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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Sharon Busch, AAC Contact  
Department of Labor and Workforce Development

**FROM:** Scott Clark  
Special Assistant  
907.465.4081 

**DATE:** January 24, 2011

**RE:** Filed Permanent Regulations: Department of Labor and Workforce Development  
  
Department of Labor and Workforce Dev. Regulations re: Broiler and Pressure Vessel Code; Elevator and Plumbing Safety; Certificates of Fitness: 8 AAC 61; 8 AAC 62; 8 AAC 63; 8 AAC 77; 8 AAC 80; 8 AAC 90

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Attorney General File: JU2010201630  
Regulation Filed: 1/24/2011  
Effective Date: 2/23/2011  
Print: 197, April 2011

cc with enclosures: Linda Miller, Department of Law  
Jim Pound, Administrative Regulation Review Committee  
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS OF  
THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT


The attached 31 pages of regulations, dealing with hazardous painting certification, explosive handler certificate of fitness, plumbing safety, electrical safety, boiler and pressure vessel code regulation, elevator safety standards, and certificate of fitness application processes, are adopted and certified to be a correct copy of the regulation changes that the Department of Labor and Workforce Development adopts under the authority of AS 08.52.010, AS 08.52.040, AS 08.52.050, AS 18.60.180, AS 18.60.220, AS 18.60.315, AS 18.60.705, AS 18.60.710, AS 18.60.800, AS 18.62.060, AS 18.63.060, and AS 23.05.060 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Labor and Workforce Development paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 1-18-2011  
Juneau, Alaska

  
Clark Bishop, Commissioner

v Scott Clark for

FILING CERTIFICATION

I, Mead Treadwell, Lieutenant Governor for the State of Alaska, certify that on

January 24, 2011, at 12:27pm., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
Lieutenant Governor Mead Treadwell

Effective: February 23, 2011

Register: 197, April 2011

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, MEAD TREADWELL, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employee to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**Scott Clark, SPECIAL ASSISTANT**



**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 8, 2010.**

A handwritten signature in black ink, appearing to read "Mead Treadwell", is written over a horizontal dotted line.

**MEAD TREADWELL  
LIEUTENANT GOVERNOR**

**Chapter 61. Occupational Safety and Health.**

**Article 9. Painting Certification.**

8 AAC 61.855(b) is amended to read:

(b) A person must provide proof that **the person** [HE OR SHE] completed the training course not more than **90** [30] days before sending the application for a certificate to the department. Proof of completion must be on the application form provided by the department to the operator of the training program. The completed application form must indicate the applicant's name, address, physical description, and **the applicant's** [HIS OR HER] score on the examination required under 8 AAC 61.850(a).

(Eff. 5/14/89, Register 110; am 6/14/2006, Register 178, am 2 / 23 /2011, Register 197)

**Authority:** AS 18.63.020 AS 18.63.060

**Chapter 62. Explosive Handlers.**

8 AAC 62.020(b) is amended to read:

(b) The application must include two copies of the applicant's fingerprints and fees as required under AS 08.52.035, **except that an applicant may instead submit the applicant's original documentation issued by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (USATFE) showing the applicant's successful background check conducted within the 18 months preceding the date of application by USATFE for the purposes of obtaining a federal license for the transportation, shipping, receiving, or possession of**

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**explosive materials.** (Eff. 1/2/71, Register 36; am 5/26/79, Register 70; am 9/27/2008, Register 187; am 2 / 23 /2011, Register 197)

**Authority:** AS 08.52.010 AS 08.52.030 AS 08.52.035

8 AAC 62.055(d) is amended to read:

(d) The application must include two copies of the applicant's fingerprints and fees as required under AS 08.52.035, **except that an applicant may instead submit the applicant's original documentation issued by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (USATFE) showing the applicant's successful background check conducted within the 18 months preceding the date of application by USATFE for the purposes of obtaining a federal license for the transportation, shipping, receiving, or possession of explosive materials.** (Eff. 5/26/79, Register 70; am 7/31/86, Register 99; am 11/7/93, Register 128; am 9/27/2008, Register 187; am 2 / 23 /2011, Register 197)

**Authority:** AS 08.52.010 AS 08.52.035 AS 08.52.050  
AS 08.52.030 AS 08.52.040

### **Chapter 63. Plumbing Code.**

8 AAC 63.010(a) is amended to read:

(a) The codes set out in this section are adopted in accordance with AS 18.60.705 as the minimum plumbing standards to be followed throughout the state. The Department of Labor and Workforce Development adopts the following codes by reference that are published by the

International Association of Plumbing and Mechanical Officials (IAPMO) and were adopted by IAPMO at its 79th [76TH] annual conference, **October 1, 2008** [SEPTEMBER 2005]:

(1) *Uniform Plumbing Code*, **2009** [2006] Edition, paragraphs **101.0 - 101.5.6** [101.3 - 101.5.6], 103.5.1.1 - 103.5.1.4, 103.5.3 - 103.5.3.5, 103.5.5.1 - 103.5.5.2, 103.5.6.1 - 103.5.6.3, and 103.8.1 - 103.8.2 of chapter 1, chapters 2 through 10, chapter 11 excluding the requirements of section 1101.5, chapters 12 through 16, and appendices A through L, **with the following revisions:**

