

524 CMR: BOARD OF ELEVATOR REGULATIONS

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NON-TEXT PAGE

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524 CMR 1.00: ELEVATOR, ESCALATOR, WHEELCHAIR LIFT, DUMBWAITER AND OTHER SPECIAL HOISTING EQUIPMENT: INSTALLATION AND MAINTENANCE

Section

- 1.01: Scope
- 1.02: Application
- 1.03: Permits
- 1.04: Tests and Inspections
- 1.05: Fees
- 1.06: Certificate of Compliance
- 1.07: Limited Certificate of Compliance
- 1.08: Time Limitation
- 1.09: Owner Responsibility

1.01: Scope

(1) Except as otherwise provided by statute, the provisions of 524 CMR shall control the design, construction, installation, relocation, alteration or material change, maintenance and operation of all elevators, escalators, lifts, dumbwaiters, moving walks, and special hoisting equipment, covered herein in all buildings and structures. The design, construction, installation, maintenance and operation of all miscellaneous hoisting and elevating equipment shall be subject to such special requirements as are deemed necessary by the authority having jurisdiction to secure their safe operation. 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.

(2) The construction, alteration, maintenance, operation and inspection of manlifts is not within the scope of 524 CMR.

(3) 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, the state elevator inspector shall notify the owner in writing of the condition as required by 524 CMR 8.02: *Unsafe or Non-compliant Conditions*.

(4) All equipment and devices covered by 524 CMR shall meet the requirements of the applicable codes in effect at the time of installation, relocation, major alteration or material change.

EXCEPTIONS: All equipment and devices specifically exempted under the provisions of St. 1962, c. 288 and St. 1980, c. 324.

(5) 524 CMR shall become applicable to new and existing installation, a relocation, or material change for which plans and specifications are submitted for approval on or after November 1, 2006.

1.02: Application

(1) Prior to the commencement of any work requiring a permit in accordance with 524 CMR 1.03, the owner of the elevator or designated elevator contractor shall apply for and obtain a permit from the Department of Public Safety. Application for a permit shall be made on a form provided by the Department of Public Safety. The application shall be accompanied by plans and/or specifications with sufficient clarity and detail showing: the location of the installation or alteration in relation to the building; the location of the machine room and equipment to be installed, relocated or altered; and all structural supporting members thereof, including foundations. Such plans and/or specifications shall indicate all materials to be employed and all loads to be supported or conveyed and shall be sufficiently complete to illustrate all details of construction and design. The application shall be signed by either the elevator owner, a designee of the owner, or by the elevator contractor in its capacity as designee of the elevator owner.

1.02: continued

(2) If after the issuance of a permit there is any change of owner or elevator contractor, any material change in the scope of the work to be performed, or any change to the specified materials to be used, a new application for a permit must be filed. The permit fee from the original application will be transferred to the new application.

1.03: Permits

Equipment or devices subject to the provisions of 524 CMR shall not be constructed, installed, relocated or altered unless a permit has been obtained from the Commonwealth of Massachusetts Department of Public Safety, Elevator Division, before the work is commenced. A copy of such permit shall be kept posted in plain view at the site at all times while the work is in progress.

1.04: Tests and Inspections

(1) Acceptance tests and inspections shall be required on all new, relocated, or altered equipment subject to the provisions of 524 CMR. All such tests shall be made in accordance with 524 CMR 8.01: *Practical Tests and Inspections*.

(2) Annual tests and periodic inspections shall be required on all new and existing equipment covered by 524 CMR, except as otherwise modified by other provisions of 524 CMR or M.G.L. c. 143, § 64.

1.05 Fees

(1) The owner or person in control of a building in which an elevator is operated shall pay fees, as determined by the Commissioner of Administration and Finance pursuant to 801 CMR 4.04: *Rental Charge for Space Used in State Buildings*, prior to obtaining any inspection, test or permit in accordance with 524 CMR 1.00.

