

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 588**

Introduced by Nordquist, 7; Mello, 5.

Read first time January 19, 2011

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to the Conveyance Safety Act; to amend sections  
2 48-2501, 48-2502, 48-2503, 48-2504, 48-2506, 48-2507,  
3 48-2508, 48-2512, 48-2521, 48-2522, 48-2525, 48-2526, and  
4 48-2529, Reissue Revised Statutes of Nebraska; to change  
5 powers, duties, membership, and rename the committee; to  
6 eliminate duties of the commissioner; to change  
7 provisions relating to conveyances; to harmonize  
8 provisions; to repeal the original sections; and to  
9 outright repeal section 48-2509, Reissue Revised Statutes  
10 of Nebraska.

11 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 48-2501, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   48-2501 Sections 48-2501 to 48-2533 and section 5 of this  
4 act shall be known and may be cited as the Conveyance Safety Act.

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

7                   48-2502 For purposes of the Conveyance Safety Act:

8                   (1) Certificate of inspection means a document issued by  
9 the commissioner that indicates that the conveyance has had the  
10 required safety inspection and tests and that the required fees have  
11 been paid;

12                   (2) Commissioner means the Commissioner of Labor;

13                   (3) Committee means the Conveyance ~~Advisory~~ Committee;

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

18                   (5) Elevator contractor means any person who is engaged  
19 in the business of contracting services for erecting, constructing,  
20 installing, altering, servicing, testing, repairing, or maintaining  
21 conveyances;

22                   (6) Elevator mechanic means any person who is engaged in  
23 erecting, constructing, installing, altering, servicing, repairing,  
24 testing, or maintaining conveyances; and

25                   (7) Person means an individual, a partnership, a limited

1 liability company, a corporation, and any other business firm or  
2 company and includes a director, an officer, a member, a manager, and  
3 a superintendent of such an entity.

4           Sec. 3. Section 48-2503, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           48-2503 (1)(a) The Conveyance ~~Advisory~~ Committee is  
7 created. One member shall be the state elevator inspector appointed  
8 pursuant to section 48-2512.01. One member shall be the State Fire  
9 Marshal or his or her designee. The Governor shall appoint the  
10 remaining members of the committee as follows: One representative  
11 from a major elevator manufacturing company; one representative from  
12 an elevator servicing company; one representative who is a building  
13 manager; one representative who is an elevator mechanic; one  
14 representative of labor involved in the elevator industry; and except  
15 as provided in subdivision (b) of this subsection, one representative  
16 of the general public from each county that has a population of more  
17 than one hundred thousand inhabitants. ~~The committee shall be~~  
18 ~~appointed within ninety days after January 1, 2008.~~

19           (b) On and after the effective date of this act, as the  
20 term of each representative of the general public from a county that  
21 has a population of more than one hundred thousand inhabitants  
22 expires, the Governor shall fill such expired terms with  
23 representatives from three different counties of the state, one of  
24 whom shall represent urban interests, one of whom shall represent  
25 suburban interests, and one of whom shall represent rural interests

1 of the general public. A representative of the general public who is  
2 serving on the committee on the effective date of this act may be  
3 eligible for reappointment when his or her term expires if he or she  
4 is eligible under the criteria established by this subdivision.

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

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

23 Sec. 4. Section 48-2504, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 48-2504 The committee:

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

3           (2) Shall ~~recommend to the commissioner~~ adopt and  
4 promulgate rules and regulations for standard safety codes, as  
5 provided in section 5 of this act, governing the operation,  
6 maintenance, servicing, construction, alteration, installation, and  
7 inspection of conveyances;

8           (3) Shall ~~recommend to the commissioner~~ adopt and  
9 promulgate rules and regulations for qualifications for licensure as  
10 an elevator mechanic, ~~or~~ elevator contractor, and elevator inspector  
11 and conditions for disciplinary actions, including suspension or  
12 revocation of a license;

13           (4) Shall ~~recommend to the commissioner~~ adopt and  
14 promulgate rules and regulations for temporary and emergency elevator  
15 mechanic thirty-day licenses;

16           (5) May recommend to the commissioner legislative changes  
17 to the Conveyance Safety Act deemed appropriate by the committee;

18           ~~(5)~~ (6) Shall recommend to the commissioner an  
19 enforcement program which will ensure compliance with the Conveyance  
20 Safety Act and the rules and regulations adopted and promulgated  
21 pursuant to the act. The enforcement program shall include the  
22 identification of property locations which are subject to the act,  
23 issuing notifications to violating property owners or operators,  
24 random onsite inspections and tests on existing installations, and  
25 assisting in development of public awareness programs; and

1           ~~(6)–(7)~~ Shall make recommendations to the commissioner  
2 regarding ~~variances under section 48-2509,~~ continuing education  
3 providers under section 48-2526~~7~~, and license disciplinary actions  
4 under section 48-2528.