**(A) Section 412.3(3) of the Uniform Plumbing Code is amended by adding the following language to line one of the section, after the words "mercantile occupancies": ", except food service establishments with seating,";**

**(B) Section 508.5 of the Uniform Plumbing Code is amended by adding a section 508.5.1 which reads: "508.5.1. When a water heater is installed upon a platform, such as within a garage, the water heater relief valve piping shall discharge to the floor over the edge of the platform.";**

**(C) Section 1213.0 of the Uniform Plumbing Code is amended by adding section 1213.1 which reads: "1213.1. In addition to the requirements of this code for gas piping, the facilities and piping for use with liquefied petroleum gas shall meet the following requirements:**

**(A) Liquefied petroleum gas piping shall not serve any gas fired appliance located in a pit or basement where heavier than air gas might collect to form a flammable mixture.**

**(B) Pipe joint compounds used on threaded connections shall be insoluble in liquefied petroleum gas.**

**(C) Every valve and appurtenance used on such piping shall be designed and approved for use with liquefied petroleum gas.**

**(D) Relief valves shall discharge to the exterior of the building into the air and shall be at least five feet horizontally away from any opening into a building that is below the discharge opening.";**

(2) *Uniform Swimming Pool, Spa and Hot Tub Code, 2009* [2006] edition, excluding chapter 1, Administration;

(3) *Uniform Solar Energy Code, 2009* [2006] edition, excluding chapter 1, Administration.

(Eff. 8/5/72, Register 43; am 7/12/81, Register 79; am 11/1/2000, Register 156; am 9/25/2002, Register 163; am 12/6/2003, Register 168; am 9/27/2008, Register 187; am 2 / 23 /2011, Register 197.)

**Authority:** AS 18.60.705 AS 18.60.710

## **Chapter 77. Elevator Safety Standards.**

### **Article 1. Elevator Safety Standards Code.**

8 AAC 77.005(a)(1)(B) is amended to read:

(B) except as provided in [(b) AND] and (c) of this section, **and with the**

**following revisions:**

(i) Section 8.11.1.1.2 of ASME A17.1 - 2004 is revised by deleting subparagraphs (a) – (b) and replacing (a) – (b) with the following language:

"(a) Periodic tests shall be witnessed by an inspector employed by the authority having jurisdiction, or by persons authorized by the authority having jurisdiction.

(b) The owner or the owner's authorized agent shall have all of the tests required by section 8.11 made by qualified elevator personnel to perform such services and have those persons record all applicable data on a form provided by the department."

(ii) Section 8.11.1.3 of ASME A17.1 – 2004 is revised by adding the following language:

"(a) Periodic inspections of all devices subject to compliance with this code shall be inspected as directed in 8 AAC 77.025.

(b) Periodic category 1 testing shall be accomplished at an interval not to exceed 12 months.

(c) Periodic category 5 testing shall be accomplished at an interval not to exceed 60 months."

(iii) Section 8.11.1.6 of ASME A17.1 is revised by replacing the existing language to read: "8.11.1.6 Proof of Periodic Testing. Periodic testing of elevator equipment will be documented on a form provided by the department and that form will become a permanent part of the maintenance control program required by 8 AAC 77.025(f)."; and



8 AAC 77.005(a)(1)(C)(xiv) is repealed:

(xiv) repealed 2 / 23/2011;

8 AAC 77.005(a)(1)(C)(xv) is repealed:

(xv) repealed 2 / 23/2011;

8 AAC 77.005(b) is repealed:

(b) Repealed 2 / 23/2011.

(Eff. 10/21/79, Register 72; am 10/21/92, Register 124; am 12/17/99, Register 152; am 9/25/2002, Register 163; am 6/14/2006, Register 178; am 2 / 23 /2011, Register 197)

**Authority:** AS 18.60.800

## **Article 2. Inspection, Registration, and Certificate of Operation.**

8 AAC 77.025 is repealed and readopted to read:

**8 AAC 77.025. Elevator and escalator inspection.** (a) Except as specified in (b) of this section, an elevator will be inspected by the department on a biennial basis. However, the department may reinspect an elevator on a random basis between biennial inspections on the department's own initiative or on the complaint of a person to assure continued compliance with

applicable safety standards or if the department has reason to believe the condition complained of poses a present danger to persons in or about the elevator.

(b) An escalator will be inspected by the department on an annual basis. However, the department may reinspect an escalator on a random basis between annual inspections based on the department's own initiative or on the complaint of a person to assure continued compliance with applicable safety standards or if the department has reason to believe the condition complained of poses a present danger to persons in or about the escalator. If reasonable advance notice of the inspection is given, an escalator owner must have qualified personnel available to open up the devices for inspection and to perform the required inspection testing. A routine maintenance visit may be performed during the inspection visit if the maintenance function does not interfere or prolong the state inspection. During an inspection all records reflecting the daily startup and shut down procedures and the applicable logs must be available for review, including the maintenance control program required on each device.