(2) The Department of Public Safety Board of Elevator Regulators (the Board) may reduce fees required under 524 CMR 1.05 upon a showing of medical necessity for residential elevators and lifts which are approved by the Board, and may waive fees required under 524 CMR 1.05 upon a showing of hardship.

(3) An individual or entity may apply to the Board for a reduction or waiver of any fees required under 524 CMR 1.05 on a form provided by the Board. The Board may request any documentation which the Board, at its discretion deems relevant to a showing of medical necessity or hardship. Upon receipt of an application for a reduction or waiver of fees, the Board shall investigate the matter and may:

- (a) Schedule a conference with the Applicant to clarify or dispose of any issue the Board, in its discretion, deems necessary;
- (b) Grant or deny the application without a hearing and send written notice to the applicant. Any applicant aggrieved by the Board's decision may request an adjudicatory hearing before the Board in accordance with M.G.L. c. 30A within 30 days of receipt of the decision;
- (c) Commence an adjudicatory hearing in accordance with the provisions of M.G.L. c. 30A and 801 CMR 1.02: *Informal/Fair Hearing Rules*.

1.06: Certificate of Compliance

The operation of all equipment governed by 524 CMR, and hereafter installed, relocated or altered shall be prohibited by persons other than a licensed installer thereof until such equipment has been inspected and tested as herein required and a final or limited certificate of compliance has been issued by the state elevator inspector.

1.07: 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 hereafter being installed, relocated or altered, to permit its limited use by the person designated therein 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 class of service allowed.

1.08: Time Limitation

Limited certificates of operation shall be issued for periods of not more than 30 days. The state elevator inspector is authorized to renew the limited certificates of operation for additional periods of not more than 30 days each.

1.09: Owner Responsibility

The owner or the owner's legal agent for the building in which the equipment is located shall be responsible for the care, maintenance and safe operation of all equipment covered by 524 CMR after the installation thereof and its acceptance by such owner or agent. The owner or legal agent shall make or cause to be made all periodic tests and inspections, and shall maintain all equipment in a safe operating condition, as required by 524 CMR and M.G.L. c. 143, § 62A.

REGULATORY AUTHORITY

524 CMR 1.00: M.G.L. c. 143, § 69.

NON-TEXT PAGE

3.00: continued

Elevator. An elevator is a hoisting and lowering mechanism for the transportation of persons or materials, which is equipped with a car or solid level platform moving in guides at an angle of 30° or less from the vertical, which serves two or more fixed landings (including balconies and mezzanines) on the inside or outside of a building or structure, and which shall be enclosed and equipped as required.

Automatic Push Button Electric. An electric automatic push button elevator is one that is started by means of momentary pressure of push buttons at the landings with or without push buttons in the car, and whose landing stops are automatic.

Construction Temporary. An elevator erected for temporary use, built-in or adjoining a building under construction or alteration.

Continuous Pressure. A continuous-pressure electric elevator is one operated by means of push buttons or switches at the landings with or without push buttons in the car which requires a button or switch to be held manually in contact to keep the car in motion.

Electric. An electric elevator is one in which the motion of the car is obtained through an electric motor directly applied to the elevator machinery.

Alternating Current. An alternating current elevator is an electric elevator equipped with an alternating current motor directly applied to the elevator machinery.

Electro-hydraulic. An electro-hydraulic elevator is one in which the lifting of the car is obtained by means of an electric motor driving a pump which pumps liquid directly into the cylinder.

Freight. A freight elevator is an elevator used primarily for carrying freight.

Gravity. A gravity elevator is an elevator in which gravity is the source of power.

Hand. A hand elevator is an elevator driven by manual power.

Hydraulic. A hydraulic elevator is an elevator in which the motion of the car is obtained from liquid under pressure.

Passenger. A passenger elevator is an elevator that is used to carry persons other than the operator and persons necessary for loading and unloading.

Plunger. A plunger elevator is a hydraulic elevator having a ram or plunger directly attached to the under side of the car platform.

Power. A power elevator is an elevator in which the motion of the car is obtained through the application of energy other than by hand or gravity.

