

524 CMR: BOARD OF ELEVATOR REGULATIONS

524 CMR 4.00: ACCIDENT AND INJURY REPORTING REQUIREMENTS

Section

- 4.01: Reporting Requirements
- 4.02: Post-accident Requirements
- 4.03: Violations
- 4.04: Shutdown Period and Appeal

4.01: Reporting Requirements

(1) Pursuant to M.G.L. c. 143, § 66, the owner, operator or person in charge of an elevator having knowledge of an accident occurring to the elevator, or if such person believes or has reason to believe the elevator is unsafe, shall immediately report such accident to an inspector assigned by the commissioner, who shall forthwith inspect such elevator. Additionally, any person employed to inspect, repair or install an elevator shall immediately report an accident occurring to an elevator during installation or repair or an unsafe condition noticed as a result of such installation or repair.

(2) Reports of accidents or unsafe conditions mandated by M.G.L. c. 143, § 66 are subject to the following requirements:

(a) Accidents Involving Serious Injury or Serious Mechanical Failure. All accidents involving serious injury or serious mechanical failure, or both, shall be reported to the Office by telephone within one hour of occurrence or promptly upon first learning of the accident or mechanical failure if beyond that time frame. Notification telephone numbers can be found on the inspection certificates located inside the elevator. If the accident occurs on a weekend, holiday, or between the hours of 5:00 P.M. and 9:00 A.M. on a weekday, the accident shall be reported to the Massachusetts Emergency Management Agency at (508) 820-2121.

(b) Accidents Involving Minor Injury. Accidents involving minor injury shall be reported by telephone call within 48 hours or promptly upon first learning of the accident. Accidents may also be reported in writing, although the written reports required under 524 CMR 4.01(2)(c) may be filed either by the person reporting the accident or by the Office.

(c) Written Reports. Written reports are required for every accident and unsafe condition, and they shall be filed with the Office within 48 hours of the accident or discovery of such condition. The report shall be filed on a form provided by the Office.

4.02: Post-accident Requirements

An elevator involved in an accident involving serious injury or serious mechanical failure shall be immediately shut down until express consent to resume operation is granted by a supervisor of elevator inspectors employed by the Office. In the event of such an accident or mechanical failure, the owner, operator, or person in charge of an elevator shall ensure that the elevator and area surrounding the elevator are secured and are not disturbed, cleaned, or altered in any way until such time as an inspector has completed an investigation. The only exception to this requirement shall be acts in furtherance of ensuring the safety of the area or a person, or for the extraction of an injured person.

4.03: Violations

The Office may immediately shut down an elevator or revoke its inspection certificate, for any of the following violations:

(1) Continued operation of an elevator without proper authorization after an accident involving serious injury or serious mechanical failure;

(2) Failure of any responsible party to notify the Office of an accident involving serious injury or serious mechanical failure within an hour of its occurrence, or promptly after first learning of it;

524 CMR: BOARD OF ELEVATOR REGULATIONS

4.03: continued

- (3) Failure of the responsible party to submit an accident report to the Office within 48 hours of an accident involving serious injury or serious mechanical failure;
- (4) Submission of an incomplete accident report by the responsible party to the Office;
- (5) Failure to secure an elevator and the area surrounding an elevator subsequent to an accident involving serious injury or serious mechanical failure and prior to the inspection of the elevator and area by an inspector;
- (6) A violation of any provision of 524 CMR 4.00.

4.04: Shutdown Period and Appeal

- (1) Any elevator shut down due to an unsafe condition shall remain shut down until express written authorization is given to the owner to resume operation from the Office. In determining how long an elevator shall remain shut down or whether to revoke a certificate of inspection, the Office shall consider the seriousness of the violation, any negative effect of the violation on the public, any good faith on the part of the owner, and the owner's history of previous violations.
- (2) An owner may appeal a decision to shut down an elevator or revoke an elevator's inspection certificate to the Board. Such appeal shall be made in writing and received by the Board within 30 days of the date of the Office's decision. The Board shall consider the factors outlined in 524 CMR 4.03 in reviewing the Office's decision. Appeals from the Board's decision shall be to the Board of Elevator Appeals pursuant to M.G.L. c. 143, § 70.

REGULATORY AUTHORITY

524 CMR 4.00: M.G.L. c. 143, §§ 62 through 71G.