Title 19: Insurance
Part 8, Chapter 1. Rules Regarding the Mississippi Safety Conveyance Act.

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Rule 1.1: Purpose

This purpose of this Regulation is to provide for the safety of conveyance equipment and personnel, and to promote public safety awareness pursuant to the provisions of the Mississippi Safety Conveyance Act ("Act"). This Regulation establishes the minimum standards for conveyance personnel and services. The use of unsafe or defective lifting devices imposes a substantial probability of serious and preventable injury to employees and the public. The prevention of these injuries and protection of employees and the public from unsafe conditions is in the best interest of the people of this state. Conveyance personnel performing work covered by this Regulation shall, by documented training and/or experience, be familiar with the operation and safety functions of the components and equipment. Training and experience shall include, but not be limited to, recognizing the safety hazards and performing the procedures required under this Regulation.

Source: *Miss. Code Ann.* §§ 45-45-1 et seq.; 83-5-1 (Supp. 2013)

Rule 1.2: Scope

This Regulation covers the design, construction, operation, inspection, testing, maintenance, alteration and repair of the following equipment, its associated parts, and its hoistways, except as provided by Section 3 of this Regulation;

(1) Hoisting and lowering mechanisms equipped with a car or platform that moves between two (2) or more landings. This equipment includes, but is not limited to, the following (also see ASME A17.1/CSA B44, ASME A17.7/CSA B44.7, ASME A17.3 and ASME A18.1):

a. Elevators;

b. Platform lifts;

c. Stairway chairlifts.

(2) Power-driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, the following (also see ASME A17.1/CSA B44, ASME A17.7/CSA B44.7, and ASME A17.3):

a. Escalators;

b. Moving walks.

(3) Hoisting and lowering mechanisms equipped with a car that serves two (2) or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, the following (also see ASME A17.1/CSA B44, ASME A17.7/CSA B44.7, and ASME A17.3):

1. Dumbwaiters;

2. Material lifts and dumbwaiters with automatic transfer devices.

Source: *Miss. Code Ann*. §§ 45-45-5; 83-5-1 (Supp. 2013)

Rule 1.3: Exemptions

(1) Equipment not covered by this Regulation includes, but is not limited to, the following:

a. Material hoists within the scope of ANSI A10.5;

b. Man lifts within the scope of ASME A90.1;

c. Mobile scaffolds, towers and platforms within the scope of ANSI A92;

d. Powered platforms and equipment for exterior and interior maintenance within the scope of ANSI A120.1;

e. Conveyors and related equipment within the scope of ASME B20.1;

f. Cranes, derricks, hoists, hooks, jacks and slings within the scope of ASE B30;

g. Industrial trucks within the scope of ASME B56;

h. Portable equipment, except for portable escalators that are covered by ASME A17.1/CSA B44 and ASME A17.7/CSA B44.7;

i. Tiering or piling machines used to move materials to and from storage located and operating entirely within one (1) story;

j. Equipment for feeding or positioning materials at machine tools, printing presses, or similar equipment;

k. Kip or furnace hoists;

l. Wharf ramps;

m. Railroad car lifts or dumpers;

n. Line jacks, false cars, shafters, moving platforms and similar equipment used for installing an elevator by and elevator contractor licensed in this state.

(2) The provisions of this Regulation shall not apply to any conveyance that is located in a private residence. For the purposes of this Regulation, a private residence is a single–family dwelling. This definition may also include multiple-family dwellings if an elevator is installed and used within a separate apartment that is not accessible to the general public or other occupants of a building.

Source: *Miss. Code Ann*. §§ 45-45-7; 83-5-1 (Supp. 2013)

Rule 1.4: Definitions

For purposes of this Regulation, the following terms are defined as follows, unless the context clearly indicates otherwise:

(a) "Administrator" means the person or person designated by the Commissioner of Insurance.

(b) "ANSI" means the American National Standards Institute.

(c) "ASCE" means the American Society of Civil Engineers.

(d) "ASCE 21" means the American Society of Civil Engineers Automated People Mover Standards.

(e) "ASME" means the American Society of Mechanical Engineers.

(f) "ASME A17.1/CSA B44" means the Safety Code for Elevators and Escalators, an American National Standard.

(g) "ASME A17.3" means the Safety Code for Existing Elevators and Escalators, an American National Standard.

(h) "ASME A17.7/CSA B44.7" means the Performance-Based Safety Code for Elevators and Escalators, an American National Standard.

(i) "ASME A18.1" means the Safety Standard for Platform Lifts and Stairway Chairlifts, an American National Standard.

(j) "Automated people mover" means an installation defined as an "automated people mover" in ASCE 21.

(k) "Building Owner" means the person or persons, company, corporation, authority, commission, board, governmental entity, institution, owner, lessee, or any other entity that holds title to the subject building or facility. For the purposes of this Regulation an owner may designate an agent.

(l) "Certificate of Operation" means a document that indicates that the conveyance has had the safety inspection and tests required by this Regulation.

(m) "Commissioner" means Commissioner of Insurance.

(n) "Conveyance" means any elevator, dumbwaiter, escalator, moving sidewalk, platform lift, stairway chairlift or automated people mover.

(o) "Department" means the Mississippi Department of Insurance.

(p) "Elevator" means an installation defined as an "elevator" in ASME A17.1/CSA B44.

(q) "Elevator contractor" means any sole proprietor, firm, corporation or other business entity engaged in the business of erecting, construction, installing, altering, servicing, repairing or maintaining elevators and other conveyances.

(r) "Elevator helper or apprentice" means a person who works under the general direction of a licensed elevator mechanic.

(s) "Elevator inspector" means any person who specializes in the design, testing and maintenance inspection of elevators and other conveyances. An elevator inspector does not perform maintenance on elevators or other conveyances.

(t) "Elevator mechanic" means any person who is engaged in erecting, constructing, installing, altering, servicing, repairing, testing or maintaining elevators or other conveyances. For the purposes of this chapter, a certified elevator technician is considered an elevator mechanic.

(u) "Escalator" means an installation as defined as an "escalator" in ASME A17.1/CSA B44.

(v) "Existing installation" means an installation defined as an "installation, existing" in ASME A17.1/CSA B44.

(w) "License" means a written license issued under this Regulation.

(x) "Licensee" means the elevator mechanic, elevator contractor or elevator inspector who possesses a license issued under this Regulation.

(y) "Limited Elevator Contractor" means any sole proprietor, firm or company who employs individuals to carry on a business of erecting,

constructing, installing, altering, servicing, repairing, or maintaining platform lifts and stairway chairlifts within any building or structure.

(z) "Limited Elevator Mechanic" means any person who is engage in erecting, constructing, installing, altering, servicing, repairing or maintaining platform lifts and stairway chairlifts.

(aa) "Moving walk" or moving sidewalk" means an installation defined as a "moving walk" in ASME A17.1/CSA B44.

(bb) "Variance – Historical Character" means the approval of a different solution to compliance with the intent of this Regulation, including consideration of the impact to the historical character of the conveyance and/or building.