(c) An owner who intends to install or alter an elevator shall ensure that the elevator contractor that will install or alter the elevator submits a working layout of the equipment or apparatus to the department before equipment is installed so that the department may determine whether the installation will meet the minimum safety standards established by AS 18.60.800(a) and this chapter. Before the device is placed in service, the owner shall arrange for inspection by an authorized inspector of the department. The inspection <sup>(15)</sup> ~~shall be considered~~ a special inspection and billed in one-hour minimum increments for work associated with the inspection and evaluation of inspection reports.

(d) An owner or operator shall report any entrapment or accident that results in the injury of a person and that involves an elevator or escalator, to the director in detail, within 48 hours

from the time of the occurrence. If the deadline falls on a weekend or state holiday, the report must be made at the beginning of the next state working day. The report shall be in the form of a written narrative to the director.

(e) The owner of an elevator or escalator shall immediately, by telephone, report to the department's mechanical inspection section any accident involving an elevator or escalator that results in a fatality or an injury that requires a person to receive a doctor's care. If the section's office is closed, the owner shall notify the local police or local office of the Department of Public Safety, division of state troopers. Within 48 hours after the accident, the owner shall mail a written report of the accident to the department's mechanical inspection section. The scene of the accident must be secured and not disturbed to any greater extent than is necessary to prevent additional injuries and to remove the deceased or injured person. If, in order to secure the area, the device is removed from service, the department will conduct an immediate investigation. The device may not be repaired or operated until the investigation is completed.

(f) The owner of an elevator or escalator must establish a maintenance control program that conforms to Sections 8.6 and 8.11 of the current A17.1 *Safety Code for Elevators and Escalators* adopted by reference under 8 AAC 77.005, and that at a minimum includes

- (1) maintenance records;
- (2) qualifications of elevator maintenance personnel, employed by the owner or contractor personnel if maintenance for the device is performed by an authorized elevator contractor personnel;
- (3) quarterly Fire Emergency Service Phase 1 testing, if an elevator;
- (4) responsible evacuation personnel listing;
- (5) wiring diagrams;

- (6) oil usage log;
- (7) security, including keys;
- (8) code data plates;
- (9) approval of persons authorized to perform periodic testing; and
- (10) periodic test forms.

(g) The following items related to an elevator or escalator are required to be on the premises and subject to inspection, as follows:

(1) keys for elevator room access shall be kept on the premises and accessible during normal business hours, as follows:

(A) stored in an area not accessible to public, such as a lock box located outside the elevator machine room;

(B) access to the lock box shall be provided to an authorized elevator inspector by either the elevator maintenance contractor or the owner; a minimum of four keys that will provide access to the lock box are required; these keys may not be maintained in the elevator pit; other elevator keys shall be maintained in the elevator room;

(2) approved evacuation procedures and evacuation personnel list must be on the premises where the elevator is located and in the same area as required keys, these lists may not be maintained in the elevator pit;

(3) instructions must be posted in the elevator machine room (elevator controller) for locating the required maintenance control program records; the records shall be maintained for historical purposes in a written format and remain available for inspection even if maintenance contractors change, or are not available at the time of the inspection;

(4) contact information must be posted in elevator machine room (elevator controller) for the current owner's agent responsible for the elevator and identity of the current elevator maintenance contractor, if the device maintenance is under contract; posted code data plate with all applicable code years entered for installation and any alterations on the elevator controller or the elevator controller's mainline disconnect switch in the elevator machine room; posted master periodic test tag in the elevator machine room;

(5) current elevator wiring diagrams in the elevator machine room;

(6) posted record of oil usage in the machine room of <sup>of</sup>unexposed<sup>of</sup> hydraulic elevators;

(7) qualifications of persons performing the elevator or escalator maintenance and periodic tests; these are persons who have received formalized training, either through a formal apprenticeship school or on-the-job through their employers, in the construction, maintenance, repair, inspection, or testing of code covered equipment.

(h) The owner of an elevator or escalator shall maintain the written maintenance and repair records on-site and shall make the records available for review by an authorized elevator inspector during normal business hours. Maintenance, repair, inspection reports and testing records must remain with the owner and on-site, available for review during normal business hours. Historic records shall remain with the device regardless of maintenance contractor.

(i) The owner of an elevator or escalator shall maintain a legible and permanent record in the machine room or other approved location of any rescues, repairs, or services or existing department approved code variances or waivers or special operating conditions to the device. The record must show who performed the action, what action was taken, and the date of the action. In addition, the record must show each variance approved under 8 AAC 77.085.

