cannot come soon enough for the safety and well-being of all Pennsylvanians.

Annual Category 1 Testing – Representative Rich Irvin, Senator John I. Kane, Senator Devlin Robinson, Senator Lisa Baker, Representative Brandon Markosek and Representative Sean Dougherty

In his comment, Representative Rich Irvin asks for further information and justification for the addition of annual Category 1 testing, with particular consideration of the costs of increased testing frequency imposed on the regulated community. In particular, Representative Irvin asks whether there have been widespread incidents with elevator and lifting devices that could have been prevented with annual testing and, if not, whether a more targeted approach could be employed to address "isolated incidents."

IRRC indicates that it will evaluate the department's response to Representative Irvin's concerns about costs when determining if the final-form regulation is in the public interest.

Several other commenters offered support for annual Category 1 testing. The Pennsylvania Society of Professional Engineers (PSPE), Senator John I. Kane, Representative Brandon Markosek, and Representative Sean Dougherty all discuss the fact that most other states require annual Category 1 testing. These commenters consider such annual testing "industry standard" and express concerns of harm to the public without such a robust and regular testing regime. Representative Markosek, in particular, notes that annual testing will keep costs lower by enabling detection of equipment failures sooner before they become more significant and expensive to fix. Senator Devlin Robinson, Chair of the Senate Labor and Industry Committee, and Senator Lisa Baker, prime sponsor of the legislation that created the ESB, also commented jointly to express support for this regulation.

The department and ESB have also received a mix of responses on the question of annual Category 1 testing throughout the 6 years that this regulation was discussed prior to the department initiating promulgation. The department, therefore, has taken very seriously considerations of cost alongside concerns about the health and safety of the riding public and of technicians and inspectors who work on elevators and lifting devices on a regular basis. The department also spoke with officials in neighboring states – all of whom require annual Category 1 testing – and all of whom reported that their respective jurisdictions remain committed to keeping an annual testing regimen. As a result, and as Representative Irvin points out, the department took pains to be transparent with its cost estimates in this regulatory package, providing high and low estimates so that all parties have notice of those potential costs.

In light of Representative Irvin and IRRC's concerns, the department is providing additional explanation of its reasoning for adopting annual Category 1 testing standards. As stated below, the

department has three main reasons for adopting annual Category 1 testing.

First and foremost, the department believes, based on its expertise in the field and conversations with stakeholders, that annual Category 1 testing will help identify problems and reduce the likelihood of accidents and mechanical failures that harm residents of this Commonwealth.

Second, the department's decision to require annual testing will bring the Commonwealth into alignment with every neighboring jurisdiction. It is now industry standard to require annual Category 1 testing. Accordingly, the Commonwealth currently stands out as an outlier in terms of safety protections for the riding public and for workers who repair and inspect elevators and other lifting devices. For the many operators who own or operate properties with elevators or lifting devices in this Commonwealth and in neighboring states, this change will ensure that there are not two different standards, and safety regimes, applicable to those properties.

Third, the department also has determined that annual Category 1 testing is for the public good, despite the increased cost, because it incentivizes regular maintenance by property owners and ensures timely compliance on a regular interval. Under the current regime, the department has found that property owners often wait to address needed maintenance until just before a test is scheduled. As Category 1 testing specifically considers fire safety issues – such as the fire service panel, fire alarm activation system and backup generators – there can be dangerous conditions that go unnoticed and unaddressed with longer gaps between testing dates. Annual Category 1 testing will incentivize property owners to address issues when they come to light, as a new test will occur within no more than 1 year of that discovery, decreasing risks to the riding public and employees who work on the elevator or lifting device. There may also be a reduction in costs for property owners based on this incentivized regular maintenance, where minor issues are addressed in a timely manner before they become more expensive to fix.

While Representative Irvin appropriately asks if any alternative testing scheduling would be worth considering, the department has determined that the current testing schedule (every 3 years) or a 2-year schedule would not result in the important cost savings, efficiencies and improvements to public safety discussed above. Under these other options, the Commonwealth would not have the safety protections that have been established as industry standard by every other neighboring jurisdiction. On these bases, the department respectfully declines to change the final-form regulation and instead maintains the requirement for annual Category 1 testing.

NEII Comments

The National Elevator Industry, Inc. (NEII) offers support for the proposed regulation while also offering a number of comments that the department has considered in drafting this final-form regulation and addresses below.

Section 405.2(a.1)(1)(i)(A) – Variances

NEII does not believe that the department should require a variance for use and acceptance of the requirements of ASME 17.7/CSA B44 in place of use and acceptance of the requirements of ASME 17.1/CSA B44. In the alternative, NEII asks the department to edit the regulation to permit a "one-time variance for any product or component rather than a per installation variance," which NEII believes will reduce the cost of compliance.

The department, having considered NEII's comment, respectfully declines to change this section of the regulation as NEII's proposed changes pose a risk to the safety of the riding public that outweighs any increased cost of compliance. While the department recognizes that, generally, compliance with the ASME 17.7/CSA B44 will be found to be equivalent to compliance with ASME 17.1/CSA B44, there are some situations where the ASME 17.7/CSA B44 may not meet the safety standards considered by, and adopted in this regulation by, the department and the ESB. NEII's request for a blanket, or "one-time" variance, for any product or component also does not allow for

consideration of external factors that may render a particular product or component unsafe in some circumstances. However, as explained in this regulation, the variance process allows for manufacturers seeking to utilize the ASME 17.7/CSA B44 to provide the necessary documentation and data when submitting a variance request. Thus, any increase in cost of compliance – if there is any – is outweighed by the safety protections afforded through the variance process.

Section 405.2(a.1)(1)(ii)(A) – Accessible to General Public Signage

NEII expresses concerns that the regulatory change that requires posting of "Accessible to General Public" (AGP) signage outside of the controller may lead to confusion and recommends deletion.

The department has considered this comment and respectfully declines to change the section as it does not agree, based on its expertise and the recommendations of the ESB, that AGP signage outside the controller will cause the public to believe they may access the controller. Instead, the change in the regulation is intended to protect the public by providing additional warning – visible to all users – of the requirement that the door to the controller shall be closed and locked when elevator personnel are not present. The department believes that this regulatory change will better protect the public from harm than the prior standard.

Section 405.2(a.1)(1)(ii)(B) – Hoistway Access Switches and Sight Guard Location

NEII expresses concerns with the prohibition on placing or installing a hoistway access switch on a sight guard. NEII also cites an explanation for allowance of such a hoistway access switch on a sight guard by quoting from an ASME requirement, which states that placement of the switch on a sight guard makes the switch readily visible and safely accessible to elevator personnel when the door is open.

The department, having considered this comment, respectfully declines to change the regulation. After years of discussion about the placement of hoistway access switches, the

department and the ESB believe that such switches on a sight guard inhibit the important safety function that sight guards fulfill. The purpose of an elevator door sight guard is to prevent passengers from seeing and accessing the dangerous gap between the car and hoistway door. These guards are designed to reduce the open space, minimizing the risk of entrapment or serious injury. The addition of a key switch on a sight guard provides an additional point of interest and curiosity of passengers to the danger area. The placement of the access switch also requires that electrical wiring be mounted on the hoistway door in a manner that permits the continuous movement of the wiring. This wiring and switch also place additional weight and stress on the landing door and sight guard.

As the placement of hoistway access switches on sight guards therefore create unnecessary risk to the riding public, increases costs when wiring the hoistway door, and may add to maintenance or repair costs for landing doors and sight guards, the department has decided to keep this section as proposed.

Section 405.2(a.1)(1)(ii)(C) – Hoistway Access Switch Operation and Bottom Car Clearance (Electric Elevators)

NEII states that limiting hoistway access operations to move the car between 84 inches and 96 inches from the floor level to the bottom of the platform guard will cause non-compliance issues for low-rise front and rear entrance elevators with an 11-foot rise.

While the department agrees with NEII that there will be compliance issues for such low-rise front and rear entrance elevators, any such issues may be addressed through the variance process. The department respectfully declines to change this section as proposed because the change to the regulation addresses important safety concerns related to safe access to the elevator pit. The department has made this important change to protect mechanics and inspectors who access the elevator pit who are otherwise at risk of serious injury or death.

*Section 405.*2(a.1)(1)(iii)(A) – Bottom Car Clearance (Hydraulic Elevators)

NEII believes that the modification to this section, which delimits the clearance required between equipment mounted in the elevator pit and the underside of the elevator car, creates a conflict with other sections that relate to pit clearance (namely, 3.4.1.1, 3.4.1.2, and 3.4.1.3). NEII recommends either deleting this modification or amending the phrase "to the underside" to "and the underside."

The department agrees with NEII that more clarity is needed in this section to avoid any conflict, or potential confusion, with other sections of the regulation. As such, the department has made NEII's recommended change to the text of this section, replacing "to the underside" with "and the underside."

Sections 405.2(a.1)(1)(vi)(A-F) – Escalator Skirt Obstruction and Related Devices

NEII objects to the department's decision to eliminate the use of one-time automatic resets of various escalator and handrail device monitoring systems and instead require manual-reset devices, stating that it will cause unnecessary interruption of service and additional costs for building owners and operators. NEII also notes that such automatic resets are useful when there are inadvertent "nuisance trips" of the monitoring systems.

The department has considered NEII's request to add back in permission to use one-time automatic resets and respectfully declines to change this regulation. The department, as the agency charged with inspecting elevators and other lifting devices when device monitoring systems are tripped, considered the serious safety concerns, and costs, related to this issue and determined that any additional costs are far outweighed by the benefit of rider safety. An automatic-reset device allows any person – including staff who lack training in recognizing lifting device safety hazards – to restart the system after a trip. As many of the mechanical or structural issues that caused the device monitoring system to be tripped in the first place cannot be seen with the naked eye, the department and ESB are concerned that the National standard would allow premature resets of

systems before a trained mechanic can inspect the system and manually reset. This may lead to secondary failures or additional accidents that harm riders or further damage the device. For the public good, the department believes that such automatic reset devices are not necessary to balance the safety of the riding public and the costs incurred by operators.

Section 405.2(a.1)(1)(viii)(A) – Elevator Personnel Responsibility

NEII asks that the department delete new regulatory sections that set standards and responsibilities for elevator personnel and which are designed to keep the riding public and those personnel safe. NEII expresses concerns as to the burden placed on such personnel, including the possibility of legal and regulatory liability. NEII requests, instead, further stakeholder discussion on the concerns and the best means to address them.

As noted by NEII, this provision was robustly debated by the ESB and department staff at a meeting on August 20, 2024, as well as throughout the many years of stakeholder discussions of this regulation. The department has therefore tailored these changes to balance the competing concerns of increased cost and burden on elevator personnel with the ongoing necessity that equipment is installed, maintained, repaired and inspected in a professional manner that keeps the public safe. Elevator personnel, with their training and experience in servicing and repairing elevator equipment and components on a reoccurring schedule' have a responsibility to ensure that the elevators they are maintaining are operating in a safe and reliable manner for the protection of the riding public.

As department staff witness every day when enforcing the existing standards, elevator personnel routinely identify dangerous and imminent hazards. To mitigate harms caused by those hazards, they must take corrective action. Too often, however, the department has learned that those actions were not taken in a timely way.

The new requirements, narrowly written to focus on the most serious concerns while avoiding overreach that overly burden personnel and building owners and operators, provide clear

guidance so that elevator personnel know what to do in the event of encountering hazards. It also ensures that the department receives timely reports of hazards so that its staff can immediately evaluate the issue and respond as necessary. These new requirements will also ensure that conditions of imminent danger are addressed appropriately to protect the welfare and safety of the riding public and building occupants.

As such, the department respectfully declines to delete the new regulatory requirements for personnel as they are a result of years of stakeholder discussions and reflect a compromise position that keeps the riding public safe.

Sections 405.2(a.1)(1)(viii)(B) – (D) – Standards – Alternative Testing

NEII requests deletion of several amendments that modify alternative test methodologies, including by prohibiting alternative test methodologies without physical weights.

In the years of discussions on this regulation, the department has received feedback from various stakeholders who, alternatively, requested prohibition of the use of alternative test methodologies all together and, as with NEII, the unrestricted use of alternative test methodologies as outlined in the model code.

Based on its expertise, the department agrees with the ESB recommendations to strike a middle ground, which protects the safety of the riding public and elevator personnel while considering testing costs for building owners and operators. The department has witnessed, during periodic 3- and 5-year testing, serious safety concerns with components not functioning properly or within the acceptable test methods. Based on those testing failures, the department has determined that requiring the use of test weights to ensure that various elevator safety components function appropriately is the best method to catch these concerns before elevator personnel work further on the device and before the riding public use the device.

As a further compromise based on the department's expertise and experience with testing of

all types of elevators and lifting devices in the Commonwealth, the regulation allows for alternative test methods with prior approval of the department for those components that have not specifically been identified in the regulations requiring test weights.

As a result, and based on years of stakeholder conversations on this issue, the department respectfully declines to delete these sections as requested by NEII.

