

**BEFORE THE ELEVATOR SAFETY BOARD
DEPARTMENT OF LABOR AND LICENSING
STATE OF ARKANSAS**

IN RE: SOUTHERN DEVELOPMENT CORPORATION

ORDER

This matter came before the Elevator Safety Board on Thursday, March 17, 2022. The petitioner, Southern Development Corporation, seeks a variance, by and through James Michael Hood and his counsel, Terry Wynne, from installing a car door restrictor on Elevator AS 2984. Mr. Hood and Mr. Wynne appeared before the board at the hearing on this matter.

FINDINGS OF FACT:

1. The petitioner's business, Southern Development Corporation, operates out of a two-story building located at 104 Main St. in Pine Bluff, Arkansas. The building includes an elevator that does not have a car door restrictor in place. The absence of the car door restrictor was discovered during the annual inspection of the elevator by Mr. Terry Richards.
2. Mr. Hood requested a variance in writing on September 21, 2021, requesting that Elevator AS 2984 continue operating without a car door restrictor.
3. The report of the Chief Elevator Inspector, Greg Tipton, dated October 25, 2021, reflects that the car door restrictor is a device that prevents the opening of the car door when the elevator is outside of the unlocking zone. The restrictor is designed to prevent a passenger within the elevator from manually opening the car door to exit the elevator when it is potentially not safe to do so.

4. Mr. Tipton testified that the potential for serious injury or death exists if someone attempts to exit the elevator when the elevator is outside of the unlocking zone. Furthermore, Mr. Tipton stated the minimum standard code requires car door restrictors on car doors in all elevators.

5. Mr. Hood provided a diagram of Elevator AS 2984 and testified that the likelihood of serious injury or death was minimal due to the potential fall from the elevator car being roughly three to four feet. Mr. Hood also explained that he has one tenant in the building and the elevator is rarely used.

CONCLUSIONS OF LAW:

1. The board has authority to adopt administrative rules establishing minimum standards for the installation, construction, maintenance, and operation of elevators pursuant to Ark. Code Ann. §20-24-106(c).

2. All conveyances shall be maintained by the owner or lessee in a condition that conforms to the standards established by the board which were in effect on the date of installation or the provisions of American Society of Mechanical Engineers ("ASME") A17.3-2005, whichever is more stringent. Rule 010.05 – 013, Elevator Safety Board (2017).

3. Elevator Code or ASME A17.3 Minimum Standards for existing elevators section 2.7.3(a) states that "when the car is outside the unlocking zone, the hoistway doors or car doors shall be so arranged that the hoistway doors or car doors cannot be opened more than 4 in. (102 mm) from inside the car."

4. The board also has the power to grant a variance from minimum standards when it is clearly evident that it is necessary in order to prevent undue hardship or when the existing conditions prevent compliance with the literal requirements of the rule. In no case, shall a variance be granted unless in the opinion of the board, reasonable safety will be secured. Ark. Code Ann. §20-24-106(d).

5. In the present case, the board considered Mr. Hood's financial burden of installing a car door restrictor on an elevator that is rarely used. However, the board concludes that compliance with the minimum safety standards requires the installation of a car door restrictor for continued use of the elevator.

THEREFORE, the board denies Southern Development Corporation's variance request to operate Elevator AS 2984 without a car door restrictor.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD

By: 
Ralph T. Hudson, Chairman

Date: 5/19/22

Approved as to Form:

/s/ Miles Morgan
Miles S. Morgan, 2017-049
Associate Counsel ADLL

Terry F. Wynne