

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 806

Introduced by Kuehn, 38.

Read first time January 04, 2018

Committee:

1 A BILL FOR AN ACT relating to conveyances; to amend sections 48-2502,
2 48-2503, 48-2504, 48-2506, 48-2507, 48-2508, 48-2511, 48-2513,
3 48-2514, 48-2515, 48-2516, and 48-2532, Reissue Revised Statutes of
4 Nebraska; to change and eliminate provisions of the Conveyance
5 Safety Act; to repeal the original sections; and to outright repeal
6 sections 48-2512, 48-2521, 48-2522, 48-2523, 48-2524, 48-2525,
7 48-2526, 48-2527, 48-2528, and 48-2529, Reissue Revised Statutes of
8 Nebraska.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-2502, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 48-2502 For purposes of the Conveyance Safety Act:

4 (1) Certificate of inspection means a document issued by the
5 commissioner that indicates that the conveyance has had the required
6 safety inspection and tests and that the required fees have been paid;

7 (2) Commissioner means the Commissioner of Labor;

8 (3) Committee means the Conveyance Advisory Committee;

9 (4) Conveyance means any elevator, dumbwaiter, vertical
10 reciprocating conveyor, escalator, moving sidewalk, automated people
11 mover, and other equipment enumerated in section 48-2507 and not exempted
12 under section 48-2508; and

13 ~~(5) Elevator contractor means any person who is engaged in the~~
14 ~~business of contracting services for erecting, constructing, installing,~~
15 ~~altering, servicing, testing, repairing, or maintaining conveyances;~~

16 ~~(6) Elevator mechanic means any person who is engaged in erecting,~~
17 ~~constructing, installing, altering, servicing, repairing, testing, or~~
18 ~~maintaining conveyances; and~~

19 (5) (7) Person means an individual, a partnership, a limited
20 liability company, a corporation, and any other business firm or company
21 and includes a director, an officer, a member, a manager, and a
22 superintendent of such an entity.

23 Sec. 2. Section 48-2503, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 48-2503 (1) The Conveyance Advisory Committee is created. One member
26 shall be the state elevator inspector appointed pursuant to section
27 48-2512.01. One member shall be the State Fire Marshal or his or her
28 designee. The Governor shall appoint the remaining members of the
29 committee as follows: One representative from a major elevator
30 manufacturing company; one representative from an elevator servicing
31 company; one representative who is a building manager; one representative

1 who is an elevator mechanic; and one representative of the general public
2 from each county that has a population of more than one hundred thousand
3 inhabitants. ~~The committee shall be appointed within ninety days after~~
4 ~~January 1, 2008.~~

5 (2) The members of the committee appointed by the Governor shall
6 serve for terms of three years, except that of the initial members
7 appointed, two shall serve for terms of one year and three shall serve
8 for terms of two years. The state elevator inspector and the State Fire
9 Marshal or his or her designee shall serve continuously. The appointed
10 members shall be reimbursed for their actual and necessary expenses for
11 service on the committee as provided in sections 81-1174 to 81-1177. The
12 members of the committee shall elect a chairperson who shall be the
13 deciding vote in the event of a tie vote.

14 (3) The committee shall meet and organize within thirty days after
15 the appointment of the members. The committee shall meet quarterly at a
16 time and place to be fixed by the committee for the consideration of code
17 regulations and for the transaction of such other business as properly
18 comes before it. Special meetings may be called by the chairperson or at
19 the request of two or more members of the committee. Any appointed
20 committee member absent from three consecutive meetings shall be
21 dismissed.

22 Sec. 3. Section 48-2504, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 48-2504 The committee:

25 (1) May consult with engineering authorities and organizations
26 concerned with standard safety codes;

27 (2) Shall recommend to the commissioner rules and regulations
28 governing the operation, maintenance, servicing, construction,
29 alteration, installation, and inspection of conveyances;

30 ~~(3) Shall recommend to the commissioner qualifications for licensure~~
31 ~~as an elevator mechanic or elevator contractor and conditions for~~

1 ~~disciplinary actions, including suspension or revocation of a license;~~

2 ~~(4) Shall recommend to the commissioner rules and regulations for~~
3 ~~temporary and emergency elevator mechanic thirty-day licenses;~~

4 (3) (5) Shall recommend to the commissioner an enforcement program
5 which will ensure compliance with the Conveyance Safety Act and the rules
6 and regulations adopted and promulgated pursuant to the act. The
7 enforcement program shall include the identification of property
8 locations which are subject to the act, issuing notifications to
9 violating property owners or operators, random onsite inspections and
10 tests on existing installations, and assisting in development of public
11 awareness programs; and