(j) An acceptance inspection may not result in the issuance of a certificate of operation, unless the department has

(1) verified all inspection reports for the device and determined that the reports are complete to illustrate code compliance;

(2) received verification submitted by the building owner or elevator contractor to illustrate that any code violations identified in the inspection report have been remedied; if code violations have not been remedied, the department must receive an explanation of the identified hazards associated with the violations, the reasons why the violations have not been remedied, the extended date of compliance and which code violations are under contract to be corrected;

(3) received in writing any request for a delay or waiver of code violation correction or special operating conditions; and

(4) determined that the inspection report is complete and all deficiencies in the report have been corrected, are under contract to be corrected, or have been approved through a departmental waiver.

(k) The department <sup>may</sup> reserves the right to perform a reinspection of any new or altered elevator as soon as practicable after a certificate of operation is issued. A reinspection will be conducted without charge, unless substantial non-compliance with a safety code or special operating condition is found, in which case the inspection will be charged as a special inspection. The department inspector may cite and enforce any code violations discovered during reinspection. (Eff. 10/21/79, Register 72; am 10/21/92, Register 124; am 12/17/99, Register 152; am 9/27/2008, Register 187; am 2/23/2011, Register 197)

**Authority:** AS 18.60.800

**Editor's note:** [THE ADDRESS FOR SUBMITTING REPORTS REQUIRED UNDER 8 AAC 77.025(c) IS DIVISION OF LABOR STANDARDS AND SAFETY, DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT, P.O. BOX 21149, JUNEAU, AK 99802-1149, TELEPHONE (907)465-4855, FAX (907) 465-3584.]

The address and telephone number for reporting as required in **8 AAC 77.025** [8 AAC 77.025(d)] is Mechanical Inspection Section, Division of Labor Standards and Safety, Department of Labor and Workforce Development, **3301 Eagle Street, Suite 302, Anchorage, AK 99503; telephone** [P.O. BOX 107020, ANCHORAGE, AK 99510-7020, PHONE] (907) 269-4925.

8 AAC 77 is amended by adding new sections to read:

**8 AAC 77.026. Registration requirements for authorized elevator inspector. (a)**

Before a person may perform an inspection of an elevator, the person must be authorized by the department under this section by meeting the registration requirements of this section.

(b) An applicant for an initial registration under this section shall submit a

(1) completed application of a form provided by the department;

(2) copy of both sides of the applicant's valid ASME QEI-1 elevator inspector certification card, in good standing; and

(3) resume or curriculum vitae reflecting that the applicant has a minimum of one year QEI-1 elevator inspector acceptance inspection experience for the type of equipment to be inspected.

(c) Before conducting an inspection, the applicant must complete an orientation session conducted by the department regarding approved inspection procedures, forms, and applicable laws and rules.

(d) An authorized elevator inspector's registration expires on December 31 of each year. An authorized elevator inspector must renew the inspector's registration by December 31 by submitting

(1) a completed renewal application on a form provided by the department;

(2) proof of the applicant's renewal of the applicant's Qualified Elevator Inspector (QEI-1) certification and proof of continuing education with the following documents:

(A) a copy of both sides of a valid ASME QEI-1 elevator safety inspector certification card;

(B) notice of any official complaints, criminal, or civil actions against the inspector, pending or otherwise, prior to the renewal application being submitted.

(e) In addition to the requirements for renewal under (d) of this section, the director may require that an applicant for renewal attend an updated orientation session described in (c) of this section.

(f) An authorized elevator inspector shall notify the department in writing no later than 30 days after any changes <sup>to the department</sup> to information submitted <sub>for</sub> for the previous year. (Eff. 2 / 23 /2011, Register 197)

**Authority:** AS 18.60.800

**8 AAC 77.028. Standards for authorized elevator inspector.** (a) An authorized elevator inspector must meet the following reporting requirements:



(1) an authorized elevator inspector shall conduct all inspections in accordance with the currently adopted edition of ASME A17.1, *Safety Code for Elevators and Escalators*; A18.1, *Safety Standard for Platform Lifts and Stairway Chairlifts* or the adopted portions of A17.3 *Safety Code for Existing Elevators and Escalators Code*;

(2) any violation of code shall be cited in the inspection report along with the applicable code, section, and rule;

(3) no later than seven working days after completing an inspection, the authorized elevator inspection shall complete inspection report on a form provided by the department, including a description of tests conducted and the results; the report must also include the following information in addition to all identified code violations and hazards:

- (A) address, legal description, and location of the device;
- (B) the device owner and invoice address;
- (C) date of inspection;
- (D) Alaska Device Number;
- (E) kind of device, such as elevator or escalator;
- (F) type of device, such as hydro or electric;
- (G) size capacity by weight limits;
- (H) manufacturer name;
- (I) date of manufacture and installation;
- (J) speed and number of stops;
- (K) number of passengers;
- (L) applicable code year for installation;
- (M) applicable code year for inspection (modernization/alteration);

(N) name and contact information for the device owner or individual on behalf of the device owner who received an inspection report;

(4) all inspection reports and any related correspondence must reference the equipment's device number;

(5) an authorized elevator inspector shall clearly note on the inspection report any equipment found to be an imminent or present danger, and shall report this status immediately by submitting a copy of the inspection report or other written notice to the building owner and to the department; the written notices shall be followed by the completed inspection report as required in (3) of this subsection;

(6) an authorized elevator inspector shall note on the inspection report whether or not the equipment is approved for use, the type of use, the certificate of operation expiration date, and any violation abatement date in accordance with 8 AAC 77.105.