Section 405.4 – Approved Designs, Equipment and Devices

NEII also asks that the department remove the current requirement, which has governed in the Commonwealth for decades, of witnessed testing and approval of elevator safeties prior to installation of the device. This regulation also clarifies that such witnessed testing and approval of elevator safeties must also occur for existing devices prior to being placed back into service. NEII notes that Pennsylvania is the only jurisdiction in the United States to have such requirements and asks that the Commonwealth "adopt procedures for certificates of acceptance that are consistent with the procedures generally adopted by other jurisdictions and that conform to the published ASME standard."

IRRC also requests that the department "submit a revised Preamble that clearly explains why witnessed testing and approval of all elevator safeties is required prior to installation, and to include supporting data if relevant."

For decades, including before the adoption of the current regulations, the department has required witnessed load testing before a new device is put into service. In almost all such tests, which occur a few times a year at most, the department has witnessed device failure, requiring further work by a mechanic or technician or re-engineering. Simply put, if the department did not require witnessed testing in all of these instances where a failure occurred, those failures could have instead happened when an inspector, mechanic or member of the public was using the device.

As such, the department respectfully disagrees with NEII's concerns and declines to change

the regulation on this point. For each new device, the department has found, in its expertise, that a test run gives everyone involved – the manufacturer, the installing operator and the department – a chance to fully vet the device in the context of the particular building where it is being installed. Changing the Commonwealth's longstanding policy, which has prevented numerous accidents, would place the public in unwarranted danger.

Additional Comments **– International Union of Elevator Constructors (IUEC), Local Union No. 5 (IUEC)**

The department also acknowledges and has considered comments from interested labor unions, namely the International Union of Elevator Constructors (IUEC) and Local 5 of IUEC based in Philadelphia. Both the International and the Local Union express strong support for the proposed regulation, highlighting that modernizing the regulations as proposed will enhance safety, improve accessibility, create consistency, and create future opportunities for stakeholders to work with the department on new issues that emerge with new technology through the variance process.

Summary of Final-Form Regulation

§ 401.1 Definitions

Section 401.1 (relating to definitions) is amended to add a definition of the ESB to clarify references to the ESB in this regulation for Chapter 405.

§ 401.2 Department Fees.

Section 401.2(b)—(h) (relating to department fees) is amended to remove specific fees and to instead reference fees set by the department under section 613-A(c) of the Code (71 P.S. § 240.13A(c)), published in the *Pennsylvania Bulletin* and listed on the department's website. It also mandates that the fees be updated annually. This change will keep the regulations up to date as to fees and ensure that all interested parties are directed to a single fee schedule.

§ 405.1 Scope

Section 405.1(c)(1) (relating to scope) is amended to clarify that permits issued under the prior regulations, before the effective date of the new regulation, remain valid so long as construction begins within 2 years of the new regulation's effective date.

Section 405.1(c)(3) is amended to clarify that an elevator or lifting device for which a certificate of operation was issued prior to the effective date of the new regulations may remain in use so long as the owner maintains the device in accordance with its permit, has complied with regulations then in force and continues to comply with applicable permit application, periodic inspection, periodic testing and periodic dynamic testing requirements.

The department makes these date changes for § 405.1(c) to ensure that approved permits remain active for the completion of the work in accordance with the standards that the permit was approved under. This will prevent approved permits and installations from becoming stagnant and promote completion of the projects.

§ 405.2. Standards

Section 405.2 (relating to standards) is amended to add, and therefore adopt, as modified after review by department technical experts and after extensive public discussions, the following listed National standards for all covered devices permitted after the effective date of these regulations.

§ 405.2(a.1)(1) - ASME A17.1-2016

The American Society of Mechanical Engineers (ASME) A17.1-2016 is the National standard for elevators and other lifting devices. The first paragraph of subsection (a.1) addresses all modifications, additions and deletions that the department is making to A17.1-2016 as part of its adoption.

Subparagraph (i), Part 1 (General)

In § 405.2(a.1)(1)(i)(A), regarding modification of the Preface, the department uses a different paragraph instead of the Application of Requirements to New Technology paragraph of the ASME A17.1-2016 Preface to specify the authority provided by the General Assembly to the department in the acceptance, application and enforcement of safety requirements relating to new technology. The new paragraph also states that compliance with the ASME 17.7/CSA B44.7 may be considered equivalent to compliance with the ASME A17.1-2016 and clarifies that the department and the ESB will review and approve the use of new technology through its established variance process, including when the ASME 17.7/CSA B44.7 is used.

In § 405.2(a.1)(1)(i)(B), regarding modification of 1.2.1(b), Purpose, and in § 405.2(a.1)(1)(i)(C), regarding modification of 1.2.1(c), the department replaces the phrase "the authority having jurisdiction" with the "Department and Elevator Safety Board" to clarify the specific authorities having jurisdiction in this Commonwealth. In § 405.2(a.1)(1)(i)(D), regarding modification of 1.2.2.1 as to exceptions to ASME 17.1, the department uses a different paragraph regarding exceptions to the ASME 17.1, by removing the phrase "the authority having jurisdiction" and replaces it with the "Department and the Elevator Safety Board" to clarify the specific authorities having jurisdiction in this Commonwealth.

Subparagraph (ii), Part 2 (Electric elevators)

In § 405.2(a.1)(1)(ii)(A), regarding additions to 2.7.6.3.2(f), Accessible to General Public (AGP) signage, the department adds a requirement to post AGP signage, which meets the requirements of 2.7.6.3.2(e) and 2.7.6.3.2(f), on the outside of the controller because, as explained above in response to a comment from NEII, the department and the ESB determined that signage being posted on the outside of the panel access door visible to all persons stating the requirement that the door to the controller shall be closed and locked when elevator personnel are not present is

necessary to protect the public.

In § 405.2(a.1)(1)(ii)(B), regarding modification of 2.12.7.2, Hoistway Access Switches, the department declines to adopt sections 2.12.7.2.1(c) and 2.12.7.2.2 regarding the placement of hoistway access switches on the sight guard because, as explained further above in response to a comment from NEII, the department has determined a need to address (1) the possibility of public access to such switches, (2) the added stress placed upon the sight guard and the strain placed on the electrical wiring connections from the continuous movement of the sight guard during normal operation, and (3) the added cost created by placing such switches on a sight guard.

In § 405.2(a.1)(ii)(C), regarding modification of 2.12.7.3.3(c), Hoistway Access Switch Operation, the department replaces 2.12.7.7.3.3(c) with a paragraph that does not include the phrase "unless the travel of the car limits such movement" because without the language change, equipment could be installed without consideration for the safety of the elevator personnel and inspectors that are responsible for the service, maintenance, repair, testing and inspection of the equipment. If the minimum clearances cannot be met, as explained further above in response to a comment from NEII about low-rise front and rear entrance elevators with an 11-foot rise, the owner may petition the ESB for a variance.

In addition, the department adds a paragraph prohibiting limitation of movement in the up direction to the point where the bottom of the platform guard is even with the hoistway entrance header because this will provide the greatest safe access for elevator personnel and inspectors to perform their work functions and will limit excessive overtravel.

Subparagraph (iii), Part 3 (Hydraulic elevators)

In § 405.2(a.1)(1)(iii)(A), regarding addition to 3.4.1.5 as to bottom car clearance, the department replaces the section with a new section that additionally requires the installation of a

permanently installed mechanical device when 600 mm (24 in.) of vertical clearance is not maintained between the equipment mounted in the elevator pit that: a) permits the engagement of the mechanical stop device prior to entering the hoistway or pit; b) provides a positive engagement and disengagement position that will prevent unintentional engagement or disengagement; c) prevents the normal operation of the elevator if engaged; d) prevents the normal operation of the elevator when not properly disengaged; e) is capable of supporting an elevator car with rated load; and f) provides the 600mm (24 in.) vertical clearance between any structural or mechanical part, equipment, or device installed beneath the car platform, including plunger follower guide if provided. The department adds this requirement to ensure adequate safe access and minimum safe pit refuge for elevator personnel and inspectors performing their respective work functions.

To clarify this section, based on a comment from NEII which is addressed further above, the department has amended the annex to change the phrase "to the underside" with "and the underside."

Furthermore, on review, the department recognized a typographical error that resulted in the phrase "structural or mechanical part, equipment or device installed beneath the car" being accidentally omitted from subsection (f) of Section 3.4.1.5 in the proposed regulation when published in the *Pennsylvania Bulletin*. As this omission was accidental and as the phrase is essential to the substance and meaning of subsection (f) of Section 3.4.1.5, the department is adding back in the phrase to the final-form regulation.

Subparagraph (v), Part 5. (Special application elevators)

In § 405.2(a.1)(1)(v)(A), regarding an addition to Section 5.10, Elevators Used for Construction, the department adds a number of requirements to the end of the section.

Subclause I - 5.10.3.1

The department adds a requirement that elevators temporarily used for construction or demolition be operated by a trained and experienced elevator operator who performs the following

once daily, prior to use of the device: a) safety and function test of all operator controls; b) safety and function test of all landing and shaftway protection, mechanical or interlock functions, or both; c) function test of all communication systems related to elevator operation; d) secure all platform and car openings; and e) maintain written documentation of these tests.

The department adds these requirements to ensure that trained and experienced elevator personnel are responsible for the equipment and for ensuring the safe access and use of construction elevators, which often do not have all safety features installed or active. This requirement will also help to ensure that these elevators are not overloaded or have loads placed or shifted in a manner that creates an imminent danger to the operator or construction personnel.

Subclause II - 5.10.3.2

The department adds a requirement that the trained and experienced operator be responsible for: a) securing the device against unauthorized access or use; b) removing the device from service for a safety deficiency; c) immediately reporting an imminent danger or safety violation to the department; and d) ensuring that device is never loaded in excess of rated and posted lifting capacity.

The department adds these requirements to ensure that the trained and experienced elevator operator properly secures the equipment from use in the event of an imminent danger.

Subclause III - 5.10.3.3

The department adds a requirement that the devices be maintained, inspected and operated by elevator personnel that have been trained in compliance with ASME A17.1

The department adds this requirement because this will ensure the safe operation of the elevator and help to prevent incidents, accidents and injuries.

Subclause IV - 5.10.3.4

The department adds a requirement that the inspection ensures the proper placement or operation, or both, of: a) all hoistway protection; b) all safety devices in place to mitigate improper

operation or movement; c) communication devices; and d) platform and car protections.

The department adds this requirement because the trained and experienced elevator operator is familiar and understands the minimum safety devices and features necessary for the continued safe operation of the elevator.

Subclause V - 5.10.3.5

The department adds a requirement that elevator personnel operating the devices: a) secure the elevator from unauthorized use and b) remove an elevator from service as a result of an unacceptable daily inspection.

The department adds this requirement to ensure the continued safety of individuals that are in contact with the construction elevator and the elevator entrances.

Subclause VI - 5.10.3.6

The department adds a requirement that elevator operators are responsible for removing a device from service in the event of injury, accident, equipment failure or damage.

The department adds this requirement to ensure that incidents, accidents, equipment failures or damage are properly addressed and reported for investigation.

Subclause VII - 5.10.3.7

The department adds a requirement that the elevator operator report an unsafe condition to the department if the condition cannot be immediately corrected.

The department adds this requirement because this will prompt the department to conduct an investigation into the unsafe conditions and prompt enforcement action to ensure that the equipment is repaired to maintain the minimum safety required.

Subparagraph (v), Part V. (Special application elevators) (cont.)

In § 405.2(a.1)(1)(v)(B), regarding an addition to 5.12.1 for standards for outside emergency elevators, the department adds a requirement to the end of the section that the department and ESB

approve the design, testing and inspection requirements for an outside emergency elevator prior to installation because the standards being adopted do not provide
prescribed requirements for these elevators.

In § 405.2(a.1)(1)(v)(C), regarding an addition to 5.12.2 for the risk assessment process for outside emergency elevators, the department adds a requirement that the results of a risk assessment be provided to the department and ESB for consideration in the approval process of an outside emergency elevator because this will give the department and ESB the ability to ensure minimum safety requirements exist to safely protect elevator personnel, inspectors and the personnel that will access and use this equipment.

In § 405.2(a.1)(1)(v)(D), regarding modification of 5.12.3 as to operating instructions for outside emergency elevators, the department replaces section 5.12.3 to require operators to provide comprehensive operating instructions, including all pertinent warnings, to the fire department or fire service with jurisdiction, the maintenance control program under section 8.6.2.1, and to the department because each equipment installation is unique to its location and service requirements. The change will permit the elevator personnel, inspectors and personnel using the equipment to maintain a minimum safety standard for continued operation.

Subparagraph (vi), Part VI. (Escalators and moving walks)

In § 405.2(a.1)(1)(vi)(A), regarding modification of 6.1.6.3.6 as to escalator skirt obstruction devices, the department replaces section 6.1.6.3.6 with a paragraph that does not permit the use of a daily automatic reset device, as it relates to escalator skirt obstruction devices, because this daily automatic reset device allows for an escalator or moving walk to restart without verification that an issue, which may otherwise cause severe injury or death, has been resolved. The department has determined that such verification is necessary to adequately protect the health and safety of the riding

public.

In § 405.2(a.1)(1)(vi)(B), regarding modification of 6.1.6.3.9 as to upthrust devices, the department replaces section 6.1.6.3.9 with a paragraph that does not permit the use of a daily automatic reset device, as it relates to upthrust devices, because this daily automatic reset device allows for an escalator or moving walk to restart without verification that an issue, which may otherwise cause severe injury or death, has been resolved. The department has determined that such verification is necessary to adequately protect the health and safety of the riding public.

