

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 306

Introduced by Nordquist, 7.

Read first time January 15, 2015

Committee:

- 1 A BILL FOR AN ACT relating to conveyances; to amend sections 48-2503,
- 2 48-2504, 48-2507, 48-2508, 48-2512, and 48-2529, Reissue Revised
- 3 Statutes of Nebraska; to change the Conveyance Safety Act; to change
- 4 the membership and powers of a committee; to harmonize provisions;
- 5 and to repeal the original sections.
- 6 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) The Conveyance Advisory Committee is created. One
4 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 (b) of this
12 subsection, one representative of the general public from each county
13 that 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 effective date of this act, as the term of each
16 representative of the general public from a county that has a population
17 of more than one hundred thousand inhabitants expires, the Governor shall
18 fill such expired terms with representatives from three different
19 counties of the state, one of whom shall represent urban interests, one
20 of whom shall represent suburban interests, and one of whom shall
21 represent rural interests of the general public. A representative of the
22 general public who is serving on the committee on the effective date of
23 this act may be eligible for reappointment when his or her term expires
24 if he or she is eligible under the criteria established by this
25 subdivision.

26 (2) The members of the committee appointed by the Governor shall
27 serve for terms of three years, except that of the initial members
28 appointed, two shall serve for terms of one year and three shall serve
29 for terms of two years. The state elevator inspector and the State Fire
30 Marshal or his or her designee shall serve continuously. The appointed
31 members shall be reimbursed for their actual and necessary expenses for

1 service on the committee as provided in sections 81-1174 to 81-1177. The
2 members of the committee shall elect a chairperson who shall be the
3 deciding vote in the event of a tie vote.

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

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

14 48-2504 The committee:

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

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

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

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

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

27 (6 5) Shall recommend to the commissioner an enforcement program
28 which will ensure compliance with the Conveyance Safety Act and the rules
29 and regulations adopted and promulgated pursuant to the act. The
30 enforcement program shall include the identification of property
31 locations which are subject to the act, issuing notifications to

1 violating property owners or operators, random onsite inspections and
2 tests on existing installations, and assisting in development of public
3 awareness programs; and

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

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

9 48-2507 (1) The Conveyance Safety Act applies to the construction,
10 operation, inspection, testing, maintenance, alteration, and repair of
11 conveyances. Conveyances include the following equipment, associated
12 parts, and hoistways which are not exempted under section 48-2508:

13 (a) Hoisting and lowering mechanisms equipped with a car which moves
14 between two or more landings. This equipment includes elevators not in
15 private residences and platform lifts and stairway chair lifts not
16 installed in a single-family dwelling;

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) If installed in a single-family dwelling, stairway Stairway
15 chair lifts and platform lifts, and elevators in private residences. ÷

16 and

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

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

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

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

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

12 Sec. 6. Section 48-2529, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 48-2529 The commissioner shall adopt and promulgate rules and
15 regulations establishing standards and procedures for the issuance of
16 temporary and emergency elevator mechanic ~~thirty-day~~ licenses and for the
17 extension of such licenses for good cause shown.

18 Sec. 7. Original sections 48-2503, 48-2504, 48-2507, 48-2508,
19 48-2512, and 48-2529, Reissue Revised Statutes of Nebraska, are repealed.