Private Residence. A private residence elevator is a passenger elevator serving only a single family, installed in a residential building, and having a contract load not in excess of 700 lbs., and a contract speed not in excess of 50 feet per minute.

Rope Geared Hydraulic. A rope geared hydraulic elevator is one in which the motion of the car is obtained by multiplying the travel of a piston or ram by a system of sheaves over which the hoisting ropes operate.

Self-service. A self-service elevator is one that is started by means of momentary pressure of push buttons at the landings, with or without push buttons in the car, and whose landing stops are automatic. An elevator shall not be deemed to be self-service if an operator has been permanently or regularly assigned to its operation.

Sidewalk. A sidewalk elevator is an elevator the upper hatch opening of which is located either partially or wholly outside the building and which has no opening into the building at its upper terminal landing.

Signal Operation. See Operation. Signal

Elevator Contractor. A person or business entity who engages in the construction, installation, alteration, modification, maintenance, servicing, and/or repair of elevators as defined by M.G.L. c. 143, § 71E.

Emergency or Standby Power. A power supply provided from any source other than the normal power supply to operate an elevator in the event of the failure of the normal power supply.

Emergency Release. An emergency release is a device the purpose of which is to make inoperative door or gate electric contacts or door interlocks in case of emergency.

Emergency Stop Switch. A device located as required and readily accessible for operation, which when manually operated, causes the electric power to be removed from the driving-machine motor and brake of an electric elevator; or from the electrically operated valves and pump motor of hydraulic elevator; or of a dumbwaiter; or a material lift.

3.00: continued

Escalator. A moving stairway.

Existing Installation. An existing installation is an elevator or moving stairway, for which a permit was issued for its erection or material change before the issuance of current regulation.

F.P.M. Abbreviation for Feet Per Minute.

Fire Resistive Construction. A method of construction which prevents or retards the passage of hot gases or flames, as defined by fire-resistive rating.

Fire Resistive Rating. The measured time in hours or fractions thereof that the material or construction will withstand fire exposure as determined by the fire tests conducted in conformity to recognized standards.

Fireman Service.

- (a) Phase 1, Recall of elevator(s) to an exit floor when smoke is detected in a building or when activated by fire department personnel.
- (b) Phase 2, Operation of elevator(s) by fire department personnel during a fire emergency.

Governor. A device that together with the governor rope is designed to set the car safety or counterweight safety at a pre-determined rate of overspeed.

Hoistway. A hoistway is any opening or series of vertical openings in one or more floors of a building through which one elevator or dumb-waiter operates.

Door or Gate. A hoistway door or gate is the hinged or sliding portion of the hoistway enclosure which closes the opening giving access to the elevator or dumb-waiter car at any landing.

Door or Gate, Bi-parting. A bi-parting door or gate is a vertical slide, horizontal slide, or swing door or gate consisting of two or more sections so arranged that the sections, or pairs of sections, open away from each other, and so interconnected that both sections operate simultaneously.

Door or Gate Electric Contact. A device the purpose of which is to open the operating circuit, or an auxiliary circuit, unless the hoistway door or gate at which the car is standing is in the closed position, and thus prevent the operation of the elevator by the operating devices in a direction to move the car away from the landing.

Door or Gate, Full Automatic. A full automatic door or gate is a vertically-moving door or gate which is opened directly by the motion of the elevator car approaching any landing and closed by gravity as the car leaves any landing.

Door or Gate, Manually Operated. A manually operated door or gate is a door or gate which is opened and closed by hand.

Door or Gate, Power-operated. A power-operated door or gate is a door or gate which is opened or closed by power other than by hand, gravity, springs, or the movement of the car, and is further defined as follows:

Power-closed Door or Gate. A power-closed door or gate is a door or gate which is manually opened and is closed by power other than by hand, gravity, springs, or the movement of the car.

Power-opened, Self-closing Door or Gate. A power-opened self-closing door or gate is a door or gate which is opened by power other than by hand, gravity, springs, or the movement of the car, and is closed by energy stored during the opening operation.

