

# BUSINESS AND LABOR COMMITTEE

## NEBRASKA LEGISLATURE

Elevator Mechanic and Elevator Contractors Safety Code Advisory

Board Report as required pursuant to the Occupational Board Reform

Act (OBRA)

Neb. Rev. Stat. § 84-948

One Hundred Ninth Legislature  
First Session

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## **Introduction**

The Legislature passed the Occupational Board Reform Act in 2018 (Neb. Rev. Stat. §§ 84-901 to 84-920) with an operative date of July 1, 2019. The act requires that:

Beginning in 2019, each standing committee of the Legislature shall annually review and analyze approximately twenty percent of the occupational regulations within the jurisdiction of the committee and prepare and submit an annual report electronically to the Clerk of the Legislature by December 15 of each year as provided in this section. Each committee shall complete this process for all occupational regulations within its jurisdiction within five years and every five years thereafter. Each report shall include the committee's recommendations regarding whether the occupational regulations should be terminated, continued, or modified." (Neb. Rev. Stat. § 84-948)

There are four such occupational regulations identified under the jurisdiction of the Business and Labor Committee, (1) Locksmith; (2) Professional Employer Organization; (3) Contractor/Sub-Contractor; (4) Elevator Mechanics and Elevator Contractors, which had not been previously assigned a committee before this year.

## Background and Legislative History

The Fire Marshal's office was organized on April 3, 1909, by a legislative act known as the Fire Commission Law. A. U. Johnson was appointed as the first State Fire Marshal with a staff of two deputies. Over the years the duties of the SFM office have evolved from safety inspections and fire investigations to include natural gas pipeline safety, aboveground and underground storage tank regulation, emergency responder training, hazardous materials response, fireworks licensing, fire alarm inspector licensing, building plan reviews and enforcement of accessibility guidelines. The current State Fire Marshal, Doug Hohbein, oversees 65 full-time employees assigned to one of six divisions – Administrative, Enforcement, Investigations, Fuels, Plans Review and Training.

- The **Administrative Division** is comprised of the Fire Marshal, Assistant State Fire Marshal, Business Manager, Legal Counsel, Public Information Officer/Fire Prevention Deputy and the support staff. The Division is responsible for providing administrative leadership and clerical support to maintain and operate the Agency.
- The **Enforcement Division** is comprised of three districts, each supervised by a District Chief Deputy State Fire Marshal. The eighteen Deputies assigned to these districts perform various inspections for life safety.
- The **Fuels Division** is comprised of two programs, the Tank Program and the Pipeline Safety Program. The Division is overseen by a Chief Deputy State Fire Marshal, and employs ten Deputies and two support staff. Deputies and staff in the Tank Program inspect all underground storage tank (UST) facilities for compliance with federal EPA rules and regulations, inspect all new underground tank and piping installations, and

existing tank removals, and oversee a licensing and certification system for tank installers, removers, and cathodic protection testers. The four deputies in the Pipeline Safety Program inspect all intrastate gas pipeline operators for compliance with federal DOT regulations and are also involved in promoting safe digging practices and the use of the Nebraska One-Call Notification System.

- The **Investigations Division** is comprised of a Chief Deputy State Fire Marshal and seven investigators. These investigators are all certified law enforcement personnel and are designated as Special State Sheriffs. The Division's responsibilities include investigation of suspicious fires and fire-related deaths, post-blast explosions and arson-related crimes. Investigators also inspect fireworks storage facilities and conduct investigations involving unlawful use and sale of fireworks.
- The **Plans Review Division** is responsible for the review of plans for compliance with fire and accessibility codes, coordination of enforcement with the delegated authority cities and general code enforcement.
- The **Training Division** is comprised of a Chief Deputy State Fire Marshal, six Training Specialists, a Staff Assistant and numerous part-time instructors. The Training Division operates a statewide training program for emergency responders, and is the only recognized source within the State of Nebraska for accredited firefighter professional certification, based on accreditation from the International Fire Service Accreditation Congress (IFSAC) and the Fire Service Professional Qualifications System (ProBoard).