(cc) "Variance – New Technology" means the deferral of compliance with a requirement of A17.1/B44 ASME/ASCE Safety Codes and in conformance with A17.7/B44.7 ASME/ASCE Safety Codes to allow the installation of new technology if the component, system, sub-system, function or device is found to be equivalent or superior to the standards adopted in this Regulation. A new technology variance, once granted, may be applied to all like equipment installed in the state and a separate variance is not required for each installation. A variance applies to only one component, system, sub-system, function, or device. For example, one seeking a variance for a door system, a control system, and a suspension system would be required to file three separate variance application.

Source: *Miss. Code Ann*. §§ 45-45-9; 83-5-1 (Supp. 2013)

Rule 1.5: Minimum Standards Adoption of Nationally Recognized Safety Codes

(1) If not previously adopted, the Administrator shall automatically adopt the latest editions of the following standards six months from their effective date:

(a) THE NATIONAL SAFETY CODE FOR ELEVATORS AND ESCALATORS (ASME A.17.1)

(b) THE NATIONAL SAFETY CODE FOR EXISTING ELEVATORS AND ESCALATORS (ASME A.17.3 [2011]) – Will apply to all elevators and escalators installed prior to July 1, 2013 that are covered by the Act.

(c) Those conveyances that are required to be in compliance with the provisions of ASME A17.3 –2011, shall have until January 1, 2020, to meet the requirement of this standard unless there is an immediate safety hazard. This time period does not apply to door restrictors or emergency phones.

(d) THE NATIONAL SAFETY STANDARD FOR PLATFORM LIFTS AND STAIRWAY CHAIRLIFTS (ASME A.18.1)

(e) THE NATIONAL SAFETY STANDARD FOR THE QUALIFICATIONS OF ELEVATOR INSPECTORS (ASME QEI-1)

(f) AUTOMATED PEOPLE MOVER STANDARDS (ASCE 21)

(g) Equipment otherwise covered under these sections which is located at an industrial facility that is not accessible by the general public and which is used in the construction, operation, or maintenance of the facility is exempted from the requirements of this Act.

(2) Hydraulic elevators that have any portion of the cylinder buried in the ground and that do not have a double cylinder or a cylinder with a safety bulkhead shall:

(a) have the cylinder replaced with a double cylinder or a cylinder with a safety bulkhead protected from corrosion by one or more of the following methods:

(i) monitored cathodic protection;

(ii) a coating to protect the cylinder from corrosion that will withstand the installation process;

(iii) by a protective plastic casing immune to galvanic or electrolic action, salt water, and other known underground conditions; or

(b) be provided with a device meeting the requirements of Section 3.5 or a device arranged to operate in the down direction at an over speed not exceeding 125% of rated speed. The device shall mechanically act to limit the maximum car speed to the buffer striking speed, or stop the elevator car with rated load with a deceleration not to exceed 32.2ft/s2(9.8m/s2), and shall not automatically reset. Actuation of the device shall cause power to be removed from the pump motor and control valves until manually reset; or

(c) have other means acceptable to the authority having jurisdiction to protect against unintended movement of the car as a result of uncontrolled fluid loss.

(d) All new and existing jacks must be in compliance by January 1, 2020.

(3) The following standards shall govern restricted openings of hoistway doors and/or car doors on passenger elevators.

(a) When a car is outside the unlocking zone, the hoistway doors or car doors shall be so arranged that the hoistway doors or car doors cannot be opened more than 4 in. (102 mm) from inside the car.

(b) When the car is outside the unlocking zone, the car doors shall be operable from outside the car without the use of special tools.

(c) The unlocking zone shall extend from the landing floor level to a point no greater than 18 in. (457 mm) above or below the landing floor level.

(d) All existing elevators that are not in compliance with this rule have six months after the inspection report is received by the department to be in compliance.

(4) The following procedures shall be followed for Temporary Certificates of Operation.

(a) A temporary certificate of operation may be issued at the discretion of the chief inspector if requested by the elevator contractor and the inspector. This request must be submitted by the inspector in the form of an inspection report, along with the required fee.

(b) The elevator must have all safety devices properly tested and tagged by a licensed elevator contractor and checked and witnessed by a licensed inspector.

(c) When the inspection report and fee are submitted to this office, the inspector is certifying the elevator is safe for this type service.

(5) In order to reduce the hazards associated with water on energized circuits from the activation of sprinklers in the elevator equipment room, new elevator installations, and modernizations/alterations will require the shunt trip to each elevator disconnecting means to be located outside the elevator equipment room.

(a) It shall de-energize both the line side and load side of the affected elevator's disconnecting means.

(b) In cases of extreme difficulty in locating the shunt trip outside the machine room, and with prior written approval from the administrator, locating the shunt trip in the machine room may be approved, if the disconnect is a rainproof NEMA 3R or better enclosure.

(c) Control circuits to shut down elevator power shall be monitored for presence of operating voltage. Loss of voltage to the control circuit for the

disconnecting means shall cause a supervisory signal to be indicated at the control unit and required remote enunciators.

Source: *Miss. Code Ann*. §§ 45-45-13; 83-5-1 (Supp. 2013)

Rule 1.6: Registration of Conveyances

(1) On or before December 31, 2014, the owner or lessee of a conveyance not exempted by this Regulation shall register the conveyance with the department, pursuant to rules adopted by the Administrator. The registration shall include the type, rated load and speed, manufacturer, location, purpose, date of installation and any additional information the Administrator may require.

(2) Conveyances placed in service on or after July 1, 2013, shall be registered at the time they are completed and placed in service.

(3) On or after January 1, 2015, the Administrator may, after notice and hearing, assess an administrative penalty of no more than $500.00 per day against a building owner or lessee who fails to register a conveyance as required by this Regulation thirty (30) days after being directed to do so by the Administrator.

(4) A jurisdiction tag shall be furnished and shall be permanently attached on or near the conveyance's crosshead by the inspector. On conveyances without a crosshead, jurisdiction tags shall be attached to the equipment on the car top. On conveyances also lacking car tops, the jurisdiction tag shall be attached on or near the control panel.

Source: *Miss. Code Ann*. §§ 45-45-19; 83-5-1 (Supp. 2013)

Rule 1.7: Variance, Exemption and Reconsideration

(1) (a) Variance – Historical Character. The Administrator may grant a variance approving a different solution to compliance with the intent of this code. In considering a request for a variance, the Administrator may take into consideration the impact to the historic character of the conveyance and/or the building. It is the policy of the Administrator that whenever possible the determination of a variance or exemption request be made by the Commissioner of Insurance.

(b) In order for a variance or exemption request to be reviewed the owner or designated representative shall submit:

(i) Evidence that the proposed or existing conveyance is not in compliance with this Code.

(ii) Evidence, letters, statements, test results, construction documents, or other supporting information as required justifying the request.

(iii) Evidence that strict compliance with the Code would entail practical difficulty, unnecessary hardship or is otherwise found unwarranted.

(iv) Evidence that any such variance or exemption secures the public safety and health and that the methods, means or practices proposed provide equal protection of the public safety and health.

(2) (a) Variance – New Technology. Prior to the installation of any device, equipment or technology not permitted by the currently adopted standards, a contractor or an equipment manufacturer must submit an application for new technology variance for approval by the Administrator.