In § 405.2(a.1)(1)(vi)(C), regarding replacement of 6.1.6.3.12 as to handrail entry devices, the department replaces section 6.1.6.3.12 to require use of a manual reset device rather than a daily automatic reset device, as it relates to handrail entry devices, because this daily automatic reset device allows for an escalator or moving walk to restart without verification that an issue, which may otherwise cause severe injury or death, has been resolved. The department has determined that such verification is necessary to adequately protect the health and safety of the riding public.

In § 405.2(a.1)(1)(vi)(D), regarding modification of 6.1.6.4 as to handrail speed-monitoring devices, the department replaces Section 6.1.6.4 with a paragraph that does not permit the use of a daily automatic reset device, as it relates to handrail speed-monitoring devices, because this daily automatic reset device allows for an escalator or moving walk to restart without verification that an issue, which may otherwise cause severe injury or death, has been resolved. The department has determined that such verification is necessary to adequately protect the health and safety of the riding public.

In § 405.2(a.1)(1)(vi)(E), regarding replacement of 6.2.6.3.10 as to handrail entry devices, the department replaces section 6.2.6.3.10 with a paragraph that does not permit the use of a daily automatic reset device, as it relates to handrail entry devices, because this daily automatic reset device allows for an escalator or moving walk to restart without verification that an issue, which may

otherwise cause severe injury or death, has been resolved. The department has determined that such verification is necessary to adequately protect the health and safety of the riding public.

In § 405.2(a.1)(1)(vi)(F), regarding modification of 6.2.6.4 as to handrail speed-monitoring devices, the department replaces section 6.2.6.4 with a paragraph that requires the use of a handrail speed-monitoring device of the manual-reset type. These safety devices remove power and shut the equipment down to prevent injury. The manual reset component requires a mechanic to review the root cause of the safety device tripping rather than automatically resetting.

As explained in detail previously in response to a comment from NEII, the department considered NEII's concerns in terms of the preceding clauses addressing various escalator and handrail device monitoring systems, and the department finds that the safety protections offered by the regulation far outweighs the concerns raised by NEII.

Subparagraph (viii), Part VIII. (General requirements)

In § 405.2(a.1)(1)(viii)(A), regarding an addition to 8.6.1.3 as to elevator personnel responsibility for defective parts, the department adds two requirements to section 8.6.1.3. The first addition requires, when a defective part affecting the safety of operation is identified, the equipment is taken out of service until the defective part has been adjusted, repaired or replaced. The second addition requires that the personnel who identified the defective part notify the department and verify the device has been taken out of service and that the necessary actions to mitigate any immediate hazard to occupants of the building or structure. The department adds these requirements to ensure that defective parts that create an imminent danger of harm are addressed immediately by the individual that identified the defective part and that the reporting of such condition to the department ensures that the department can take immediate action on the imminent danger that was identified and reported.

In § 405.2(a.1)(1)(viii)(B), regarding modifications to 8.6.4.20.1(b) on alternative test methods

for car safeties, the department replaces section 8.6.4.20.1(b) with a paragraph permitting an alternative test method for car safeties that tests safeties with rated load in the car, as opposed to "any load" in the car, and otherwise keeps in place the other requirements listed in section 8.6.4.20.1(b). The department makes this change because this will ensure that the safety device is capable of responding appropriately for the required test weight load.

In § 405.2(a.1)(1)(viii)(C), regarding modification of 8.6.4.20.4(b)(1) on alternative test method for driving-machine brakes, the department replaces section 8.6.4.20.4(b)(1) with a paragraph permitting an alternative test method for driving-machine brakes that tests these brakes with rated load or 125% of rated load as required in Table 8.6.4.20.4, instead of "with or without any load," and otherwise keeps in place the other requirements listed in section 8.6.4.20.4(b)(1). The department makes this change because this will ensure that the safety device is capable of responding appropriately for the required test weight load.

In § 405.2(a.1)(1)(viii)(D), regarding modifications of 8.6.11.10.1 as to Category 5 tests, the department replaces section 8.6.11.10.1 to prohibit the use of alternative test methodologies for car and counterweight safeties per section 8.6.4.20, oil buffers per section 8.6.20.3, driving machine brakes per section 8.6.4.20.4 and braking systems, traction and traction limits per section 8.6.4.20.10 and to instead require testing of these four categories with test weights. The department makes this change because this will ensure that the safety device is capable of responding appropriately for the required test weight load.

Further, as listed in § 405.2(a.2), the department also does not adopt, in their entirety, certain sections of ASME 17.1-2016. The department declines to adopt these sections because these sections relate to devices that are outside of the scope of the act and the Code.

§ 405.2(a.1)(2) and § 405.2(a.3). ASME B20.1-2018

§ 405.2(a.1)(2)

The department adopts ASME B20.1-2018 for vertical and inclined reciprocating conveyors without automatic transfer devices because these types of equipment require the interaction of persons being exposed to mechanical and electrical equipment during loading, offloading and manual transfer of materials. The department has determined that this National standard provides sufficient safety requirements to prevent injury.

§ 405.2(a.3)

The department, as listed in § 405.2(a.3), does not adopt, in their entirety, certain sections of ASME B20.1-2018. The department declines to adopt these sections because the equipment does not meet the definition of an elevator, listed in § 401.1, due to their design and use.

§ 405.2(a.1)(3). ASME A90.1-2015

The department adopts the ASME A90.1-2015 for belt man-lifts because the equipment is specifically designed to provide restricted vertical transportation to employees of a facility. Authorized employees are provided training on the proper use of the belt man-lift. The department has determined that this Nationally adopted standard provides sufficient design, installation, testing and inspection requirements to maintain the equipment in a safe and operable condition.

§ 405.2(a.1)(4). ANSI B77.1-2022

The department adopts the American National Standards Institute (ANSI) B77.1-2022 for passenger ropeways, aerial tramways, aerial lifts, surface lifts, tows and conveyors because the department has determined that this Nationally adopted standard provides sufficient design, installation, testing and inspection requirements to maintain the equipment in a safe and operable condition for the riding public.

§ 405.2(a.1)(5) and § 405.2(a.4). ASME A18.1-2017

§ 405.2(a.1)(5)

The department adopts the ASME A18.1-2017 for vertical and inclined wheelchair lifts and stairway lifts because the department has determined that this Nationally adopted standard provides sufficient design, installation, testing and inspection requirements to maintain the equipment in a safe and operable condition for the riding public.

§ 405.2(a.4)

Further, as listed in § 405.2(a.4), the department does not adopt, in their entirety, certain parts of ASME 18.1-2017. The department does not adopt these parts because the act excludes the department's authority to enforce these standards in private residences.

§ 405.2(a.1)(6). ICC Electrical Code

The department adopts the International Code Council (ICC) Electrical Code for electric wiring and apparatus because the department has determined that this Nationally adopted electrical standard for electric wiring provides sufficient requirements to maintain the equipment in a safe and operable condition for the riding public.

§ 405.2(a.1)(7). ASME A.17.8-2016

The department adopts the ASME A17.8-2016 for wind turbine tower elevators because installations under the current regulations do not provide specific requirements for these lifting devices. The ASME A17.8-2016 standard provides sufficient design, installation, testing and inspection requirements to maintain the equipment in a safe an operable condition for the trained individuals accessing and using the equipment. By adopting this standard, manufacturers, installers, service companies and the department will have a uniform standard to comply with and will alleviate the necessity for multiple variances from the ESB.

§ 405.2(a.5), (b), (c), (d) and (e)

The department also further amends § 405.2 to renumber, but keep in place, the standards applicable to devices permitted prior to the date of adoption of the regulations and to change present tense language to past tense.

§ 405.3. Permit application

Section 405.3 (relating to permit application) is amended to: 1) reduce the number of permit applications an owner or owner's agent must submit to the department to review from four to three; 2) reduce the length of time a permit remains valid from 5 years to 2 years; 3) reduce the number of sets of construction documents the department must maintain from three to two; 4) replace reference to the Industrial Board with the ESB and correct the statutory citation; and 5) update the statutory reference for the collection of fees and note that fees are also posted on the department's website. The reduction in permit application (copies) for review is due to a reduction in file retention needs and copies needed for distribution to the owner and the Department's inspection staff. The reduction of the length of time a permit remains valid from 5 to 2 years is to prevent stalling an approved permit installation. The reduction in number of sets of construction documents from three to two is a result of new technology the department is using in conducting its business and maintaining its file retention policy. The replacement of the Industrial Board with the ESB is a result of Act 68 of 2018.

§ 405.4. Approved designs, equipment and devices

Section 405.4 (relating to approved designs, equipment and devices) is amended to require that the department observe the testing of a device before it is placed into service. Under current regulations, it is required that the department observe only the successful operation of a device before use of the device. Elevator manufacturers and designers continually redesign and improve various safety components, and the department has determined that, to protect the safety of operators and the general public, the department must observe these new designs for proper function and

serviceability prior to being placed into service.

§ 405.5. Acceptance inspection

Section 405.5 (relating to acceptance inspection) is amended to require an acceptance inspection when an elevator or lifting device under alteration or modification is put into service, in addition to new devices or a device under repair. Under current regulations, an acceptance inspection is required only for new devices or a device under repair prior to being put into service. This clarification is to ensure that any device that is being altered or modified is reviewed and inspected, and, if required, tested, to prevent an unsafe condition or the unintentional violation of safety regulations.

§ 405.6. Certificate of operation

Section 405.6 (relating to certificate of operation) is amended to clarify that the certificate of operation will be issued for the "designated classification" of the device in question. This change will ensure that certificates include information as to what kind of lift is being certified, which is especially important for types of lifts that are regulated by the Commonwealth but not by Federal law.

§ 405.7. Periodic inspections

Section 405.7 (relating to periodic inspections) is amended to: (1) add that inspection of seasonal lifting devices must be by a department construction code official; (2) require that the inspection report must be in a format acceptable to the department; and (3) require that notice from a construction code official as to a failed periodic inspection must be made by electronic communication. These changes will ensure that the department is quickly and effectively notified about an unsafe condition that creates imminent harm. Upon notification, the department takes action to ensure that the equipment is removed from service until such time the deficiency that

resulted in a failed periodic inspection is corrected and the equipment passes a periodic inspection prior to being placed back into service.

§ 405.8. Periodic testing

Section 405.8 (relating to periodic testing) is amended to utilize the ASME A.17.1-2016 National standard for periodic testing, instead of the outdated standard from 2000 with the 2002 addenda and to remove redundancies. Further, the previous regulations required Category 1 (annual) testing be performed in conjunction with the required Category 3 (3-year) and Category 5 (5- year) testing. After review of the requirements found in ASME A17.1-2016, relating to periodic testing requirements, and as explained further above in a response to legislative comments, the department and ESB determined that Category 1 testing should be performed annually as a standalone requirement to ensure additional safety and protect residents of the Commonwealth from harm, to align with neighboring jurisdictions, and to reduce costs by incentivizing regular maintenance by property owners.

The department also amends § 405.8(c) to utilize the inspection and testing standards under ASME A18.1-2017, instead of the outdated 1999 with 2001 addenda standard. The department also amends the section to require annual testing under section 10.3.1 (Category 1) and every 3 years under section 10.3.2 (Category 3).

Finally, the department is requiring that all testing under these standards shall be witnessed by a construction code official certified as a UCC Elevator Inspector. To make this requirement clear, the department has amended the proposed regulation when submitting this final-form regulation to state affirmatively that the official must be "certified as a UCC Elevator Inspector."

The department amends the section to add these requirements based on the department's assessment, taking into account additional costs for the regulated public and based on the ESB's support, that this change – which is in alignment with all other jurisdictions in the United States – is

necessary to ensure the safety of the riding public and elevator repair technicians.

§ 405.9. Periodic dynamic testing

Section 405.9 (relating to periodic dynamic testing) is amended to: 1) utilize the ANSI B77.1-2022 National standard for periodic dynamic testing, instead of the outdated 1999 standard: 2) update references to sections of the National standard to correspond to the 2022 ANSI; and 3) clarify that the construction code official who witnesses periodic dynamic testing and who submits a test report to the department must be a department official certified as a UCC Passenger Ropeway Inspector. To make this requirement clear, the department has amended the proposed regulation in this final-form regulation to state affirmatively that the department official must be certified "as a UCC Passenger Ropeway Inspector."

Since the original adoption of the B77.1 in 2004, the regulations have required that the inspection and testing of these types of equipment are performed and observed by a specially certified department inspector. A department inspector is required to successfully train and test to the B77.1 standard requirements, while a certified UCC Elevator Inspector is not trained nor certified to conduct these inspections and observe the testing.

§ 405.10. Major repairs, replacements and alterations

Section 405.10 (relating to major repairs, replacements and alterations) is amended to: 1) utilize the ASME A.17.1-2016 National standard for repairs, replacement and alterations of elevators and other lifting devices, rather than the outdated standard from 2000 with the 2002 addenda, and 2) use clearer language – without changing the meaning – in the clause that prohibits returning a device to service until the department conducts an inspection and passes the device. Major repairs, replacements and alterations to existing certified equipment must be inspected to ensure that the original design of the equipment has not been repaired, replaced or altered in a manner that violates

the regulations.