5           Sec. 5. (1) The committee shall adopt and promulgate  
6 rules and regulations for state standards for the equipment regulated  
7 under the act. Such regulations shall include the Safety Code for  
8 Elevators and Escalators, American Society of Mechanical Engineers  
9 A17.1-2007/Canadian Standards Association B44; the Safety Code for  
10 Existing Elevators and Escalators, American Society of Mechanical  
11 Engineers A17.3-2008; the Performance-Based Safety Code for Elevators  
12 and Escalators, American Society of Mechanical Engineers A17.7/  
13 Canadian Standards Association B44.7-2007; the Safety Standards for  
14 Platform Lifts and Stairway Chairlifts, American Society of  
15 Mechanical Engineers A18.1-2008; Standard for the Qualification of  
16 Elevator Inspectors, American Society of Mechanical Engineers  
17 OEI-1-2010; and Automated People Mover Standards, American Society of  
18 Civil Engineers 21-2005. The committee shall adopt the most recent  
19 editions of such standards within six months after publication. Any  
20 modifications to such standards the committee deems necessary shall  
21 be adopted and justified in writing by the committee;

22           (2) The committee may grant an exception or variance from  
23 the state standards or local ordinances if such variances will not  
24 jeopardize the public safety and welfare. The committee shall hold a  
25 hearing and decide upon such exception or variance within thirty days

1 after the application for an exception or variance is received by the  
2 committee. The decision of the committee may be appealed, and the  
3 appeal shall be in accordance with the Administrative Procedure Act.

4           Sec. 6. Section 48-2506, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           48-2506 (1) The ~~commissioner~~committee shall, after a  
7 public hearing conducted by the commissioner or his or her designee,  
8 establish a reasonable schedule of fees for licenses, permits,  
9 certificates, and inspections authorized under the Conveyance Safety  
10 Act. The ~~commissioner~~committee shall establish the fees at a level  
11 necessary to meet the costs of administering the act. Inspection fee  
12 schedules relating to the inspection of conveyances adopted by the  
13 commissioner prior to January 1, 2008, shall continue to be effective  
14 until they are amended or repealed. ~~by the commissioner.~~

15           (2) The commissioner shall administer the Conveyance  
16 Safety Act. It is the intent of the Legislature that, beginning in  
17 fiscal year 2008-09, the funding for the administration of the act  
18 shall be entirely from cash funds remitted to the Mechanical Safety  
19 Inspection Fund that are fees collected in the administration of the  
20 act.

21           Sec. 7. Section 48-2507, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23           48-2507 (1) The Conveyance Safety Act applies to the  
24 construction, operation, inspection, testing, maintenance,  
25 alteration, and repair of conveyances. Conveyances include the

1 following equipment, associated parts, and hoistways which are not  
2 exempted under section 48-2508:

3 (a) Hoisting and lowering mechanisms equipped with a car  
4 which moves between two or more landings. This equipment includes  
5 elevators, platform lifts, and stairway chair lifts;

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

8 (i) Escalators; and

9 (ii) Moving sidewalks; and

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

14 (i) Dumbwaiters;

15 (ii) Material lifts and dumbwaiters with automatic  
16 transfer devices; and

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

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

23 ~~(3) The act applies to conveyances in private residences~~  
24 ~~located in counties that have a population of more than one hundred~~  
25 ~~thousand inhabitants at the time of installation. Such conveyances~~

1 ~~are subject to inspection at installation but are not subject to~~  
2 ~~periodic inspections.~~

3           Sec. 8. Section 48-2508, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           48-2508 The Conveyance Safety Act does not apply to:

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

8           (2) Conveyances used exclusively for agricultural  
9 purposes;

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

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

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

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

18           (7) Powered platforms and equipment for exterior and  
19 interior maintenance within the scope of American National Standards  
20 Institute 120.1;

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

23           (9) Industrial trucks within the scope of American  
24 Society of Mechanical Engineers B56;

25           (10) Portable equipment, except for portable escalators

1 which are covered by American National Standards Institute A17.1;