(b) An application for a new technology variance shall contain the following, if applicable:

(i) An enumeration and description of all the requirements of the adopted standards for which a new technology variance is being requested;

(ii) Documentary evidence to support a claim of equivalence or superiority to the requirements of the adopted standards;

(iii) Documentary evidence that the new technology is being or may be considered by the ASME code committee(s) for inclusion in a future standard; and

(iv) Any additional supporting evidence deemed by the applicant to be necessary to assist in making a determination.

(3) The determination on the variance or exemption request shall be made in writing to the applicant and shall advise the applicant of the reconsideration process. This determination shall be made no later than thirty (30) days after the request is made.

(4) The Administrator may reconsider an interpretation or decision made pursuant to this Section. To request reconsideration the owner shall submit a written request to the Administrator including:

(a) Evidence the proposed or existing conveyance is not in compliance with this Code.

(b) Evidence, letters, statements, test results, construction documents or other supporting information as required justifying the request.

(c) Evidence that the true intent of the Code has been incorrectly interpreted, or the provisions of the Code do not fully apply; or the decision is unreasonable or arbitrary as it applies to alternatives or new materials.

(d) The request for reconsideration shall be submitted no later than 30 days after receiving the variance or exemption determination.

(e) A request for variance, exemption, or reconsideration shall not relieve a person from complying with this Code, permit or occupancy requirements, unless the Administrator expressly authorizes an extension of compliance period pending review of the request.

(5) Any request for a variance must include the variance application fees as set forth in Section 10.16 of this Regulation.

Source: *Miss. Code Ann*. §§ 45-45-13; 83-5-1 (Supp. 2013)

Rule 1.8: Application Form for Variance from Adopted Elevator Code

The form attached hereto as Attachment "A" shall be used to submit applications for a variance from the adopted elevator code as authorized under this Regulation. However, the standards for the granting or denial of a variance as set forth in this Regulation are the standards applicable to the granting or denial of a variance and are not altered, amended, changed or diminished by the adoption of this form as an administrative requirement for the processing of the application for a variance. The applicant has the burden of proof to meet the standards set forth in this Regulation

Source: *Miss. Code Ann*. §§ 45-45-13; 83-5-1 (Supp. 2013)

Rule 1.9: Qualifications to be Licensed as an Elevator Mechanic

(1) No license shall be granted to any person who has not proven their qualifications and abilities. Applicants must demonstrate the following qualifications:

(a) An acceptable combination of documented experience and education credits of, within the last five (5) years, not less than four (4) years work experience in the elevator industry, in construction, maintenance and service/repair, as verified by current and previous employers, and satisfactory completion of a written examination approved by the Administrator on the most recent referenced codes and standards.

(b) Certificates of completion of an apprenticeship program for elevator mechanic, having standards substantially equal to those of this Regulation,

and registered with the Bureau of Apprenticeship and Training, or U.S. Department of Labor.

(c) A license shall be issued to an applicant who holds a valid license from a state having standards substantially equal to those of this Regulation without examination and upon verification of qualification by the Administrator.

(2) Any person who furnishes the Administrator with acceptable proof that they have worked as an elevator constructor, maintenance, or repair mechanic shall upon making application and paying the fee shall be entitled to receive a license without an examination. They shall have worked without direct and immediate supervision as a mechanic for an elevator contractor registered to do business in the State of Mississippi. This employment shall not be less than four (4) years immediately prior to July 1, 2013. The person must make application on or before July 1, 2014.

(3) A license is not required for an elevator helper or apprentice; however, a licensed mechanic is limited to directly supervise only three (3) helpers or apprentices. For the purposes of this Regulation, direct supervision shall mean active supervision.

(4) A limited elevator mechanic must be certified by the manufacturer of the equipment he or she installs or an approved training program acceptable to the equipment manufacturer. This certification must accompany the application for license.

(5) A Temporary Elevator Mechanic License good for thirty (30) days may be issued if the following procedures are followed:

(a) On company letterhead an applicant must request the temporary license and certify that the applicant has two (2) years minimum experience and an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision.

(b) The request must be notarized.

(c) The Temporary Mechanic License will state on its face that it is valid for thirty (30) days from date of issuance and while the person is employed by the licensed elevator contractor who certified the individual as qualified. The license shall be renewable as needed, but not to exceed one hundred eighty (180) days, for $50.00 each renewal.

(d) The Temporary Mechanic License must be present while the work is being performed.

(6) A licensee shall observe, test, install, service and maintain conveyances in compliance with the provisions and standards of the Mississippi Fire Prevention and Building Code.

(7) Continuing Education – Each licensee must complete eight (8) hours of continuing education in the twelve (12) months immediately prior to license renewal. The following requirements must be followed:

(a) The eight (8) hours of continuing education certification must be provided at the time of renewal. Only the full hours will be accepted. Failure to submit this continuing education information could result in nonrenewal of the license.

(b) Two hours of the continuing education must be on safety training courses.

(c) Courses approved by NAEP, NEIEP, IUEC, or CET will be acceptable. Certificates of completion of these courses will be required as proof of completion.

Source: *Miss. Code Ann*. §§ 45-45-13; 45-45-15; 83-5-1 (Supp. 2013)

Rule 1.10: Qualifications to be Licensed as an Elevator Contractor

(1) No license shall be granted to any sole proprietor, firm, or corporation that has not demonstrated the requisite qualifications and abilities. Duly authorized applicants for an elevator contractor's license must have in their employ licensed elevator mechanics who perform the work described herein and have proof of compliance with the insurance requirements as set forth in Section 10.12 of this Regulation.

(2) No license shall be granted to any sole proprietor, firm, or corporation that has not demonstrated the requisite qualifications and abilities. Duly authorized applicants for a limited elevator contractor's license must have in their employ licensed elevator mechanics that perform the work described herein and have proof of compliance with the insurance requirements as set forth in Section 10.12 of this Regulation.

(3) A licensee shall observe, test, install, service and maintain conveyances in compliance with the provisions and standards of the Mississippi Fire Prevention and Building Code.

Source: *Miss. Code Ann*. §§45-45-13; 45-45-15; 83-5-1 (Supp. 2013)

Rule 1.11: Qualifications to be Licensed as an Elevator Inspector or Elevator Inspection Agency

(1) No inspector's license shall be granted to any person unless he or she meets the current ASME QEI-1, as may be amended, Standards for the Qualifications of Elevator Inspectors or State standards as described in subsection (2).

(2) No license shall be granted to any entity that has not demonstrated the requisite qualifications and abilities. Notwithstanding any other provision, cities or municipalities wishing to engage in the safety inspections of existing elevators or related conveyances, the permitting and inspection of new or modernized elevators or related conveyances, may perform inspection programs on behalf of the Administrator, provided they meet the following requirements:

(a) The inspector shall meet the experience requirements noted in the qualifications for an inspector as set forth in ASME QEI-1 ;

(b) The inspector must submit an application to the Administrator to be licensed elevator inspector;

(c) Subsequent to inspection, the inspector shall supply the property owner or lessee and the Administrator with a written inspection report describing any and all violations;

(d) Have proof of compliance with the insurance requirements as set forth in Section 1.12 of this Regulation, and

(e) The applicant or licensee must meet all other statutory requirements and rules and Regulations enforced by the Administrator.

