

Section 62. The commissioner shall cause a system of elevator inspection to be instituted and maintained in the commonwealth. The commissioner shall assign an adequate number of competent inspectors for all elevators in the commonwealth. The commissioner shall have supervision of the installation, alteration, maintenance, inspection and approval of all elevators and shall enforce the regulations of the board of elevator regulations. No elevator shall be installed or altered until a copy of the plans and specifications of such elevator or of the proposed alterations shall have been filed by the owner of the premises where such elevator is to be installed or altered, or by the manufacturer of such elevator, and a certificate of approval or a specification of requirements shall have been issued by the commissioner. The word "elevator" shall include moving stairways, dumbwaiters, moving walks, material lifts and dumbwaiters with automatic transfer devices, wheelchair lifts, automatic people movers and other associated devices, **except stair lifts located and installed in residential homes**, that are commonly included within the elevator industry.

Section 64. All elevators shall be thoroughly inspected and a practical test made of the safety devices required therefor at intervals of not more than one year and at such other times as may be deemed necessary by the inspector; provided, however, that elevators in owner-occupied single family residences, whether attached or detached shall be inspected and tested at intervals of not less than five years;

Section 70. (a) Whoever is aggrieved by an interpretation, order, requirement or direction of an inspector or other person charged with the enforcement of any provision of law, code, rule or regulation relating to the installation or alteration of elevators may within ten days after the service or notice thereof appeal from such interpretation, order, requirement or direction to the board of elevator regulations. Whoever is or will be aggrieved by the application of any provision of law, code, rule or regulation relating to the installation or alteration of elevators, may file a petition for a variance therefrom with said board, whether or not compliance with such provision is required at the time of filing or at a future date on which such provision becomes effective. The filing fee for such appeal or petition for a variance shall be fifty dollars. After such notice as said board shall direct, a public hearing shall be had before the board at an early and convenient time and place fixed by it, not later than thirty days after the entry of such appeal or petition, unless such time is extended by agreement with the appellant or petitioner. Any such party may appear in person or by agent or attorney at such hearing. The board shall within thirty days after such hearing, unless such time is extended by like agreement, issue an appropriate decision or order reversing, affirming or modifying in whole or in part said interpretation, order, requirement or direction or postponing the application thereof or granting or denying a variance. In the case of a petition for a variance the board shall grant a variance if, owing to conditions especially affecting the particular building or installation involved, the enforcement of any provision of law, code, rule, or regulation relating to elevators, would do manifest injustice or cause substantial hardship, financial or otherwise, to the appellant or any occupant of the appellant's building or would be unreasonable under the circumstances or condition of the property; provided, that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such provision of law, code, rule or regulation. In exercising its powers under this paragraph, the board of elevator regulations may impose limitations both of time and of use, and a continuation of the use permitted may be conditioned upon compliance with regulations made and amended from time to time thereafter. A copy of such order or decision of the board shall be sent forthwith by registered mail to all interested parties.

(b) Within thirty days after receipt of any decision or order of the board of elevator regulations, any person aggrieved thereby may file an appeal therefrom to the board of elevator appeals established under section eleven A of chapter twenty-two. After such notice as said board shall direct said board shall hold a public hearing on such appeal at an early and convenient time and place fixed by it, not later than thirty days after the entry of such

appeal, unless such time is extended by agreement with the appellant. Any such party may appear in person or by agent or attorney at such hearing. Said board shall hear all pertinent evidence and determine the facts, and, upon the facts as so determined make such decision or order, including the granting of any variance in accordance with the standards therefor set forth in paragraph (a) as may be required. Such decision or order of the board of elevator appeals shall be made within a reasonable time and not later than sixty days after such hearing, unless such time is extended by like agreement. In exercising its powers under this paragraph the board of elevator appeals may impose limitations both of time and of use, and a continuation of the use permitted may be conditioned upon compliance with regulations made and amended from time to time thereafter. A copy of such decision or order shall be sent forthwith by registered mail to all interested parties.

(c) Any person aggrieved by a decision of the board of elevator appeals, whether or not previously a party to the proceeding, or any municipal officer or board, may appeal to the superior court sitting in equity for the county in which the building or installation concerned is situated; provided, that such appeal is filed in said court within thirty days after receipt of notice of such decision. It shall hear all pertinent evidence and determine the facts, and, upon the facts as so determined, annul such decision if found to exceed the authority of such board, or make such other decree as justice and equity may require. The foregoing remedy shall be exclusive, but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the board of elevator appeals unless it shall appear to the court that such board acted with gross negligence or in bad faith or with malice in making the decision appealed from. Costs shall not be allowed against the party appealing from the decision of such board unless it shall appear to the court that said appellant or appellants acted in bad faith or with malice in making the appeal to the court.

(d) Compliance with any interpretation, order, requirement or direction of an inspector or other person charged with the enforcement of any provision of law, code, rule or regulation relating to the installation or alteration of elevators or with any provision of law, code, rule or regulation relating thereto, other than an order made under section sixty-five prohibiting the use of an elevator because of its dangerous condition, or with any decision or order of the board of elevator regulations or of the board of elevator appeals shall be excused pending the final determination of any appeal or petition hereunder.

Section 71E. As used in sections 62 to 71F, inclusive, the term "elevator" shall include moving stairways, dumbwaiters, moving walks, material lifts, wheelchair lifts, automatic people movers, vertical reciprocating conveyors, orchestra lifts, car lifts and other associated devices within the elevator industry recognized by the board of elevator regulations, except inclined stair lifts located and installed in residential homes.