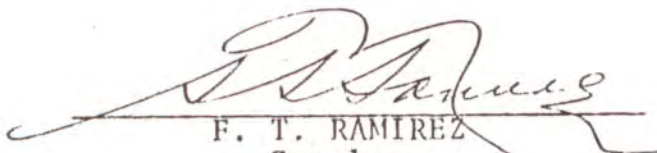


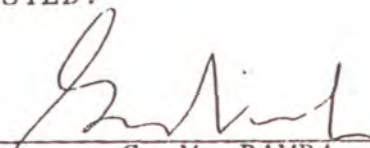
TWELFTH GUAM LEGISLATURE
1974 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 478, "An Act to add a new Chapter LI to Title XXXII of the Government Code of Guam relative to the installation and maintenance of elevators, dumbwaiters, escalators, moving walks and manlifts", was on the 12th day of January, 1975, duly and regularly passed.


F. T. RAMIREZ
Speaker

ATTESTED:


G. M. BAMBA
Legislative Secretary

This Act was received by the Governor this 13th day
of January, 1975 at 12:05 o'clock P. M.

/s/ RICHARD D. MAGEE

RICHARD D. MAGEE, Acting
Attorney General of Guam

APPROVED:

/s/ RICARDO J. BORDALLO

RICARDO J. BORDALLO
Governor of Guam

DATED: JAN 29 1975
4:48 P.M.

P.L. 12 - 216

Bill No. 478

Introduced by G. M. Bamba

AN ACT TO ADD A NEW CHAPTER LI TO TITLE
XXXII OF THE GOVERNMENT CODE OF GUAM
RELATIVE TO THE INSTALLATION AND MAIN-
TENANCE OF ELEVATORS, DUMBWAITERS, ESCALATORS,
MOVING WALKS AND MANLIFTS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. A new Chapter LI is hereby added to Title
3 XXXII of the Government Code of Guam to read as follows:

4 "CHAPTER LI

5 Elevator Installation

6 Section 36000. Definitions. For the purposes of
7 this Chapter the following terms shall have the meanings
8 indicated herein:

9 (a) All definitions contained in the
10 American Standard Safety Code for Elevators,
11 Dumbwaiters, Escalators, Moving Walks and Man-
12 lifts shall be applicable to this Chapter.

13 (b) 'Director' means the Director of the
14 Department of Public Works.

15 (c) 'Department' means the Department of
16 Public Works.

17 (d) 'Inspector' means any person holding a
18 commission issued by the Director as prescribed
19 in Section 36006.

20 Section 36001. Reasonable Safety Required. (a)
21 All new and existing installations of elevators, dumb-
22 waiters, escalators, moving walks and manlifts shall
23 be reasonably safe to persons and property and in
24 conformity with the provisions of this Chapter and
25 other applicable laws, rules or regulations of the
26 government of Guam, and all orders, rules or regula-
27 tions issued by the authority thereof.

28 (b) Conformity of all new and existing instal-
29 lations of elevators, dumbwaiters, escalators, moving

1 walks and manlifts with applicable regulations set
2 forth in the American Standard Safety Code, in force
3 at the time of their installation, and the provisions
4 of this Chapter shall be prima facie evidence that
5 such installations are reasonably safe to persons and
6 property.

7 Section 36002. Out of Service. When it is intended
8 to discontinue the use of an elevator or other hoisting
9 device covered by this Chapter, the Department shall be
10 so notified by the owner or user. The hoistway doors
11 or entrances shall be permanently boarded up or barri-
12 caded. The cables shall be removed and the car and
13 counterweights landed at the bottom of the hoistway.
14 On elevators or devices not suspended by cables, the
15 power must be satisfactorily disconnected. Plunger
16 elevators shall have the liquid line to the plunger
17 disconnected. Prior to placing the hoisting device
18 back into service the Department shall be notified
19 and an inspection made.

20 Section 36003. Exemptions. The following elevators,
21 dumbwaiters, escalators, moving walks and manlifts are
22 exempt from the requirements of this Chapter:

23 (a) Those under the jurisdiction of the
24 United States Government.

25 (b) Those serving only a private residence
26 and not accessible to the general public.

27 Section 36004. Installation Permit. (a) No
28 person shall install, construct, reconstruct, relocate
29 or make major alteration to any elevator, dumbwaiter,
30 escalator, moving walk or ramp or manlift without first
31 obtaining an installation permit from the Department.