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

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

6 (13) Skip or furnace hoists;

7 (14) Wharf ramps;

8 (15) Railroad car lifts or dumpers;

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

12 (17) Manlifts, hoists, or conveyances used in grain  
13 elevators or feed mills;

14 (18) Dock levelators; and

15 (19) Stairway ~~If installed in a single family dwelling,~~  
16 stairway chair lifts and platform lifts, and elevators in private  
17 residences. ; and

18 ~~(20) Conveyances in residences located in counties that~~  
19 ~~have a population of one hundred thousand or less inhabitants.~~

20 Sec. 9. Section 48-2512, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 48-2512 (1) No person shall wire, alter, replace, remove,  
23 or dismantle an existing conveyance ~~contained within a building or~~  
24 ~~structure located in a county that has a population of more than one~~  
25 ~~hundred thousand inhabitants unless such person is a licensed~~

1 elevator mechanic or he or she is working under the ~~direct~~ general  
2 supervision of a person who is a licensed elevator mechanic. ~~Neither~~  
3 ~~a licensed elevator mechanic nor a licensed elevator contractor is~~  
4 ~~required to perform nonmechanical maintenance of a conveyance.~~  
5 Neither a licensed elevator contractor nor a licensed elevator  
6 mechanic is required for removing or dismantling conveyances which  
7 are destroyed as a result of a complete demolition of a secured  
8 building.

9 (2) It shall be the responsibility of licensed elevator  
10 mechanics and licensed elevator contractors to ensure that  
11 installation and service of a conveyance is performed in compliance  
12 with applicable fire and safety codes. It shall be the responsibility  
13 of the owner of the conveyance to ensure that the conveyance is  
14 maintained in compliance with applicable fire and safety codes.

15 (3) All new conveyance installations shall be performed  
16 by a licensed elevator mechanic under the control of a licensed  
17 elevator contractor or by a licensed elevator contractor. Subsequent  
18 to installation, a licensed elevator contractor shall certify  
19 compliance with the Conveyance Safety Act.

20 Sec. 10. Section 48-2521, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 48-2521 (1) Any person wishing to engage in the work of  
23 an elevator mechanic shall apply for and obtain an elevator mechanic  
24 license from the commissioner. The application shall be on a form  
25 ~~provided~~ prescribed by the ~~commissioner.~~ committee.

1                   (2) Any person wishing to engage in the business of an  
2 elevator contractor shall apply for and obtain an elevator contractor  
3 license from the commissioner. The application shall be on a form  
4 provided by the commissioner.

5                   (3) Each application shall contain:

6                   (a) If an individual, the name, residence and business  
7 address, and social security number of the applicant;

8                   (b) If a partnership, the name, residence and business  
9 address, and social security number of each partner;

10                  (c) If a domestic corporation, the name and business  
11 address of the corporation and the name, residence address, and  
12 social security number of the principal officer of the corporation;  
13 and if a corporation other than a domestic corporation, the name and  
14 address of an agent located locally who is authorized to accept  
15 service of process and official notices;

16                  (d) The number of years the applicant has engaged in the  
17 business of installing, inspecting, maintaining, or servicing  
18 conveyances;

19                  (e) The approximate number of individuals to be employed  
20 by the applicant and, if applicable, satisfactory evidence that the  
21 employees are or will be covered by workers' compensation insurance;

22                  (f) Satisfactory evidence that the applicant is or will  
23 be covered by general liability, personal injury, and property damage  
24 insurance;

25                  (g) Permission for the Department of Labor to access the

1 criminal history record information of individuals, partners, or  
2 officers maintained by the Federal Bureau of Investigation through  
3 the Nebraska State Patrol;

4 (h) A description of all accidents causing personal  
5 injury or property damage in excess of one thousand dollars involving  
6 conveyances installed, inspected, maintained, or serviced by the  
7 applicant; and

8 (i) Such other information as the ~~commissioner~~ committee  
9 may by rule and regulation require.

10 (4) Social security numbers on applications shall not be  
11 made public or be considered a part of a public record.