12 (4) (6) Shall make recommendations to the commissioner regarding
13 variances under section 48-2509, ~~continuing education providers under~~
14 ~~section 48-2526, and license disciplinary actions under section 48-2528.~~

15 Sec. 4. Section 48-2506, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 48-2506 (1) The commissioner shall, after a public hearing conducted
18 by the commissioner or his or her designee, establish a reasonable
19 schedule of fees for ~~licenses, permits, certificates, and inspections~~
20 authorized under the Conveyance Safety Act and a reasonable schedule of
21 administrative fees to be charged under section 48-2514. The commissioner
22 shall establish the fees at a level necessary to meet the costs of
23 administering the act. ~~Inspection fee schedules relating to the~~
24 ~~inspection of conveyances adopted by the commissioner prior to January 1,~~
25 ~~2008, shall continue to be effective until they are amended or repealed~~
26 ~~by the commissioner.~~

27 (2) The commissioner shall administer the Conveyance Safety Act. It
28 is the intent of the Legislature that, ~~beginning in fiscal year 2008-09,~~
29 the funding for the administration of the act shall be entirely from cash
30 funds remitted to the Mechanical Safety Inspection Fund that are fees
31 collected in the administration of the act.

1 Sec. 5. Section 48-2507, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 48-2507 (1) The Conveyance Safety Act applies to the construction,
4 operation, inspection, testing, maintenance, alteration, and repair of
5 conveyances. Conveyances include the following equipment, associated
6 parts, and hoistways which are not exempted under section 48-2508:

7 (a) Hoisting and lowering mechanisms equipped with a car which moves
8 between two or more landings. This equipment includes elevators;

9 (b) Power driven stairways and walkways for carrying persons between
10 landings. This equipment includes:

11 (i) Escalators; and

12 (ii) Moving sidewalks; and

13 (c) Hoisting and lowering mechanisms equipped with a car, which
14 serves two or more landings and is restricted to the carrying of material
15 by its limited size or limited access to the car. This equipment
16 includes:

17 (i) Dumbwaiters;

18 (ii) Material lifts and dumbwaiters with automatic transfer devices;
19 and

20 (iii) Conveyors and related equipment within the scope of American
21 Society of Mechanical Engineers B20.1.

22 (2) The act applies to the construction, operation, inspection,
23 maintenance, alteration, and repair of automatic guided transit vehicles
24 on guideways with an exclusive right-of-way. This equipment includes
25 automated people movers.

26 ~~(3) The act applies to conveyances in private residences located in~~
27 ~~counties that have a population of more than one hundred thousand~~
28 ~~inhabitants at the time of installation. Such conveyances are subject to~~
29 ~~inspection at installation but are not subject to periodic inspections.~~

30 Sec. 6. Section 48-2508, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 48-2508 The Conveyance Safety Act does not apply to:

2 (1) Conveyances under the jurisdiction and subject to inspection by
3 the United States Government;

4 (2) Conveyances used exclusively for agricultural purposes;

5 (3) Personnel hoists within the scope of American National Standards
6 Institute A10.4;

7 (4) Material hoists within the scope of American National Standards
8 Institute A10.5;

9 (5) Manlifts within the scope of American Society of Mechanical
10 Engineers A90.1;

11 (6) Mobile scaffolds, towers, and platforms within the scope of
12 American National Standards Institute A92;

13 (7) Powered platforms and equipment for exterior and interior
14 maintenance within the scope of American National Standards Institute
15 120.1;

16 (8) Cranes, derricks, hoists, hooks, jacks, and slings within the
17 scope of American Society of Mechanical Engineers B30;

18 (9) Industrial trucks within the scope of American Society of
19 Mechanical Engineers B56;

20 (10) Portable equipment, except for portable escalators which are
21 covered by American National Standards Institute A17.1;

22 (11) Tiering or piling machines used to move materials to and from
23 storage located and operating entirely within one story;

24 (12) Equipment for feeding or positioning materials at machine
25 tools, printing presses, and similar equipment;

26 (13) Skip or furnace hoists;

27 (14) Wharf ramps;

28 (15) Railroad car lifts or dumpers;

29 (16) Line jacks, false cars, shafters, moving platforms, and similar
30 equipment used for installing a conveyance ~~by an elevator contractor;~~

31 (17) Manlifts, hoists, or conveyances used in grain elevators or

- 1 feed mills;
- 2 (18) Dock levelators;
- 3 (19) Stairway chair lifts and platform lifts; and
- 4 (20) Conveyances in residences ~~located in counties that have a~~
5 ~~population of one hundred thousand or less inhabitants.~~

