

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 24.301.603 definitions, ) PROPOSED AMENDMENT  
24.301.606 plan review and permit )  
fee, and 24.301.607 inspections - )  
certificates - fees )

TO: All Concerned Persons

1. On October 2, 2014, at 9:00 a.m., a public hearing will be held in the Large Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Building Codes Bureau no later than 5:00 p.m., on September 26, 2014, to advise us of the nature of the accommodation that you need. Please contact David White, Building Codes Bureau, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2009; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2050; or dlibsdbcb@mt.gov (board's e-mail).

3. GENERAL REASONABLE NECESSITY STATEMENT: The department determined it is reasonably necessary to amend several Elevator Safety Program (program) rules to remain compliant with the requirements of 37-1-134, MCA. Following an extensive program analysis and valid budgetary projections, the department concluded that the program is not operating in the manner required to keep the program's fees commensurate with associated costs.

Currently, the costs associated with a multi-story elevator are the same as the costs for a double stop device. Because actual inspection costs vary with the number of building floors and stops, the department is proposing to add a fee per stop for elevator plan review and permits, inspections, and reinspections. These fee adjustments will more accurately reflect the actual costs of the required inspections. The department is also defining an elevator "stop" to address confusion as to where passengers or freight may enter or depart, as this is directly related to the fee calculation.

The department estimates that the proposed fee changes will affect approximately 2,745 devices and result in additional annual revenue of \$464,000.

4. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.301.603 DEFINITIONS (1) through (3) remain the same.

(4) "Stop" for the purpose of fee calculation is any vertical or horizontal location of the elevator opening, escalator, or moving walk which is used to receive or discharge passengers or freight.

AUTH: 50-60-203, 50-60-705, 50-60-715, MCA

IMP: 37-73-201, 37-73-203, 37-73-208, 37-73-212, ~~50-60-703~~, 50-60-704, 50-60-705, 50-60-715, MCA

REASON: Implementation citations are amended to accurately reflect all statutes implemented through the rule by deleting reference to a repealed statute.

24.301.606 PLAN REVIEW AND PERMIT FEE (1) and (2) remain the same.

(a) valuation up to and including \$40,000 \$200

plus \$50 per stop excluding lifts

(b) valuation over \$40,000 \$200

plus \$50 per stop excluding lifts.

plus \$3 for each \$1,000 or fraction thereof over \$40,000

(3) through (6) remain the same.

AUTH: 50-60-705, 50-60-709, MCA

IMP: 50-60-105, 50-60-709, 50-60-711, MCA

24.301.607 INSPECTIONS - CERTIFICATES - FEES (1) through (7) remain the same.

(8) The fee for each separate department of inspection (~~initial~~, annual, biennial, accident, or reinspection) is:

(a) elevator, escalator, and moving walk \$140 per conveyance

plus \$50 per stop

(b) lifts \$100 per conveyance

(c) department processing fee for a condition report issued by licensed private inspector \$10 per conveyance

(d) certificate of inspection fee \$10 per conveyance

(e) initial inspection for elevator, escalator, or moving walk

\$300 per conveyance plus \$50 per stop

(f) reinspection of initial inspection \$300 per conveyance

plus \$50 per stop

(9) remains the same.

AUTH: 50-60-705, 50-60-711, MCA

IMP: 50-60-103, 50-60-705, 50-60-706, 50-60-711, 50-60-715, MCA

REASON: In addition to the new \$50 per stop fees, the department is amending this rule to more accurately reflect the costs for initial inspections and reinspection of initial inspections. Because these types of inspections are more involved and labor-intensive for inspectors, it is reasonably necessary to increase the fees to a level commensurate with the associated costs. The department is presenting these fees separately in this rule for added clarity.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to David White, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2050, or e-mail to [dlibsdbcb@mt.gov](mailto:dlibsdbcb@mt.gov) and must be received no later than 5:00 p.m., October 10, 2014.

6. An electronic copy of this notice of public hearing is available at [www.buildingcodes.mt.gov](http://www.buildingcodes.mt.gov) (department and program's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board or program administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to David White, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2050; e-mailed to [dlibsdbcb@mt.gov](mailto:dlibsdbcb@mt.gov); or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of ARM 24.301.603, 24.301.606, and 24.301.607 will not significantly and directly impact small businesses.

Documentation of the department's above-stated determinations is available upon request to David White, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2050, or by e-mail to [dlibsdbcb@mt.gov](mailto:dlibsdbcb@mt.gov).

10. Colleen White, attorney, has been designated to preside over and conduct this hearing.

/s/ DARCEE L. MOE  
Darcee L. Moe  
Rule Reviewer

/s/ PAM BUCY  
Pam Bucy, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State August 25, 2014