§ 405.11. Accident report

Section 405.11 (relating to accident report) is amended to: 1) require an accident report when an accident results in fatal injury or the necessity for professional medical care to a person, as opposed to current regulations which requires an accident report only upon "fatal injury or hospitalization," and 2) exempt aerial passenger ropeways, aerial lifts, surface lifts, tows and conveyors that are within the scope of ANSI B77.1-2022 from the requirement that devices involved in a non-fatal accident may not return to operation until receiving departmental approval. Under current regulations, only ski lifts are exempted from this requirement. Ski lifts have been exempted from these requirements because the nature of the incidents generally involve passenger error when approaching the lift or when disembarking. Additionally, owners and operators are required to report injuries resulting in medical treatment that are a result of a mechanical or electrical device failure.

§ 405.13. Appeals, variances and extensions of time

Section 405.13 (relating to appeals, variances and extensions of time) is added to establish procedures for appeals, variances and extensions of time considered by the ESB under its authority established in section 2214.1 of the Code.

§ 405.34. Projections and recesses

Section 405.34 (relating to projections and recesses) is amended to use clearer language in requiring a pressure-sensing strip in stage, orchestra and organ console elevators and that the strip shall detect an obstruction that exerts a minimum force of 5 pounds per square inch. This type of device has been acceptable with current regulations; however, the use of the device required obtaining a variance. The amendment to the regulations will negate the need for a variance.

§ 405.35. Landing doors

Section 405.35 (relating to landing doors) is amended to: 1) clarify that the device can be a "Department approved interlock or locking mechanism and electrical device, or both"; 2) clarify that the device shall secure the platform when a landing door is unsecured, even if the door is not open; and 3) require that a means shall be provided to unlock hoistway landing doors from the landing side but that the function shall be secured to prevent unauthorized access. The added language permits the use of a locking mechanism and electric device without the need to secure a variance.

§ 405.37. Operating speed

Section 405.37 (relating to operating speed) is amended to change the maximum speed of operation for stage, orchestra or organ console elevators from 30 feet per minute to 40 feet per minute because, with new technology implementations over the past 20 years, the department has determined that these devices operate safely at the increased operating speed of 40 feet per minute.

§ 405.40. Pit and pit access

Section 405.40 (relating to pit and pit access) is amended to: 1) clarify that the listed safety requirements are mandatory for all pit access doors; 2) require that access door keys are not part of a master key system or otherwise useable for any other door or device; and 3) to clarify that the "door" discussed in subsection (d) is a pit door. This is to ensure a secured safe access point for inspectors, mechanics and service personnel to the equipment located in the pit and that access is restricted to trained personnel.

§ 405.42. Additional requirements

Section 405.42 (relating to additional requirements) is amended to require the key for landing doors must open "all" landing doors, as opposed to the current regulation that requires the key open "a" landing door. This is to assist in accessing a stalled platform in a locked hoistway to safely assist and remove an individual that may be on the stalled platform. This will also assist inspectors,

mechanics and service personnel to access the inside of the hoistway at the safest location.

Affected Persons

This final-form regulation will affect any person who enters a building or structure that houses an elevator or lifting device by ensuring that the elevator or lifting device in that building or structure adheres to modern construction, repair and inspection maintenance standards. That number potentially includes the approximately 13 million residents residing, working and attending school within this Commonwealth. It also potentially includes the over 200 million annual visitors to this Commonwealth who conduct business, visit tourist attractions, visit family and stay in hotels.

This regulation will affect the owners of any commercial building or structure that houses a lifting device as they will be required to comply with the provisions of these regulations. Building and facility owners, contractors, developers and manufactured housing and modular building manufacturers are affected as they are required to absorb the cost of compliance with annual Category 1 testing for all equipment, including existing equipment, and any new or altered construction to meet the new standards mandated by this regulation. However, the department does not anticipate an increase in installation costs of new equipment because many states have already adopted versions of these standards. As such, manufacturers have already adjusted products to be compliant with the updated code.

Fiscal Impact

Regulated Community

The regulated community's costs associated with compliance with this regulation will be the cost of the new code books and the costs associated with annual Category 1 testing. The costs of new code books are as follows:

ASME A17.1-2016/CSA B44-16 Safety Code for Elevators and Escalators: $345

ASME B20.1, 2018 edition: $75
ASME A90.1, 2015 edition: $80
ANSI B77.1, 2022 edition: $200
ASME A18.1, 2017 edition: $125
ASME A17.8, 2016 edition: $58

Approximate Total: $883

These regulations apply to the installation of new equipment or the replacement or relocation of current equipment. The annual Category 1 testing requirements in this regulation applies to all equipment, including existing equipment, and will increase costs on the regulated community. However, the department does not anticipate an increase in installation costs of new equipment because many states have already adopted versions of these standards and as manufacturers have already adjusted products to be compliant with the updated codes.

Category 1 (annual) testing cost estimates

Based on three survey responses from companies that do this work, the department anticipates the following as the maximum cost for Category 1 testing requirements:

The average annual cost, per unit, for traction elevators will be approximately $3,833. There are approximately 13,619 traction elevators in the Commonwealth. As such, the average total annual cost for the Category 1 testing across all traction elevator units in the Commonwealth is approximately $52,201,6227.

The average annual cost, per unit, for hydraulic elevators will be approximately $1,100. There are approximately 25,157 hydraulic elevators in the Commonwealth. As such, the average total annual cost for the Category 1 testing across all hydraulic elevator units in the Commonwealth is approximately $27,672,700.

This reflects the average cost charged by an elevator company that performs the testing and stems from the labor and material costs incurred by the elevator company.

The total average cost for annual testing for all traction and hydraulic elevator units in the Commonwealth is approximately $79,874,327.

This is a high estimate because it assumes that no traction or hydraulic elevator units have current maintenance contracts that include Category 1 testing and includes elevator units that are owned, operated or maintained by public schools, State and State-related universities, and Commonwealth buildings. Category 1 testing for traction or hydraulic elevator units owned, operated or maintained by public schools, State and State-related universities, and Commonwealth buildings may in some cases be witnessed by Bureau elevator inspectors at no cost, which would reduce the estimated cost to the regulated community.

The actual cost to the regulated community is likely lower but cannot be quantified at this time because the department does not have a way of knowing how many units currently undergo Category 1 testing. The Bureau estimates that approximately 80 % of units are under maintenance contracts, including full maintenance contracts that may already include Category 1 testing. Those contracts would most likely not be impacted. However, for the contracts that do not already include annual testing, there would be an increased cost for those contracts.

If all 80 % of units currently estimated to be under maintenance contracts all include Category 1 testing, thus leaving 20 % of all units necessitating a stand-alone Category 1 test, the cost for compliance on the regulated community would be $15,974,865. This amount, $15,974,865, constitutes the low estimate.

Local Government

There are approximately 1,420 elevators identified in school districts across this Commonwealth. If these units do not have a full maintenance contract that already includes Category 1 testing, the school districts could expend a total of $1,944,620 annually for Category 1 testing to be performed. This does not include additional costs to local governments in the form of a variance

request to the ESB in the event that new or existing equipment would not be able to be installed or altered to meet the newest standards in the regulation.

State Government

The department is already incurring costs to comply with these regulations, as variances have been granted to lifting equipment by the Industrial Board or ESB, or both, to meet the updated standards. The department has started training its elevator inspectors in the code and purchased these standards.

The enforcement costs will be similar to the costs incurred by the current UCC enforcement program. The department's Fiscal Year 2024-2025 costs for the UCC enforcement program are approximately $7,128,164. The department estimates an additional staff complement of 14 additional elevator inspectors be added to its rolls to adequately enforce the new regulations. This estimate is $1,611,028 to fund these positions.

The department will incur costs for training staff, approximately $800 per individual totaling $28,000, concerning the new standards in this regulation.

The Commonwealth owns approximately 1,384 elevators that, if Category 1 testing is not already included in a maintenance contract, would cost $2,574,605 to perform Category 1 testing.

Additionally, State universities and State-related universities have approximately 645 elevators that, if Category 1 testing is not already included in a maintenance contract, would cost $1,204,173 to perform.

Reporting, Recordkeeping and Paperwork Requirements

Parties shall be responsible for furnishing records to the Bureau upon request and comply with all reporting requirements listed in these regulations.

Sunset Date

A sunset date is not appropriate for these regulations. The Bureau will monitor these regulations and submit amendments as needed.

Effective Date

These regulations will be effective six months from the publication of the final-form regulation in the *Pennsylvania Bulletin*, which is more than the 60 days after publication.

Contact Person

The contact person for this final-form regulation is Joseph Marchioni, Director, Bureau of Occupational and Industrial Safety, 651 Boas Street, Harrisburg, PA, 17121; jmarchioni@pa.gov, 717-783- 6304.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 9, 2025, the department submitted a copy of the notice of proposed rulemaking, published at 55 Pa.B. 5666, and a copy of a Regulatory Analysis Form to IRRC and to the chairpersons of the Labor and Industry Committee of the Senate and to the chairpersons of the Housing and Community Development Committee of the House of Representatives. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form regulation, the department has considered all comments from IRRC, the House and Senate Committees and the public.

On XXXX, the department delivered the final-form regulation to IRRC, and the chairpersons of the Senator Labor and Industry Committee and the chairpersons of the House Housing and Community Development Committee. Under section 5.1(e) of the Regulatory Review Act, IRRC

met on XXXXX, and approved the final-form regulation. Under section 5.1(j.2) of the Regulatory Review Act, the final-form regulation was deemed approved by the House and Senate Committees.

Findings

The department finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), known as the Commonwealth Documents Law, and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed regulation required; and adoption of regulations).

(2) A public comment period was provided as required by law, and all comments received were considered.

(3) The amendments to the final-form regulations do not enlarge the original purpose of the proposed rulemaking published at 55 Pa.B. 5666.

(4) This final form regulation is necessary and suitable for the administration of the act and the Code.

Order

The department, acting under its authorizing statute, orders that:

(a) The regulations of the department, 34 Pa. Code Chapters 401 and 405, are amended to read as set forth in Annex A.

(b) The department shall submit a copy of this final-form rulemaking to the Office of the Attorney General and the Office of General Counsel for approval as required by law.

(c) The department shall submit this final-form rulemaking to IRRC and the relevant standing Committees of the Senate and House of Representatives as required by law.

(d) The department shall certify this final-form rulemaking and deposit it with the Legislative Reference Bureau as required by law.

(e) This final-form rulemaking shall take effect six months from the date of publication in the *Pennsylvania Bulletin*.

NANCY A. WALKER,
Secretary

Annex A

TITLE 34. LABOR AND INDUSTRY

PART XIV. UNIFORM CONSTRUCTION CODE

CHAPTER 401. UNIFORM CONSTRUCTION CODE TRAINING AND CERTIFICATION OF CODE ADMINISTRATORS

§ 401.1. Definitions.

* * * * *

Elevator – Hoisting and lowering devices governed by ASME standards adopted by the Department under the Uniform Construction Code and other lifting devices subject to the requirements of the Uniform Construction Code.

***Elevator Safety Board* – The Elevator Safety Board of the Commonwealth established under section 2214.1 of The Administrative Code of 1929 (71 P.S. § 574.1).**

Facility – All or any portion of buildings, structures, site improvements, elements and pedestrian or vehicular routes located on sites where the buildings or structures are located.

* * * * *

§ 401.2 Department fees.

* * * * *

(b) [The following fees shall] Fees that apply to the Department's issuance of a permit for the construction, alteration or demolition of a building or structure

[:(1) New construction

(i) New buildings and additions $100 plus 20¢ per square foot of floor area or

	each fraction of floor area.
(ii) New structures and facilities other than buildings	**$300**
(2) Alterations, renovations or modifications of existing buildings or structures	**$100 plus $20 for each $1,000 of estimated cost of alterations, renovations or modification certified by the permit applicant**
(3) Revisions of approved plans and accelerated approval	**$300**
(4) Department accessibility plan review and inspection under § 403.141(b) (relating to enforcement by the Department)	**$200**
(5) Building or structure demolition	**$100**
(6) Annual permit	**$100]**

will be updated annually and published in the *Pennsylvania Bulletin* and on the Department's website.

(c) [The following fees] **Fees that** apply to plan review and application for a permit for installation **[:(1) Passenger, freight and combination passenger/freight elevators (not hydraulic elevators):**

(i) 1--7 floors	**$363**
(ii) 8--20 floors	**$436**
(iii) More than 20 floors	**$508**
(2) Hydraulic passenger, freight, combination passenger/freight elevators and other lifting devices	**$290**

(3) Ski lifts	**$508**
(4) Escalator and moving walks	**$290**
(5) Wheelchair lift and inclined stairway chairlift	**$150**
(6) Orchestra lift, belt manlift, stage lift, organ lift and other lifting devices	**$300**
(7) Permit for alterations and major repairs	**$145**
(8) Reinspection following failed major repair inspection (per inspection)	**$100 paid before reinspection**
(9) Reinspection following failed acceptance inspection (to a maximum of $300 per inspection)	**50% of initial permit fee paid before reinspection**
(10) Revision of plans	**50% of initial permit fee]**

will be updated annually and published in the *Pennsylvania Bulletin* and on the Department's website.

