

DOB Representatives Reiterate Elevator Rules at the February 3 Meeting of the Elevator Conference of New York

BRONX, NY -- At the ECNY meeting held on February 3, the DOB reported that since the inception of the new elevator testing procedure requiring third-party witnessing, there has been a 20% decline in reported elevator-related accidents. The following items discussed at the meeting are clarifications of several Elevator Regulations and reiterations of fees and civil penalties.

Re: Passenger Elevators/Freight Cars/Wheelchair Lifts

- There must be a minimum of 4 months between the performance of annual Category 1 tests
- The Elevator Division's goal is to post all ELV-3 Test Reports in BIS within 15 days of receipt of the test report **from the fiscal unit**
- If an ELV-3 Test Report is rejected for an **inaccurate device number, inspection date, inspection disposition or missing signature**, a corrected form must be submitted with another \$30 or \$40 Re-Filing Fee **AND the 45-day clock continues to run**
- If an ELV-3 Test Report is rejected for a **late filing**, the **civil penalty of \$150 per device per month** for Category 1 tests, and \$250 per device per month for Category 5 tests must be paid
- A new civil penalty will be assessed for late filing every 45 days after the original inspection date
- If you know that a test report is being filed late, you can pay the civil penalty at the time of filing instead of waiting for a rejection and notification of civil penalty.
- If a test report is rejected for any other reason, it can be submitted at the 4th floor customer service window with no new filing fees (**the 45 day clock is continues to run**)
- An Affirmation of Correction cannot be filed until the test report is accepted on BIS
- A waiver of civil penalty to dispute a penalty that was wrongfully assessed by the DOB, must be filed at the 6th floor with supporting documentation. If waiver is denied, the 45-day clock continues to run
- The Affirmation of Correction process for unsatisfactory corrections is currently being reviewed for compliance days (it cannot be changed until the next code update)

Private residence elevators

- Private residence elevators require Category 5 tests if applicable

- Private residence wheelchair lifts do not need to have their tests filed at the DOB. However, the owner needs to keep a maintenance log which indicates that all required tests have been completed. Violations and penalties could result if these records are not satisfactorily maintained.

Commercial Wheelchair Lifts

- Commercial wheel chair lifts require a third-party witness
- The DOB is to send out a mass mailing to all property owners with wheelchair lifts reminding them of testing requirements

Violations

- The 2009 Category 1 Violations have been mailed out to all of the respective building owners
- Category 5 Violations will be mailed out for all CAT 5 tests which were due during October through December 2010 and which were not filed
- If a copy of a PVT (issued in 2009 or 2010) is not available, the item/items can be corrected with the submission of a satisfactory Category 1 or Category 5 test dated after 2009
- PVTs issued prior to 2003 can be corrected with the submission of a current satisfactory test
- A PVT issued to a private residence can be dismissed administratively
- If an elevator is under modernization and cannot be tested, an unsatisfactory ELV-3 Test Report must be filed indicating the EA number, that the car is out of service and what the projected return to service date is. The ELV-3 Test Report will be reviewed by the respective area chief
- If an owner is seeking a Certificate of Occupancy or a J-51, a copy of the clocked in Elevator Batching Intake (EBI-1) form can be submitted to the 4th floor with an ELV-3 Test Report and a letter from the owner on letterhead stating such. The test report submitted to the 6th floor must indicate a CO or J-51 request

For Elevator Companies:

- Tax exempt test reports can be filed directly with the 4th floor
- If a device does not have a city ID number, the DOB must be notified, so they can send an inspector to verify the existence of the device and issue a city ID number. Then the report can be filed.

- At the present time, the background check for a new director or inspector license is taking approximately 8 to 12 months
- For old elevators, when the installation date is not available, you can put Subchapter 18 – 1986 on the code data plate
- The Affirmation of Correction process for unsatisfactory corrections is currently being reviewed for compliance days (it cannot be changed until the next code update)
- The administrative deal line for Cat 1 tests is December 31 (the system will automatically issued civil penalties for any test not completed)
- The code deadline for tests is the anniversary month of the previous test (a violation can be issued upon an inspection for a expired test – necessitating the completion of the appropriate test and the filing of a AOC)
- By January 12, 2012 the performer must also be a licensed inspector