(b) An authorized elevator inspector responsibilities include the following:

(1) the following inspection procedures:

(A) new or altered elevator installations may not be used by the public until the equipment is completely installed and all work is completed; a construction use inspection must be approved by the department in writing;

(B) an authorized elevator inspector shall only witness acceptance inspection tests performed by competent elevator personnel, as defined in ASME A17.1, employed by the installing or altering elevator contractor;

(2) an authorized elevator inspector shall use equipment as necessary to conduct and document a proper inspection;

(3) the following test tag requirements:

(A) an authorized elevator inspector shall be the person who fills out and attaches test tags to the equipment;

(B) the authorized elevator inspector shall legibly inscribe, by printing, all required information on each test tag;

(C) upon completion of an acceptance test, test tags shall be attached to the tested equipment with wire rope and lead seal; where possible, any adjustment requiring sealing shall be tightly sealed with wire rope and lead seal, or by an approved alternate method;

(D) the lead seal shall be crimped onto the wire rope using a crimping tool die bearing the department's seal and number assigned to the authorized elevator inspector;

(4) the following decal requirements:

(A) each unit of equipment shall be identified with a unique identification number decal issued by the department, which the authorized elevator inspector must affix in a conspicuous place on the front exterior of the main control panel;

(B) for altered elevators, any department decal displayed may be replaced by the more current decal. (Eff. 2 / 23 /2011, Register 197)

**Authority:** AS 18.60.800

8 AAC 77.030(a) is amended to read:

(a) The department will register and maintain a permanent record of all elevators inspected by **an authorized elevator inspector** [THE DEPARTMENT].

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8 AAC 77.030(b) is amended to read:

(b) Each elevator inspected by **an authorized elevator inspector** [THE DEPARTMENT] will be assigned a serial number and a tag or plate containing that number to be permanently affixed to the elevator machine controller.

(Eff. 10/21/79, Register 72; am 10/21/92, Register 124; am 12/17/99, Register 152; am 2/23 /2011, Register 197)

**Authority:** AS 18.60.800

8 AAC 77.045(a) is amended to read:

(a) A certificate of operation for an elevator will be suspended, revoked, or denied if the **authorized elevator** inspector as a result of an inspection determines that the elevator does not meet the safety requirements of AS 18.60.800 or this chapter and, in the case of a suspension or revocation of a certificate of operation, that the violation poses a present danger before the expiration date of that certificate.

(Eff. 10/21/79, Register 72; am 12/17/99, Register 152; am 2/23 /2011, Register 197)

**Authority:** AS 18.60.800

#### **Article 5. Violations.**

8 AAC 77.105 is amended to read:

**8 AAC 77.105. Violations.** (a) During the course of an inspection, the **authorized elevator** inspector shall make a written note of each violation of the applicable safety standards that the inspector observes.

(b) At the close of an inspection, the **authorized elevator** inspector shall review the findings with the owner of the elevator and provide the owner with a copy of the inspection report and a compliance card. If the owner of the elevator is not present, the **authorized elevator** inspector shall deliver or send a copy of the inspection report and a compliance card **to the owner by first class mail or electronic mail** [BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE OWNER].

(c) If providing a written notice of violation to the owner of the elevator, the **authorized elevator** inspector shall advise the owner of **the**

(1) [THE] period of time within which each violation must be remedied;

(2) [THE] owner's responsibility to return the compliance card to the department when the violations are corrected; and

(3) [THE] owner's right to appeal both the **authorized elevator** inspector's findings and the period of time allowed to remedy the violation. (Eff. 10/21/79, Register 72; am 12/17/99, Register 152; am 2/23 /2011, Register 197 )

**Authority:** AS 18.60.800

8 AAC 77.110(a)(1) is amended to read:

(1) if a violation poses no more than a remote danger to a person's physical safety in the near future, the violation must be remedied within a period of time determined by the **authorized elevator** inspector after consultation with the owner and the person maintaining or servicing the elevator;

8 AAC 77.110(a)(2)(B) is amended to read:

(B) the **authorized elevator** inspector shall post a notice on or near the accesses to the elevator warning that the elevator poses a threat of physical harm;

8 AAC 77.110(a)(3)(C) is amended to read:

(C) the **authorized elevator** inspector shall post a notice on or near the accesses to the elevator warning that the elevator poses a threat of physical harm, and shall serve upon the owner a cease and desist order.

8 AAC 77.110(b) is amended to read:

(b) If a violation is not or cannot be remedied within the period of time prescribed under (a)(2) of this section, the owner shall close and cease further use of the elevator until the

violation is remedied to the satisfaction of the department. If an owner refuses or fails to close and cease the use of the elevator, the **authorized elevator** inspector shall post a notice on or near accesses to the elevator warning that the elevator poses a threat of physical harm and will serve upon the owner a cease and desist order.