6 Sec. 7. Section 48-2511, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 ~~48-2511 On and after January 1, 2008: Prior to any newly installed~~
9 ~~conveyance being used for the first time, the property owner or lessee~~
10 ~~shall obtain a certificate of inspection from the commissioner. A fee~~
11 ~~established under section 48-2506 shall be paid for the certificate of~~
12 ~~inspection. A licensed elevator contractor shall complete and submit~~
13 ~~first-time registrations for new installations to the state elevator~~
14 ~~inspector for the inspector's approval. A certificate of inspection shall~~
15 ~~be clearly displayed in an elevator car and on or in each other~~
16 ~~conveyance.~~

17 Sec. 8. Section 48-2513, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 48-2513 (1) Except as provided otherwise in the Conveyance Safety
20 Act, the state elevator inspector shall inspect or cause to be inspected
21 conveyances which are located in a building or structure, ~~other than a~~
22 ~~private residence,~~ at least once every twelve months in order to
23 determine whether such conveyances are in a safe and satisfactory
24 condition and are properly constructed and maintained for their intended
25 use. The fee for the inspections required under this section shall be set
26 by the commissioner under section 48-2506.

27 (2) Subsequent to inspection of a conveyance, the inspector shall
28 supply owners or lessees with a written inspection report describing any
29 and all violations. An owner has thirty days after the date of the
30 published inspection report to correct the violations.

31 ~~(3) All tests done for the conveyance inspection shall be performed~~

1 ~~by a licensed elevator mechanic.~~

2 Sec. 9. Section 48-2514, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 48-2514 (1) No inspection shall be required under the Conveyance
5 Safety Act when an owner or user of a conveyance obtains an inspection by
6 a representative of a reputable insurance company licensed to do business
7 in Nebraska, obtains a policy of insurance from such company upon the
8 conveyance, ~~and~~ files with the commissioner proof ~~a certificate~~ of
9 inspection by such insurance company, files a statement that such
10 conveyance is insured, and pays an administrative fee established
11 pursuant to section 48-2506.

12 (2) No inspection shall be required under the act when there has
13 been an annual inspection under a city ordinance which meets the
14 standards of the act.

15 (3) No inspection shall be required under the act when an owner or
16 user of a conveyance obtains an inspection by a third party who is
17 certified as a qualified elevator inspector by an association accredited
18 by the American Society of Mechanical Engineers and the owner or user of
19 the conveyance files with the commissioner proof of inspection by the
20 qualified elevator inspector and pays an administrative fee established
21 pursuant to section 48-2506.

22 Sec. 10. Section 48-2515, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 48-2515 Upon request of ~~If at any time~~ the owner or user of a
25 conveyance, the state elevator inspector may make a special inspection of
26 the conveyance. The fee for such inspection shall be set by the
27 commissioner under section 48-2506. In addition to such fee, the state
28 elevator inspector shall collect the expenses he or she incurred in
29 making the inspection ~~desires a special inspection of a conveyance, it~~
30 ~~shall be made by the state elevator inspector after due request therefor~~
31 ~~and the inspector making the inspection shall collect his or her expenses~~

1 ~~in connection therewith and a fee established pursuant to section~~
2 ~~48-2506. A copy of the special inspection report of the inspection shall~~
3 be provided to the owner or user who requested the inspection ~~upon their~~
4 request.

5 Sec. 11. Section 48-2516, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 48-2516 Upon a conveyance passing an inspection under section
8 48-2513, 48-2514, or 48-2515 and receipt of any required ~~the inspection~~
9 fee, the commissioner shall issue the owner or user of the conveyance a
10 certificate of inspection, upon forms prescribed by the commissioner.

11 Sec. 12. Section 48-2532, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 48-2532 Under the Conveyance Safety Act, conveyances shall be
14 required to comply with the code standards applicable at the time such
15 conveyance was or is installed. However, if, upon the inspection of any
16 conveyance, (1) the conveyance is found to be in a dangerous condition or
17 there is an immediate hazard to those using such conveyance or (2) the
18 design or the method of operation in combination with devices used is
19 considered inherently dangerous in the opinion of the commissioner state
20 ~~elevator inspector~~, the commissioner ~~state elevator inspector~~ shall
21 notify the owner of the conveyance of such condition and shall order such
22 alterations or additions as may be deemed necessary to eliminate the
23 dangerous condition.

24 Sec. 13. Original sections 48-2502, 48-2503, 48-2504, 48-2506,
25 48-2507, 48-2508, 48-2511, 48-2513, 48-2514, 48-2515, 48-2516, and
26 48-2532, Reissue Revised Statutes of Nebraska, are repealed.

27 Sec. 14. The following sections are outright repealed: Sections
28 48-2512, 48-2521, 48-2522, 48-2523, 48-2524, 48-2525, 48-2526, 48-2527,
29 48-2528, and 48-2529, Reissue Revised Statutes of Nebraska.