

## 524 CMR: BOARD OF ELEVATOR REGULATIONS

### 524 CMR 1.00: SCOPE AND ADMINISTRATION

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#### 1.01: General

- (1) Adoption. For the adoption of national model codes incorporated by reference into 524 CMR, *see* 524 CMR 35.00 through 38.00.
- (2) The above adoptions, together with the Chapters and Massachusetts modifications to the national model codes, collectively comprise the Board of Elevator Regulations, referred to as 524 CMR.
- (3) 524 CMR contains chapters 1 through 38 (*see* table of contents for chapter titles).

#### 1.02: Scope

Elevators are regulated as follows:

- (a) Except as otherwise provided by statute, the provisions of 524 CMR shall control the inspection, design, construction, installation, relocation, alteration, demolition, decommissioning, reclassification, maintenance, and operation of all elevators, as defined by M.G.L. c. 143, § 71E and 524 CMR 35.00: *Safety Code for Elevators and Escalators A17.1-2013 and the Massachusetts Modifications of That Code*. The provisions of 524 CMR shall not apply to portable elevating devices used to handle materials only, and located and operated entirely within one story.
- (b) The provisions of 524 CMR are not retroactive except as specifically provided in 524 CMR; and except further that if, upon inspection of any device covered by 524 CMR, the equipment is found in dangerous or unsafe condition, or there is an immediate hazard to those riding on or using such equipment, or the method of operation in combination with devices used is considered inherently dangerous in the opinion of the state elevator inspector.
- (c) Applications for elevator permits filed June 1, 2018 may comply with either 524 CMR effective June 1, 2018, or with the version of 524 CMR in effect immediately prior to June 1, 2018, but not a mix of both. After December 1, 2018, concurrency with the prior version ends, and all elevator permits shall comply with 524 CMR as amended effective June 1, 2018.

#### 1.03: Intent

The purpose of 524 CMR is to establish the minimum requirements to safeguard the public health, safety and general welfare through regulatory control of the design, construction, installation, relocation, alteration, demolition, decommissioning, operation, inspection, testing and/or maintenance of elevators.

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### 1.04: Referenced Codes

Codes referenced in 524 CMR include the specialized codes of M.G.L. c. 143, § 96, including, but not limited to the following:

- (1) Building. Any reference to the Building Code of Jurisdiction shall be considered reference to 780 CMR: *Board of Building Regulations and Standards*. 780 CMR is enforced by the building official.
- (2) Architectural Access. Any reference to accessibility standards shall be considered reference to 521 CMR: *Architectural Access Board*. 521 CMR is enforced by the building official.
- (3) Electrical. Any reference to the National Electrical Code (NEC) shall be considered reference to 527 CMR 12.00: *Massachusetts Electrical Code Amendments*. 527 CMR 12.00 is enforced by wiring inspectors.
- (4) Gas and Plumbing. Any reference to national gas and plumbing standards shall be considered reference to 248 CMR: *Board of State Examiners of Plumbers and Gas Fitters*. 248 CMR is enforced by gas and plumbing inspectors.
- (5) Fire. Any reference to fire safety standards not covered by 780 CMR shall be considered reference to 527 CMR: *Board of Fire Prevention Regulations*. 527 CMR is enforced by the fire official.

### 1.05: Applicability

- (1) General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of 524 CMR specify different materials, methods of construction or other requirements, the most restrictive shall govern.
- (2) Other Laws. It is the code user's responsibility to determine all applicable laws and regulations relevant to elevators, regardless of whether such laws or regulations are referenced in 524 CMR. All referenced standards adopted or incorporated by reference within 524 CMR are accepted to the degree that such are not in conflict with the specialized codes as set forth in M.G.L. c. 143, § 96.
- (3) Application of References. References to Chapter or Section numbers, or to provisions not specifically identified by number, refer to 524 CMR.
- (4) Partial Invalidity. In the event that any part or provision of 524 CMR is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

### 1.06: Registration Numbers Required

To provide a uniform system of identification of all elevators, the following is required:

