



Adopting Building Transportation Codes

The last edition of [The Insider](#) examined what a model building or safety code is and how codes are developed. It emphasized that model codes are not laws or regulations until they are adopted by a specific jurisdiction, typically a state or province. So, how are building transportation codes adopted, and are there advantages or disadvantages to how this is achieved?

The general avenues for building transportation code adoption are as follows:

- **Adoption by legislation.** For example, in the state of Michigan, the ASME A17.1/CSA B44 *Safety Code for Elevators and Escalators* is adopted through legislation. The advantage to this method is that the elevator law carries as much force as any other law in the state and is not subject to reversal/overruling by conflicting policies such as those in the building code. The disadvantage of adopting any technical document by legislation is that legislators may not have the technical expertise or understanding of the underlying, complex engineering, structural, or architectural issues. Adoption by legislation is frequently slower than adoption by regulation. Further, jurisdictions using this method often let codes become obsolete due to the slower pace and complex nature of enacting new legislation every few years.
- **Adoption by reference.** The International Code Council's 2012 *International Building Code* contains close to 200 references to model codes and standards that regulate fire alarm systems, plumbing piping, structural strength of laminated lumber, and accessibility for persons with disabilities, safety for elevators and escalators, etc. States like New York do not adopt the *Safety Code for Elevators and Escalators* directly, but simply reference it in the building code the state implements. The largest advantage to this approach is that it relies on the expertise of the ICC code writers to determine what referenced codes are appropriate, saving hundreds of hours deliberating over the validity of each specialty code. This approach also includes a provision in the building code that states wherever a referenced code's requirements differ from those in the building code, the latter prevails. This is important in cases where, for example, the design of an elevator key is different in an ICC code from what is specified in the ASME A17.1/CSA B44 code. The greatest disadvantage to this approach is that model building codes can only reference codes and standards that have been published. This creates an addition lag which can result in adopting a code or standard already five to six years out of date when it becomes effective.
- **Adoption by regulation.** In the state of Ohio, for example, the *Safety Code for Elevators and Escalators* is adopted directly through regulations by the Department of Commerce,

Division of Industrial Compliance, Elevator Inspection Section. The major advantages of this are that the state or local government's Chief Elevator Inspector has the technical expertise to understand issues such as where elevator system electrical disconnects should be positioned, how escalator braking systems work, and how machine room-less elevators are inspected. The Chief Elevator Inspector brings a good deal more relevant knowledge to the adoption versus legislatures whose members possess much less technical engineering know-how.

- o **Auto-adoption.** Some jurisdictions adopt a code using what is referred to as auto-adoption legislation. Typically, this is a form of adoption by reference – and comes with a mandate that it be done in a specified time after the code becomes effective. State legislatures know a new edition of the ASME A17.1/CSA B44 *Safety Code for Elevators and Escalators* is published periodically, with an effective date set six months after publication. Therefore, a state legislature that wants to keep the code current can enact one-time legislation stating the latest edition of the code will go into effect within a specified period after it is published or effective. This lets the calendar take its course. The greatest advantage to this approach is that it ensures the most current safety provisions will be effective in the jurisdiction at the earliest possible time. Perhaps this is the best way to ensure a state's building transportation safety codes are kept up to date.



NEII® has an obvious interest in jurisdictions adopting the most recent edition of the ASME A17.1/CSA B44 *Safety Code for Elevators and Escalators*, preferably with only those modifications needed to make it applicable in a particular state, province, territory or city. We are also committed to assisting jurisdictions in adopting the most recent building, fire, electrical, fire alarm, sprinkler, and accessibility model codes. All of these have an impact on the safety and usability of our building transportation equipment. If we can be of assistance, please feel free to contact Amy Blankenbiller, NEII Government Affairs Director, at 785-286-7599 or ajblankenbiller@neii.org or Brian Black, NEII Codes and Safety Director at 585-302-0813 or [bdbblack@neii.org](mailto:bdblack@neii.org) for assistance. NEII has members and staff who are available when elevator industry issues arise within your state or province. We can help draft legislation, provide technical code support and/or meet with policymakers and other interested parties to discuss how best to address questions or concerns.

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