(3) A licensee shall inspect and verify that testing and conditions for conveyances are in compliance with the provisions and standards of the Act.

Source: *Miss. Code Ann.* §§ 45-45-13; 45-45-15; 83-5-1 (Rev. 2011)

Rule 1.12: Contractor and Inspector Insurance Requirements

(1) Contractor Insurance Requirements

(a) A contractor must maintain general liability insurance at all times during a registration period to satisfy proof of financial responsibility of:

(i) Not less than $1,000,000 for each single occurrence of bodily injury or death; and

(ii) Not less than $500,000 for each single occurrence of property damage; or

(iii) A contractor may elect to purchase a general liability policy that provides a single-limit coverage of not less than $1,000,000.

(b) Insurance must be obtained from an insurance provider authorized or eligible to write general liability insurance in Mississippi.

(c) A contractor applicant or licensee must file with the department a completed certificate of insurance or other evidence satisfactory to the department when applying for an initial registration, renewing a registration, changing a business name or affiliation, and upon request of the department.

(d) A contractor must furnish the name of the insurance carrier, the policy number, and the name, address, and telephone number of the insurance agent with whom the contractor is insured to any customer who requests it.

(e) A contractor applicant or licensee must obtain a general liability insurance policy that contains a provision or an endorsement that gives the department 30 days prior written notice of cancellation.

(2) Inspector Insurance Requirements

(a) An inspector must maintain general liability insurance at all times during a registration period to satisfy proof of financial responsibility of:

(i) Not less than $1,000,000 for each single occurrence of bodily injury or death; and

(ii) Not less than $500,000 for each single occurrence of property damage; or,

(iii) A contractor may elect to purchase a general liability policy that provides a single-limit coverage of not less than $1,000,000.

(b) Insurance must be obtained from an insurance provider authorized or eligible to write general liability insurance in Mississippi.

(c) An inspector applicant or licensee must file with the department a completed certificate of insurance or other evidence satisfactory to the department when applying for an initial registration, renewing a registration, changing a business name or affiliation, and upon request of the department.

(d) An inspector must furnish the name of the insurance carrier, the policy number, and the name, address, and telephone number of the insurance

agent with whom the contractor is insured to any customer who requests it.

(e) An inspector applicant or licensee must obtain a general liability insurance policy that contains a provision or an endorsement that gives the department 30 days prior written notice of cancellation.

Source: *Miss. Code Ann*. §§45-45-13; 83-5-1 (Supp. 2013)

Rule 1.13: Renewal of License

(1) A license issued by the Administrator shall be valid for two years. The Administrator may renew a license, provided the applicant submits a written application for renewal accompanied by the required fee prior to expiration of the license.

(2) Applicants for license renewal shall provide evidence, satisfactory to the Administrator, of completion of eight hours of instruction approved by the Administrator, designed to ensure the continued qualifications of the applicant.

(3) If a license is allowed to lapse it may be renewed within thirty (30) days of its expiration date by the payment of $25.00 in addition to the renewal fee.

(4) If a license is not renewed within thirty (30) days of its expiration date the inactive licensee shall make application for a new license and shall follow the appropriate licensing procedure.

Source: *Miss. Code Ann*. §§ 45-45-15; 83-5-1 (Supp. 2013)

Rule 1.14: Emergency and Temporary Mechanics Licenses

(1) Whenever an emergency exists in the state due to disaster, act of God, or work stoppage, as declared by the President of the United States or Governor of Mississippi, and the Commissioner of Insurance issues a finding that the number of persons in the state holding licenses granted by the Administrator is insufficient to cope with the emergency, the licensed elevator contractors shall respond as necessary to assure the safety of the public. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision may seek an emergency elevator mechanic license from the administrator within five business days after commencing work requiring a license. The Administrator may issue emergency elevator mechanic licenses. The licensed elevator contractor shall furnish proof of competency as the Administrator may require. Each such license shall recite that it is valid for a period of thirty (30) days from the date of issuance for particular elevators or geographical areas as the administrator may designate and shall entitle the licensee to the rights and

privileges of an elevator mechanic license issued under this Regulation. The Administrator may renew an emergency elevator mechanic license during the existence of an emergency. A fifty dollar ($50.00) fee shall be charged for any emergency elevator mechanic license or renewal thereof.

(2) For purposes of this Regulation, the phrase "acceptable combination of documented experience and education" shall mean at least two years of experience in performing elevator work and the completion of a least 288 hours of Administrator-approved education relating to the same.

Source: *Miss. Code Ann*. §§ 45-45-13; 83-5-1 (Supp. 2013)

Rule 1.15: Permits

(1) An application for a permit shall be filed with the department in accordance with this Regulation for all elevator work covered under these rules.

(2) Each application for a permit shall be accompanied by copies of specifications and accurately-scaled and fully-dimensioned plans that clearly indicate location of the elevator in the building; the location of the machinery room and the equipment to be installed, relocated or altered; all structural supporting members, including foundations; and a specification of all materials to be used and all loads to be supported or conveyed. The plans and specifications shall be sufficiently complete to illustrate all details of construction and design.

(3) The applicable fees shall accompany each permit application.

(4) A permit may be revoked for any of the following reasons:

(a) Where any false statements or misrepresentations were made as to the material facts in the application, plans, or specifications on which the permit was based.

(b) Where the permit was issued in error and should not have been issued in accordance with this chapter.

(c) Where the work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with this chapter or conditions of the permit.

(d) Where the elevator contractor to whom the permit was issued fails or refuses to comply with a STOP WORK order.

(5) A permit expires if the work authorized by a permit is not commenced within six (6) months after the after the date of issuance.

(6) A permit is not required for a repair.

(7) The Administrator may allow an extension of time at his or her discretion.

Source: *Miss. Code Ann.* §§ 45-45-23; 83-5-1 (Supp. 2013)

Rule 1.16: Fee Schedule

(1) Fees shall be established as follows. Unless otherwise indicated, the fees shall be paid to the Department of Insurance:

(a) Elevator Contractor's License……..…$300.00

(b) Elevator Contractor's license renewal (biennial)……..$200.00

(c) Limited Elevator Contractor's License…….$300.00

(d) Limited Elevator Contractor's License renewal (biennial)……...$200.00

(e) Elevator Mechanics and Limited License ……...$100.00 (initial & biennial renewal)

(f) Elevator Inspectors License (initial) and biennial renewal……...$100.00

(g) Installation and Modernization Permits:

Elevator/Escalator installer will send $100.00 with the application for the installation permit per unit to the Department of Insurance. This will pay for the permit and the first operating Certificate to be issued after the unit passes the final inspection.

The final inspection will be billed directly by the inspection company to the elevator/escalator installer as detailed:

Elevators, per unit……..… $300.00
Plus, for each floor…….…….…...…… $ 15.00
Dumbwaiter and material lifts, per unit…….…..……...$250.00
Escalator, or moving walk per unit …….…….…….……$250.00
Special purpose personnel elevators, per unit…….…$250.00
Wheelchair lifts and platform lifts, per unit……...…….$250.00
Any additional inspection, per visit…….$250.00

(h) Major Alteration Permits:

The elevator/escalator installer will send $100 with the application for the alternation permit per unit to the Department of Insurance, which will pay for the

permit and the first operating Certificate issued after the unit passes th final inspection. There will be a $100.00 fee for each additional alternation to the Department of Insurance for the permit. The maximum alteration fee per unit is $500.00.