- (1) Every elevator shall be issued a unique registration number by the Office of Public Safety and Inspections, which shall be permanent unless the Office shall change a registration number for administrative purposes. This number shall be noted on the approved layout or drawings and on all other documents pertaining to the unit during its life, e.g., data, records, permit applications, operating certificates, accident reports, decommissioning records.
- (2) A permanent record of the assigned registration number or numbers for every elevator shall be maintained by the Office.
- (3) Registration numbers shall be permanently affixed to the following:
  - (a) Car crosshead front and center so as to be visible when the hoistway door is opened;
  - (b) Machine, pump unit or drive unit;

1.06: continued

- (c) Certificate of inspection;
  - (d) Main line disconnect switch; and
  - (e) For escalators, the plate shall be located near the handrail entrance brush on the side of the unit containing the stop/start section at each end of the unit and on the disconnect switch, controller or machine.
- (4) Registration numbers shall be a minimum of ½" in height and of a contrasting color from the background color on which it is applied or mounted. This identification number shall be applied in the form of a metal or plastic plate only.
- (5) Elevators shall be registered with the following class codes:

TABLE 1.06 Elevator Class Codes					
Auto Park Device	A	Outside Hoist	H	Passenger	P
Chair Lift	C	Industrial Lift	I	Single Family Owner Occupied (SFOO)	R
Dumbwaiter	D	Shipboard	J	Sidewalk	S
Escalator	E	Stage/Organ	K	Turbine	T
Freight	F	Limited Use/Limited Application (LULA)	L	VRCs	V
Casket Lift	G	Moving Walks	M	Wheel Chair Lift	W

1.07: Duties and Powers of Elevator Inspectors and the Office of Public Safety and Inspections

- (1) Municipal and State Enforcement. 524 CMR is the singular code applicable to all elevators in the Commonwealth and is exclusively enforced by the Board and the Office, in accordance with M.G.L. c. 143, §§ 62 through 71G, as applicable.
- (2) Applications, Permits and Inspections. The Office shall receive and review applications for elevator permits and inspections, issue permits where compliance with 524 CMR is demonstrated, and conduct elevator inspections.
- (3) Areas Prone to Flooding. The Office shall ensure permit application and review includes compliance with ASME A17.1-2013/CSA B44-13: *Safety Code for Elevators and Escalators*, Section 8.12 as modified by 524 CMR 35.00: *Safety Code for Elevators and Escalators A17.1-2013 and the Massachusetts Modifications of That Code.*
- (4) Inspections. The state elevator inspector shall observe all inspections required by M.G.L. c. 143.
- (5) Identification. The state elevator inspector shall carry proper identification in the performance of all duties under 524 CMR including inspections.
- (6) Right of Entry. Where it is necessary to make an inspection to enforce the provisions of 524 CMR, or where the state elevator inspector has reasonable cause to believe that there exists a condition which is contrary to or in violation of 524 CMR which makes the elevator unsafe, dangerous or hazardous, the state elevator inspector is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by 524 CMR, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the state elevator inspector shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the state elevator inspector shall have recourse to the remedies provided by law to secure entry.

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### 1.07: continued

(7) Office Records. The Office shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

### 1.08 Permits

(1) Required. It shall be unlawful to construct, install, relocate, demolish, decommission, reclassify, or to make alterations or replacements as set forth in 524 CMR 10.00: *Alterations of Elevators*, as to any elevator without first filing a permit application with the Office. Such permit applications shall be filed by a registered elevator contractor.

EXCEPTION: Notwithstanding 524 CMR 1.08(1), repairs conducted on an emergency basis may be made prior to the filing of the permit application in accordance with 524 CMR 1.08(2).

(2) Emergency Repairs. Where replacements and repairs governed by 524 CMR shall be performed in an emergency situation, the permit application shall be filed no later than close of business on the next business day, and such repairs shall not be conducted without prior notification *via* electronic mail to the Chief or a supervisor within the Division.

(3) Timing of Elevator Permit Application. Prior to the commencement of any work requiring a permit, the owner of the elevator or the registered elevator contractor shall apply for and obtain a permit from the Office.

