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DEPARTMENT OF PUBLIC SAFETY POLICY FOR EMERGENCY ALTERATIONS, PERMITTING AND INSPECTION OF ELEVATORS

Generally, if an alteration to an elevator that requires a permit in accordance with 524 CMR 1.03 becomes necessary, the unit owner (or designated elevator company) must apply for and be issued a standard work permit in the ordinary course prior to commencing any work on the unit. See G.L. c.143, §62; 524 CMR 1.02 & 1.03. However, the Department of Public Safety ("DPS") is mindful of the fact that some elevator maladies are of a sort that require immediate attention rendering the wait time associated with the standard process for application and receipt of a permit a hardship. In recognition of this, the following policy shall apply:

1. Pursuant to 524 CMR 1.03 a permit is required prior to performing any 'alteration' to an elevator. Repairs, maintenance, and replacements, as those terms are defined in 524 CMR 3.00, are not alterations and accordingly, no permit is required to perform such work. An 'alteration,' is work which falls under the definition of the term as set out in 524 CMR 3.00, but also includes all of the items specifically listed in 524 CMR 10.01 and 10.02 as well as referenced in A17.1-2004, Nonmandatory Appendix L (by way of A17.1-2004, section 8.7- Alterations) or the equivalent provisions contained in earlier versions of the code. So, a permit must be obtained prior to performing any alteration which includes work specifically listed in 524 CMR 10.01 and 10.02, referenced in A17.1-2004, Nonmandatory Appendix L, and/or the equivalent provisions contained in earlier versions of the code regardless if one believes that the work listed in those sections also meets the definition of repair, maintenance, or replacement.
2. If an emergency alteration to an elevator becomes necessary at any time, regardless of whether the DPS office is open for business, a licensed elevator mechanic may obtain an *emergency permit* and begin the work without first engaging in the standard permit application process on the following conditions:
 - a. Prior to any work being commenced, the elevator owner or its designated elevator company shall submit by email either a completed application for an *emergency permit* or an email containing all of the information required on the application, and any required plans and specifications. The email must be sent to the following email address, elevator.supervisor@state.ma.us. The on-call supervisor may either approve or deny the application. In the event that an application is denied, no work may be done and the standard application process must be followed. The

applicant may consider a lack of a response within one hour of email submission to be approval to move forward with the alteration. In that event, however, the applicant must first email the four state elevator supervisors and the technical code coordinator advising that no response was received and work will be commencing.

- b. The aforementioned application may be downloaded from the DPS website (www.mass.gov/dps). The application must be submitted under the name and license number of a licensed elevator mechanic who will be deemed responsible for ensuring that any work performed is done so in accordance with this policy whether that person is actually on-site or not. As always, it is the mechanic(s) who actually performs the work who will be responsible for the quality of the work itself. Once approval to proceed is received from a state elevator supervisor (or no response received as set forth in paragraph a), the name of the approving supervisor, date, and time of the approval (or lack of response) must be recorded on the application. A copy of the approved submitted application or email must then be posted at the location of work to be performed as soon as practicable. The approval shall be deemed the issuance of the *emergency permit*.
 - c. An alteration may be considered an ‘emergency’ under this policy only if the subject unit is located in a hospital, nursing home, correctional facility, MBTA facility, is the lone elevator serving an entire building, is the designated EMS car in a building, or in other limited special situations as approved by the reviewing state supervisor in conjunction with the Chief of Inspections-Mechanical and/or Commissioner of Public Safety.
3. If work is commenced in accordance with paragraph 2, above, the original application for a permit, including any plans and applicable fees, must be filed at the DPS Boston office by 9 a.m. the next business day that the Boston office is open.
 4. If paragraphs 2 through 3 are strictly followed and an *emergency permit* is issued for the subject work, an owner shall be deemed to be in compliance with G.L. c.143, §62. See *Midland States Life Ins. Co. v. Cardillo*, 59 Mass.App.Ct. 531, 537 (2003).
 5. The elevator may not be made available for use by the public without the work first being inspected and approved by a state elevator inspector.
 6. Disciplinary action may be recommended against any person who performs work and/or allows work to be performed under this policy who has not adhered strictly to these guidelines.
 7. DPS will make all reasonable efforts to promptly accommodate requests for a state inspection of a unit which has undergone work pursuant to an *emergency permit* in accordance with this policy. However, no inspections will be performed outside regular business hours without prior authorization.