The final inspection will be billed directly by the inspection company to the elevator/escalator installers detailed.

Each inspection of an alteration as defined by 2013 A17.1, Section 8.7 per unit … ……..……..$150.00
Each additional alteration final inspection fee, that requires test witnessing per unit……$250.00
Maximum alteration fee, per unit……..…….…..$500.00
Any additional Alteration inspection, per visit……...……..$250.00

(i) Annual Operating Permits:

Annual certificate for existing unit paid to the Department of Insurance by the owner/manager per unit…….…....$ 75.00

(j) Annual Inspections on existing units by a licensed inspector to be billed directly by the inspector or inspection company to the building owner/manager:

Elevator, Dumbwaiter, per unit……...…..$75.00, plus $5.00 per floor
Escalator, moving walks, internal and external inspection, per unit……....$150.00
Wheelchair lift, platform lift, per unit total……...…….$75.00

(k) Variance Application Fees:

Historical Character……..$250.00
New Technology……$2,500.00

Source: *Miss. Code Ann.* §§ 45-45-13; 83-5-1 (Supp. 2013)

Rule 1.17: Reporting Requirements – Building Owner

(1) To obtain a certificate of compliance, the building owner must submit to the department within sixty (60) days of the equipment inspection date, the following items:

(a) The application for certificate of compliance;

(b) Written documentation to verify that all violations of the applicable ASME Safety Codes or ASCE Standards as adopted in this Regulation;

(c) Any application(s) for delay or waiver if applicable; and

(d) All applicable fees.

(2) The owner shall notify the department, in writing and within thirty (30) days, of equipment that has been place out of service.

(3) The owner shall notify the department, in writing and within thirty (30) days, of an elevator that has had alterations converting the equipment to a material lift. The conversion shall comply with the applicable sections of this Regulation.

(4) The owner shall notify the department, in writing and within thirty (30) days, of a material lift that has had alterations converting the equipment to an elevator. The elevator must be inspected and brought into compliance with this Regulation as a new installation.

(5) When a delay has been approved, the owner shall notify the department, in writing within thirty (30) days of the date of correction.

Source: *Miss. Code Ann*. §§ 45-45-13; 83-5-1 (Supp. 2013)

Rule 1.18: Reporting Requirements – Inspector

(1) For new installations, the inspector shall provide a copy of the Equipment Inspection Form to the building owner and the Administrator not later than the 10th calendar day after completing the inspection.

(2) For alterations, the inspector shall provide a copy of the Equipment Inspection Form to the department and the building owner not later than the 10th calendar day after completing the inspection.

(3) Inspectors, by e-mail, fax, letter or telephone, shall report to the department, within 72 hours of discovery, all equipment they encounter that does not have a decal number.

(4) The inspector shall clearly note on the inspection report any equipment found with a reportable condition, and shall report it immediately by submitting a copy of the report to the building owner and by e-mail, fax, letter or telephone to the department within 24 hours.

(5) Inspectors, by e-mail, fax, telephone, letter, or by using the Online Inspection Reporting System, for each piece of equipment inspected, shall report to the department with 72 hours of completing an annual inspection, or an inspection of a new installation:

(a) the inspector's Mississippi License number;

(b) the decal number of equipment; and

(c) the date of the inspection.

Source: *Miss. Code Ann*. §§ 45-45-13; 83-5-1 (Supp. 2013)

Rule 1.19: Reporting Requirements – Contractor

(1) Contractors must submit to the Administrator reports as requested by the Administrator regarding installation, repair, alteration, or maintenance jobs on a format approved by the department.

(2) Contractors are not required to file reports as prescribed under subsection (1) for equipment that is exempt under this Regulation and for construction-use only elevators.

(3) Contractors shall, by e-mail, fax, letter or telephone, report to the building owner and the Administrator, within 24 hours of discovery, all equipment they encounter that has a reportable condition.

Source: *Miss. Code Ann*. §§ 45-45-13; 83-5-1 (Supp. 2013)

Rule 1.20: Standards of Conduct for Inspector or Contractor Licensees

(1) The provisions in this section apply to both inspectors and contractors, except where noted.

(2) *Competency*. The licensee, as applicable, shall be knowledgeable of and adhere to the Regulation, this chapter, the ASME Safety Codes or ASCE Standards as adopted in this Regulation, and all procedures established by the department for equipment inspections or performance of a contract to install, alter, repair, or maintain equipment. It is the obligation of the licensee to exercise reasonable judgment and skill in the performance of equipment inspections or performance of a contract to install, alter, repair, or maintain equipment.

(3) *Integrity*. A licensee shall be honest and trustworthy in the performance of equipment inspections or performance of a contract to install, alter, repair, or maintain equipment, and shall avoid misrepresentation and deceit in any fashion, whether by acts of commission or omission. Acts or practices that constitute threats, coercion, or extortion are prohibited. The licensee shall accurately and truthfully represent to any prospective client his/her capabilities and qualifications to perform the services to be rendered.

(4) *Interest*. The primary interest of the licensee is to ensure compliance with the Regulation, this chapter, and the ASME Safety Codes or ASCE Standards adopted in this Regulation, and all procedures established by the department. The

licensee's position, in this respect, should be clear to all parties concerned while conducting equipment inspections or completing the performance of a contract to install, alter, repair, or maintain equipment.

(5) *Conflict of Interest*. A licensee is obliged to avoid conflicts of interest and the appearance of conflicts of interest. A conflict of interest exists when an inspector performs or agrees to perform an equipment inspection for a building in which he has a financial interest, whether direct or indirect. A conflict of interest also exists when a licensee's professional judgment and independence are affected by his/her family, business, property, or other personal interests or relationships.

(6) *Specific Rules of Conduct*. A licensee shall not:

(a) participate, whether individually or in concert with others, in any plan, scheme, or arrangement attempting or having as its purpose the evasion of any provision of the Regulation, this chapter, or the standards adopted by the commission;

(b) knowingly furnish inaccurate, deceitful, or misleading information to the department, a building owner, or other person involved in equipment inspections or equipment contracts;

(c) state or imply to a building owner that the department will grant a delay or waiver;

(d) engage in any activity that constitutes dishonesty, misrepresentation, or fraud while performing equipment inspections or completing an equipment contract;

(e) perform equipment inspections or complete an equipment contract in a negligent or incompetent manner;

(f) perform equipment inspections in a building or facility in which the inspector licensee is an owner, either in whole or in part;

(g) perform equipment inspections in a building or facility wherein the licensee, for compensation, participated in obtaining an equipment contract for the building;

(h) indulge in advertising that is false, misleading, or deceptive;

(i) misrepresent the amount or extent of prior education or experience to any client; or

(j) hold out as being engaged in partnership or association with any person unless a partnership or association exists in fact.

