

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 363**

Introduced by Hansen, 26.

Read first time January 13, 2017

Committee: Business and Labor

1 A BILL FOR AN ACT relating to the Conveyance Safety Act; to amend  
2 sections 48-2503, 48-2504, 48-2507, 48-2508, 48-2512, 48-2516, and  
3 48-2529, Reissue Revised Statutes of Nebraska; to change and  
4 eliminate provisions relating to the Conveyance Advisory Committee,  
5 the applicability of and exemptions from the act, requirements for  
6 work done on conveyances, certificates of inspection, and temporary  
7 and emergency licenses; to harmonize provisions; to provide  
8 operative dates; and to repeal the original sections.  
9 Be it enacted by the people of the State of Nebraska,

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

3 48-2503 (1)(a) (1) The Conveyance Advisory Committee is created.  
4 One member shall be the state elevator inspector appointed pursuant to  
5 section 48-2512.01. One member shall be the State Fire Marshal or his or  
6 her designee. The Governor shall appoint the remaining members of the  
7 committee as follows: One representative from a major elevator  
8 manufacturing company; one representative from an elevator servicing  
9 company; one representative who is a building manager; one representative  
10 who is an elevator mechanic; one representative of labor involved in the  
11 elevator industry; and, except as provided in subdivision (1)(b) of this  
12 section, one representative of the general public from each county that  
13 has a population of more than one hundred thousand inhabitants.—The  
14 committee shall be appointed within ninety days after January 1, 2008.

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

28 (2) The members of the committee appointed by the Governor shall  
29 serve for terms of three years, except that of the initial members  
30 appointed, two shall serve for terms of one year and three shall serve  
31 for terms of two years. The state elevator inspector and the State Fire

1 Marshal or his or her designee shall serve continuously. The appointed  
2 members shall be reimbursed for their actual and necessary expenses for  
3 service on the committee as provided in sections 81-1174 to 81-1177. The  
4 members of the committee shall elect a chairperson who shall be the  
5 deciding vote in the event of a tie vote.

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

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

16 48-2504 The committee:

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

19 (2) Shall recommend to the commissioner rules and regulations  
20 governing the operation, maintenance, servicing, construction,  
21 alteration, installation, and inspection of conveyances;

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

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

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

29 (6) (5) Shall recommend to the commissioner an enforcement program  
30 which will ensure compliance with the Conveyance Safety Act and the rules  
31 and regulations adopted and promulgated pursuant to the act. The

1 enforcement program shall include the identification of property  
2 locations which are subject to the act, issuing notifications to  
3 violating property owners or operators, random onsite inspections and  
4 tests on existing installations, and assisting in development of public  
5 awareness programs; and

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

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

11 48-2507 (1) The Conveyance Safety Act applies to the construction,  
12 operation, inspection, testing, maintenance, alteration, and repair of  
13 conveyances. Conveyances include the following equipment, associated  
14 parts, and hoistways which are not exempted under section 48-2508:

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

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

19 (i) Escalators; and

20 (ii) Moving sidewalks; and

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

25 (i) Dumbwaiters;

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

27 and

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

30 (2) The act applies to the construction, operation, inspection,  
31 maintenance, alteration, and repair of automatic guided transit vehicles

1 on guideways with an exclusive right-of-way. This equipment includes  
2 automated people movers.

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

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

10 48-2508 The Conveyance Safety Act does not apply to:

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

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

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

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

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

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

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

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

29 (9) Industrial trucks within the scope of American Society of  
30 Mechanical Engineers B56;

31 (10) Portable equipment, except for portable escalators which are

1 covered by American National Standards Institute A17.1;

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

4 (12) Equipment for feeding or positioning materials at machine  
5 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, and similar  
10 equipment used for installing a conveyance by an elevator contractor;

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

13 (18) Dock levelators; and

14 (19) Stairway chair lifts and platform lifts, except as provided in  
15 subsection (3) of section 48-2507. ~~;~~ and

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

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

20 48-2512 (1) No person shall wire, alter, replace, remove, or  
21 dismantle an existing conveyance ~~contained within a building or structure~~  
22 ~~located in a county that has a population of more than one hundred~~  
23 ~~thousand inhabitants~~ unless such person is a licensed elevator mechanic  
24 or he or she is working under the direct supervision of a person who is a  
25 licensed elevator mechanic. ~~Neither a licensed elevator mechanic nor a~~  
26 ~~licensed elevator contractor is required to perform nonmechanical~~  
27 ~~maintenance of a conveyance.~~ Neither a licensed elevator contractor nor a  
28 licensed elevator mechanic is required for removing or dismantling  
29 conveyances which are destroyed as a result of a complete demolition of a  
30 secured building.

31 (2) It shall be the responsibility of licensed elevator mechanics

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

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

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

13 48-2516 Upon a conveyance passing an inspection under section  
14 48-2513, 48-2514, or 48-2515 and receipt of the inspection fee, the  
15 commissioner shall issue the owner or user of the conveyance a  
16 certificate of inspection, upon forms prescribed by the commissioner. For  
17 inspections conducted from January 1, 2018, through December 31, 2018, in  
18 counties that have a population of one hundred thousand inhabitants or  
19 less, the certificate of inspection shall notify the owner of the  
20 licensure requirements provided in the Conveyance Safety Act.

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

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

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

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

1           Sec. 10.   Original sections 48-2503, 48-2504, 48-2507, 48-2508,  
2 48-2512, and 48-2529, Reissue Revised Statutes of Nebraska, are repealed.