32 (b) Installation permit as required under Paragraph
33 (a) above shall be issued only to a person who is licensed
34 to engage in the business of installing elevators, dumb-
35 waiters and escalators in accordance with the rules and
36 regulations of the Contractors License Board of the
37 Department of Regulatory Agencies, State of Hawaii until

1 such time as the Department of Public Works shall issue
2 such rules and regulations for the government of Guam.

3 (c) The plans and specifications for the elevator,
4 dumbwaiter, escalator, moving walk or ramp or manlift
5 together with such building details as are pertinent to
6 the installation shall be submitted to the Department
7 before any work is begun on the installation. Final
8 shop drawings shall be submitted to the Department.

9 (d) The Department shall, before issuance of a
10 permit for installing, constructing, re-constructing
11 or relocating as required under Paragraph (a) of this
12 section, charge and collect a fee for each permit as
13 follows:

14	Dumbwaiter	\$10.00
15	Manlift	15.00
16	Escalator, electric stairway or	
17	moving sidewalk or ramp . . .	25.00
18	Elevator	
19	5 floor rise or under	25.00
20	6 floors	30.00
21	7 "	35.00
22	8 "	40.00
23	9 "	45.00
24	10 "	50.00
25	11 "	55.00
26	12 "	60.00
27	13 "	65.00
28	14 "	70.00
29	15 "	75.00
30	16 "	80.00
31	17 "	85.00
32	18 "	90.00
33	19 "	95.00
34	20 "	100.00
35	Above 20, \$5.00 for each additional floor.	

36 (e) The Department shall, before issuance of an
37 installation permit for a major alteration as required

1 under Paragraph (a) of this section, charge and collect
2 a fee of \$25.00 for each permit.

3 (f) The installation permit fee shall be used to
4 provide, among other things, the following services:

5 (1) The data inspection and witnessing the
6 acceptance tests on the installation.

7 (2) The processing and issuance of the
8 temporary permit to operate the installation.

9 (g) Fees in accordance with the foregoing schedule
10 shall be charged and collected on all permits issued
11 after the effective date of this rule; provided that,
12 if a successful bid for the installation is any elevator,
13 dumbwaiter, escalator, moving walk or ramp or manlift
14 has been tendered prior to the effective date of this
15 rule, no fee shall be charged for the permit.

16 Section 36005. Notice of Location. (a) The
17 owner or lessee of any sidewalk elevator or manlift
18 operating in the territory shall report to the Depart-
19 ment in writing the location thereof within ninety
20 (90) days of the effective date of this chapter.

21 (b) The owner or lessee of any elevator, dumb-
22 waiter, escalator, moving walk or manlift who sells,
23 lends, gives or removes said device shall report the
24 transaction and the name and address of the new owner
25 or used within ten (10) days of such transaction to the
26 Department.

27 Section 36006. Variance. (a) When the Department
28 finds that a variation from the terms set forth in this
29 chapter will not impair the safety of employees, which
30 would otherwise be secured by compliance with the terms
31 of said chapter, the Department, upon written applica-
32 tion, after investigation and such hearings as the
33 Department may direct, may issue an order permitting
34 such variation upon such conditions as it may specify
35 and upon the provision and use of such safety measures
36 and appliances as shall, in the judgment of the Depart-
37 ment secure the safety of employees.

1 (b) Non-compliance with the conditions specified
2 in the variance shall automatically suspend such varia-
3 tion for as long as the non-compliance exists.

4 (c) Upon receipt of a complaint and satisfactory
5 proof that a variation imperils the safety of employees,
6 which would otherwise be secured by compliance with this
7 chapter, the Department may suspend, revoke or modify
8 the variance and/or the conditions specified.

9 (d) No declaration, act or omission of the Depart-
10 ment other than a written notice authorizing a variation,
11 shall be deemed to exempt, either wholly or in part,
12 expressed or implied, any owner from full compliance
13 with the terms of this chapter.

14 Section 36007. Elevator Inspector. (a) Any person
15 making inspections of elevators as required by this chapter
16 shall first secure from the Department a commission to
17 make such inspections.

18 (b) Applicants for commissions as elevator inspectors
19 shall be mentally and physically sound; citizens of the
20 United States; able to read, write and understand the
21 English language; and of good moral character.