8 AAC 77.110(c) is amended to read:

(c) An owner may request from the **authorized elevator** inspector an extension of time to remedy a violation. The **authorized elevator** inspector shall grant an extension if the owner demonstrates to the inspector's satisfaction that the condition violated poses no more than a remote threat of physical harm occurring within the period of the requested extension, or if the owner has undertaken temporary remedies that the inspector considers to have substantially reduced the threat of physical harm occurring within the period of the requested extension. (Eff. 10/21/79, Register 72; am 12/17/99, Register 152; am 2 / 23 /2011, Register 197)

**Authority:** AS 18.60.800

#### **Article 6. Appeals.**

The lead-in language of 8 AAC 77.130(b) is amended to read:

(b) The appeal must be in writing and may be delivered in person to any **mechanical inspection section** office of the labor standards and safety **division of the department**

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[DIVISION/MECHANICAL INSPECTION] or mailed to the **commissioner**

[COMMISSIONER OF LABOR, P.O. BOX 21149, JUNEAU, ALASKA 99802-1149]. The appeal must

...

8 AAC 77.130(c) is amended to read:

(c) The commissioner will request the **authorized elevator** inspector whose decision is challenged in the appeal to submit in writing the **authorized elevator** inspector's response to the appeal. The commissioner **may** [WILL, IN THE COMMISSIONER'S DISCRETION,] obtain the recommendation of an independent expert knowledgeable in the field of elevator safety as a further basis for a determination.

8 AAC 77.130(d) is amended to read:

(d) The commissioner will make a decision on the appeal **no later than** [WITHIN] 30 days after receipt of a request for appeal based on the arguments submitted by the appellant, the response of the **authorized elevator** inspector, and the recommendation, if any, obtained under (c) of this section from an independent expert. The commissioner's decision is the final agency decision. (Eff. 10/21/79, Register 72; am 10/21/92, Register 124; am 12/17/99, Register 152; am 2 / 23 /2011, Register 197)

**Authority:** AS 18.60.800



**Editor's note:** The mailing address for the commissioner is Commissioner of Labor and Workforce Development, P.O. Box 111149, Juneau, AK 99811-1149.

### **Article 7. General Provisions.**

8 AAC 77.905(7) is repealed:

(7) repealed 2 / 23 /2011;

8 AAC 77.905 is amended by adding new paragraphs to read:

(12) "authorized elevator inspector" means an inspector qualified under 8 AAC 77.026 to perform elevator inspections for the labor standards and safety division;

(13) "elevator personnel" means personnel who have been trained in the construction, maintenance, repair, inspection, or testing of the particular type of device they are constructing, maintaining, repairing, inspecting, or testing. (Eff. 10/21/79, Register 72; am 10/21/92, Register 124; am 12/17/99, Register 152; am 6/14/2006, Register 178; am 2 / 23 /2011, Register 197)

**Authority:** AS 18.60.800

## **Chapter 80. Boiler and Pressure Vessel**

### **Construction Code.**

### **Article 5. General Provisions.**

8 AAC 80 is amended by adding a new section to read:

**8 AAC 80.700. Reporting of boiler or pressure vessel accidents.** (a) An owner or operator shall report any accident that results in the injury of a person and that involves a boiler or pressure vessel, to the director in detail, within 48 hours from the time of the occurrence. If the deadline falls on a weekend or state holiday, the report must be made at the beginning of the next state working day. The report shall be in the form of a written narrative to the director.

(b) The owner of a boiler or pressure vessel shall immediately, by telephone or electronic mail, report to the department's mechanical inspection section any accident involving a boiler or pressure vessel that results in a fatality or an injury that requires a person to receive a doctor's care. If the section's office is closed, the owner shall notify the local police or local office of the Department of Public Safety, division of state troopers. On the next business day following the accident, the owner shall mail or send by electronic mail a written report of the accident to the department's mechanical inspection section. The scene of the accident must be secured and not disturbed to any greater extent than is necessary to prevent additional injuries and to remove the deceased or injured person. If, in order to secure the area, the device is removed from service, the department will conduct an immediate investigation. The device may not be repaired or operated until the investigation is completed. (Eff. 2 / 23 /2011, Register 197 )

**Authority:** AS 18.60.180 AS 18.60.220

8 AAC 80.900 is amended by adding a new subsection to read:

(d) As used in AS 18.60.210(a)(6), "place of public assembly" has the same meaning given "public structures" in AS 18.60.660. (Eff. 6/21/84, Register 90; am 10/21/92, Register

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124; am 12/17/99, Register 152; am 11/1/2000, Register 156; am 9/25/2002, Register 163; am 12/6/2003, Register 168; am 9/27/2008, Register 187; am 2 /23 /2011, Register 197)

**Authority:** AS 18.60.180 AS 18.60.315

## **Chapter 90. Plumbers and Electricians.**

### **Article 1. Holder in Possession and Application for Certificate of Fitness.**

8 AAC 90.105(a) is amended to read:

(a) An individual engaged in the performance of work subject to the standards established in AS 18.60.580 and AS 18.60.705 shall have an appropriate certificate of fitness or a trainee certificate of fitness, **except that an individual who has been certified by the Department of Environmental Conservation under AS 46.30 and 18 AAC 74 to install septic systems may also install associated septic sewer piping from within two feet of a serviced structure to the septic system without a plumber restricted PU certificate of fitness.** The certificate must be in the individual's possession when performing work in the trade.