(d) [The following fees] **Fees that** apply to periodic elevator and other lifting device inspections under § 405.7 (relating to periodic inspections)**[:**

(1) Passenger, freight and combination passenger/freight elevators (not hydraulic):	
(i) 1--7 floors	**$94**
(2) Hydraulic passenger, freight, combination passenger/freight elevators and other lifting devices	**$73**
(4) Wheelchair lift and inclined stairway chairlift	**$75**
(5) Escalator and moving walk	**$94**

will be updated annually and published in the *Pennsylvania Bulletin* and on the Department's website.

(e) [The following fees] **Fees that** apply to witnessing periodic tests under § 405.8 (relating to periodic testing)**[:**

(1) Electric elevators with one to ten openings	**$125**
(2) Electric elevators with 11-20 openings	**$150**
(3) Electric elevators with more than 20 openings	**$175**
(4) Roped hydraulic elevator and roped/chained vertical reciprocal conveyor	**$110**
(5) Hydraulic elevator, limited use/limited application elevator and direct hydraulic vertical reciprocating conveyor	**$85**
(6) Escalator and moving walks	**$85**
(7) Wheelchair lift and inclined stairway chairlift	**$75**
(8) Orchestra lift, stage lift and organ lift	**$125**
(9) Other equipment	**$85]**

will be updated annually and published in the *Pennsylvania Bulletin* and on the Department's website.

(f) [The following fees] **Fees that** apply to the witnessing of periodic dynamic testing required under § 405.9 (relating to periodic dynamic testing)

[:(1) Aerial tramways $300

(2) Detachable aerial grips $300

(3) Fixed grip aerial lifts $20]

will be updated annually and published in the *Pennsylvania Bulletin* and on the Department's website.

(g) [The following fees] **Fees that** apply to a certificate of operation**[:**

(1) Annual renewal $36

(2) Duplicate $25]

will be updated annually and published in the *Pennsylvania Bulletin* and on the Department's website.

(h) [The following fees shall] **Fees that** apply to a variance request**[:]**

(1) Industrial Board variance request appeal or extension of time $100
(2) Accessibility Advisory Board variance request application $100]

will be updated annually and published in the *Pennsylvania Bulletin* and on the Department's website.

CHAPTER 405. ELEVATORS AND OTHER LIFTING DEVICES

§ 405.1. Scope.

* * * * *

(c) Prior permits and construction.

(1) A permit issued under valid regulations before **[April 9, 2004]** _____ (*Editor's Note*: The blank refers to the effective date of the final-form rulemaking.**)**, remains valid and the construction of the elevator or lifting device may be completed in accordance with the approved permit if construction commences by **[April 9, 2006]**_____. (*Editor's Note*: The blank refers to 2 years from the effective date of the final-form rulemaking.)

(2) If construction of the elevator or lifting device has not commenced within the time

period allowed under paragraph (1), the permit becomes rescinded. The permit holder shall acquire a new permit under section 304(c)(2) of the act (35 P.S. § 7210.304(c)(2)) before construction.

(3) An elevator or lifting device that was issued a certificate of operation by the Department before **[April 9, 2004]** _____(*Editor's Note*: The blank refers to the effective date of the final-form rulemaking.)**,** may remain in use if the owner maintains the elevator or lifting device in accordance with a previous Department permit or approval, the owner complied with the regulations in effect when the certificate of operation was issued and the owner complies with the applicable requirements of §§ **405.3 and** 405.7—405.9 **[(relating to periodic inspections; periodic testing; and periodic dynamic testing)]**.

§ 405.2. Standards.

(a) **[The following standards are adopted as part of the Uniform Construction Code and apply to the listed type of elevator or other lifting device. Other authorities referenced in the standards are adopted if the authority is not excluded in subsection (b):**

(1) ''ASME A17.1-2000'' with ''A17.1a-2002'' addenda:

(i) Part 1 (General).

(ii) Part 2 (Electric elevators).

(iii) Part 3 (Hydraulic elevators).

(iv) Part 4 (Elevators with other types of driving machines).

(v) Part 5 (Special application elevators).

(vi) Part 6 (Escalators and moving walks).

(vii) Part 7 (Dumbwaiters and material lifts).

(viii) Part 8 (General requirements).

(ix) Part 9 (Standard codes and specifications).

(2) ''ASME B20.1-2000'' for vertical and inclined reciprocating conveyors without automatic transfer devices.

(3) ''ASME A90.1-1997'' including ''A90.1a-1999'' and ''A90.1b-2001'' addenda for belt man-lifts.

(4) ''ANSI B77.1-2017'' for passenger ropeways, aerial tramways, aerial lifts, surface lifts, tows and conveyors.

(5) ''ASME A18.1-1999'' including ''A.18.1a-2001'' addenda for vertical and inclined wheelchair lifts and stairway lifts. Testing under sections 10.3.2 and 10.3.3 shall comply with § 405.8 (relating to periodic test results).

(6) Electric wiring and apparatus shall comply with the ''ICC Electrical Code.''] {Reserved}.

(a.1) The following standards are adopted, with modifications listed herein, as part of the Uniform Construction Code and apply to the listed type of elevator or other lifting device, except for those devices covered by subsection (a.5) (devices for which permit application was submitted before _____). (*Editor's Note*: The blank refers to the effective date of the final-form rulemaking.) **Other authorities referenced in the standards are adopted if not excluded in subsections (a.2), (a.3), or (a.4).**

(1) "ASME A17.1-2016"

(i) Part 1 (*General*).

(A) *Modification to Preface*. The Application of Requirements to New Technology paragraph of the Preface of ASME A.17-2016 is replaced

with the following:

With the advent of new technologies, materials and processes in the mechanical, structural, electronic and optic fields, and the analytical capabilities now available, the need for flexibility to introduce products into the marketplace using these technical developments is desirable. Previous editions of ASME A17.1 had longstanding provisions in Section 1.2, that suggested that Authorities Having Jurisdiction should recognize safety equivalent to that required by the Codes. This edition of ASME A17.1/CSA B44 recognizes ASME A17.7/CSA B44.7 is equivalent to compliance with the requirements in ASME A17.1/CSA B44. Use and acceptance of ASME A17.7/CSA B44 requires the approval of the Department and the Elevator Safety Board, which may be obtained by seeking a variance under the procedure set forth in § 405.13 (relating to appeals, variances and extensions of time).

(B) ***Modification to 1.2.1(b)*** **(*Purpose*). Section 1.2.1*(b)* is replaced with the following:**

(*b)* Conformance with some of the requirements in ASME A17.1/CSA B44 and, for systems, subsystems, components or functions that do not conform with certain requirements in ASME A17.1/CSA B44, conformance to the requirements of the Department and Elevator Safety Board; or

(C) ***Modification to 1.2.1(c).*** **Section 1.2.1(c) is replaced with the following:**

(c) **Conformance with the requirements in ASME A17.1/CSA B44.7 and conformance to the requirements of the Department and Elevator Safety Board,**

(D) ***Modification to 1.2.2.1 (Exceptions to ASME 17.1).*** **Section 1.2.2.1 is replaced with the following:**

1.2.2.1 The specific requirements of this Code shall be permitted to be modified by the Department and the Elevator Safety Board based upon technical documentation or physical performance verification to allow alternative arrangements that will assure safety equivalent to that which would be provided by conformance to the corresponding requirements of this Code.

(ii) ***Part 2 (Electric elevators).***

(A) ***Modification to 2.7.6.3.2(f) (Accessible to General Public (AGP) signage).*** **Section 2.7.6.3.2(f) is modified to add the following requirement at the end of this section:**

The posting of AGP signage shall also be required on the outside of the controller. The signage shall meet the requirements of 2.7.6.3.2(e) and 2.7.6.3.2(f).

(B) ***Modification to 2.12.7.2 (Hoistway Access Switches).*** **Section 2.12.7.2 is modified to read as follows:**

2.12.7.2. Location and Design. Hoistway access switches shall conform to all specifications listed in 2.12.7.2.1 through 2.12.7.2.5, except that standards 2.12.7.2.1(c) and 2.12.7.2.2 (regarding placement of hoistway access switches) are not adopted. Placement or installation of a hoistway

access switch on the sight guard is not permitted.

(C) ***Modification to 2.12.7.3.3(c) (Hoistway access switch operation).*** **Section 2.12.7.3.3*(c)* is replaced with the following:**

(c) **If the lowest landing is the normal means of access to the pit, the hoistway access switch shall enable the car to move in the up direction to a point between 2,130 mm (84 in.) and 2,450 mm (96 in.) from the floor level to the bottom of the platform guard. Movement of less than 1,230 mm (84 in.) in the up direction is prohibited.**

In no case shall the movement of the car initiated and maintained by the hoistway key access switch at the lowest landing, if this landing is the normal means of access to the pit, be limited in the up direction to the point where the bottom of the platform guard is even with the hoistway entrance header.

(iii) ***Part 3 (Hydraulic elevators).***

(A) ***Modification to 3.4.1.5 (Bottom Car Clearance).*** **Section 3.4.1.5 is replaced with the following:**

3.4.1.5. When the car is resting on its fully compressed buffers or bumpers, no equipment traveling with the car, including a plunger-follower guide, if provided, shall strike any part of the pit or any equipment mounted therein. Additionally, when a minimum of 600 mm (24 in.) of vertical clearance is not maintained between equipment mounted in the elevator pit ~~to~~ AND the underside of the elevator car, a permanently installed mechanical device must

be installed that does the following:

(a) **Permits the engagement of the mechanical stop device prior to entering the hoistway or pit.**

(b) **Provides a positive engagement and disengagement position that will prevent unintentional engagement or disengagement.**

(c) **Prevents the normal operation of the elevator if engaged.**

(d) **Prevents the normal operation of the elevator when not properly disengaged.**

(e) **Is capable of supporting the elevator car with rated load.**

(f) **Provides a minimum of 600 mm (24 in.) vertical clearance between any STRUCTURAL OR MECHANICAL PART, EQUIPMENT OR DEVICE INSTALLED BENEATH THE CAR platform, including plunger-follower guide, if provided.**

(iv) ***Part 4 (Elevators with other types of driving machines).***

(v) ***Part 5 (Special application elevators).***

(A) ***Modification to 5.10 (Elevators used for construction).*** **The following requirements are added to the end of section 5.10 of the standard:**

5.10.3.1 Elevators temporarily used for construction or demolition shall be operated by a trained and experienced elevator operator that will be responsible for the safe operation of the construction or demolition elevator. Prior to each day's use of the construction or demolition elevator, the trained and experienced elevator operator shall perform the following actions to ensure safe operation of the elevator:

(a) **Safety and function test of all operator controls.**

(b) **Safety and function test of all landing and shaftway protection and mechanical or electrical interlock functions or both.**

(c) **Function test of all communication systems related to the operation of the elevator.**

(d) **Secure all platform/car openings prior to use.**

(e) **Maintain written documentation in the construction or demolition elevator machine room of completion of *(a)—(d)*, any findings of deficiency and the corrective action taken to mitigate any deficiency. This documentation shall reflect the date and time of inspection, and name of trained and experienced elevator operator performing the tasks in *(a)—(d)*.**

5.10.3.2 The trained and experienced elevator operator shall be responsible for all of the following:

(a) **Secure the construction or demolition elevator against unauthorized access or use.**

(b) **Remove the construction or demolition elevator from service for a safety deficiency.**

(c) **Immediately report an imminent danger or safety violation that prevents the continued safe operation of the elevator to the Elevator Division of the Department.**

(d) **Ensure that at no time the construction or demolition elevator is loaded in excess of its rated and posted lifting**

capacity.

5.10.3.3 Elevators used for construction or demolition shall be maintained, inspected and operated by elevator personnel that have been trained in the construction, maintenance, repair, inspection or testing of elevator equipment in compliance with ASME A17.1.

5.10.3.4 The inspection shall ensure the proper placement or operation, or both, of all of the following:

(a) **Hoistway protection.**

(b) **Safety devices in place to mitigate improper operation or unintended movement of the elevator.**

(c) **Communication devices.**

(d) **Platform and car protection.**

5.10.3.5 Elevator personnel responsible for the operation of an elevator used for construction or demolition shall do the following:

(a) **Secure the elevator from unauthorized use,**

(b) **Remove the elevator from service as a result of an unacceptable daily inspection result.**

5.10.3.6 The elevator operator shall be responsible for removing an elevator used for construction or demolition from service in the event of injury or accident, equipment failure or damage.

5.10.3.7 The elevator operator shall report an unsafe condition to the Department if the condition cannot be immediately corrected.

(B) ***Modification to 5.12.1 (Standards for outside emergency elevators).***

The following requirement is added to the end of section 5.12.1 of the standard:

5.12.1.5 The design, testing and inspection requirements of an outside emergency elevator shall be approved by the Department and the Elevator Safety Board prior to installation.

(C) ***Modification to 5.12.2 (Performing risk assessments of outside emergency elevators).*** **The following requirement is added to the end of section 5.12.2 of the standard:**

The results of the Risk Assessment shall be provided to the Department and the Elevator Safety Board for the consideration of approving the installation of an outside emergency elevator.

