

# 1 RCNY §11-02

## CHAPTER 11 ELEVATORS, ESCALATORS, PERSONNEL HOISTS AND MOVING WALKS

### §11-02 Elevator and Escalator Violations Constituting a Condition Dangerous to Human Life and Safety.

(a) *Dangerous conditions.* Any of the following elevator and escalator violations constitute a condition dangerous to human life and safety.

- (1) Elevator out-of-service when there is only one elevator in the building or building section.
- (2) Fireman service not functioning in premises.
- (3) Badly worn, defective, or damaged hoist cables and/or governors cables.
- (4) Defective hoistway doors.
- (5) Defective hoistway door interlocks.
- (6) Defective car door/gate.
- (7) Defective car door/gate switch.
- (8) Defective/missing vision panels.
- (9) Defective car safety devices.
- (10) Defective brake assembly.
- (11) Defective hoist machine.
- (12) Defective selector/assembly.
- (13) Missing top emergency covers.
- (14) Defective escalator fire shutters.
- (15) Defective escalator comb plates.
- (16) Defective escalator stop switch.
- (17) Excessive escalator skirt panel clearances.
- (18) Defective or non-functional safety switches.
- (19) Badly worn, defective, or damaged relays or controllers and/or selector.
- (20) Defective, badly worn, or damaged car safety device parts.
- (21) Defective car and/or counterweight buffers.
- (22) Any damaged, badly worn or defective equipment, which could result in elevator breakdown.

(b) *Civil penalties.* In the event any person fails to remove any of the violations listed in these rules, after having been served with a notice personally or by a certified mail indicating that removal of such condition exists and requiring such removal or compliance unless the removal of such condition is prevented by a labor dispute or is the result of vandalism beyond the control of the owner, he shall be liable for civil penalty of not less than one hundred fifty dollars per day commencing on the date of the service of such notice and terminating on the date that such removal or compliance has been substantially completed in addition to other penalties set forth in law. When service of such notice is made by mail to the owner, civil penalties as herein provided shall commence five days from the date of such mailing.

(c) *Discontinuance of action upon removal of violation.* Where a notice requiring removal of a violation listed in these rules has been issued, liability shall cease and the corporation counsel, on request of the commissioner, shall discontinue prosecution only if the removal or compliance so required has been completed or substantially completed within ten days after the service of such notice. The commissioner shall, upon good cause shown, grant additional time for such removal or compliance. In addition, the civil penalties shall be tolled from the date the owner certifies under oath, on [sic] a form prescribed by the commissioner, that the removal of the violation has been substantially completed. If subsequent inspection by the department shows a failure to have removed the violation, the civil penalties shall be deemed to have accrued as of the first day notice of violation has been served.