



Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

The Commonwealth of Massachusetts

Department of Public Safety

One Ashburton Place, Room 1301

Boston, Massachusetts 02108-1618

Phone (617) 727-3200

Fax (617) 727-5732

TTY (617) 727-0019

www.mass.gov/dps

Daniel Bennett
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

BOARD OF ELEVATOR REGULATIONS

OFFICIAL INTERPRETATION No. 2015-03

Date: June 2, 2015

Subject: Time Limitations and Applicability of *Limited Certificates of Compliance* under 524 CMR Chapter 1, Sections 1.07, 1.08 v. *Temporary Use Certificates* under 524 CMR Chapter 35, Section 5.10(5)

Background/Discussion:

524 CMR (effective December 21, 2012) regulates numerous types of elevator machines ranging, in part, from dumb waiters to wheelchair lifts, but three (3) classes of elevators – PASSENGER (P), FREIGHT (F) and HOIST (H) may all be used to move construction materials during building construction.

P and F classes involve elevator machines located within the building whereas the H class is only located on the outside of the building. The H class is also only used during building construction / reconstruction, but P and F classes may be used both during building construction and thereafter for normal use once a certificate of occupancy has issued. **All three (3) classes (P, F and H) are “temporary workman’s elevators” or “workman’s hoists” when used during building construction only.**

Temporary workman’s elevators are regulated under Chapter 35, Section 5.10(5). These elevators are allowed to be operated for up to 30 days prior to state inspection (subject to some limitations) and thereafter receive “*temporary use certificates*” valid for 90 days.

524 CMR also addresses “*limited certificates of compliance*” under Chapter 1, Sections 1.07 and 1.08. These sections apply generally to all newly constructed elevators, and these certificates may only be issued for periods of 30 days or less.

The Board of Elevator Regulations issues the within Interpretation in order to clarify the time limitations and applicability of *limited certificates of compliance* and *temporary use certificates*.

The Board also herein clarifies that ALL *temporary workman's elevators*, whether P, F or H classes, get the same certificates.

QUESTION 1: For P and F classes of elevators, located on the interior of the building and being used as *temporary workman's elevators* during building construction, what is the duration of the *temporary use certificate*?

ANSWER 1: 90 days– all *temporary workman's elevators* are regulated under Chapter 35, Section 5.10 (5), which reads, in part: “*Once the designated equipment passes inspection [as defined in 5.10 (5)], the state elevator inspector shall issue a temporary use certificate which shall be valid for 90 days.*”

QUESTION 2: For H class elevators, which are exterior, temporary workman's elevators used during building construction, what is duration of the *temporary use certificate*?

ANSWER 2: 90 days –all *temporary workman's elevators* are regulated under Chapter 35, Section 5.10 (5), which reads, in part: “*Once the designated equipment passes inspection [as defined in 5.10 (5)], the state elevator inspector shall issue a temporary use certificate which shall be valid for 90 days.*”

QUESTION 3: What is the purpose of the *limited certificate of compliance*?

ANSWER 3: *Limited certificates of compliance* are issued solely to elevators during or immediately after construction that have not yet undergone state inspection but may still be operated for 30 days.

QUESTION 4: Do *temporary workman's elevators* also receive *limited certificates of compliance*?

ANSWER 4: Yes, if they will be operated prior to state inspection, before a *temporary use certificate* is issued. Under Section 5.10(5), *temporary workman's elevators* are allowed to operate for 30 days prior to state inspection. This 30-day period is technically under a *limited certificate of compliance*. Note that only a licensed elevator constructor may operate a *temporary workman's elevator* operating on a *limited certificate of compliance*.

QUESTION 5: Can an elevator be issued a *limited certificate of compliance* if it is no longer a *temporary workman's elevator*?

ANSWER 5: Yes, once an elevator is no longer being used as a *temporary workman's elevator* under a *temporary use certificate*, it may still be operated for up to 30 days under a *limited certificate of compliance* before receiving its final acceptance test resulting in issuance of the annual certificate. All newly constructed P and F class elevators (whether or not previously operated as *temporary workman's elevators*) may be issued a *limited certificate of compliance* as soon as the Department receives a new construction pre-inspection checklist.

QUESTION 6: How often is full load, full speed testing of elevator machines performed?

ANSWER 6: In addition to other tests required by the state's inspection, all *temporary workman's elevators* will get a full load, full speed test during the first acceptance test prior to issuance of the first *temporary use certificate*. However, for a renewal of a *temporary use certificate*, all *temporary workman's elevators* will get a full load, inspection speed test, unless a State Elevator Inspector determines that a full load, full speed test must be performed. Additionally, all H classifications, i.e., outside *temporary workman's elevators*, will get a full load, full speed test when there is a change in rise, i.e. a "jump test." All P and F class elevators receive a full load, full speed test during the final acceptance test (i.e., prior to issuance of the first annual certificate), and then according to the applicable five-year cycle per district.

QUESTION 7: What testing should occur every 30 days for *temporary workman's elevators*?

ANSWER 7: None unless the Department is notified of a change in status (i.e., a change in rise or an incident resulting in damage to the elevator). However, a MA-licensed elevator mechanic must inspect every *temporary workman's elevator* operating under a *temporary use certificate* for damage on a monthly basis.