Power-operated Door or Gate, Automatically Opened. A power-operated door or gate, automatically opened, is a door or gate which is opened other than by hand, gravity, springs, or the movement of the car, the opening of the door being initiated by the arrival of the car at or near the landing. The closing of such door or gate may be under the control of the elevator operator or may be automatic.

Power-operated Door or Gate Manually Controlled. A power-operated door or gate, manually controlled, is a door or gate which is opened by power other than by hand, gravity, springs, or the movement of the car, the door movement in each direction being controlled by the operator.

Self-closing Door or Gate. A self-closing door or gate is a door or gate which is opened manually and closes when released.

524 CMR 5.00: ELEVATOR CONTRACTORS

Section

- 5.01: Scope and Applicability
- 5.02: Registration
- 5.03: Duties and Responsibilities
- 5.04: Discipline

5.01: Scope and Applicability

Unless specified elsewhere in 524 CMR, the provisions of 524 CMR 5.00 shall govern the registration, duties, responsibilities, and discipline of elevator contractors as the term is defined in 524 CMR 3.00: *Elevator, Escalator, Dumbwaiters and Moving Walks: Definitions*. No person or entity shall employ a Massachusetts licensed elevator mechanic(s), or be issued a permit in accordance with 524 CMR 1.03: *Permits*, for purposes of performing installation, alteration, modification, maintenance, servicing, and/or repair of an elevator(s) without being registered with the Department of Public Safety, on behalf of the Board of Elevator Regulations, as an elevator contractor.

5.02: Registration

- (1) An application for a registration as an elevator contractor shall be made in writing on a form provided by the Board of Elevator Regulations. No registration shall be issued unless the applicant has submitted a completed application evidencing all requirements of 524 CMR 5.00.
- (2) An application for registration as an elevator contractor shall include:
 - (a) The official name of the elevator contractor, the permanent business address of the contractor, applicable contact information, and the name of a contact person(s) authorized to speak on behalf of the contractor.
 - (b) 1. For Corporations: an official document which lists the names and addresses of officers, directors, and major stockholders such as: a copy of the articles of incorporation, a current annual report as filed with the Secretary of the Commonwealth, a copy of the registration as a foreign corporation filed with the Secretary of the Commonwealth, or any other official documentation which lists the names and addresses of officers, directors, and major stockholders.
 2. For Partnerships: either a copy of the current partnership agreement containing the requested information, or listing of the names and addresses of all partners on the application form.
 3. For Applicants Using a DBA: a copy of the DBA certificate filed with a city or town pursuant to M.G.L. c. 110, § 5.
 - (c) The applicable registration fee as set in accordance with M.G.L. c. 7, § 3B.
- (3) On behalf of the Board of Elevator Regulations, the Department of Public Safety shall issue a certificate evidencing such registration to applicants that meet the requirements of 524 CMR 5.00 and have successfully completed the application. All registrations issued pursuant to 524 CMR 5.00 shall be valid for two years from the date of issuance unless otherwise suspended or revoked by the Board of Elevator Regulations.
- (4) The registrant shall have the responsibility of reporting any change of mailing address, email address, contact person, and/or change of circumstance to the Department of Public Safety. The information on file at the Board of Elevator Regulations shall be deemed accurate for purposes of notification unless changed by the registrant.
- (5) The Department of Public Safety may require an applicant to appear in person to answer questions or provide documents in conjunction with an application for registration in addition to those required under 524 CMR 5.00.
- (6) Any false statement in an application submitted to the Board of Elevator Regulations, or any action intended to subvert the intent of 524 CMR 5.00 may be deemed grounds for any of the following:
 - (a) denial of the application; or
 - (b) if the registration has already been issued, suspension or revocation of the registration.