Changes were made to the Nebraska Conveyance Safety Act with the passage of LB 445 during the 2025 Legislative Session. LB 435 was introduced by Senator Wordekemper and was

amended into LB 415, which was signed into law on June 6, 2025. LB 435 allows the state elevator inspector to be supervised by the State Fire Marshal or someone designated by the State Fire Marshal. Additionally, LB 435 changes the requirements for an inspection under the Conveyance Safety Act. Formal inspections are typically required under the Conveyance Safety Act. No inspection is needed if an owner or user of a conveyance gets an insurance policy on the conveyance from a licensed insurance company, pays a fee, files a statement of insurance, and files a certificate of inspection from a third-party inspection company with the State Fire Marshal. LB 435 loosens the requirements for obtaining an elevator mechanic license while establishing the requirements for obtaining an elevator contractor license. The mechanic license shall no longer require social security information, home address, and insurance information from the applicant. The contractor license shall require the applicant to show comprehensive insurance information, list all accidents involving conveyances the applicant has worked on, and information regarding all elevator mechanics working or contracting with the business. Finally, LB 435 removes the option for a person to call in and make a request for an investigation under the Conveyance Safety Act. A person may now make it in writing and may still walk in a request.

## Committee Findings

Pursuant to Nebraska Revised Statute § 84-948, each report issued by a standing committee of the Legislature must contain the following information (**Answers in Bold**):

- (a) The title of the regulated occupation and the name of the occupational board responsible for enforcement of the occupational regulations:
  - **Elevator Mechanic and Elevator Contractors and the Elevator Mechanic and Elevator Contractors.**
- (b) The statutory citation or other authorization for the creation of the occupational regulations and occupational board;
  - **Nebraska Revised Statute §81-5,210- 81-5,243**
- (c) The number of members of the occupational board and how the members are appointed;
  - **Nine (9) and they are appointed by the Governor in accordance with the requirements discussed in (d).**
- (d) The qualifications for membership on the occupational board;
  - **One member shall be the state elevator inspector employed pursuant to § 81-5,221. The Governor shall appoint the other members of the committee as follows: One representative from a major elevator manufacturing company; one representative from an elevator servicing company; one representative who is a building manager; one representative who is an elevator mechanic; and one representative of the general public from each county that has a population of more than one hundred thousand inhabitants.**

(e) The number of times the occupational board is required to meet during the year and the number of times it actually met;

- **The Committee is required to meet quarterly. In 2024-205, the Committee met three times. In 2023-2024, the Committee met three times. In 2022-2023, the Committee met three times. During 2021-2022 and 2020-2021, due to the Covid-19 pandemic, the Committee never met.**

(f) Annual budget information for the occupational board for the five most recently completed fiscal years;

- **The budget for 2024-2025 was \$500. The budget for 2023-2024 was \$450. The budget for 2022-2023 was \$400. The budget for 2020-2021 and 2021-2022 was \$0 due to the Covid-19 pandemic.**

(g) For the immediately preceding five calendar years, or for the period of time less than five years for which the information is practically available, the number of government certifications, occupational licenses, and registrations the occupational board has issued, revoked, denied, or assessed penalties against, listed anonymously and separately per type of credential, and the reasons for such revocations, denials, and other penalties;

- **Zero. The Committee does not issue the Licenses. Licenses are issued by the State Fire Marshall's Office. The Licenses are issued once the statutorily required application information is received and reviewed by staff. The issuance is then recorded. The licenses can be reissued biannually if the conditions for continued education are met. There are currently 163 license holders in the state of Nebraska.**

(h) A review of the basic assumptions underlying the creation of the occupational regulations;

- **The basic assumption is that elevators are expensive, intricate, and complicated pieces of heavy equipment. Malfunctioning elevators can cause significant harm and death to those inside in the elevator at time of the malfunction as well as individuals waiting for the elevator, especially on the bottom floor. Most elevators are used by the public in government or commercial buildings. The public expects those elevators to be in good working order and to pose no risk to their health and well-being. Given the intricacies of these large pieces of heavy machinery, extensive knowledge of and experience with the elevator mechanisms has been deemed necessary in order for a person to gain access to elevator repairs.**

(i) A statement from the occupational board on the effectiveness of the occupational regulations; and

- **The Conveyance Safety Act was established to help ensure the safety of the public by requiring the adoption of Codes and Regulations governing the design, installation, inspection, operation, maintenance, and alteration of Conveyances used by the public. Conveyances create ease of access but can pose extreme risk to life safety if not in compliance with the safety measures. Having certified Elevator Mechanics and Contractors helps ensure public safety because they are required to have both extensive knowledge of the Code requirements, as well as many years of hands-on experience. When installed by a licensed contractor and mechanic there has not been a**

**catastrophic accident on an elevator in the years the board has been in existence. The State has had recent catastrophic accidents on units that were installed by unlicensed persons. Both were in a private residence.**

(j) A comparison of whether and how other states regulate the occupation.

