

BEFORE THE COMMISSIONER OF INSURANCE

STATE OF GEORGIA

IN THE MATTER OF:)
)
RULES AND REGULATIONS FOR) **DOCKET NUMBER I-13-SF-1**
)
CHAPTER 120-3-25)
ESCALATORS AND ELEVATORS)
)
CHAPTER 120-3-26)
BOILER AND PRESSURE VESSELS)
)
CHAPTER 120-3-27)
AMUSEMENT RIDE SAFETY)

ORDER

I. STATEMENT OF PROCEEDINGS

On June 25, 2013, Notice of Intent to Adopt Rule Changes and Notice of Hearing was given regarding the proposed adoption of Regulation Chapter 120-3-25 entitled "Rules and Regulations for Escalators and Elevators," Regulation Chapter 120-3-26 entitled "Rules and Regulations for Boiler and Pressure Vessels," and Regulation Chapter 120-3-27 entitled "Rules and Regulations for Amusement Ride Safety" (Record, Exhibit 1). The proposed regulations are necessary to implement changes to Titles 8, 25, and 34 that resulted from passage of Senate Bill 446 during a recent session of the Georgia General Assembly. These titles were amended so as to transfer certain functions relating to elevators, dumbwaiters, escalators, manlifts, and moving and moving walks, boiler and pressure vessels, amusement rides, and scaffolding and staging from the Department of Labor and the Commissioner of Labor to the Office of the Safety Fire Commissioner (this "Office") and the Safety Fire Commissioner.

By letter dated July 24, 2013, the Office of the Attorney General opined that the proposed regulation was within this Office's scope of authority (Record, Exhibit 5). Pursuant to O.C.G.A.

§50-13-4(e), the proposed regulations were transmitted to Wayne R. Allen, Legislative Counsel for the General Assembly, for assignment to the appropriate standing committees of the Senate and House of Representatives (Record, Exhibits 6 and 7).

Interested persons were given the opportunity to participate in the proposed rulemaking by submitting their written comments by July 26, 2013, and by making oral comments at the public hearing held July 30, 2013. One written submission of comments was offered by Brian Black, Code and Safety Director of the National Elevator Industry, Inc. (“NEII”). State Fire Marshall Dwayne Garriss was the only person to offer oral comments at the hearing.

According to the State Fire Marshall, the proposed regulations are necessary for primarily two reasons. The first is to move the regulations from the Georgia Department of Labor to this Office. The second is to update the codes and standards that are being utilized in those regulations.

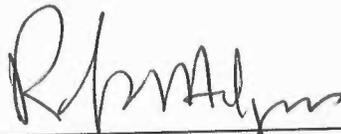
II. CONSIDERATION OF INTERESTED PARTY COMMENTS

State Fire Marshall Garriss recommends that the Commissioner accept the proposed regulations in their current proposed form. Mr. Garriss would, however, also like for NEII’s comments to be considered by the Commissioner’s Elevator Advisory Board. Following NEII’s review, Mr. Garriss may have additional recommendations. Consequently, another hearing on these regulations may be required at some future date.

III. DECISION

WHEREAS, this Office finds the comments of State Fire Marshall Garriss persuasive in support of the proposed regulations, **IT IS HEREBY ORDERED** that proposed Regulations 120-3-25, 26 and 27, titled as described herein, copies of which are attached hereto and made a part by reference, are **HEREBY ADOPTED**.

Given under my Hand and Seal this 4th day of September, 2013.



RALPH T. HUDGENS
INSURANCE AND SAFETY FIRE COMMISSIONER
STATE OF GEORGIA