(4) Action on Application. The Office shall issue or deny a permit within 30 days of receipt of permit application. If the application, construction documents or other submittals do not conform to the requirements of 524 CMR or applicable elevator laws, the Office shall deny such application, stating the reasons therefor. Where proposed work has already received an elevator permit but the scope of work changes, a permit reapplication and attendant fees may be required.

(5) Validity of Permit. The issuance of a permit shall not be construed to allow any violation of 524 CMR or to allow a variance from 524 CMR. Any proposed work that deviates from the provisions of 524 CMR shall obtain variance approval prior to permitting. Upon discovering errors in the construction documents or other information offered in support of a permit application, the Office may take any action supported by law or regulation in addition to suspending or revoking a permit, requiring the errors to be corrected, and preventing the use of the elevator.

(6) Expiration. Work authorized by a permit shall be completed within 365 days of permit issuance. The Office may grant, in writing, one or more extensions of time for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

EXCEPTION: In large projects where it is known at the time of permitting that project completion will exceed 365 days, the Office may consider the expected duration of the project in allowing an expiration date in excess of 365 days.

(7) Inspections of Elevators Under Permit. Periodic inspections are required according to the expiration date on the certificate if permitted work has not commenced and also proceeded in good faith prior to the certificate expiration date.

(8) Suspension or Revocation. The inspector is authorized to suspend or revoke a permit wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or when the work performed is in violation of 524 CMR or other regulation, law or ordinance.

(9) Posting of Permit. The permit or copy shall be kept on the site and posted in plain sight for the duration of the permitted work.

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### 1.08 continued

(10) Date of Construction. The permit application date is the date of installation, relocation, or alteration for that equipment for the purposes of determining the applicable version of 524 CMR.

### 1.09: Submissions

(1) General. Submissions consisting of construction documents, statement of special inspections, if applicable, and other data required by the Office shall be attached to each permit application. The construction documents shall be prepared and stamped by a registered design professional.

(2) Construction Documents. Construction documents shall be dimensioned and filed in either paper or electronic form. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of 524 CMR and relevant laws, ordinances, rules and regulations.

(3) Base Flood Elevations. Base flood elevations shall be identified by the registered design professional when applicable and determined in accordance with methods set forth in 780 CMR: *State Board of Building Regulations and Standards*.

### 1.10: Fees

(1) Payment. An elevator permit shall not be valid until the fees prescribed by law have been paid.

(2) Schedule of Permit Fees. For state elevator permit fees, *see* 801 CMR 4.02: *Fees for Licenses, Permits, and Services to Be Charged by State Agencies* and Board of Elevator Regulations.

(3) Work Commencing Before an Elevator Permit is Issued. Except as to work conducted pursuant to 524 CMR 1.08(2), any person who commences any work governed by 524 CMR on an elevator before obtaining the necessary elevator permit shall be in violation of 524 CMR and subject to penalties.

(4) Cancellation of Scheduled Inspections. Inspections canceled by the owner or contractor as applicable within ten days of the scheduled inspection will result in forfeiture of all fees and a requirement to refile for said inspection.

(5) Related Fees. Payment of the elevator permit fee shall not relieve the applicant or holder of the elevator permit from the payment of other fees that are prescribed by law.

### 1.11: Inspections

(1) General. The permit applicant shall cause any permitted work subject to testing pursuant to 524 CMR 10.00: *Alterations of Elevators* to remain accessible and exposed for inspection purposes until approved, and shall conduct, install, protect and complete work in compliance with 524 CMR and M.G.L. c. 143, §§ 62 through 71G, as applicable. Inspections presuming to give authority to violate or cancel the provisions of 524 CMR or of other ordinances of the jurisdiction shall not be valid.

(2) Required Acceptance Tests and Inspections. Acceptance tests and inspections shall be required on all new, relocated or decommissioned elevators, as well as alterations subject to testing under 524 CMR 10.00: *Alterations of Elevators*. Such tests and inspections are subject to the provisions of 524 CMR and M.G.L. c. 143, §§ 62 through 71G, as applicable.

