

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Adopted Amendment: N.J.A.C. 5:23-2.15

Proposed: September 19, 2022, at 54 N.J.R. 1765(a).

Adopted: January 19, 2023, by Lt. Governor Sheila Y. Oliver, Commissioner, Department of Community Affairs.

Filed: February 23, 2023, as R.2023 d.039, **without change**.

Authority: N.J.S.A. 52:27D-119.

Effective Date: March 20, 2023.

Expiration Date: February 9, 2029.

Summary of Public Comments and Agency Responses:

Comments were received from Mitch Malec, retired former employee of the Department of Community Affairs.

1. COMMENT: The commenter recommends that language referencing the licensure of State elevator mechanics be reflected at N.J.A.C. 5:23-2.15(b) and (d), rather than N.J.A.C. 5:23-2.15(b)10. The commenter states that this change would be for the purpose of consistency with a previously adopted amendment referencing State heating, ventilating, air conditioning, and refrigeration licensing.

RESPONSE: The Department of Community Affairs (Department) respectfully disagrees. Although there could be many ways to codify any regulation, the proposed codification

appropriately and clearly incorporates the licensure requirement for elevator, escalator, and moving walkway (EEMW) mechanics.

2. COMMENT: The commenter states the proposed amendment, as written, requires any mechanic performing elevator work to be State-licensed. The commenter notes that pursuant to the State licensure law, N.J.S.A. 45:14H-1 et seq., and N.J.A.C. 13:44M, mechanics who are not State-licensed may perform work while under the supervision of a State-licensed elevator mechanic. The commenter states that the proposed amendment, as written, is incorrect and exceptions need to be added to the proposal before adoption.

RESPONSE: The Elevator, Escalator, and Moving Walkway Mechanics Licensing Board (Board) adopts the licensing requirements and any exceptions at N.J.A.C. 13:44M. The Board administers and enforces those regulations. The purpose of these proposed amendments is to incorporate a reference to the licensing requirements, thus there is no need to repeat the exceptions in the Uniform Construction Code (UCC). Accordingly, the Department respectfully disagrees that the proposed amendment is incorrect.

3. COMMENT: The commenter recommends that the Department should review and amend the definitions of “elevator” at N.J.A.C. 5:23-1.4 and 12.1(e) to include references to ASME A18.1. The commenter notes that ASME A18.1 is included within the State elevator mechanic licensure regulations and the recommended change upon adoption would aid in clarifying the scope of the UCC and bring it in line with licensure.

RESPONSE: Amendments upon adoption at N.J.A.C. 5:23-1.4 and 12.1 are outside the scope of this rulemaking, which amends Subchapter 2 of the UCC. Further, the Department respectfully

disagrees that the inclusion of ASME A18.1 in the definition of elevator is unnecessary because the definition includes the term “elevator device” and “includes, but is not limited to, elevators, escalators, [and] moving walks.” This appropriately aligns with the licensure requirements.

Federal Standards Statement

No Federal standards analysis is required because the adopted amendments are not being adopted in order to implement, comply with, or participate in any program established pursuant to Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Full text of the adoption follows:

TEXT