- **Missouri**
  - **For mechanics, licenses are good for 2 years and have two levels, mechanic I and mechanic II. There is an application, a fee of \$75, and some required documentation to get a license.**
  - **For contractors, licenses are also good for 2 years, and also have two levels, contractor I and contractor II. There is an application, a fee of \$200, required documentation, and proof of insurance.**
- **Colorado**
  - **For mechanics, the license is good for 1 year, and then every 2nd year the license holder is required complete 8 hours of continuing education. There is also an application and a fee payment.**
  - **For contractors, the license is good for 1 year and can be easily renewed. There is also an application, a fee, required proof of insurance.**
  - **There is also a Conveyance Inspector License which is gained through an application, fee, and required documentation.**
- **Kansas**
  - **Mechanic - required for individuals who install, alter, repair or service elevators, valid for 2 years, application, fee (\$150), and**

**required documentation Contractor-application and fee (\$500) and insurance documents, renewed every 2 years Inspector - application and fee (\$250), renewed every 2 years**

- **Wyoming**
  - **Wyoming requires elevator mechanics to have a Limited Low Voltage (LM-E – Elevators) license. This license covers the installation, repair, and remodeling of electrical work for elevator systems, limited to the load side of the equipment disconnect.**
    - **Some Local jurisdictions might have their own licensing requirements for contractors, including those working on elevators**
- **Iowa**
  - **No state issued License**
    - **Mechanics obtain Certified Elevator Technician (CET) credential from NAEC (National Association of Elevator Contractors).**
    - **To become an elevator mechanic, individuals generally complete a 4-year apprenticeship and then apply for jobs.**
    - **CET credential from NAEC is a common industry certification across the nation.**
- **South Dakota**
  - **No specific state issued license**

- **Elevator mechanics typically work under the supervision of a licensed electrical contractor**
- **To become an elevator mechanic in South Dakota, a person needs to complete an apprenticeship with NEIEP (National Elevator Industry Education Program) and then work under the supervision of a licensed electrical contractor.**
  - **Some local jurisdictions have their own licensing requirements for contractors, including those working on elevators. Electrical contractors and elevator mechanics may need to complete continuing education requirements to maintain their licenses.**

## **Vertical Reciprocating Conveyors (VRCs)**

Vertical Reciprocating Conveyors (VRCs) are material handling system that moves loads between different floor levels in a vertical motion. They are used in large industrial buildings, warehouses, and factories to move large amounts of materials between floors. They are essentially freight elevators that are not designed to also carry human beings. Often, they utilize the same mechanical systems, electrical controls, and safety interlocks that are used in freight elevators. VRC systems use guide rails, hoisting machinery, limit switches, interlocks, gates, and electrical controllers, all components functionally identical to those in elevators. While passengers do not ride VRCs, the equipment presents the same hazards, suspended loads, mechanical pinch points, gate interlock failures, and electrical risks, that lead to serious injury and property loss if repair or installation is performed improperly.

Testimony was received at the hearing for LR 281 on September 12, 2025, discussing the need for the continued regulation of repairs and installation of VRCs under the Conveyance Safety Act. Currently, VRCs are regulated as conveyances and are required to be repaired, inspected, and installed by elevator mechanics and contractors. Testimony was received that hiring elevator mechanics to perform VRC work carried an additional cost and the elevator mechanics do not perform the actual work. They farm it out to millwrights and professional welders to do the work because the elevator mechanics do not have any experience with VRCs and have no idea what they are doing. Therefore, companies wishing to install VRCs could just hire the millwrights and welders themselves. Testimony was received that Nebraska was only one of three states that require VRCs use elevator mechanics. Testimony was received that any safety risks would be negated by the city continuing to do the mandatory inspections.

