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Attachment B

AGENCY #010.05

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**010.05-005 Definitions**

As used in these ~~regulations~~ rules, unless the context otherwise requires:

- A. "Alteration"** means any change made to an existing elevator, dumbwaiter, escalator or other conveyance; or to its hoistway, enclosure, or doors other than the repair or replacement of damaged, worn, or broken parts necessary for normal operation. The changing of the speed governor shall be considered an alteration;
- B. "Authorized representative"** means the building department of cities, towns, or other governmental subdivisions designated by the Department of Labor and Licensing to enforce certain provisions of Ark. Code Ann. § 20-24-101 *et seq.*;
- C. "Board"** means the Arkansas Elevator Safety Board;
- D. "Conveyance"** means an elevator, dumbwaiter, escalator, moving sidewalk, automatic people mover, platform lift or stairway chair lift;
- E. "Director"** means the Director of the ~~Department of Labor~~ Division of Labor;
- F. "Department"** means the Department of Labor and Licensing;
- G. "Dormant elevator, dumbwaiter, or escalator"** means an elevator or dumbwaiter whose cables have been removed, whose car and counterweight rest at the bottom of the shaftway, and whose shaftway doors are permanently boarded up or barricaded on the inside or an escalator whose main power feed lines have been disconnected;
- H. "Dumbwaiter"** means a hoisting and lowering mechanism, driven by mechanical power, equipped with a car which moves in guides in a substantially vertical direction, the floor area of which does not exceed nine (9) square feet, whose total compartment height does not exceed four feet (4'), the capacity of which does not exceed five hundred pounds (500 lbs.), and which is used exclusively for carrying freight;
- I. "Elevator"** means a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction;
1. The term "elevator" shall not include a, conveyor chain bucket hoist, construction hoist, or similar devices used for the primary purpose of elevating or lowering materials, nor shall it include tiering, piling, feeding, or similar machines or devices giving service within only one (1) story;

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2. The term "power elevator" shall mean those driven by the application of energy other than hand or gravity;

3. "Hand elevators" shall mean those driven by manual power;

4. The term "elevator" shall include vertical wheelchair lifts, inclined wheelchair lifts, and inclined stairway chairlifts installed in any location, including a private, single-family dwelling for use by individuals with physical disabilities;

**J.** "Escalator" means a power-driven, inclined, continuous stairway or runway used for raising or lowering passengers;

**K.** "Freight elevator" means an elevator used for carrying freight and on which only the operator and the persons necessary for loading and unloading are permitted to ride; ~~and~~

**L.** "Passenger elevator" means an elevator that is used to carry persons other than the operator and persons necessary for loading and unloading-;

**M.** "Section" means the Elevator Safety Section of the Division of Labor, Department of Labor and Licensing; and

**N.** "Substantially similar" license or "substantially equivalent" license means an occupational license from another state or political subdivision of that state or territory, or district of the United States that has adopted a national model mechanical code and utilizes a comprehensive examination created and proctored by a national examination agency or equivalent or the state or political subdivision of that state.

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**P. Temporary or Provisional Licensing**

1. See Rule 010.05-010(M)(4) for the temporary and emergency licensing of elevator mechanics.

2. When requested by the applicant, the staff of the Elevator Safety Section shall immediately issue a revocable temporary or provisional license under the following conditions:

a. An immediate decision is not made on the application for licensure;

b. The temporary or provisional license shall be granted for ninety (90) days in accordance with Rule 010.05-011(O)(Reciprocity) unless the staff determines the applicant does not meet the criteria of these rules in which case the request for the temporary or provisional licensing shall be denied or the temporary or provisional license shall be immediately

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revoked. The board may extend temporary or provisional licensing to exceed ninety (90) days if a hardship status is determined by the board for the applicant:

c. The applicant holds his or her occupational license in good standing;

d. The applicant has not had his or her occupational license revoked for an act of bad faith, a violation of law, rule, or ethics, and is not holding a suspended or probationary license from any state, territory, or district of the United States;

e. The applicant is sufficiently competent in his or her field; and

g. The applicant pays the required license fee.