(7) An inspector may not perform inspections upon equipment for which the inspectors' employer also has a contract to perform installations, maintenance, repairs, replacements or alterations on that equipment.

(8) A licensee shall withdraw from employment when it becomes apparent that it is not possible to faithfully discharge the duty and performance of services owed the client. A licensee shall provide reasonable notice to the client of the licensee's withdrawal.

(9) An inspector must attend all mandatory training required by the executive director.

(10) A licensee shall notify the department in writing within 30 days of any changes to information submitted on the application or renewal application.

Source: *Miss. Code Ann*. §§ 45-45-13; 83-5-1 (Supp. 2013)

Rule 1.21: Responsibilities of the Department

(1) When issuing certificates of compliance the department shall:

(a) Assure that each certificate includes the decal number, building name, inspector's registration number, the date of the last inspection, the due date of the next inspection, contact information at the department to report a violation, the executive director's signature and date, and any other information required by the statute.

(b) Use the following procedures to issue a certificate of compliance:

(i) review inspection report and fees received by the department;

(ii) review certification submitted by building owner indicating which code violations have been remedied and which code violations are under contract to be corrected;

(iii) review waiver/delay application and fees received by the department;

(iv) notify building owner with a notice of incomplete submittal asking for any missing inspection documents and fees; and

(v) notify building owner of any denied waiver or delay requests and ask for certification that violations have been remedied or under contract to be corrected.

(vi) After a determination is made that the building owner submitted an inspection report with the correct amount of filing fees and all deficiencies in the inspection report have been corrected, or under contract to be corrected, or delay or waiver granted, then a certificate of compliance is issued for each unit of equipment.

(2) The department shall provide notification to building owners, architects, and other building industry professionals regarding the necessity of annually inspecting equipment through the department's website, press releases, and group presentations.

(3) The department shall review and issue a decision on any applications for new technology variances in accordance with this chapter.

(4) The department shall perform the required application and plan review and may approve or deny the application and plans in accordance with this chapter.

(5) The department may periodically review inspection reports to determine compliance with the applicable statutes and administrative rules.

(6) The department may require inspector attendance at periodic rules and/or law update seminars conducted by the department when the executive director determines such seminars to be necessary.

(7) The department may conduct inspector training seminars where attendance by inspectors is not mandatory.

Source: *Miss. Code Ann.* §§ 45-45-13; 83-5-1 (Supp. 2013)

Rule 1.22: Responsibilities of the Building Owner

(1) The building owner shall:

(a) obtain the services of an inspector registered with the department to perform inspections in accordance with this Regulation;

(b) keep the equipment free from reportable conditions;

(c) have all violations cited on an inspection report:

(i) corrected within thirty (30) calendar days of the date of inspection;

(ii) have them under contract to be corrected and all work completed no later than the next inspection due date; or

(iii) have an approved waiver or delay.

(2) The owner of the building in which equipment is located shall have such equipment inspected at an interval not to exceed every twelve (12) months to determine compliance with the applicable standards adopted in this Regulation.

(3) The owner of the building in which the equipment is located must make available to the department and all elevator personnel all maintenance and inspection records and maintenance control programs for the equipment during the life of the equipment as required by the applicable standards adopted in this Regulation. These records and programs shall be available in the building.

(4) The building owner or the owner's representative must report all accidents, involving equipment to the department, using a department-approved form, within 72 hours of the accident. If the accident results in serious bodily injury or a fatality, the equipment shall be removed from service and shall not be moved (except as necessary to extricate an injured party or effect a life-saving rescue) or returned to service until a representative of the department completes an investigation and issues an approval to return the unit to service.

(5) The building owner shall ensure that all of the tests required by the applicable codes and standards adopted in this Regulation are performed.

(6) If any equipment is determined to have a reportable condition by inspection or other means, the building owner shall notify the department in writing within 24 hours, and shall place the unsafe equipment out of operation until repairs to correct the reportable condition(s) are completed. After repairs have been completed, the building owner shall have the equipment re-inspected and re-certified and submit written verification to the department that the reportable condition has been corrected before returning the equipment to service.

(7) New equipment installations must have plans reviewed by the department and must be inspected and tested to determine their safety and compliance with the requirements of the codes and standards as adopted in this Regulation before being placed in service. The equipment shall be free of any violations, unless a waiver, delay or new technology variance has been granted by the department in writing, before being placed in service.

(8) Altered equipment must have plans reviewed by the department and must be inspected and attested to determine its safety and compliance with the requirements of the codes and standards as adopted in this Regulation before being placed back in service. The equipment shall be free of any violations, unless a waiver, delay or technology variance has been granted by the department in writing, before being placed back into service.

(9) Equipment must be tested to determine its safety and compliance with the requirements of the codes and standards as adopted in this Regulation.

(10) The building owner must obtain a yearly certificate of compliance from the department evidencing that each unit of equipment in the building is in compliance with the Regulation and all applicable rules and standards. The building owner must have a current certificate of compliance in order to operate equipment located in the building.

(11) The building owner must display the current certificate of compliance in the following locations:

(a) if the certificate relates to an elevator:

(i) inside the elevator car not more than 7'0" or less than 3"0" above the finished care floor;

(ii) outside the elevator car in the main elevator lobby within 10 feet of the elevator call button; or

(iii) in a common area lobby or hallway location that is:

(A) accessible to the public without assistance or permission during all hours in which any elevator is in operation; and

(B) identified by a plaque mounted in the elevator car or within 10 feet of the elevator call button in the main elevator lobby. The font size for letters on the plaque shall be at least 18 and the plaque must state that the elevator is regulated by the Mississippi Department of Insurance and include the department's telephone number **(800) 562-2957 for in-state calls and (866) 856-1982 for out of state calls** and the building management's telephone number.

(b) if the certificate relates to an escalator – in a common area lobby or hallway location that is:

(i) accessible to the public without assistance or permission during all hours in which any escalator is in operation; and

(ii) identified by a plaque mounted within 10 feet of entry or exit of escalator in the main escalator lobby. The font size for letters on the plaque shall be at least 18 and the plaque must state that the escalator is regulated by the Mississippi Department of Insurance and include the Department's telephone number **(800) 562-2957 for in-state calls and (866) 856-1982 for out of state calls** and the building management's telephone number.

(c) if the certificate relates to a chairlift, platform lift, automated people mover operated by cables, moving sidewalk, or related equipment – on the box containing the control circuitry.

(12) The building owner must display an inspection report until a current certificate of compliance is issued by the Administrator.

(13) The building owner must have equipment re-inspected and re-certified if the equipment:

(a) has been altered;

(b) has been determined to have a reportable condition;

(c) has had any alteration made to the interior of elevator car enclosures or flooring; or

(d) inspection report show an existing violation has continued longer than permitted in a delay granted by the executive director.

(14) The building owner shall have copies of all current department issued waivers, delays and new technology variances posted in the machine room/machinery space in a readily accessible and visible location available to elevator personnel.

(15) Any building owner who shall violate any of the provisions of the Mississippi Safety Conveyance Act shall be fined an amount not to exceed One Thousand Five Hundred Dollars ($1,500.00).