The opposition to continued regulation of VRCs under the Conveyance Safety Act (Act) is focused on three points: VRC inspections under the State Fire Marshall are prohibitive, VRCs only move materials, not people, and being forced to use elevator mechanics who do not have any experience or training with VRCs.

The Nebraska Conveyance Act only applies to the three largest counties in the state: Douglas, Sarpy, and Lancaster, along with numerous other exceptions. The State Fire Marshall's Office does do inspections in other counties but the focus is on the three largest counties. If VRCs were removed from the Act, it would fall on the individual cities to decide how to inspect the installation, repair, and upkeep of VRCs. This likely would lead to disparate regulations and outcomes, as the larger cities are likely to be better able to have the necessary inspectors with the necessary expertise. Smaller cities may remove regulations altogether to deal with the inability or prohibitive cost of those necessary inspectors. Given VRCs are often massive mechanical operations that can cause significant injury and property damage, this appears to place people at risk. The State Fire Marshall's Office already has the necessary inspectors with the necessary experience that can easily provide that expertise to all counties. Opposition to VRCs being under the Act do not appear to be pushing for more local control of inspection and training.

Documentation from opposition highlight their successes in removing most safety regulations, inspections, and licensing of VRCs and their mechanics across the country.

VRCs are designed to only move materials and not people. OSHA regulations specifically ban people from getting on VRCs and riding them between floors. This provides a sound basis for why VRCs do not require the same safety standards as freight elevators, which carry people between floors. But to remove VRCs from the same safety standards as it relates to their installation, maintenance, and repair, places people at risk. Human operators utilize VRCs

multiple times a day. Even if they are not riding the VRCs, failure of any of the systems of a VRC can lead to catastrophic property damage, disfigurement, and death. Evidence was not produced by opponents of the regulation of VRCs to demonstrate a substantial difference between VRCs and elevators that would rise to the level of needing significantly different regulations covering them. The Act was designed to protect people from being injured from large machinery. Continued regulation of VRCs serves that significant state interest, even if businesses incur additional costs in their installation, repair, and maintenance.

Testimony at the hearing suggested that elevator mechanics licensed in Nebraska do not have any experience or training with VRCs. The testifier stated he had called an elevator mechanic who never seen a VRC and had no idea how they worked. The testifier further stated he was forced to hire this mechanic at an increased hourly rate of pay to just act as a middleman for other contractors who did the actual work. This testimony is contradicted by the training required to become a Nebraska licensed elevator mechanic under 230 Neb. Admin. Code, Ch. 1, § 12. There are a variety of ways to comply with the licensing requirements, but all require testing and knowledge of VRCs. Most elevator mechanics in Nebraska either complete a US Department of Labor registered elevator mechanic apprenticeship program or a nationally recognized training program for the conveyance industry, such as the National Elevator Industry Educational Program, or its equivalent. These programs provide the technical training required to install, maintain, and test VRCs safely and effectively. Additionally, continuing education requirements allow licensed elevator mechanics to stay up to date on code changes and new technologies as it relates to both elevators and VRCs.

This Committee is unmoved and unconvinced by testimony to remove VRCS from the Act. This Committee believes that requiring qualified individuals to perform work on highly

sophisticated mechanical systems protects both employers and employees. The expectation of safety applies to both the public riding an elevator and the warehouse employee loading thousands of pounds of materials onto a VRC.

## **Conclusion and Recommendations**

After a review by this Committee, the Committee does not believe any additional changes to existing law need to take place. It appears that the changes made by LB 435, as amended into LB 415, were the only necessary changes that the State Fire Marshall and representatives from the industry believed were appropriate.

At this time, this Committee does not recommend removing VRCs from the Nebraska Conveyance Safety Act. It believes that employers and employees are best protected by the continued regulation of VRCs under the Act. Additionally, while there is convincing logic to expand the Act to all 93 counties in the state of Nebraska, the Committee does not find there is currently a pressing need to do so.

Elevator Mechanic and Elevator Contractor was not in the original list of occupations that the Business and Labor Committee needed to review. No other committee has reviewed these occupations before this report. This was an oversight only brought to the Committee's attention with Senator Wordekemper's LB 435. The Business and Labor Committee will continue to review Elevator Mechanic and Elevator Contractor every five years.