(Eff. 9/13/80, Register 75; am 6/14/84, Register 90; am 9/27/2008, Register 187; am 2 /23 /2011, Register 197)

**Authority:** AS 18.62.010 AS 18.62.070 AS 23.05.060  
AS 18.62.060

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8 AAC 90 is amended by adding a new section to read:

**8 AAC 90.120. Appeal certificate of fitness denial.** A person whose application for a certificate of fitness under this chapter is denied may appeal the denial decision under the provisions of 8 AAC 90.190. (Eff. 2 / 23 /2011, Register 197)

**Authority:** AS 18.62.020 AS 18.62.050 AS 18.62.060

## **Article 2. Plumber Certificate of Fitness.**

8 AAC 90.137(d) is repealed:

(d) Repealed 2 / 23 /2011.

8 AAC 90.137(e) is repealed:

(e) Repealed 2 / 23 /2011. (Eff. 12/25/98, Register 148; am 9/27/2008, Register 187; am 2 / 23 /2011, Register 197)

**Authority:** AS 18.62.030 AS 18.62.060 AS 23.05.060  
AS 18.62.050 AS 18.62.070

8 AAC 90 is amended by adding a new section to read:

**8 AAC 90.145. Plumber utility trainee certificate of fitness.** (a) A trainee certificate of fitness authorizes the holder to perform work subject to the standards established in AS 18.60.705 and 8 AAC 90.137(a) performed under the conditions set out under this section. If the trainee's job requires the trainee to perform work subject to the standards of AS 18.60.705

and beyond the limits of the plumber utility specialist, the trainee must be licensed subject to the requirements of 8 AAC 90.140.

(b) The department will issue a trainee certificate of fitness upon payment of the applicable fees required by AS 18.62.030, if the applicant submits a notarized letter from the applicant's employer on company letterhead stating that the

(1) trainee will be under the direct supervision of a journeyman plumber or a restricted plumber PU certificate of fitness holder at all times while performing to the code; and

(2) trainee's activities will be limited exclusively to the functions outlined in 8 AAC 90.137 while performing the functions of a plumber utility specialist.

(c) The ratio of individuals working under trainee certificates on a job site may not be more than two plumber utility trainees for every certified plumber journeyman.

(d) If the holder of a plumber utility trainee certificate of fitness leaves the employment of the employer providing the letter required in (b) of this section, the trainee shall surrender the certificate to the mechanical inspection section of the department or to their employer who will transmit the certificate to the mechanical inspection section of the department. The department will maintain the surrendered certificate of fitness until the date the certificate would normally expire, during which time the certificate will be returned at no additional charge to the trainee if the trainee is again properly employed as an apprentice plumber utility trainee as described in (b)(1) of this section. If the trainee is not again reemployed within the term of the surrendered certificate, the trainee must apply to renew the certificate under 8 AAC 90.180(c) and pay the required fee in order to work again under a trainee certificate. (Eff. 2/23/2011, Register 197)

**Authority:** AS 18.62.030                      AS 18.62.060                      AS 23.05.060

AS 18.62.050 AS 18.62.070

~~**Editor's note:** According to the United States Department of Labor, Education and Training Bureau there is no registered apprenticeship program available for plumber-utility specialist.~~

#### **Article 5. Continuing Education.**

8 AAC 90.192 is repealed and readopted to read:

**8 AAC 90.192. Hours of continuing education for plumber journeyman and electrician journeyman certificates of fitness.** (a) Before a plumber journeyman or electrician journeyman certificate of fitness is renewed under 8 AAC 90.180, the certificate holder must provide proof on a form provided by the department that the continuing education requirements set out in this section have been met. To be considered by the department for the current renewal period, the continuing education must have been taken during the 24-month period before the request for renewal of the certificate is made.

(b) An applicant for renewal of an electrician journeyman certificate of fitness must satisfactorily complete within the preceding 24-month period at least 16 hours of continuing education workshops, formal correspondence programs, individual study programs, or a combination approved by the department. At least eight hours must cover significant changes or updates to the National Electrical Code, as adopted by AS 18.60.580 and 8 AAC 70.025, and no more than eight hours may be industry related.

(c) An applicant for renewal of plumber journeyman certificate of fitness must satisfactorily complete within the preceding 24-month period at least 16 hours of continuing

education workshops, formal correspondence programs, individual study programs, or a combination approved by the department. At least eight hours must include a comprehensive, general code course to the Uniform Plumbing Code, as adopted by AS 18.60.705 and 8 AAC 63.010, and no more than eight hours may be industry related.