Source: *Miss. Code Ann.* §§ 45-45-13; 83-5-1 (Supp. 2013)

Rule 1.23: Responsibilities of the Inspector – Inspection Procedures

(1) The inspector must inspect all equipment for compliance with the applicable ASME Safety Codes or ASCE Standards as adopted in this Regulation.

(2) Inspectors must use the currently published edition of ASME A17.2, and the "Guide for Inspection of Elevators, Escalators, and Moving Walks" to conduct inspections and witness tests for compliance with the ASME Safety Codes or ASCE Standards adopted in this Regulation.

(3) The inspector shall report to the building owner before beginning any inspections.

(4) The inspector and the building owner must sign and date the inspection report.

(5) The inspector shall not perform any of the tests.

(6) On new or altered equipment installations, the inspector may perform an inspection prior to the installation being completed. However, on these installations the department will only accept inspection reports for final inspections performed by the inspector after the installation is completed.

(7) For new installations or alterations to existing equipment, the inspector shall verify that approved applications and plans are on the site as specified in this Regulation and shall not proceed with the inspection without the approved application and plans.

(8) The inspector shall verify that the installation or alterations comply with the approved application and plans.

(9) New or altered units that fail to comply with the approved application and plans shall not be placed in-service without the prior written approval of the department.

(a) The inspector shall compare the installation to the approved application and plans.

(b) The inspector shall not allow any installation that deviates from the approved application and plans to be placed into operation without the specific written authorization of the department.

Source: *Miss. Code Ann*. §§45-45-13; 83-5-1 (Supp. 2013)

Rule 1.24: Responsibilities of the Inspector – Department Forms

(1) The inspector must use current department-approved forms for reporting inspections.

(2) The department forms shall be filled out completely, and shall be used to report the inspections of existing equipment and final inspections of new or altered equipment.

(3) The inspector must list all violations of the technical requirements by code number and code edition for each unit inspected, and include a written description of the violation on the department form. If the technical requirements refer to another code, the inspector must list both code numbers and include a written descript of the violation.

(4) The inspector may not use the department equipment inspection form to report the results of an inspection to the owner of equipment that is exempt under this Regulation and for construction – use only elevators.

Source: *Miss. Code Ann*. §§ 45-45-13; 83-5-1 (Supp. 2013)

Rule 1.25: Responsibilities of the Inspector – Inspectors Equipment Decals

(1) Each unit of equipment shall be identified with a unique identification number decal issued by the department, which the inspector must affix in a conspicuous place. The decal shall remain on the control panel for the life of the equipment.

(2) An additional department decal shall not be affixed to equipment that has a current department decal displayed.

(3) All correspondence and inspection reports shall reference the decal number and building ID number, as reflected on the certificate of compliance.

(4) If an inspector places a new decal on a unit of equipment to replace a lost or destroyed decal, the inspector must report the equipment's location, old decal number, and new decal number to the department within ten calendar days of placing the new decal number upon the equipment.

Source: *Miss. Code Ann.* §§ 45-45-13; 45-45-37; 83-5-1 (Supp. 2013)

Rule 1.26: Responsibilities of the Contractor – Compliance with Plan Review

(1) The contractor shall comply with the requirements for plan review as set forth in this chapter.

(2) The contractor shall provide the inspector a copy of the approved application and plans and, upon completion of the inspection, leave a copy of the approved application and plans in the machine room, machine space, control room, or control space.

Source: *Miss. Code Ann.* §§ 45-45-13; 45-45-37; 83-5-1 (Supp. 2013)

Rule 1.27: Plan Review – Required

(1) Prior to beginning the installation or alteration of equipment at any individual location, the contractor shall submit and have approved an application and plans describing the installation or alteration.

(2) The contractor shall submit two (2) copies of the plans to be reviewed to the department. These copies shall be submitted in a manner prescribed by the department.

Source: *Miss. Code Ann.* §§ 45-45-13; 83-5-1 (Supp. 2013)

Rule 1.28: Plan Review – New Equipment

(1) A contractor must submit for review an application and plans for the installation of new equipment.

(2) To apply for a plan review for the installation of new equipment, a contractor must:

(a) submit a completed application on a department-approved form;

(b) pay the fee required by this Regulation; and

(c) submit layout drawings as specified in this Regulation for the specific type of equipment to be installed. These layout drawings shall also include:

(i) the rated speed of the equipment in feet per minute;

(ii) the rated capacity of the equipment in pound;

(iii) the total travel of the equipment in feet and inches;

(iv) elevation drawings of the hoistway, runway, or wellway; and

(v) plan drawings indicating the arrangement of the equipment in a machine room, machine space, control room, or control space.

Source: *Miss. Code Ann*. §§ 45-45-13; 45-45-37; 83-5-1 (Supp. 2013)

Rule 1.29: Plan Review – Alteration of Existing Equipment

(1) A contractor must submit for review an application and plans for the alteration of existing equipment.

(2) To apply for a plan review for the alteration of existing equipment, a contractor must:

(a) submit a completed application on a department-approved form;

(b) pay the fee required by this Regulation; and

(c) submit a written description of the scope of work, which shall include a description of each alteration to be performed.

(3) In addition to submitting the items under subsection (2), a contractor must submit layout drawings as specified in this Regulation for the specific type of equipment, if the alteration described in subsection (2)(c) results in one or more of the following changes:

(a) the rated speed of the equipment in feet per minute

(b) the rated capacity of the equipment in pounds;

(c) the total travel of the equipment in feet and inches;

(d) the classification of the equipment, such as passenger elevator to freight elevator or freight elevator to passenger elevator; or

(e) the driving machine is re-located.

Source: *Miss. Code Ann.* §§ 45-45-13; 45-45-37; 83-5-1 (Supp. 2013)

Rule 1.30: Plan Review – Department Approval or Denial

The Administrator shall conduct a plan review of the installation of new equipment or the alteration of existing equipment and may:

(a) approve the application and plans as submitted;

(b) approve the application and plans with conditions; or

(c) deny the application and plans and will provide the applicant with the reasons for denial.

Source: *Miss. Code Ann.* §§ 45-45-13; 45-45-37; 83-5-1 (Supp. 2013)

Rule 1.31: Plan Review – Amendments

(1) If the installation or alteration has already been completed, any changes to an approved application and plans for the installation of new equipment or the alteration of existing equipment must be resubmitted in accordance with this Regulation.

(2) If the installation or alteration has not been completed, a contractor may amend a previously approved application and plans for the installation of new equipment or the alteration of existing equipment.

(3) To apply for a plan of any amendments to a previously approved plan review under subsection (2), a contractor must:

(a) submit a completed application on a department-approved form;

(b) pay the fee require by this Regulation; and

(c) submit a written description of the scope of work which shall include a description of each alteration to be performed.

(4) In addition to submitting the items under subsection (3), a contractor must submit layout drawings as specified by this Regulation for the specific type of equipment, if the alteration described in subsection (3)(c) results in one or more of the following changes:

(a) the rated speed of the equipment in feet per minute;

(b) the rated capacity of the equipment in pounds;

(c) the total travel of the equipment in feet and inches;

(d) the classification of the equipment, such as passenger elevator to freight elevator or freight elevator to passenger elevator; or

(e) the driving machine is re-located.