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**R.S. Active duty service member, returning military veterans, and spouses**

1. Definitions. As used in this rule, subsection:

a. “Holder in good standing” means the holder of a license issued by another state, district, or city of the United States in which the holder:

i. is currently and actively licensed;

ii. is not holding a suspended or probationary license;

iii. has not had his or her license revoked for an act of bad faith or a violation of law, rule or ethics; and

iv. has not voluntarily surrendered his or her license in lieu of disciplinary proceedings.

b. “returning military veteran” “Returning military veteran” means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable;

c. “Substantially equivalent license” means an occupational license from another state or political subdivision of that state or territory, or district of the United States that has adopted a national model mechanical code and utilizes a comprehensive examination created and proctored by a national examination agency or equivalent or the state or political subdivision of that state.

2. Temporary license

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a. ~~— An individual who is the holder in good standing of a substantially equivalent license in another state, shall be issued a temporary license of the same class while completing the application process for full licensure, provided the individual is one of the following:~~

~~\_\_\_\_\_ i. — an active duty military service member stationed in the State of Arkansas;~~

~~\_\_\_\_\_ ii. — a returning military veteran applying within one (1) year of his or her discharge from active duty; or~~

~~\_\_\_\_\_ iii. — the spouse of a person under Rule 010.05(R)(2)(i) or (ii) above.~~

~~\_\_\_\_\_ b. — A temporary license under this rule shall expire on its face in thirty (30) days, although it is subject to renewal until a final administrative decision on full licensure is made.~~

~~\_\_\_\_\_ c. — If a full license is granted and the license fee paid, the license shall expire on January 31, regardless of the date of issue or renewal.~~

~~\_\_\_\_\_ 3. — The Department of Labor's Code Enforcement Manager shall review and decide on the application of any individual under Rule 010.05-010(R) in order to expedite the process. The decision of the Code Enforcement Manager is subject to review by the board upon written request by the applicant.~~

~~4. — When considering an application for full licensure of an active duty military service member stationed in the State of Arkansas or a returning military veteran applying within one (1) year of his or her discharge from active duty, the Code Enforcement Manager or board shall:~~

~~a. — consider whether or not the applicant's military training and experience is substantially similar to the experience required by Rule 010.05-010(K) through (M) for the class of license being sought; and~~

~~b. — accept the applicant's military training and experience in lieu of the experience required by Rule 010.05-010(K) through (M) if the Code Enforcement Manager or board, as applicable, determines the military training and experience is a satisfactory substitute.~~

~~5. — A license held by an active duty military service member deployed outside the State of Arkansas or his or her spouse shall not expire until one hundred eighty (180) days following the active duty military service member's or spouse's return from active deployment. The licensee must submit proof of deployment and deployment dates.~~

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~~6.2.~~ Continuing education

a. An active duty military service member deployed outside the State of Arkansas or his or her spouse shall have an additional one hundred eighty (180) days to obtain the eight (8) hours of continuing education required by Rule 010.05-010(Q), dating from:

- i. the two (2) years provided by 010.05-010(Q); or
- ii. the date of return to active duty, whichever is longer. For this option, the licensee must submit proof of deployment and deployment dates.

b. A returning military veteran discharged from active duty or his or her spouse shall have an additional one hundred eighty (180) days to obtain the eight (8) hours of continuing education required by 010.05-010(Q), dating from:

- i. the two (2) years provided by Rule 010.05-010(Q); or
- ii. the expiration of one (1) year from the date of discharge, whichever is longer. For this option, the licensee must submit proof of the discharge date.

3. The board shall grant licensure to an individual who is the holder in good standing of a substantially equivalent license issued by another state, territory, district, or city of the United States and is:

- a. An active duty military service member stationed in the State of Arkansas;
- b. A returning military veteran applying for licensure within one (1) year of his or her discharge from active duty; or
- c. The spouse of a person under Rule 010.05.010(S)(2)(a) and (b) above.

3. The staff of the Elevator Safety Section shall grant licensure upon receipt of:

- a. payment of the initial license fee;
- b. Evidence that the applicant holds a substantially equivalent license in another state, territory, district, or city of the United States; and
- c. Evidence that the applicant is a qualified applicant under the provisions of this Rule 010.05-05-010(S).

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4. The Elevator Safety Section shall be responsible for maintaining records and making an annual report to the House Committee on Aging, Children, Youth, Legislative and Military Affairs on the number of automatic licenses and expedited licenses granted military service members, veterans, and spouses under this Rule 010.05-010(S) pursuant to Ark. Code Ann. § 17-1-106(f)(2).