22 (c) No person shall be commissioned to make the
23 required inspections of elevators, escalators, dumb-
24 waiters, moving walks or manlifts unless he has satis-
25 fied the Director that he has had experience in designing
26 or installing or maintaining or inspecting elevators,
27 dumbwaiters, escalators, moving walks and manlifts and
28 has satisfactorily passed a written examination given
29 by the Department testing his knowledge of this chapter;
30 provided that the Director may issue a commission as an
31 elevator inspector without such examination and demons-
32 tration if the applicant holds a license or commission
33 as an inspector of elevators for a state or city that
34 has a standard of examination substantially equal to
35 that provided for in this section.

36 (d) A written application for such examination
37 and commission shall be made upon a form to be supplied

1 by the Department upon request, and shall be accompanied
2 by an examination fee of Five (\$5.00) Dollars. Such
3 examination shall be given not more than three (3)
4 months from the date the application is received. If
5 the applicant has been qualified and passes the required
6 examination he shall be issued a commission to inspect
7 elevators in the territory upon payment to the Director
8 a commission fee of Ten (\$10.00) Dollars.

9 (e) An applicant for a commission who has failed
10 to pass the required examination may renew such appli-
11 cation after the expiration of three (3) months from
12 the date on which he has been notified that he has
13 failed to qualify. The first re-examination shall be
14 granted free of charge.

15 (f) All commissions to inspect, unless suspended,
16 revoked or canceled, shall expire on December 31, of the
17 year of issuance. The commission may be renewed within
18 thirty (30) days after expiration, without examination,
19 upon application to the Department and upon payment of
20 a renewal fee of Two (\$2.00) Dollars.

21 (g) Commissions to inspect shall be carried at
22 all times by inspectors while engaged in the performance
23 of inspectional duties. Commissions are non-transferable.

24 Section 36008. Revocation, Cancellation or Denial
25 of Commissions, Permits, Certificates; Appeal. (a) Any
26 commission, permit or certificate may be revoked, can-
27 celed or denied for cause at any time by the Director
28 after affording all interested parties reasonable op-
29 portunity for a fair hearing. Cause shall mean viola-
30 tion of any provision of this chapter or a finding by
31 the Director that the holder of the commission, permit
32 or certificate is no longer qualified.

33 (b) Any person aggrieved by the Director's action
34 in denying, granting, revoking or cancelling a commission,
35 permit or certificate may, within twenty (20) days
36 after such action, appeal in writing to the Territorial
37 Planning Commission under Section 31055 of this Title,

1 Section 36009. Required Inspections. Safety ins-
2 pections of elevators, dumbwaiters, escalators, moving
3 walks and manlifts, as required under this chapter, may
4 be made by authorized employees of the Department; in-
5 dividuals providing inspection services for a fee; or
6 by employees of insurance companies upon the following
7 conditions:

8 (a) Required safety inspections shall be made
9 only by commissioned inspectors.

10 (b) Acceptance inspections of new installations
11 and major alternations shall be made only by com-
12 missioned inspectors in the employ of the Depart-
13 ment who shall witness all required tests made by
14 person or firm installing the elevator, dumbwaiter,
15 escalator, moving walk or manlift.

16 (c) Reports of all required safety inspections
17 shall conform to the requirements of, and shall be
18 made on forms approved by the Department.

19 (d) A copy of all reports shall be forwarded
20 to the Department within thirty (30) days after
21 the safety inspection is made, unless an extension
22 of time is granted by the Department. Where no-
23 tations of discrepancies, recommendations or re-
24 quirements are made, such notations shall refer to
25 the applicable rule of the current American Stan-
26 dard Safety Code for Elevators, Dumbwaiters, Es-
27 calators, Moving Walks, Manlifts or of this chapter.

28 (e) Insurance companies shall promptly re-
29 port to the Department the name of the owner or
30 lessee and the location of every elevator, dumb-
31 waiter, escalator, moving walk or manlift on which
32 insurance has been issued, cancelled or discontinued,
33 giving the reason for cancellation or discontinuance.

34 (f) Commissioned inspectors shall promptly
35 report to the Department the name of the owner or
36 lessee and location of every elevator, dumbwaiter,
37 escalator, moving walk or manlift for which they

1 have refused to recommend issuance of a permit to
2 operate, giving the reason for such refusal.

