

BEFORE THE ELEVATOR SAFETY BOARD  
STATE OF ARKANSAS

IN RE: THYSSENKRUPP ELEVATOR CORPORATION  
ENDURA MRL HYDRO SERIES

**ORDER**

This matter came before the Elevator Safety Board on Thursday, January 16, 2014.

ThyssenKrupp Elevator Corporation (“Petitioner”) was represented by Matthew Wilson and John Stockstill. The Arkansas Department of Labor was represented by counsel, Daniel Faulkner, and by Larry Smothers, Chief Elevator Inspector. The Board makes the following findings of fact and conclusions of law.

**FINDINGS OF FACT:**

1. Petitioner submitted a variance request on November 14, 2013 to allow installation of a new hydraulic elevator, the ENDURA MRL Hydro.
2. Larry Smothers (Smothers), Chief Elevator Inspector, Arkansas Department of Labor, made a written report to the board recommending denial of the variance, but changed this recommendation during the Board meeting to recommended approval of four (4) installations of the ENDURA MRL Hydro product line to allow evaluation of the new technology.

**CONCLUSIONS OF LAW:**

1. Ark. Code Ann. § 20-24-106(d) provides that “[t]he board shall also have the power in any particular case to grant exceptions and variations which shall only be granted where it is clearly evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations.

In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby.”

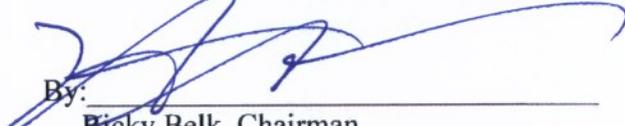
2. In the present case, the Board concludes that an undue hardship exists due to the fact that Smothers recommends limited installation of the new technology, and that developing codes are examining this new hydraulic elevator technology.

3. The Board finds that reasonable safety will be secured since Smothers recommends limited installation and Petitioner’s documentation and testimony shows appropriate levels of equivalent safety.

THEREFORE, the Board grants the ThyssenKrupp Elevator Corporation a variance to allow four (4) installations of the ENDURA MRL Hydro product line.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD  
STATE OF ARKANSAS

By: 

Ricky Belk, Chairman

DATE: 3.20.14

Approved: 

Daniel Knox Faulkner (2002-168)

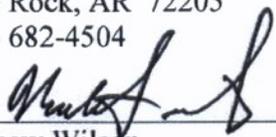
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