

AMENDMENTS TO LB363

Introduced by Business and Labor.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 48-2503, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 48-2503 (1)(a) ~~{1}~~ The Conveyance Advisory Committee is created.
6 One member shall be the state elevator inspector appointed pursuant to
7 section 48-2512.01. One member shall be the State Fire Marshal or his or
8 her designee. The Governor shall appoint the remaining members of the
9 committee as follows: One representative from a major elevator
10 manufacturing company; one representative from an elevator servicing
11 company; one representative who is a building manager; one representative
12 who is an elevator mechanic; and, except as provided in subdivision (1)
13 (b) of this section, one representative of the general public from each
14 county that has a population of more than one hundred thousand
15 inhabitants. ~~The committee shall be appointed within ninety days after~~
16 ~~January 1, 2008.~~

17 (b) On and after the operative date of this section, as the term of
18 each representative of the general public from a county that has a
19 population of more than one hundred thousand inhabitants expires, the
20 Governor shall fill such expired terms with representatives from three
21 different counties of the state, one of whom shall reside in a county
22 containing a city of the metropolitan class, one of whom shall reside in
23 a county that has a population of at least one hundred thousand
24 inhabitants but less than four hundred thousand inhabitants, and one of
25 whom shall reside in a county that has a population of less than one
26 hundred thousand inhabitants. A representative of the general public who
27 is serving on the committee on the operative date of this section may be

1 eligible for reappointment when his or her term expires if he or she is
2 eligible under the criteria established by this subdivision.

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

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

20 Sec. 2. Section 48-2504, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 48-2504 The committee:

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

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

28 (3) Shall recommend to the commissioner qualifications for licensure
29 as an elevator mechanic or elevator contractor and conditions for
30 disciplinary actions, including suspension or revocation of a license;

31 (4) Shall recommend to the commissioner rules and regulations for

1 temporary and emergency elevator mechanic ~~thirty-day~~ licenses;

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

9 (6) Shall make recommendations to the commissioner regarding
10 variances under section 48-2509, continuing education providers under
11 section 48-2526, and license disciplinary actions under section 48-2528.

12 Sec. 3. Section 48-2507, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 48-2507 (1) The Conveyance Safety Act applies to the construction,
15 operation, inspection, testing, maintenance, alteration, and repair of
16 conveyances. Conveyances include the following equipment, associated
17 parts, and hoistways which are not exempted under section 48-2508:

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

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

22 (i) Escalators; and

23 (ii) Moving sidewalks; and

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

28 (i) Dumbwaiters;

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

30 and

31 (iii) Conveyors and related equipment within the scope of American

1 Society of Mechanical Engineers B20.1.

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

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

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

12 48-2508 The Conveyance Safety Act does not apply to:

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

15 (2) Conveyances used exclusively for agricultural purposes, except
16 upon the written request of the property owner to the state elevator
17 inspector;

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

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

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

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

26 (7) Powered platforms and equipment for exterior and interior
27 maintenance within the scope of American National Standards Institute
28 120.1;

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

31 (9) Industrial trucks within the scope of American Society of

1 Mechanical Engineers B56;

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

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

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

8 (13) Skip or furnace hoists;

9 (14) Wharf ramps;

10 (15) Railroad car lifts or dumpers;

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

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

15 (18) Dock levelators; and

16 (19) Stairway chair lifts and platform lifts in private
17 residences. ; ~~and~~

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

20 Sec. 5. Section 48-2512, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 48-2512 (1) No person shall wire, alter, replace, remove, or
23 dismantle an existing conveyance ~~contained within a building or structure~~
24 ~~located in a county that has a population of more than one hundred~~
25 ~~thousand inhabitants~~ unless such person is a licensed elevator mechanic
26 or he or she is working under the direct supervision of a person who is a
27 licensed elevator mechanic. ~~Neither a licensed elevator mechanic nor a~~
28 ~~licensed elevator contractor is required to perform nonmechanical~~
29 ~~maintenance of a conveyance.~~ Neither a licensed elevator contractor nor a
30 licensed elevator mechanic is required for removing or dismantling
31 conveyances which are destroyed as a result of a complete demolition of a

1 secured building.

2 (2) It shall be the responsibility of licensed elevator mechanics
3 and licensed elevator contractors to ensure that installation and service
4 of a conveyance is performed in compliance with applicable fire and
5 safety codes. It shall be the responsibility of the owner of the
6 conveyance to ensure that the conveyance is maintained in compliance with
7 applicable fire and safety codes.

8 (3) All new conveyance installations shall be performed by a
9 licensed elevator mechanic under the control of a licensed elevator
10 contractor or by a licensed elevator contractor. Subsequent to
11 installation, a licensed elevator contractor shall certify compliance
12 with the Conveyance Safety Act.

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

15 48-2516 Upon a conveyance passing an inspection under section
16 48-2513, 48-2514, or 48-2515 and receipt of the inspection fee, the
17 commissioner shall issue the owner or user of the conveyance a
18 certificate of inspection, upon forms prescribed by the commissioner. For
19 inspections conducted from January 1, 2018, through December 31, 2018, in
20 counties that have a population of one hundred thousand inhabitants or
21 less, the certificate of inspection shall notify the owner of the
22 licensure requirements provided in the Conveyance Safety Act.

23 Sec. 7. Section 48-2529, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 48-2529 The commissioner shall adopt and promulgate rules and
26 regulations establishing standards and procedures for the issuance of
27 temporary and emergency elevator mechanic ~~thirty-day~~ licenses and for the
28 extension of such licenses for good cause shown.

29 Sec. 8. Sections 1, 2, 3, 4, 5, 7, and 10 of this act become
30 operative on January 1, 2019. The other sections of this act become
31 operative on their effective date.

1 Sec. 9. Original section 48-2516, Reissue Revised Statutes of
2 Nebraska, is repealed.

3 Sec. 10. Original sections 48-2503, 48-2504, 48-2507, 48-2508,
4 48-2512, and 48-2529, Reissue Revised Statutes of Nebraska, are repealed.