Source: *Miss. Code Ann*. §§ 45-45-13; 45-45-37; 83-5-1 (Supp. 2013)

Rule 1.32: Complaints

A person may file a complaint with the Administrator by doing so in writing, setting forth a full statement of the facts concerning the alleged infraction of the elevator licensing law or rules. In the event a complaint is filed with the Administrator, the Administrator's investigation shall not be limited to the matter set forth in the request for investigation but may extend to any act coming to the attention of the Administrator which appears to violate the law or these rules.

Source: *Miss. Code Ann*. §§ 45-45-37; 83-5-1 (Supp. 2013)

Rule 1.33: Initiating a Complaint against a Licensee

(1) Form of complaint filing. A person may register a complaint against a mechanic or inspector licensed by the elevator Administrator by filing a written complaint with the Department of Labor. The written complaint must set forth, at a minimum, the nature, date and place of the alleged violations. The Administrator may also initiate a license review procedure on its own motion by filing a complaint with the department.

(2) Verification. Upon receipt of a complaint, the department will verify the license number of the person against whom the complaint is lodged. If the person is unlicensed and the complaint alleges criminal conduct, the department will refer the complaint to the office of the Attorney General or the Office of the District Attorney having jurisdiction over the case. If the person is a licensee of the

Administrator, the department will docket the complaint and open an investigation file under the name and license number of the person.

Source: *Miss. Code Ann.* §§ 45-45-37; 83-5-1 (Supp. 2013)

Rule 1.34: Disciplinary Proceedings

(1) The Administrator may revoke or suspend a license. This shall not preclude the Administrator from taking lesser steps, including, but not limited to formal reprimand, required education, civil penalty, etc. The Administrator may act if any one or more of the following reasons exist:

(a) Any false statement as to material matter in the application.

(b) Fraud, misrepresentation, or bribery in securing a license.

(c) Failure to notify the administrator and the owner or lessee of an elevator or related mechanism of any condition not in compliance with this chapter.

(d) Violation of any provisions of this chapter.

(2) The Administrator may take these actions only after hearing before the Administrator upon notice and hearing to the licensee or applicant of at least twenty (20) days at the last known address appearing on the license or application, served personally or by registered mail.

Source: *Miss. Code Ann.* §§ 45-45-17; 83-5-1 (Supp. 2013)

Rule 1.35: Appeal Procedures

(1) Any person, sole proprietor, firm, or corporation whose license is revoked, suspended or subject to civil penalty, or whose license application is denied, may appeal from such determination to the Commissioner of Insurance, which shall within thirty (30) days thereafter, hold a hearing, of which at least fifteen (15) days written notice shall be given to all interested parties. The Commissioner shall, within thirty (30) days after such hearing, issue a decision.

(2) Any person, sole proprietor, firm or corporation whose license is revoked, suspended or subject to civil penalty, or whose license application is denied after appeal to the Commissioner, may appeal such determination to the Chancery Court of the First Judicial District of Hinds County, Mississippi, within twenty (20) days of the final ruling.

Source: *Miss. Code Ann.* §§ 45-45-17; 83-5-1 (Supp. 2013)

Rule 1.36: Administrative Penalties/Fines

(1) In assessing the penalty for code violations the administrator or administrator's designee shall consider the seriousness of the hazard, the number of people exposed to the hazard whether or not the violation was corrected after notification of its existence, and whether the person has been disciplined for the same or similar violation previously. When a monetary penalty is assessed the fine shall be as follows:

(a) Operating equipment without an operating certificate.

First Offense…….…$ 250.00
Further Offenses……...$ 500.00

(b) Operating Equipment in unsafe condition.

First Offense…….…$ 500.00
Further Offenses…...……1,000.00

(c) Owner/User not allowing free access for the purpose of inspecting or investigating the equipment.

First Offense……..……..….…$ 500.00
Further Offenses……..……..……..……...$1,000.00

(d) Placing unit back in service, which has been "Red-Tagged" and placed out of service by an inspector, without first having the unit pass inspection.

Any Offense……..…….....$1,500.00

(e) Turning equipment over for use without a final acceptance inspection.

First Offense…….…$ 500.00
Further Offenses……..……...$1,000.00

(f) Any installer who installs equipment without a permit.

First Offense……Double Permit Fee (up to $1,500.00)
Further Offenses……..…… …...Triple Permit Fee (up to $1,500.00)

(g) Any other violation of adopted Code, Standards, Rules, or Regulations.

First Offense…….…$ 250.00
Further Offenses……...$ 500.00

(h) Any violation of these provisions by a Building Owner.

Maximum fine per violation…….$1,500.00

(2) Administrative penalties issued under these rules shall not be construed to limit the authority of the administrator to issue orders, revoke permits, revoke licenses or take any other appropriate enforcement action in addition to the administrative fines.

Source: *Miss. Code Ann.* §§ 45-45-37; 83-5-1 (Supp. 2013)

Rule 1.37: Responsibility of Liability

This Regulation shall not be construed to relieve or lessen the responsibility or liability of any person, firm, or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, inspecting, testing, or repairing any elevator or other related mechanism covered by this chapter for damages to person or property caused by any defect therein, nor does the state assume any such liability or responsibility therefor or any liability to any person for whatsoever reason by the enactment of this Regulation or any acts or omissions arising hereunder.

Source: *Miss. Code Ann.* §§ 45-45-37; 83-5-1 (Supp. 2013)

Rule 1.38: Severability

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Source: *Miss. Code Ann.* § 45-45-1, et seq; § 83-5-1 (Supp. 2013)

Rule 1.39: Effective Date

This Regulation shall take effect and be in force from and after July 1, 2013.

Source: *Miss. Code Ann.* § 25-43-3.112 (Rev. 2011)

STATE OF MISSISSIPPI
STATE FIRE MARSHAL'S OFFICE
Application for Variance

CONVEYANCE PERMIT #_____ NEW CONSTRUCTION_____ EXISTING_____

Application is hereby made to the Administrator to grant a variance from a provision of the Mississippi Conveyance Safety Act or the rules and regulations promulgated hereunder.

Code Section _____ _____ Rule or Regulation_____

This request for a variance or exception is requested for the following reason(s):

Address of Variance Site:

_____MS_____
Street Address City Zip

Petitioner's Name_____

Email Address_____

Petitioner's Address:_____

Owner's Name_____

Owner's Address:_____

DATE_____ OWNER_____
Signature

Conditions of Approval: All approval code variance issued are subject to any special conditions that might be required of the owner applicant to insure safe operation of equipment considered herein. All approved code variances issued by the Administrator are subject to review and repeal at any time when future inspections, tests, or events reveal unsafe risks or operation due to the approval of this variance. Hardships due to financial issues are not a consideration for granting of a variance by the Administrator. All approved code variances shall be considered as one-time events for certain pieces of equipment and in no way should be considered a precedent for future variance requests unless specifically designated as such by the Administrator. A copy of this approved variance will be displayed in the equipment machine room of the variance site.

Staff Use Only: APPROVED_____ DENIED_____ DATE_____

Source: *Miss. Code Ann*. §§ 45-45-13; 83-5-1 (Supp. 2013)

ATTACHMENT "A"