5.03: Duties and Responsibilities

A registered elevator contractor shall have the following duties and responsibilities:

- (1) to ensure that every person who performs work on behalf of the contractor as an elevator constructor, maintenance person and repairman in the construction, maintenance, alteration, modification, servicing, or repair of elevators holds a license therefor granted by the Board of Elevator Examiners in accordance with M.G.L. c. 143, § 71C(1), or a temporary license therefor granted by the Commissioner of Public Safety in accordance with M.G.L. c. 143, § 71C(2), or is an elevator mechanic apprentice working under the direct and immediate field supervision of a licensed elevator mechanic.
- (2) to ensure that no work requiring a permit in accordance with 524 CMR is performed by any person working on behalf of the contractor prior to obtaining a permit.
- (3) to include its Board of Elevator Regulations issued elevator contractor registration number and the signature of an authorized individual on all applications and correspondence filed with the Board of Elevator Regulations.
- (4) to ensure that adequate and proper personnel timely appear for all annual tests, fire tests, and other inspections scheduled with the Board of Elevator Regulations.

5.04: Discipline

- (1) Complaints. Any person may file a complaint against a registered elevator contractor. All complaints relative to a registrant must be in writing on a form provided by the Board of Elevator Regulations. All complaints must be received by the Board of Elevator Regulations within one year of the date of the alleged wrongdoing. The Board of Elevator Regulations may itself initiate a complaint at any time.
- (2) Basis of Complaint. A complaint must allege wrongdoing by a registrant in the form of a violation of 524 CMR or M.G.L. c. 143.
- (3) Review and Investigation of Complaints. The Board of Elevator Regulations may, in its discretion, investigate a complaint to determine whether a hearing will be held.
- (4) Notice of Hearing. If the Board of Elevator Regulations determines that a hearing shall be held to resolve a complaint, reasonable notice shall be provided to the complainant and the registrant. Mailing of notice to the address on record with the Board of Elevator Regulations, and emailing the notice to the contact person identified by the registrant on the application for registration, shall be deemed satisfactory notice. The notice of hearing shall contain:
 - (a) The name of the complainant (if provided).
 - (b) The date, time and place of said hearing.
 - (c) The location of the incident giving rise to the complaint.
 - (d) A description of the situation giving rise to the complaint.
 - (e) A copy of the complaint filed with the Board of Elevator Regulations.
- (5) Hearing. Hearings convened pursuant to 524 CMR 5.00 shall be presided over by a Board of Elevator Regulations and conducted pursuant to 801 CMR 1.02: *Informal/Fair Hearing Rules* and M.G.L. c. 30A. Any party may be represented by legal counsel.
If an elevator contractor, or a designee, does not appear for the hearing, the hearing may proceed in their absence and a decision rendered based upon the evidence presented, but only after a finding is made that the registrant was provided notice as required by 524 CMR 5.04(4).
- (6) Subpoenas. The Board of Elevator Regulations may issue a subpoena in accordance with M.G.L. c. 30A, § 12 requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence or documents, relating to any matter in question in the proceeding.

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5.04: continued

(7) Decisions and Discipline of Registrants. The Board of Elevator Regulations shall issue a written decision after the hearing in a reasonably prompt manner. If the Board of Elevator Regulations, acting on behalf of the Department of Public Safety, determines that a registrant has violated any provision of 524 CMR 5.03 or M.G.L. c. 143, they may suspend a registration for a fixed period of time, revoke a registration permanently, or issue a reprimand to the registrant. In reaching the decision the Board of Elevator Regulations shall consider any history of disciplinary issues, the severity of the offense, and any remedial action taken by the contractor. Further, the Board of Elevator Regulations may impose any terms and conditions upon a registrant which are reasonably calculated to ensure future compliance with 524 CMR and M.G.L. c. 143 by the registrant.

(8) Appeals. Any person aggrieved by a decision of the Board of Elevator Regulations may appeal such decision to the Board of Elevator Regulations in conformance with M.G.L. c. 143, § 70(b).

REGULATORY AUTHORITY

524 CMR 5.00: M.G.L. c. 143, §§ 68 and 69.