3 (g) The owner or lessee of any elevator,
4 dumbwaiter, escalator, moving walk or manlift
5 operated within the territory, except those exempted
6 by Section 36003, shall cause the same to be ins-
7 pected as follows:

8 (1) Elevators, escalators, manlifts and
9 moving walks twice in each twelve (12)
10 month period. The period between the
11 first inspection, or the inspection
12 used as a basis for the issuance of
13 a permit to operate, and the second or
14 interim inspection each year shall not
15 exceed seven (7) months nor be less
16 than five (5) months.

17 (2) Dumbwaiters, annually.

18 Section 36010. Permit to Operate. (a) No eleva-
19 tor, dumbwaiter, escalator, moving walk or manlift shall
20 be operated in any place of employment in this terri-
21 tory unless a permit for the operation thereof is issued
22 by the Department, and unless such permit remains in
23 effect.

24 (b) A permit to operate an elevator, dumbwaiter,
25 escalator, moving walk or manlift shall be issued to
26 the owner or lessee only after a commissioned inspector
27 has found that such device has met all requirements of
28 this Chapter.

29 (c) A permit to operate shall be valid for one
30 (1) year unless sooner revoked and may be renewed only
31 upon completion of an inspection by a commissioned ins-
32 pector.

33 (d) The permit to operate shall indicate the
34 type of equipment for which it is issued and, in the
35 case of elevators, shall state whether passenger or
36 freight, and shall also state the rated load and speed
37 for such elevator, dumbwaiter, escalator, moving walk

1 or manlift. The permit to operate shall be posted
2 conspicuously in the car of the elevator and on or
3 near the dumbwaiter, escalator, moving walk or manlift.

4 (c) There shall be no charge for the processing
5 and issuance of subsequent elevator operating permits
6 issued as a result of a periodic inspection. However,
7 the Department shall reserve the right to make a nominal
8 charge not to exceed Two (\$2.00) Dollars for the proces-
9 sing and issuance of duplicate permits.

10 Section 36011. Safe Operation. (a) All elevators
11 coming within the following descriptions shall be oper-
12 ated only by designated operators who have received
13 instructions in the proper operation thereof:

14 (1) All elevators intended for public use and
15 having operating devices of the car switch, constant
16 pressure push button, shipper rope, lever or wheel
17 type; or dual operation elevators while 'on manual
18 operation'; and

19 (2) All car switch or constant pressure push
20 button operated elevators having a rated speed in
21 excess of one hundred and fifty (150) minute.

22 (b) No persons shall be allowed to operate an
23 elevator unless they are free from mental or physical
24 defects which would hamper their safe operation of the
25 car and unless they have received instruction in the
26 proper and safe operation thereof.

27 (c) Elevators shall be operated in a safe manner
28 at all times.

29 (d) Elevator operators shall report to their
30 employers whatever unsafe actions or conditions or
31 defects in mechanism that may come under their notice.
32 The operator shall not leave the elevator car unattended
33 without having first secured the car against unauthorized
34 use.

35 Section 36012. Inspection Fees. (a) The owner
36 or lessee of an elevator required by this Chapter to be
37 inspected shall, if the inspection is performed by an

1 inspector other than those employed by insurance com-
2 panies, pay the inspection fee directly to the inspector
3 or his employer, upon demand.

4 (b) No charge shall be made for inspections made
5 other than those required by this Chapter except that
6 where safety orders have not been complied with and
7 subsequent inspections are necessary an additional fee
8 may be charged for not more than one subsequent inspection
9 annually.

10 Section 36013. Temporary Use of Permanent Elevators.
11 An elevator installed for permanent use may be used
12 before completion, during construction of the building,
13 for carrying workmen and materials, if:

14 (a) Such elevator and its hoistway are pro-
15 vided with the following minimum equipment:

16 (1) An approved type governor and car
17 safety;

18 (2) A car with solid top and sides,
19 except at car openings;

20 (3) A suitable hoistway enclosure of
21 plywood or other materials extending from the
22 floor to the ceiling;

23 (4) Approved type doors or gates which
24 fill the entire hoistway openings, equipped
25 with interlocks or contact locks;

26 (5) A competent operator who shall be
27 in charge of such elevator, with controls
28 arranged so the operator will have control
29 of the elevator at all times; and

30 (6) A car door or gate equipped with
31 an electric contact.

32 (b) The elevator has satisfactorily met the fol-
33 lowing tests:

34 (1) A running test with rated load with stops
35 at various landings and at authorized speed;

36 (2) A test of the normal and final terminal
37 stopping devices; and