(D) ***Modification to 5.12.3 (Operating instructions for outside emergency elevators).*** **Section 5.12.3 is replaced with the following:**

5.12.3 Operating Instructions. Comprehensive operating instructions including all pertinent warnings shall be provided:

(a) **To the fire department or fire service having jurisdiction.**

(b) **With the Maintenance Control Program. See 8.6.2.1.**

(c) **To the Department.**

(vi) ***Part 6 (Escalators and moving walks).***

(A) ***Modification to 6.1.6.3.6 (Escalator skirt obstruction device).*** **Section 6.1.6.3.6 is replaced with the following:**

6.1.6.3.6 Escalator Skirt Obstruction Device. Means shall be provided to cause the electric power to be removed from the escalator driving-machine motor and brake if an object becomes caught between the step and the skirt

as the step approaches the upper and lower combplate. The device shall be located at a point at which the step assumes a flat position (see 6.1.3.6.5). The escalator shall stop before that object reaches the combplate with any load up to full brake rated load with escalator running. The device shall be of the manual-reset type.

(B) ***Modification to 6.1.6.3.9 (Upthrust device).*** **Section 6.1.6.3.9 is replaced with the following:**

6.1.6.3.9 Step Upthrust Device. Means shall be provided in the passenger-carrying line of the track system to detect a step forced upward in the lower transition curve at or prior to the point of tangency of the horizontal and curved track. The means shall actuate when the riser end of the step is displaced upward more than 5 mm (0.20 in.) at the lower ending. Actuation of the means shall cause power to be removed from the driving-machine motor and brake. The escalator shall stop before the detected step reaches the combplate with any load up to brake-rated load with escalator running. The device shall be of the manual-reset type.

(C) ***Replacement of 6.1.6.3.12 (Handrail entry device).*** **Section 6.1.6.3.12 is replaced with the following:**

6.1.6.3.12 Handrail Entry Device. For those units that rely on an opening on the balustrade to prevent entrapment, all handrail entry devices shall be operative whenever the handrails are operating. The device shall be of the manual-reset type.

(D) ***Modification of 6.1.6.4 (Handrail speed-monitoring device).*** **Section 6.1.6.4 is replaced with the following:**

6.1.6.4 Handrail Speed-Monitoring Device. A handrail speed-monitoring device shall be provided that will cause the activation of the alarm required by 6.1.6.3.1*(b)* without any intentional delay whenever the speed of either handrail deviates from the step speed by 15% or more. The device shall also cause electric power to be removed from the driving-machine motor and brake when the speed deviation of 15% or more is continuous within a 2 second to 6 second range. The device shall be of the manual-reset type.

(E) ***Replacement of 6.2.6.3.10 (Handrail entry device).*** **Section 6.2.6.3.10 is replaced with the following:**

6.2.6.3.10 Handrail Entry Device. For those units that rely on an opening of the balustrade to prevent entrapment, all handrail entry devices shall be operative whenever the handrails are operating. The device shall be of the manual-reset type.

(F) ***Modification of 6.2.6.4 (Handrail speed-monitoring devices).*** **Section 6.2.6.4 is replaced with the following:**

6.2.6.4 Handrail Speed-Monitoring Device. A handrail speed-monitoring device shall be provided that will cause the activation of the alarm required by 6.2.6.3.1*(b)* without any intentional delay whenever the speed of either handrail deviates from the step speed by 15% or more. The device shall also cause electric power to be removed from the driving-machine motor and brake when the speed deviation of 15% or more is continuous within a 2 second to 6 second range. The device shall be of the manual-reset type.

(vii) Part 7 (Dumbwaiters and material lifts).

(viii) ***Part 8 (General requirements).***

(A) ***Modification to 8.6.1.3 (Elevator personnel responsibility (defective parts)).*** **The following requirements are added to the end of section 8.6.1.3 of the standard:**

Where a defective part affecting the safety of the operation is identified, the equipment shall be taken out of service until the defective part has been adjusted, repaired or replaced.

The maintenance personnel, elevator technician, mechanic or service person that identifies a defective part directly affecting the safety of the operation of the elevator or lifting device shall be required to notify the Department of the condition and verify that the elevator has been taken out of service and that necessary actions have been taken to mitigate any immediate hazard to the building or structure occupants while the defective part is being adjusted, repaired or replaced.

(B) ***Modification to 8.6.4.20.1(b) (Alternative Test Methods Care Safeties).***

Section 8.6.4.20.1*(b)* is replaced with the following:

(b) Alternative Test Method for Car Safeties. **The alternative test methods shall comply with 8.6.11.10 and all of the following:**

(1) **The testing of safeties with rated load in the car, centered on each quarter of the platform symmetrically with relation to the centerlines of the platform and at not less than rated speed shall be permitted provided that:**

(-a-) **When the alternative test is performed, the test shall stop**

the car and verify that the safeties will be capable of stopping an overspeeding car in accordance with the requirements of section 2.17 applicable to the specific classification of safeties.

(-b-) **When applied, the method shall verify that the safeties perform or are capable of performing in compliance with 8.6.4.20.1*(a)* and the platform shall not be out of level more than 30 mm/m (0.36 in./ft.) in any direction.**

(2) **A test tag as required in 8.6.1.7.2 shall be provided.**

(C) ***Modification to 8.6.4.20.4(b)(1) (Alternative Test Method for Driving-Machine Brakes).*** **Section 8.6.4.20.4(b)(1) is replaced with the following:**

(1) **Any method of verifying conformity of the drive-machine brake with the applicable Code requirements (see 2.24.8.3 and Table 8.6.4.20.4) shall be permitted, including the testing method of the brakes with rated load or 125% rated load as required in Table**

8.6.4.20.4 Brake Test Loads, placed in the car, provided that when applied the method verifies that the brake performs or is capable of performing in compliance with 8.6.4.20.4*(a)*.

(D) ***Modification to 8.6.11.10.1 (Category 5 Tests without Load via Alternative Test Methodologies).*** **Section 8.6.11.10.1*(a)—(d)* are replaced with the following:**

(a) **Car and counterweight safeties per 8.6.4.20.1 shall be tested with test weights. Alternative test methods are not permitted.**

(b) **Oil buffers per 8.6.4.20.3 shall be tested with test weights. Alternative test methods are not permitted.**

(c) **Driving-machine brakes per 8.6.4.20.4 shall be tested with test weights. Alternative test methods are not permitted.**

(d) **Braking systems, traction and traction limits per 8.6.4.20.10 shall be tested with test weights. Alternative test methods are not permitted.**

(ix) ***Part 9 (Standard codes and specifications).***

(2) "ASME B20.1-2018" for vertical and inclined reciprocating conveyors without automatic transfer devices.

(3) "ASME A90.1-2015" for belt man-lifts.

(4) "ANSI B77.1- 2022" for passenger ropeways, aerial tramways, aerial lifts, surface lifts, tows and conveyors.

(5) "ASME A18.1-2017" for vertical and inclined wheelchair lifts and stairway lifts.

(6) Electric wiring and apparatus shall comply with the "ICC Electrical Code."

(7) **"ASME A17.8-2016" for wind turbine tower elevators.**

(a.2) The following sections of "ASME A17.1-2016" are not adopted as the Uniform Construction Code:

(1) **Section 5.3 (Private residence elevators)**

(2) **Section 5.4 (Private residence inclined elevators)**

(3) **Section 5.8 (Shipboard elevators).**

(4) **Section 5.9 (Mine elevators).**

(5) **Section 7.7 (Automatic transfer devices).**

(6) **Section 7.8 (Power dumbwaiter with automatic transfer devices).**

(7) **Section 7.9 (Electric material lifts with automatic transfer devices).**

(8) **Section 7.10 (Hydraulic material lifts with automatic transfer devices).**

(9) **Section 8.6.7.3 (Private residence elevator).**

(10) **Section 8.6.7.4 (Private residence inclined elevators).**

(11) **Section 8.6.7.8 (Shipboard elevators).**

(12) **Section 8.6.7.9 (Mine elevators).**

(13) **Section 8.6.10.2 (Material lifts and dumbwaiters with automatic transfer devices).**

(14) **Section 8.7.5.3 (Private residence elevators).**

(15) **Section 8.7.5.4 (Private residence inclined elevators).**

(16) **Section 8.7.5.8 (Shipboard elevators).**

(17) **Section 8.7.5.9 (Mine elevators).**

(18) **Section 8.7.7.3 (Material lifts and dumbwaiters with automatic transfer devices).**

(19) **Section 8.10.5.2 (Private residence elevators and lifts).**

(20) Section 8.10.5.5 (Material lifts and dumbwaiters with automatic transfer devices).

(21) Section 8.10.5.8 (Shipboard elevators).

(22) Section 8.10.5.16 (Mine elevators).

(23) Section 8.11.5.2 (Private residence elevators and lifts).

(24) Section 8.11.5.5 (Material lifts and dumbwaiters with automatic transfer devices).

(25) Section 8.11.5.8 (Shipboard elevators).

(a.3) The following portions of "ASME B20.1-2018" are not adopted as the Uniform Construction Code:

(1) Section 3 (Intent).

(2) Section 5.14 (Hoppers and chutes).

(3) Section 6.1 (Belt conveyors—fixed in place).

(4) Section 6.2 (Bucket conveyors).

(5) Section 6.3 (Chain conveyors).

(6) Section 6.4 (En masse conveyors).

(7) Section 6.5 (Flight and apron conveyors—bulk material).

(8) Section 6.7 (Live roller conveyors—belt or chain driven).

(9) Section 6.8 (Mobile conveyors).

(10) Section 6.9 (Portable conveyors, extendible belt conveyors and car unloaders).

(11) Section 6.10 (Pusher bar conveyors).

(12) Section 6.11 (Roller and wheel conveyors).

(13) Section 6.12 (Screw conveyors).

(14) Section 6.13 (Shuttle conveyors, belt trippers and transfer cars).

(15) Section 6.14 (Skip hoists—bulk materials).

(16) Section 6.15 (Slat conveyors and roller slat conveyors).

(17) Section 6.16 (Suspended vertical tray conveyors).

(18) Section 6.17 (Tow conveyors—in the floor).

(19) Section 6.18 (Trolley conveyors and power and free conveyors).

(20) Section 6.19 (Vertical articulated conveyors).

(21) Section 6.20 (Vertical chain opposed shelf type conveyors).

(a.4) The following portions of "ASME A18.1-2017" are not adopted as the Uniform Construction Code:

(1) Part V (Private residence vertical platform lifts).

(2) Part VI (Private residence inclined platform lifts).

(3) Part VII (Private residence incline stairway chairlifts).

(a.5) The following standards apply to the listed type of elevator or lifting device if a permit application was made to the Department before . *(Editor's Note:* The blank refers to the effective date of the final-form rulemaking.*)*

Other authorities referenced in the standards were adopted if the authority was not excluded in subsections (b), (c), or (d).

(1) "ASME A17.1-2000" with "A17.1a-2002 addenda":

(i) Part 1 (General).

(ii) Part 2 (Electric elevators).

(iii) Part 3 (Hydraulic elevators).

(iv) Part 4 (Elevators with other types of driving machines).

(v) **Part 5 (Special application elevators).**

(vi) **Part 6 (Escalators and moving walks).**

(vii) **Part 7 (Dumbwaiters and material lifts).**

(viii) **Part 8 (General requirements).**

(ix) **Part 9 (Standard codes and specifications).**

(2) "ASME B20.1-2000" for vertical and inclined reciprocating conveyors without automatic transfer devices.

(3) "ASME A90.1-1997" including ''A90.1a-1999'' and ''A90.1b-2001'' Addenda for belt man-lifts.

(4) "ANSI B77.1-2017" for passenger ropeways, aerial tramways, aerial lifts, surface lifts, tows and conveyors.

(5) "ASME A18.1-1999" including "A.18.1a-2001" addenda for vertical and inclined wheelchair lifts and stairway lifts. Testing under sections 10.3.2 and 10.3.3 shall comply with § 405.8 (relating to periodic testing).

(6) Electric wiring and apparatus shall comply with the ''ICC Electrical Code.''

(b) The following sections of "ASME A17.1-2000" with "A17.1b-2002" addenda **[are]** **were** not adopted as the Uniform Construction Code:

(1) Section 5.3 (Private residence elevators).

(2) Section 5.4 (Private residence inclined elevators).

(3) Section 5.8 (Shipboard elevators).

(4) Section 5.9 (Mine elevators).

(5) Section 7.7 (Automatic transfer devices).

(6) Section 7.8 (Power dumbwaiter with automatic transfer devices).

(7) Section 7.9 (Electric material lifts with automatic transfer devices).

(8) Section 7.10 (Hydraulic material lifts with automatic transfer devices).

(9) Section 7.11 (Material lifts with obscured transfer devices).

(10) Section 8.6.7.3 (Private residence elevator).

(11) Section 8.6.7.4 (Private residence inclined elevators).

(12) Section 8.6.7.8 (Shipboard elevators).

(13) Section 8.6.7.9 (Mine elevators).

(14) Section 8.6.9.2 (Material lifts and dumbwaiters with automatic transfer devices).

(15) Section 8.7.5.3 (Private residence elevators).

(16) Section 8.7.5.4 (Private residence inclined elevators).

(17) Section 8.7.5.8 (Shipboard elevators).

(18) Section 8.7.5.9 (Mine elevators).