(d) An authorized provider of a course of instruction may use that course for credit towards renewal of the provider's certificate of fitness if the course was presented within the 24-month period before application for renewal.

(e) For the purposes of this section, "industry related"

(1) means related to the plumbing<sup>(journeyman)</sup> or electrical journeyman trades as defined in 8 AAC 90.900~~(9) and (12)~~;

(2) does not include management skills or techniques, such as general construction industry safety, first aid, planning, scheduling, supervision, designing, estimating, or marketing and sales. (Eff. 12/25/98, Register 148; am 9/25/2002, Register 163; am 9/27/2008, Register 187; am 2/23/2011, Register 197)

**Authority:** AS 18.62.030 AS 18.62.060 AS 23.05.060  
AS 18.62.050 AS 18.62.070

The section heading for 8 AAC 90.194 is changed to read:

**8 AAC 90.194. Approved plumber and electrician workshops.**

8 AAC 90.194(1) is amended to read:

(1) a description of the workshop and the number of hours of instruction are submitted to the director; the continuing education workshop must cover the edition of the

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**Uniform Plumbing Code for plumber journeymen or the National Electrical Code, for electrician journeymen,** in effect in the state at the time the workshop is presented;

(Eff. 12/25/98, Register 148; am 9/25/2002, Register 163; am 2 / 23 /2011, Register 197)

**Authority:** AS 18.62.020 AS 18.62.060 AS 23.05.060  
AS 18.62.050 AS 18.62.070

8 AAC 90.195(1) is amended to read:

(1) pertains to the standards set out in **AS 18.60.705 and 8 AAC 63.010 for a plumber journeyman and in AS 18.60.580 and 8 AAC 70.025 for an electrician journeyman;**

(Eff. 12/25/98, Register 148; am 2 / 23 /2011, Register 197)

**Authority:** AS 18.62.020 AS 18.62.060 AS 23.05.060  
AS 18.62.050 AS 18.62.070

8 AAC 90.196 is repealed and readopted to read:

**8 AAC 90.196. Report of continuing education for plumber journeyman and electrician journeyman certificates of fitness.** (a) An applicant for renewal of an electrician journeyman certificate of fitness under 8 AAC 90.180 shall submit, on a form provided by the department or on a form provided by the training provider and approved by the department, a sworn statement of the continuing education that the applicant satisfactorily completed to meet the requirement. The statement must include the



- (1) name of the sponsoring organization;
- (2) location of the workshop or correspondence;
- (3) title and description of the workshop;
- (4) name of the principal instructor;
- (5) dates of attendance or period of correspondence; and
- (6) number of continuing education hours claimed.

(b) Beginning January 1, 2013, an applicant for renewal of a plumber journeyman certificate of fitness under 8 AAC 90.180 shall submit, on a form provided by the department or on a form provided by the training provider and approved by the department, a sworn statement of the continuing education that the applicant satisfactorily completed to meet the requirement.

The statement must include the

- (1) name of the sponsoring organization;
- (2) location of the workshop or correspondence;
- (3) title and description of the workshop;
- (4) name of the principal instructor;
- (5) dates of attendance or period of correspondence; and
- (6) number of continuing education hours claimed.

(c) Falsification of any written evidence submitted to the department under this section is grounds for disciplinary action under 8 AAC 90.185. (Eff. 12/25/98, Register 148; am 9/27/2008, Register 187; am 2/23/2011, Register 197)

**Authority:** AS 18.62.020                      AS 18.62.060                      AS 23.05.060

AS 18.62.050                      AS 18.62.070

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8 AAC 90.198 is amended to read:

**8 AAC 90.198. Waiver of continuing education for plumber journeyman and electrician journeyman certificates [CERTIFICATE] of fitness.** An applicant that is unable to obtain the required continuing education hours for **a plumber journeyman or** [AN] electrician journeyman certificate of fitness renewal may request a waiver by explaining the circumstances in writing to the director. If the director determines that the applicant was prevented from complying with the continuing education requirements by circumstances beyond the control of the applicant, the director will prescribe an alternative method of compliance with those requirements as it considers appropriate to the individual situation. (Eff. 12/25/98, Register 148; am 2 / 23 /2011, Register 197)

**Authority:** AS 18.62.020                      AS 18.62.060                      AS 23.05.060  
AS 18.62.050                      AS 18.62.070

8 AAC 90.200 is amended to read:

**8 AAC 90.200. Edition of plumbing code and electrical code acceptable for continuing education.** The director **may** [WILL, IN THE DIRECTOR'S DISCRETION,] accept a course of continuing education credit that covers a more recent edition of the **Uniform Plumbing Code for plumber journeymen or the National Electrical Code for electrician journeymen** than the edition **currently** adopted by the state. (Eff. 12/25/98, Register 148; am 2 / 23 /2011, Register 197)

**Authority:** AS 18.62.020                      AS 18.62.060                      AS 23.05.060  
AS 18.62.050                      AS 18.62.070