(3) Inspection Requests. It shall be the duty of the holder of the elevator permit or their duly authorized agent to notify the inspector when work is ready for inspection. The permit holder or his or her agent shall attend the inspection, and shall provide the inspector with access to permitted work and, if necessary, means for inspection.

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### 1.11: continued

(4) Inspection Following Decommissioning. The permit holder shall request an inspection following decommissioning.

(5) Periodic Inspections. The inspector shall inspect existing elevators according to the provisions of M.G.L. c. 143, § 64 and any other general or special law, as applicable.

(6) Inspection Certificates. The inspector shall issue a certificate to the owner of the elevator, who shall post the certificate in a conspicuous place in or near the cab or car of such elevator. When the certificate frame is an integral part of the car operating panel and it is required to open the panel, the certificate shall be installed by a Massachusetts licensed elevator mechanic. When posted in the lobby, the certificate and the corresponding elevator shall be identified. The certificate shall be posted in a vandal-resistant frame.

(7) Invalidation of Certificates. Inspection certificates shall continue in force for the stated timeframe so long as the owner maintains compliance with all applicable elevator laws and regulations.

(8) Limited Certificate of Compliance. The state elevator inspector is authorized to issue a limited certificate of compliance for any equipment covered by 524 CMR which is being installed, relocated or altered, to permit its limited use during the period of such installation, relocation or alteration. Such certificate shall be signed by the state elevator inspector, shall bear the dates of issuance, renewal and/or expiration, and shall designate the use allowed. An elevator mechanic's license is required to operate any elevator operating under a limited certificate of compliance.

Time Limitation. Limited certificates of compliance shall be issued for periods of not more than 30 days. The state elevator inspector is authorized to renew such certificates for additional periods of not more than 30 days each.

(9) Temporary Certificates for Construction Hoists. The state elevator inspector is authorized to issue a temporary certificate for construction hoist to any elevator registered as class H, P, or F under 524 CMR 1.06(5).

Time Limitation. Temporary certificates of compliance shall be issued for periods of not more than 90 days. The state elevator inspector is authorized to renew such certificates for additional periods of not more than 90 days each.

(10) Code Applicable to Inspections of Existing Elevators. Existing elevators regulated by 524 CMR, but not undergoing permissible construction, installation, replacement, relocation, alteration, decommissioning or reclassification shall be inspected in accordance with the governing requirements of that version of 524 CMR in effect at the time of permitting of construction, installation, replacement, relocation, alteration, decommissioning or reclassification of the elevator or portion thereof as applicable.

### 1.12: Appeals

In accordance with M.G.L. c. 143, § 70, whoever is aggrieved by an interpretation, order, requirement or direction of an inspector or other person charged with the enforcement of any provision of law, code, rule or regulation relating to the installation or alteration of elevators may within ten days after the service or notice thereof appeal to the Board.

### 1.13: Enforcement

(1) Violations. It shall be unlawful for any person to operate, construct, install, repair, relocate, alter, replace, demolish, decommission, or reclassify any elevator or part thereof, or cause same to be done, in conflict with or in violation of any of the provisions of 524 CMR.

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(2) Notice of Violation. The state elevator inspector is authorized to serve a notice of violation or order on the person responsible for the construction, installation, relocation, alteration, replacement, demolition, decommissioning or reclassification to any elevator regulated by 524 CMR. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation and further note the availability of an appeal.

(3) Penalties. Any person who violates a provision of 524 CMR or a directive of the Office shall be subject to penalties as prescribed by the applicable provisions of M.G.L. c. 143, §§ 62 through 71G, M.G.L. c. 22, § 22, 520 CMR 1.00: *Enforcement of Civil Fines* and 16.00: *Enforcement of Civil Fines for Expired Elevator Certificates* and 524 CMR.

(4) Notice of Dangerous Conditions (Placarding) Pursuant to M.G.L. c. 143, § 65.

(a) Issuance. The placard shall be in writing and shall cite the 524 CMR violations observed and shall be issued to the owner, the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order.