12 Sec. 11. Section 48-2522, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 48-2522 The ~~commissioner~~ committee shall adopt and  
15 promulgate rules and regulations establishing standards for licensure  
16 of elevator mechanics. An applicant for an elevator mechanic license  
17 shall demonstrate the following qualifications before being granted  
18 an elevator mechanic license:

19 (1) Not less than three years' work experience in the  
20 conveyance industry, in construction, maintenance, and service or  
21 repair, as verified by current and previous employers;

22 (2) One of the following:

23 (a) Satisfactory completion of a written examination  
24 administered by the committee on the most recent referenced codes and  
25 standards;

1           (b) Acceptable proof that the applicant has worked as a  
2 conveyance constructor, maintenance, or repair person. Such person  
3 shall have worked as an elevator mechanic without the direct and  
4 immediate supervision of a licensed elevator contractor and have  
5 passed a written examination approved by the commissioner. This  
6 employment shall not be less than three years immediately prior to  
7 the effective date of the license;

8           (c) Certificates of completion and successfully passing  
9 an elevator mechanic examination of a nationally recognized training  
10 program for the conveyance industry as provided by the National  
11 Elevator Industry Educational Program or its equivalent; or

12           (d) Certificates of completion of an apprenticeship  
13 program for elevator mechanics, having standards substantially equal  
14 to those of the Conveyance Safety Act and registered with the Bureau  
15 of Apprenticeship and Training of the United States Department of  
16 Labor or a state apprenticeship council; and

17           (3) Any additional qualifications adopted and promulgated  
18 in rule and regulation by the ~~commissioner~~. committee.

19           Sec. 12. Section 48-2525, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           48-2525 Upon approval of an application for licensure as  
22 an elevator mechanic, the commissioner may issue a license which  
23 shall be renewable biennially if the continuing education  
24 requirements are met. The fee for licenses and for license renewal  
25 for elevator mechanic licenses and elevator contractor licenses shall

1 be set by the ~~commissioner~~ committee under section 48-2506.

2           Sec. 13. Section 48-2526, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           48-2526 (1) The renewal of elevator mechanic licenses  
5 granted under the Conveyance Safety Act shall be conditioned upon the  
6 submission of a certificate of completion of a course designed to  
7 ensure the continuing education on new and existing rules and  
8 regulations adopted and promulgated by the ~~commissioner~~ committee.  
9 Such course shall consist of not less than eight hours of instruction  
10 that shall be attended and completed within one year immediately  
11 preceding any license renewal. The individual holding the elevator  
12 mechanic license shall pay the cost of such course.

13           (2) The courses shall be taught by instructors through  
14 continuing education providers that may include association seminars  
15 and labor training programs. The committee shall make recommendations  
16 to the commissioner about approval of continuing education providers.

17           (3) An elevator mechanic licensee who is unable to  
18 complete the continuing education course required under this section  
19 prior to the expiration of the license due to a temporary disability  
20 may apply for an extension from the state elevator inspector. The  
21 extension shall be on a form provided by the state elevator inspector  
22 which shall be signed by the applicant and accompanied by a certified  
23 statement from a competent physician attesting to such temporary  
24 disability. Upon the termination of such temporary disability, the  
25 elevator mechanic licensee shall submit to the state elevator

1 inspector a certified statement from the same physician, if  
2 practicable, attesting to the termination of such temporary  
3 disability. At such time an extension sticker, valid for ninety days,  
4 shall be issued to the licensed elevator mechanic and affixed to the  
5 license. Such extension shall be renewable for periods of ninety days  
6 upon a showing that the disability continues.

7 (4) Approved continuing education providers shall keep  
8 uniform records, for a period of ten years, of attendance of elevator  
9 mechanic licensees following a format approved by the state elevator  
10 inspector, and such records shall be available for inspection by the  
11 state elevator inspector upon request. Approved continuing education  
12 providers are responsible for the security of all attendance records  
13 and certificates of completion. Falsifying or knowingly allowing  
14 another to falsify such attendance records or certificates of  
15 completion shall constitute grounds for suspension or revocation of  
16 the approval required under this section.

17 Sec. 14. Section 48-2529, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 48-2529 The ~~commissioner~~committee shall adopt and  
20 promulgate rules and regulations establishing standards and  
21 procedures for the issuance of temporary and emergency elevator  
22 mechanic ~~thirty-day~~ licenses and for the extension of such licenses  
23 for good cause shown.

24 Sec. 15. Original sections 48-2501, 48-2502, 48-2503,  
25 48-2504, 48-2506, 48-2507, 48-2508, 48-2512, 48-2521, 48-2522,

1 48-2525, 48-2526, and 48-2529, Reissue Revised Statutes of Nebraska,  
2 are repealed.

3           Sec. 16. The following section is outright repealed:

4 Section 48-2509, Reissue Revised Statutes of Nebraska.