

BEFORE THE COMMISSIONER OF INSURANCE

STATE OF GEORGIA

IN THE MATTER OF: )  
)  
RULES AND REGULATIONS FOR )  
)  
CHAPTER 120-3-3 )  
MINIMUM FIRE SAFETY STANDARDS )  
)  
CHAPTER 120-3-25 )  
ESCALATORS AND ELEVATORS )  
)  
CHAPTER 120-3-26 )  
BOILER AND PRESSURE VESSELS )  
)  
CHAPTER 120-3-28 )  
CARNIVAL RIDE SAFETY )

DOCKET NUMBER I-13-SF-2

ORDER

I. STATEMENT OF PROCEEDINGS

On November 19, 2013, Notice of Intent to Adopt Rule Changes and Notice of Hearing (the "Notice") was given regarding the proposed adoption of modifications to Office of Insurance and Safety Fire Regulation Chapters 120-3-3 entitled "Rules and Regulations for the State Minimum Fire Safety Standards," 120-3-25 entitled "Rules and Regulations for Escalators and Elevators," and 120-3-26 entitled "Rules and Regulations for Boiler and Pressure Vessels." The Notice was also given regarding the proposed adoption of a new Regulation Chapter 120-3-28 entitled "Rules and Regulations for Carnival Ride Safety." (Record, Exhibit 1)

Regulation Chapter 120-3-3 is proposed to be updated to adopt new minimum fire safety standards. The modification of Regulation Section 120-3-25-.13(k) is proposed to allow Office staff to invoice licensees prior to the release of elevator and escalator operating permits.

Regulation Section 120-3-25-.21(6) is proposed to be changed to allow Office staff to review and

issue escalator and elevator certificates of authority on a more staggered basis. Similarly, Regulation Section 120-3-26-.16(1) is proposed to be changed to allow Office staff to review and issue Boiler and Pressure Vessel certificates of authority on a more staggered basis. The adoption of new language in Regulation Section 120-3-26-.07 is proposed to require that inspection reports be submitted in an electronic format.

This Office also proposes adopting a new Regulation Chapter 120-3-28 entitled "Rules and Regulations for Carnival Ride Safety." The purpose of this new Chapter is to implement changes to Titles 8, 25 and 34 that resulted from the passage of Senate Bill 446 during a recent session of the Georgia General Assembly. The Georgia Code was amended so as to transfer certain functions relating to elevators, dumbwaiters, escalators, manlifts, moving walks, boiler and pressure vessels, amusement rides, carnival rides, scaffolding and staging from the Department of Labor and the Commissioner of Labor to the Office of the Safety Fire Commissioner and the Safety Fire Commissioner.

By letter dated December 5, 2013, the Office of the Attorney General opined that the proposed regulatory actions addressed herein are 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, Exhibit 6) and were assigned accordingly (Record, Exhibit 7).

Interested persons were given the opportunity to participate in the proposed rulemaking by submitting their written comments by December 16, 2013, and by making oral comments at the public hearing held December 19, 2013. Written comments were offered by Roger Miller of

the architectural firm Cooper Carry, Andy Coelho and Drew Williams of Sunrise Senior Living facilities, Craig Voelkert of the Fire Equipment Manufacturers' Association, Paul Chapman of Belmont Village Senior Living, and Genia Ryan of the Georgia Senior Living Association. (Record, Exhibits 7-13). At the hearing, Jeff Yoder, Chief of Gwinnett County Fire Services (Record, Transcript pp. 11-17 and 26-28), Andrea Papageorge of AGL Resources (Record, Transcript pp. 17-19), Alex Salabarría, Chairman of the Board of Directors of the Georgia Senior Living Association (Record, Transcript pp. 20- 23), Hayden Stanley of the Georgia Apartment Association (Record, Transcript pp. 23-26), and Jeff Struecker of Calvary Ministries (Record, Transcript pp. 29-31 and 33) offered oral comments. State Fire Marshal Dwayne Garriss also spoke at the hearing (Record, Transcript pp. 8-10 and 31-35.)

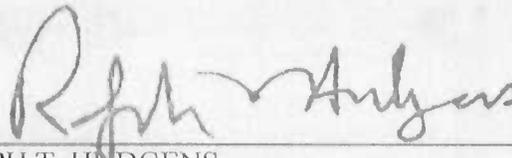
## **II. CONSIDERATION OF INTERESTED PARTY COMMENTS**

The comments of all parties have been considered. Most significantly, State Fire Marshal Garriss recommends that the Commissioner accept the proposed regulations in their current proposed form. According to the State Fire Marshal, the proposed regulatory changes are necessary for a few key reasons. Regulation Chapter 120-3-3 needs to be updated to incorporate the 2012 revised version of the International Fire Code. Moreover, changes to the laws surrounding assisted living facilities necessitate the issuing of new regulations by this Office to address, among other things, the criteria required for assisted living facility licensees to be awarded certificates of occupancy. A new Regulation Chapter 120-3-28 is needed to address the regulation of carnivals, operations which were previously regulated by the Department of Labor.

**III. DECISION**

WHEREAS, this Office finds the comments of State Fire Marshal Garriss persuasive in support of the proposed regulations, **IT IS HEREBY ORDERED** that the proposed regulations, 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 10<sup>th</sup> day of January, 2014.



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