

13 NCAC 15 .0306 CERTIFICATES OF OPERATION

- (a) Issuing of Final Certificates of Operation. A certificate of operation shall be issued by the Director where the inspections and tests, required by Rule .0305 of this Section, show beyond a reasonable doubt that the equipment has been designed and installed in accordance with the requirements of these Rules.
- (b) Framing of Certificates. The certificate furnished by the Director shall be maintained in a suitable frame under transparent cover.
- (c) Numbering of Certificates. The final certificate of operation shall show the registration number of the equipment for which it is issued, as required in Rule .0304 of this Section.
- (d) Posting of Certificates of Operation. The required certificates shall be posted conspicuously as follows:
 - (1) inside elevator cars, or
 - (2) inside dumbwaiter cars, or
 - (3) inside escalator and moving walk machine rooms, or
 - (4) in locations designated by the Division.
- (e) Limited Certificate of Operation.
 - (1) Issuance for Elevator. The Director may allow the temporary use of any elevator for passenger or freight service during its installation or alteration under the authority of a limited certificate, issued for each class of service. Such limited certificate shall not be issued for elevators until the elevator has been tested with rated load, and the car safety, hoistway door interlocks, car door switch, and terminal stopping devices have been tested to determine the safety of the equipment for construction purposes.
 - (2) Issuance for Personnel Hoist. The Director may allow the temporary use of any personnel hoist under the authority of a limited certificate. Such limited certificate shall not be issued until the personnel hoist has been tested with rated load, and the car safety, hoistway door interlocks, car door switch, and terminal stopping devices have been tested to determine the safety of the equipment.
 - (3) Life of Limited Certificates of Operation. Limited certificates of operation may in the case of an elevator be issued for a period not to exceed 90 days. Limited certificates of operation for a personnel hoist may be used for a period not exceeding the length of the applicable construction project. Such certificates may be renewed upon receiving a written request showing cause for renewal. Such request must be received 15 days prior to the expiration of said limited certificate.
 - (4) Posting of Limited Certificates of Operation. Limited certificates of operation shall be posted conspicuously on each elevator or personnel hoist. Such limited certificates for elevators shall bear a notice stating that the equipment has not been finally approved.
- (f) Revocation of Certificate of Operation.
 - (1) The Director may revoke a certificate of operation for any of the following reasons:
 - (A) Operation of an unsafe device or equipment which is likely to result in personal injury or property damage.
 - (B) Failure to comply with the provisions of Article 14A of Chapter 95 of the North Carolina General Statutes or the rules in this Chapter.
 - (C) Non-payment of the inspection fees established in 13 NCAC 15 .0702 if payment is not received within 30 days of the date of invoice.
 - (2) If the Director revokes a certificate of operation pursuant to 13 NCAC 15 .0306(f)(1), the affected party shall be given notice of the availability of an administrative hearing and of judicial review in accordance with Article 3 of Chapter 150B of the N.C. General Statutes.
- (g) Reissuance of Revoked Certificate of Operation.
 - (1) If the Director revokes a certificate of operation pursuant to 13 NCAC 15 .0306(f)(1)(a), the owner or operator shall notify the Director in writing when the hazard has been abated and shall request a reinspection of the device or equipment. Once the Director or his assignee has conducted the requested reinspection and has determined that the hazard has been abated and the device may be operated safely, the certificate of operation shall be reissued upon payment of the inspection fee pursuant to 13 NCAC 15 .0702 and the reissuance fee pursuant to 13 NCAC 15 .0706. Payment of the applicable fees shall be made in accordance with 13 NCAC 15 .0306(g)(4).
 - (2) If the Director revokes a certificate of operation pursuant to 13 NCAC 15 .0306(f)(1)(b), the owner or operator shall notify the Director in writing when the provisions of Article 14A of Chapter 95 of the North Carolina General Statutes and the rules in this Chapter have been satisfied. Once the Director or his assignee has conducted the requested reinspection and determined that the provisions of Article 14A of Chapter 95 of the North Carolina General Statutes and rules of this Chapter have been

satisfied, the certificate of operation shall be reissued upon payment of the inspection fee pursuant to 13 NCAC 15 .0702 and the reissuance fee pursuant to 13 NCAC 15 .0706. Payment of the applicable fees shall be made in accordance with 13 NCAC 15 .0306(g)(4).

- (3) If the Director revokes a certificate of operation pursuant to 13 NCAC 15 .0306(f)(1)(c), upon payment of the original inspection fee pursuant to 13 NCAC 15 .0702 and the reissuance fee pursuant to 13 NCAC 15 .0706, the certificate of operation shall be reissued. Payment of the applicable fees shall be made in accordance with 13 NCAC 15 .0306(g)(4).
- (4) Payment of the fees referenced in this rule shall be made by credit card, certified check, bank check or money order payable to the North Carolina Department of Labor. The owner shall notify the Division in writing when payment has been made.

*History Note: Authority G.S. 95-110.5; 95-110.6;
Eff. August 1, 1987;
Amended Eff. July 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016.*