

675 IAC 21-1-1.5 Signatories; affirmation

Authority: IC 22-13-2-13

Affected: IC 22-13; IC 22-14; IC 22-15-5-3

Sec. 1.5. (a) All signatories to an application shall be determined as follows:

(1) For a corporation, the signatory shall be a responsible corporate officer. For the purpose of this section, a responsible corporate officer means a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policymaking or decision-making functions for the corporation.

(2) For a partnership or sole proprietorship, the signatory shall be a general partner or the proprietor, respectively.

(3) For a municipality, state, or other public agency, the signatory shall be a principal executive officer or ranking elected official.

(b) Alternatively, a duly authorized representative of a signatory listed under subsection (a) may be the signatory on the application. A person is a duly authorized representative only if:

(1) the authorization is made in writing by an individual described in subsection (a);

(2) the authorization specifies either an individual or a position having responsibility for the regulated lifting device such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for building and fire safety matters for the company; and

(3) the written authorization is submitted to the office, if requested.

~~(c) The elevator contractor that is responsible for the installation or alteration of the regulated lifting device shall make the following affirmation on an application for an installation or alteration permit: "I affirm, under penalty of perjury, the following:~~

~~(1) This document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.~~

~~(2) The regulated lifting device will be installed or altered in accordance with all applicable statutes and rules adopted by the commission and will not be changed from the design specified in the plans and specifications submitted with the application and released by the office.~~

~~(3) All individuals installing or altering the regulated lifting device:~~

~~(A) have sufficient background, knowledge, skills, and training to install or alter, inspect, and maintain the regulated lifting device;~~

~~(B) have the training and expertise necessary to recognize and report any condition that could result in the unsafe operation of the regulated lifting device;~~

~~(C) are provided with sufficient ongoing training to reasonably ensure that the individuals are proficient in the standards affecting regulated lifting devices that have been adopted by the commission; and~~

~~(D) possess the requisite authority and are required to immediately suspend the operation of the regulated lifting device upon discovering a condition that could result in the unsafe operation of the regulated lifting device, and to report the discovery of such a condition to the office."~~

~~(d) The designated signatories shall make the following affirmation on an application for an initial or renewal operating certificate:~~

~~(1) The owner of the building in which the regulated lifting device is located shall make an affirmation that reads, "I affirm, under penalty of perjury, the following:~~

~~(A) This document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.~~

~~(B) The regulated lifting device will be maintained and repaired in accordance with all applicable statutes and rules adopted by the commission.~~

~~(C) If an elevator contractor performed the safety tests of the regulated lifting device, this contractor was chosen under my direction and to the best of my knowledge and belief, after exercising due diligence, has the expertise necessary to install or alter the regulated lifting device in accordance with the rules adopted by the commission.~~

~~(D) I hereby grant the authority to and require all individuals employed by either the elevator contractor or the owner to immediately suspend the operation of the regulated lifting device upon discovering a condition that could~~

result in the unsafe operation of the regulated lifting device, and to report the discovery of such a condition to the office.”.

(2) If an elevator contractor performed the safety tests of the regulated lifting device, this contractor shall make an affirmation that reads, “I affirm, under penalty of perjury, the following:

(A) This document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

(B) The regulated lifting device is in compliance with all applicable equipment and building laws.

(C) All individuals responsible for performing these safety tests of the regulated lifting device:

(i) have sufficient background, knowledge, skills, and training to perform these tests on the regulated lifting device;

(ii) have the training and expertise necessary to recognize and report any condition that could result in the unsafe operation of the regulated lifting device;

(iii) are provided with sufficient ongoing training to reasonably ensure that the individuals are proficient in the standards affecting regulated lifting devices that have been adopted by the commission; and

(iv) possess the requisite authority and are required to immediately suspend the operation of the regulated lifting device upon discovering a condition that could result in the unsafe operation of the regulated lifting device, and to report the discovery of such a condition to the office.”.

(Fire Prevention and Building Safety Commission; 675 IAC 21-1-1.5; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1084; readopted filed

Aug 20, 2009, 12:42 p.m.: 20090916-IR-675090380RFA; readopted filed Aug 8, 2012, 8:08 a.m.: 20120905-IR-675120260RFA;

readopted filed Jul 3, 2018, 2:22 p.m.: 20180801-IR-675180204RFA)

REASON STATEMENT AND FISCAL IMPACT

Deleted the specific affirmations needed to obtain an installation or alteration permit and an operating permit and moved them to the appropriate section covering those permits for clarify.

Fiscal – NA. No new requirements.