(19) Section 8.7.7.3 (Material lifts and dumbwaiters with automatic transfer devices).

(20) Section 8.10.5.2 (Private residence elevators and lifts).

(21) Section 8.10.5.5 (Material lifts and dumbwaiters with automatic transfer devices).

(22) Section 8.10.5.8 (Shipboard elevators).

(23) Section 8.11.5.2 (Private residence elevators and lifts).

(24) Section 8.11.5.5 (Material lifts and dumbwaiters with automatic transfer devices).

(25) Section 8.11.5.8 (Shipboard elevators).

(c) The following portions of "ASME B20.1-2000" **[are]** **were** not adopted as the Uniform Construction Code:

(1) Section 3 (Intent).

(2) Section 5.14 (Hoppers and chutes).

(3) Section 6.1 (Belt conveyors—fixed in place).

(4) Section 6.2 (Bucket conveyors).

(5) Section 6.3 (Chain conveyors).

(6) Section 6.4 (En masse conveyors).

(7) Section 6.5 (Flight and apron conveyors—bulk material).

(8) Section 6.7 (Live roller conveyors—belt or chain driven).

(9) Section 6.8 (Mobile conveyors).

(10) Section 6.9 (Portable conveyors, extendible belt conveyors and car unloaders).

(11) Section 6.10 (Pusher bar conveyors).

(12) Section 6.11 (Roller and wheel conveyors).

(13) Section 6.12 (Screw conveyors).

(14) Section 6.13 (Shuttle conveyors, belt trippers and transfer cars).

(15) Section 6.14 (Skip hoists—bulk materials).

(16) Section 6.15 (Slat conveyors and roller slat conveyors).

(17) Section 6.16 (Suspended vertical tray conveyors).

(18) Section 6.17 (Tow conveyors—in the floor).

(19) Section 6.18 (Trolley conveyors and power and free conveyors).

(20) Section 6.19 (Vertical articulated conveyors).

(21) Section 6.20 (Vertical chain opposed shelf type conveyors).

(d) The following portions of "ASME A18.1-1999'' with ''A18.1a-2001'' addenda **[are]** **were** not adopted as the Uniform Construction Code:

(1) Part V (Private residence vertical platform lifts).

(2) Part VI (Private residence inclined platform lifts).

(3) Part VII (Private residence incline stairway chairlifts).

(e) This chapter applies when there is a conflict with a code or standard related to elevators or lifting devices.

§ 405.3. Permit application.

(a) An owner of an elevator or lifting device or an authorized agent shall apply to the Department for a permit before the construction, alteration, replacement or repair of an elevator or lifting device.

(b) An owner or owner's agent shall submit **[four]** **three** copies of a permit application and supporting documents to the Department for review. The application and supporting construction documents shall be submitted in Department-approved media and clearly detail the location, nature and extent of the proposed construction and its compliance with the Uniform Construction Code.

(c) The Department may suspend or revoke a permit when the permit was issued erroneously, on inaccurate, incorrect or incomplete information or issued in violation of the Uniform Construction Code. The Department may charge an applicant a new application and inspection fee when a previous permit was suspended or revoked based upon inaccurate, incomplete or incorrect information provided by the permit applicant.

(d) A permit becomes invalid unless construction work is commenced within 180 days after its issuance or if the work is suspended or abandoned for a period of 180 days after it is commenced. The Department may grant written extensions of time for periods of 180 days each. A permit remains valid for no more than **[5]** **2** years.

(e) The Department will grant or deny a permit in whole or in part within 30 business days of the filing date of a complete application. The Department will provide written

notification to the applicant for applications denied in whole or in part.

(f) The Department will place the written or stamped notation ‘‘Reviewed and Approved for Code Compliance’’ on the documents accompanying the permit application. The Department will keep **[three]** **two** sets of the construction documents and send one set of construction documents to the permit applicant.

(g) An owner or owner's agent may request a variance or appeal the code administrator's decision to the **[Industrial Board]** **Elevator Safety Board** under **[§ 403.122 (relating to appeals, variances and extensions of time)]** **§ 405.13 (relating to appeals, variances and extensions of time) within 30 days of the date of the decision.** The appeal shall be based on a claim that the true intent of the act or the Uniform Construction Code were incorrectly interpreted, the act does not fully apply or an equivalent form of construction is to be used.

(h) A permit is not valid until the Department collects the required fees **[under § 401.2 (relating to Department fees)]**, **which are authorized by section 613-A of The Administrative Code of 1929 (71 P.S. § 240.13a). published in the *Pennsylvania Bulletin* and posted on the Department's website.**

§ 405.4. Approved designs, equipment and devices.

A platform, car, cabin or chair safety device may be installed after it receives a Department-issued certificate of acceptance. An applicant for a certificate of acceptance shall meet the following requirements:

(1) The manufacturer, designer or engineer of the platform, car, cabin or chair safety device shall submit the design to the Department.

(2) The Department will observe the operation **and testing** of the device for

compliance with the Uniform Construction Code before **[use of]** the device **is placed into service** in this Commonwealth.

(3) The Department will issue a certificate of acceptance after it observes successful testing of the device.

§ 405.5. Acceptance inspection.

The Department will conduct an acceptance inspection to confirm compliance with the Uniform Construction Code before a new elevator or lifting device or an elevator or lifting device under repair**, alteration or modification** is put into service.

§ 405.6. Certificate of operation.

(a) An elevator or lifting device may not be operated unless the Department issues a certificate of operation for the **designated classification of the** elevator or other lifting device. The Department will issue a certificate of operation for the **designated classification of the** elevator or other lifting device if it passes inspection.

* * * * *

§ 405.7. Periodic inspections.

* * * * *

(c) A construction code official who performed a periodic inspection shall complete an inspection report **in a format acceptable to the Department**, containing all of the following information:

(1) The inspection results.

(2) The day, month and year of the inspection.

(3) The beginning and conclusion times of the inspection.

(4) The construction code official's certification number.

(5) The construction code official's signature. An electronic signature may be used.

(d) A construction code official who performed a periodic inspection shall **[insure]** **ensure** that the following information is completed on the certificate of operation:

(1) The day, month and year of inspection.

(2) The construction code official's certification number.

(3) The construction code official's signature.

(e) A construction code official shall submit the results of routine inspections to the Department within 15 days of the inspection in a format acceptable to the Department.

(f) A construction code official shall notify the Department **by electronic communication** if a lifting device failed a periodic inspection within 1 business day from the inspection.

§ 405.8. Periodic testing.

(a) **[The following periodic testing under "ASME A17.1-2000" with "A17.1a-2002" addenda is required.]** **Periodic testing under "ASME A17.1-2016" as referenced in Table N-1 is required to be performed at the intervals listed in Table N-1 for Category 1, Category 3 and Category 5 testing.** A construction code official shall witness all of the testing**[:].**

(1) **[Category One under section 8.11.2.2 at 5-year intervals]** **{Reserved}.**

(2) **{Category Five under section 8.11.2.3 at 5-year intervals]** **{Reserved}.**

(3) **[Category One under section 8.11.3.2 at 3-year intervals. Periodic inspection and testing shall be phased in over a 3-year period as follows:**

(i) **Elevators installed before 1973 shall receive periodic inspection and testing on or before April 9, 2005.**

(ii) **Elevators installed between 1973 and 1992 shall receive periodic**

inspection by April 9, 2006.

(iii) Elevators installed after 1992 shall receive periodic inspection and testing by April 9, 2007] {Reserved}.

(4) [Category Three under section 8.11.3.3 at 5-year intervals] {Reserved}.

(5) [Category Five under section 8.11.3.4 at 5-year intervals] {Reserved}.

(6) [Category One under section 8.11.4.2 at 3-year intervals] {Reserved}.

(7) [Other equipment under section 8.11.5 at 5-year intervals as follows:

(i) Sidewalk elevators under section 8.11.5.1

(ii) Hand elevators under section 8.11.5.3

(iii) Dumbwaiters under section 8.11.5.4

(iv) Special purpose personnel elevators under section 8.11.5.6

(v) Inclined elevators under section 8.11.5.7

(vi) Screw column elevators under section 8.11.5.9

(vii) Rooftop elevators under section 8.11.5.10

(viii) Rack and pinion elevators under section 8.11.5.11

(ix) Limited use and limited application elevators under section 8.11.5.12

(x) Elevators used for construction under section 8.11.5.13] {Reserved}.

(a.1) Outside emergency elevators under section 8.11.5.15 shall be tested in accordance with the requirements approved by the Department and the Elevator Safety Board at the time of application approval.

(b) **[A construction code official shall witness each test enumerated in this section.] {Reserved}.**

(c) Inspection and testing under **[“ASME A.18.1-1999” with “A18.1a-2001” addenda]**

"ASME A18.1-2017" are required at the following intervals:

(1) Testing under section 10.3.1 shall be conducted at **[5-year] 1**-year intervals **and shall be witnessed by a construction code official CERTIFIED AS A UCC ELEVATOR INSPECTOR**.

(2) Testing under section 10.3.2 shall be conducted at **[5-year] 3**-year intervals **and shall be witnessed by a construction code official CERTIFIED AS A UCC ELEVATOR INSPECTOR**.

(3) Testing under section 10.3.3 shall be conducted at 5-year intervals **and shall be witnessed by a construction code official CERTIFIED AS A UCC ELEVATOR INSPECTOR**.

(d) A lumber elevator equipped with platform safety devices shall be tested with rated load at intervals that may not exceed 5 years.

* * * * *

§ 405.9. Periodic dynamic testing.

(a) The following periodic dynamic testing shall be conducted under **[''ANSI B77.1-1999'']** **"ANSI B77.1-2022":**

(1) Aerial tramways dynamic testing under section **[2.3.3.1.2] 2.3.4.4.**

(2) Detachable grip aerial lifts dynamic testing under section **[3.3.3.1.2] 3.3.4.4.**

(3) Fixed grip aerial lifts dynamic testing under section **[4.3.3.1.2] 4.3.4.4.**

(b) A **Department** construction code official **CERTIFIED AS A UCC PASSENGER ROPEWAY INSPECTOR** shall witness all periodic dynamic testing under this section.

(c) A **Department** construction code official **CERTIFIED AS A UCC PASSENGER**

ROPEWAY INSPECTOR shall complete and submit a test report to the Department within 15 days of witnessing a periodic dynamic test. The report shall be in a format acceptable to the Department and contain all of the following information:

(1) The test results.

(2) The day, month and year of test.

(3) The beginning and concluding times of test.

(4) The construction code official's signature. The construction code official may use an electronic signature.

§ 405.10. Major repairs, replacements and alterations.

(a) Repairs, replacement and alterations of elevators or other lifting devices shall comply with the following sections of **[''ASME A17.1-2000'' with ''A17.1a-2002'' addenda] "ASME A17.1-2016"**:

(1) Section 8.6.2 (Repairs).

(2) Section 8.6.3 (Replacements)**.**

(3) Section 8.7 (Alterations).

(b) The requirements of subsection (a) apply to major repairs, replacements and alterations performed on other types of lifting devices that are not referenced in **[''ASME A17.1-2000'' with ''A17.1a-2002'' addenda] "ASME A17.1-2016".**

(c) An elevator or lifting device shall be taken out of service when a major repair, replacement or alteration is performed upon it. The owner or owner's agent shall provide written notification to the Department when the major repair, replacement or alteration is completed. The elevator or lifting device may **not** be returned to service **[when it passes a Department inspection] until the Department conducts an inspection and passes the elevator or lifting device.**

§ 405.11. Accident report.

(a) An owner of an elevator or lifting device or an authorized agent shall submit an accident report to the Department if the elevator or lifting device is involved in an accident resulting in any of the following:

(1) Fatal injury or **[hospitalization]** **the necessity for professional medical care** to a person.

(2) Damage to the elevator or lifting device rendering it unsafe under § 403.84 (relating to unsafe building, structure or equipment).

(b) The owner or authorized representative shall submit the accident report on a Department-prescribed form, which must be received by the Department within 24 hours of the accident.

* * * * *

(d) An elevator or lifting device that was involved in a fatal accident may not return to operation until the Department provides approval.

(e) An elevator or lifting device involved in a nonfatal accident resulting from mechanical or electrical failure may not return to operation until the Department provides approval. This requirement does not apply to **[ski lifts]** **aerial passenger ropeways, aerial lifts, surface lifts, tows and conveyors that are within the scope of "ANSI B77.1 2022".**

§ 405.13. Appeals, variances and extensions of time.

(a) An owner or owner's agent may seek a variance or extension of time or appeal a building code official's decision by filing a petition with the Elevator Safety Board on a form provided by the Department within 30 days of the date of the decision.

(b) The postmark date or the date of personal service will establish the filing date of the

appeal, request for variance or extension of time.

(c) An appeal, request for variance or extension of time to the Elevator Safety Board will automatically suspend an action to enforce an order to correct until the matter is resolved. An action under § 403.84 (relating to unsafe building, structure or equipment) may not be stayed.

(d) The Elevator Safety Board shall decide an appeal, variance request or request for extension of time by reviewing documents and written brief or argument unless the owner or owner's agent requests a hearing.