(b) Unlawful Continuance. Any person who continues any work subject to a stop work order after except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by 524 CMR, 520 CMR 1.00: *Enforcement of Civil Fines* and 16.00: *Enforcement of Civil Fines for Expired Elevator Certificates*, and applicable portions of M.G.L. c. 143, §§ 62 through 71G and other laws.

(5) Unsafe or Noncompliant Conditions. If upon inspection any elevator is found in an unsafe condition, or not in accordance with the provisions of 524 CMR in effect at the time of its installation, the state elevator inspector shall serve a written notice upon the building owner or lessee, or his or her designee, citing the section of 524 CMR or other referenced standard of which said equipment is in violation, stating the action required to bring the equipment into compliance, and the date when recommended repairs or changes shall be completed. After the service of such notice, it shall be the duty of the owner to proceed within the time allowed to make such repairs as are necessary to place the equipment in a safe and compliant condition. It shall be unlawful to operate such equipment after the date stated in the notice unless such recommended repairs or changes have been made and the equipment has been approved, or unless an extension of time has been secured from the state elevator inspector in writing. The state elevator inspector may withhold issuance of the inspection certificate until such time as the equipment is brought into compliance with all outstanding orders.

(6) Power to Seal Equipment. The state elevator inspector shall have the power to seal out of service any elevator for noncompliance with 524 CMR, or any other law or regulation requiring compliance with 524 CMR, including but not limited to 520 CMR 16.00: *Enforcement of Civil Fines for Expired Elevator Certificates*, or when the elevator is unsafe.

(a) Notice of Sealing Out of Service. Before sealing any device out of service, the state elevator inspector, except in the case of emergency, shall serve written notice upon the building owner or lessee stating intention to seal the equipment out of service and the reasons therefor.

(b) Unlawful to Remove Seal. Any device sealed out of service by the state elevator inspector shall be plainly marked with a sign or tag indicating the reason for such sealing. Any tampering with, concealing, defacing, or removal of the seal without approval of the state elevator inspector is not allowed.

(7) Matters Not Provided For. If upon inspection by a state elevator inspector any elevator is determined to be in an unsafe or a typical state due to a condition not specifically provided for in 524 CMR the inspector may take whatever action is deemed necessary in the interest of public safety. If any action is taken pursuant to 524 CMR 1.13(2), the inspector shall provide written notice to the owner or lessee, or their designee, clearly describing the condition to be corrected and shall immediately notify the Board in writing.

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### 1.14: Variances

(1) Elevators shall conform to all requirements of 524 CMR and where such equipment lacks features required by 524 CMR or contains features different than those required of 524 CMR, a variance from the Board is required. Variances shall be filed, reviewed and decided in accordance with M.G.L. c. 143, § 70. The Board may grant variances in one of three ways:

- (a) Prototype approval (required for product approval).
- (b) Product approval (required after prototype approval if more than one installation is sought).
- (c) Variance approval (required when one installation is sought).

(2) Approval Requirements. Application for product approval, prototype approval or variance approval shall be made on application forms. Any non-compliance with 524 CMR shall be specifically identified by 524 CMR and chapter and section number.

(3) Prototype Approval. If product approval is sought, prototype approval shall first be obtained by way of a variance request for the new prototype. All features which do not comply with 524 CMR shall be listed in the prototype approval application. Prototype approval shall be obtained prior to a permit for installation and submitted with the permit application.

(4) Product Approval. Product approval is obtained after installation is complete by way of an on-site review of the prototype by the Board or its designee. Once a product is approved, no further approvals will be required for future installations of the same product, so long as it is manufactured and installed precisely according to the specifications of the product approval issued by the Board. However, every permit application for future installations shall contain the product approval issued by the Board.

(5) Variance Approval. Where prototype approval and/or product approval is not sought but where elevator features do not comply with requirements of 524 CMR, variance approval is necessary. Variance approval shall be obtained prior to a permit for installation and submitted with the permit application.

### REGULATORY AUTHORITY

524 CMR 1.00: M.G.L. c. 143, §§ 62 through 71G.