

MEMORANDUM

DATE: January 9, 2004

TO: All Building Officials and Interested Parties

FROM: Thomas R. Joachim
State Building Official



**SUBJECT: Use of Platform Lifts in Change of Occupancy
Minnesota Rules Chapter 1311**

Minnesota Rules Chapter 1311 contains requirements addressing accessibility for change in occupancy. The date of adoption of 1311 is March 31, 2003. Since this adoption date comes after the adoption of the State Accessibility Code, Chapter 1341 (May 3, 1999), it is intended that the criteria in 1311 take precedence over the change of occupancy provisions found in 1341. With regard to the use of a platform lift when a building undergoes a change in occupancy, while it is true that 1341 does not allow the use of a lift in this condition, 1311 does not specify that the type of vertical conveyance be limited to the types allowed in new construction. The addition of a vertical conveyance device in an existing building, whether or not a change in use is involved, constitutes an alteration. Section 1341.0411, Subpart 3, Item G allows platform lifts as a component of an accessible route in alterations to existing buildings. Therefore, it can be concluded that 1311 allows platform lifts in buildings and facilities which undergo a change in occupancy.

The Building Codes and Standards Division is aware of the substantive change this represents. This change is intentional and the division intends to clarify this provision even further with the next code adoption.

If you have any questions regarding this technical opinion please contact: Curt Wiehle, Building Code Representative, Building Codes and Standards Division, curt.wiehle@state.mn.us, 651.296.4633, fax: 651.297.1973.

DO011