(e) If the owner or owner's agent requests a hearing, the Elevator Safety Board shall schedule a hearing and notify the owner or owner's agent and building code official of the date, time and place of the hearing. The Elevator Safety Board shall hold a hearing within 60 days from the date of an applicant's request for a hearing unless the applicant agrees in writing to an extension of time.

(f) The appeal, variance request or request for extension of time shall be deemed approved if the Elevator Safety Board does not act within 60 days of the filing of the appeal, variance request or request of extension of time.

(g) The Elevator Safety Board shall only consider the following factors when deciding an appeal under section 2214.1(e)(1) of The Administrative Code of 1929 (71 P.S. § 574.1(e)(1)):

(1) Whether the true intent of the act or Uniform Construction Code was incorrectly interpreted.

(2) Whether the provisions of the act do not apply.

(3) Whether an equivalent form of construction is to be used.

(h) The Elevator Safety Board may consider the following factors when ruling upon a

request for extension of time or the request for variance:

(1) **The reasonableness of the requirements of the Uniform Construction Code, applicable codes and standards' application in a particular case.**

(2) **The extent to which the granting of a variance or an extension of time will pose a violation of the Uniform Construction Code, applicable codes and standards or create an unsafe condition.**

(3) **The availability of professional or technical personnel needed to come into compliance.**

(4) **The availability of materials and equipment needed to come into compliance.**

(5) **The efforts being made to come into compliance as quickly as possible.**

(6) **Compensatory features that will provide a degree of protection equivalent to the protection resulting from compliance with the Uniform Construction Code, applicable codes and standards.**

(i) The Elevator Safety Board may:

(1) **Deny the request in whole or in part.**

(2) **Grant the request in whole or in part.**

(3) **Grant the request upon certain conditions being satisfied.**

(j) The Elevator Safety Board may not grant a variance that would jeopardize the safety or welfare of either the general public or individuals employed in the elevator industry.

STAGE, ORCHESTRA AND ORGAN CONSOLE ELEVATORS

§ 405.34. Projections and recesses.

Projections or recesses for landing entrances, junction boxes and conduits for wiring, seating cart

storage areas, orchestra areas and piano storage areas shall have the following protection:

(1) Metal bevel plates shall protect the underside and topside of projections and the underside of all recesses. The plates shall extend from the edge of the projection or recess to the wall. The beveled angle may not be less than 75° relative to a horizontal position. Instead of plates, the bevel surfaces may be made of concrete and troweled to a smooth finish. Pressure sensing strips meeting the requirements in paragraph (2) may be used instead of beveled plates.

(2) Pressure sensing strips shall be placed on the underside of the platform on sides where there is a projection or recessed opening and on an apron attached to the platform. Pressure sensing strips shall meet the following requirements:

(i) A **pressure sensing** strip shall be interconnected to the operating and controlling circuit of the elevator.

(ii) A **pressure sensing** strip shall detect an obstruction that exerts a **minimum** force of 5 pounds **[or greater]** per square inch.

(iii) The elevator shall immediately stop and automatically reverse direction for travel of 2—4 inches when a strip detects an obstruction. The pressure **sensing** strips may automatically reset once the elevator has stopped its reverse travel.

§ 405.35. Landing doors.

(a) Swinging doors installed at the bottom landing of the shaftway shall open outward.

(b) Shaftway landing doors shall be equipped with a Department-approved interlock **or locking mechanism and electrical device, or both.** The interlock **or locking mechanism and electrical device, or both,** shall:

(1) Secure the platform in the stop position or place the power of control- ling the

elevator beyond the operator's control while any landing door is open, **or unsecured, or both.**

(2) Operate in conjunction with a normally closed electrical valve operating system when used for maintained pressure hydraulic elevators.

(c) A landing door may unlock only when the platform is stopped at the level where the landing doors are located.

(d) Landing doors shall open manually from inside the shaftway regardless of the platform's position.

(e) Regardless of the location of the platform in the hoistway, a means shall be provided to unlock the hoistway landing doors from the landing side. The means for performing this function shall be secured to prevent unauthorized access by individuals that are not trained in its proper use.

§ 405.37. Operating speed.

Operating speed of **[an] a stage,** orchestra or organ console elevator may not exceed **[30] 40** feet per minute.

§ 405.40. Pit and pit access.

(a) The pit shall be equipped with stone or masonry piers or columns or buffers capable of absorbing the impact of a fully loaded platform while maintaining a minimum refuge space of 2 feet throughout the pit area.

(b) A pit access door **[has to] must** meet all of the following requirements:

* * * * *

(5) Contain a sign located on the exterior strike side of all pit access doors with the notation, ''CAUTION—Elevator Pit Access Door—Authorized Personnel Only.'' The sign lettering is to be a minimum of 1/4 inch in width and 1 1/2 inches in height.

The color of the lettering shall contrast with the color of the access door.

(6) An owner or owner's agent shall have sole possession of keys to each access door. **The keys may not be part of a master key system of the building or functional on any other door or device at the location.**

(c) A shaftway shall have a pit that meets all of the following requirements:

(1) Pit depth shall be at least 2 feet from the lowest point of the underside of the platform framing to the pit floor or highest floor projection when the platform is at its lowest limit of travel. Toe guards, guide shoes or rollers attached to the platform and buffers or bumpers may extend into this space.

(2) Clearance between the lowest point of an apron, guide shoe or rollers on the underside of the platform and any portion of the pit floor shall be **[at least] a minimum of** 6 inches when the platform has reached its lowest limit of travel.

(3) Pit floor area directly beneath any apron area of the platform shall be marked with paint of at least two contrasting colors to a minimum width of 12 inches past the inside edge of the apron, guide shoe or rollers.

(d) A door shall be installed to provide access to a pit when the motor or controller for a stage, orchestra or organ console elevator is located in the pit by one of the following means:

(1) A **pit** door below the bottom of the platform when the platform is at its lowest limit of travel.

(2) A **pit** door that opens outward in the platform.

(3) The pit shall be equipped with a ladder for gaining access to the pit through this access door.

* * * * *

§ 405.42. Additional requirements.

(a) Railings and toeboards shall be provided at floor levels when the elevator is not at floor level. The railing and toeboard are to be interconnected to the operating circuit so that if any portion of the rail and toeboard is not in its proper placement, the elevator cannot operate.

(b) A key shall be located at the lowest floor in a container with a glass surface. This key shall open **[a landing door]** **all landing doors** regardless of the location of the platform.

(c) A plate attached to the equipment controller shall contain the manufacturer's listed rated lifting capacity and maximum static load.

* * * * *

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR AND INDUSTRY

March 12, 2026

George D. Bedwick, Chairman
Independent Regulatory Review Commission
555 Walnut Street, Suite 804
Harrisburg, PA 17101

Re: Notice of Final-Form Rulemaking // Agency Number 12-123
Department of Labor and Industry 34 Pa. Code, Chapters 401 and 405

Dear Chairman Bedwick:

Enclosed is a final-form rulemaking package consisting of a Face Sheet, Preamble, Annex A, Regulatory Analysis Form, and the following updated forms:

- ASME A17.1-2016 Category 1 Test Report – Hydraulic Elevators
- ASME A17.1-2016 Category 1 Test Report – Outside Emergency Elevators
- ASME A17.1-2016 Category 1 Test Report – Escalators and Moving Walks
- ASME A17.1-2016 Category 1 Test Report – Electric Elevators
- ASME A17.1-2016 Category 5 Test Report – Hydraulic Elevators
- ASME A17.1-2016 Category 5 Test Report – Electric Elevators
- Application for Construction and Alteration Permit
- Elevator Safety Board Petition

The Department of Labor & Industry (Department) is submitting this rulemaking to update the Elevator Safety Standards under the Uniform Construction Code (UCC).

The Department's staff will provide your staff with any assistance required to facilitate your review of this final-form rulemaking.

Sincerely,

Nancy A. Walker

Nancy A. Walker
Secretary,
Department of Labor and Industry

cc w/encl: The Honorable Akbar Hossain, Secretary of Policy and Planning
William L. Trusky, Executive Deputy Secretary
Christopher S. Hallock, Deputy Secretary, Safety and Labor-Management Relations
Joshua Towzey, Director of Legislative Affairs
Kristen M. Bentz, Policy Director
Benjamin C. Holt, Chief Counsel
Justin T. Romano, Deputy Chief Counsel
Joseph P. Marchioni, Jr., Director, Bureau of Occupational and Industrial Safety

From: Jonas Ricci
To: Mueller, Janet (LI-OCC); Jessica Smith
Cc: Towzey, Joshua
Subject: RE: [EXTERNAL]: L&I 12-123 Final Form Regulation
Date: Thursday, March 12, 2026 9:43:34 AM
Attachments: image001.png

Received. Thank you, Jan.

-Jonas

From: Mueller, Janet (LI-OCC) <jamueller@pa.gov>
Sent: Thursday, March 12, 2026 9:31 AM
To: Jonas Ricci <Jricci@pahousegop.com>; Jessica Smith <Jasmith@pahousegop.com>
Cc: Towzey, Joshua <jtowzey@pa.gov>
Subject: [EXTERNAL]: L&I 12-123 Final Form Regulation

Good morning,

Attached is the Final Form Rulemaking 12-123, Elevator Safety Standards under the Uniform Construction Code

Please respond to this email that you have received delivery.

Thank you!

Jan Mueller | Legal Office Administrator 1
PA Department of Labor & Industry | Office of Chief Counsel
651 Boas Street, 10th Floor
Harrisburg, PA 17121
Phone: 717.772.8291 | Fax: 717.787.1303
www.pa.gov

RECEIVED

Independent Regulatory
Review Commission

March 12, 2026

From:	Dawes, James
To:	Mueller, Janet (LI-OCC)
Cc:	Towzey, Joshua
Subject:	RE: L&I - 12-123 Final Form Regulation
Date:	Thursday, March 12, 2026 10:01:00 AM
Attachments:	image001.png

Hi Jan,

This regulation has been received. Thanks.

Jim Dawes
Executive Director (D)
House Housing & Community Development Committee
Rep. Brandon Markosek, Chairman
305 Irvis Office Building
Phone: 717-772-0036

From: Mueller, Janet (LI-OCC) <jamueller@pa.gov>
Sent: Thursday, March 12, 2026 9:29 AM
To: Dawes, James <JDawes@pahouse.net>
Cc: Towzey, Joshua <jtowzey@pa.gov>
Subject: L&I - 12-123 Final Form Regulation

Good morning,

Attached is the Final Form Rulemaking 12-123, Elevator Safety Standards un the Uniform Construction Code

Please respond to this email that you have received delivery.

Thank you!

Jan Mueller | Legal Office Administrator 1
PA Department of Labor & Industry | Office of Chief Counsel
651 Boas Street, 10th Floor
Harrisburg, PA 17121
Phone: 717.772.8291 | Fax: 717.787.1303
www.pa.gov

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Independent Regulatory Review Commission
March 12, 2026

From:	Kratz, Eric
To:	Mueller, Janet (LI-OCC)
Cc:	Towzey, Joshua
Subject:	RE: L&I 12-123 Final Form Regulation
Date:	Thursday, March 12, 2026 10:37:10 AM
Attachments:	image002.png image003.png image004.png image005.png image006.png

Received. Thanks Jan.

Best,
Eric

Eric Kratz
Executive Director | Senate Labor and Industry Committee
Senator Devlin Robinson
PA 37th Senatorial District
717.783.6832 | ekratz@pasen.gov
www.senatorrobinson.com

From: Mueller, Janet (LI-OCC) <jamueller@pa.gov>
Sent: Thursday, March 12, 2026 9:32 AM
To: Kratz, Eric <ekratz@pasen.gov>
Cc: Towzey, Joshua <jtowzey@pa.gov>
Subject: L&I 12-123 Final Form Regulation

Good morning,

Attached is the Final Form Rulemaking 12-123, Elevator Safety Standards under the Uniform Construction Code

Please respond to this email that you have received delivery.

Thank you!

Jan Mueller | Legal Office Administrator 1

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Review Commission

March 12, 2026

From: Updegraff, Cathy
To: Mueller, Janet (LI-OCC)
Cc: Towzey, Joshua
Subject: RE: L&I 12-123 Final Form Regulation
Date: Thursday, March 12, 2026 9:38:06 AM
Attachments: image001.png

Received.

Thank you.

Cathy

Cathy Updegraff
Executive Assistant / Scheduler
Senator John I. Kane
PA 9th Senatorial District
458 Main Capitol Building
Harrisburg PA 17120
(717)787-4712 | cathy.updegraff@pasenate.com

From: Mueller, Janet (LI-OCC) <jamueller@pa.gov>
Sent: Thursday, March 12, 2026 9:32 AM
To: Updegraff, Cathy <cathy.updegraff@pasenate.com>
Cc: Towzey, Joshua <jtowzey@pa.gov>
Subject: L&I 12-123 Final Form Regulation

¦ EXTERNAL EMAIL ¦

Good morning,

Attached is the Final Form Rulemaking 12-123, Elevator Safety Standards under the Uniform Construction Code

Please respond to this email that you have received delivery.

Thank you!

Jan Mueller | Legal Office Administrator 1
PA Department of Labor & Industry | Office of Chief Counsel
651 Boas Street, 10th Floor
Harrisburg, PA 17121
Phone: 717.772.8291 | Fax: 717.787.1303
www.pa.gov