

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 517**

Introduced by Christensen, 44.

Read first time January 18, 2011

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to safety regulations; to amend section 81-405,  
2 Reissue Revised Statutes of Nebraska; to repeal the  
3 Conveyance Safety Act and adopt the Elevator Inspection  
4 Act; to create and eliminate penalties; to harmonize  
5 provisions; to provide an operative date; to repeal the  
6 original section; and to outright repeal sections  
7 48-2501, 48-2502, 48-2503, 48-2504, 48-2506, 48-2507,  
8 48-2508, 48-2509, 48-2510, 48-2511, 48-2512, 48-2512.01,  
9 48-2513, 48-2514, 48-2515, 48-2516, 48-2517, 48-2518,  
10 48-2519, 48-2520, 48-2521, 48-2522, 48-2523, 48-2524,  
11 48-2525, 48-2526, 48-2527, 48-2528, 48-2529, 48-2530,  
12 48-2531, 48-2532, and 48-2533, Reissue Revised Statutes  
13 of Nebraska.

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

1           Section 1. Sections 1 to 15 of this act shall be known  
2 and may be cited as the Elevator Inspection Act.

3           Sec. 2. For purposes of the Elevator Inspection Act,  
4 elevator includes (1) any hoisting or lowering mechanism equipped  
5 with a car or platform which moves in guides in a substantially  
6 vertical direction and which serves two or more floors of a building  
7 or structure, (2) an escalator, (3) a power-driven incline, (4) a  
8 continuous stairway used for raising or lowering passengers, (5)  
9 moving sidewalks, (6) dumbwaiters, and (7) tray conveyors.

10           Sec. 3. The Commissioner of Labor shall appoint a state  
11 elevator inspector, subject to the approval of the Governor, who  
12 shall work under the direct supervision of the commissioner. The  
13 person so appointed shall be qualified by not less than five years'  
14 journeyman experience in elevator installation, maintenance, and  
15 inspection as determined by the Commissioner of Labor and shall be  
16 familiar with the inspection process provided by the Nebraska  
17 Elevator Code adopted pursuant to section 15 of this act. The  
18 commissioner may appoint deputy inspectors possessing the same  
19 qualifications as the state elevator inspector. A qualified  
20 individual may apply for the position of deputy inspector and such  
21 application shall include the applicant's social security number.

22           Sec. 4. It shall be the duty of the state elevator  
23 inspector to inspect or cause to be inspected all freight and  
24 passenger elevators in this state at least once every twelve months  
25 in order to determine whether all such equipment is in a safe and

1 satisfactory condition and properly constructed and maintained for  
2 the purpose for which it is used.

3           Sec. 5. The Commissioner of Labor and the state elevator  
4 inspector may enter any building or structure, public or private, for  
5 the purpose of inspecting elevators covered by the Elevator  
6 Inspection Act or gathering information with reference thereto.

7           Sec. 6. Upon making an inspection of elevators covered by  
8 the Elevator Inspection Act and receipt of the inspection fee, the  
9 state elevator inspector or deputy inspector shall give the owner or  
10 user thereof a certificate of inspection, upon forms prescribed by  
11 the Commissioner of Labor. The certificate shall be posted in or  
12 nearby the elevator.

13           Sec. 7. The Elevator Inspection Act shall not apply to  
14 (1) elevators under the jurisdiction and subject to inspection by the  
15 United States Government, (2) elevators used exclusively for  
16 agricultural purposes, and (3) elevators in private residences.

17           Sec. 8. The state elevator inspector shall investigate  
18 and report to the Commissioner of Labor the cause of any elevator  
19 accident that may occur in the state, the loss of life, the injuries  
20 sustained, and such other data as may be of benefit in preventing  
21 other similar accidents.

22           Sec. 9. The state elevator inspector shall maintain a  
23 complete and accurate record of the name of the owner or user of each  
24 elevator subject to the Elevator Inspection Act and a full  
25 description of the elevator and the date when last inspected.

1           Sec. 10. The inspections required by the Elevator  
2 Inspection Act shall not be made when any owner or user of an  
3 elevator obtains an inspection by a representative of a reputable  
4 insurance company licensed to do business in Nebraska, obtains a  
5 policy of insurance from such company upon the elevator, and files  
6 with the Commissioner of Labor a certificate of inspection by such  
7 insurance company and a statement that such elevator is insured, and  
8 no fee shall be required. No inspection shall be required under the  
9 act when there has been an annual inspection under a city ordinance  
10 which meets the standards of the Nebraska Elevator Code.

11           Sec. 11. The state elevator inspector shall notify the  
12 user in writing of any elevator found to be unsafe or unfit for  
13 operation setting forth the nature and extent of any defect or other  
14 unsafe condition. Such notice shall indicate whether or not such  
15 elevator may be used without making repair or replacement of  
16 defective parts or may be used in a limited capacity before repairs  
17 or replacements are made. The state elevator inspector may permit the  
18 user a reasonable time to make such repairs or replacements.

19           Sec. 12. (1) The Commissioner of Labor may charge a  
20 reasonable fee for each elevator inspection. The commissioner shall  
21 establish the fees at a level necessary to meet the costs of the  
22 elevator inspection program and to provide a sufficient balance in  
23 the Mechanical Safety Inspection Fund.

24           (2) An annual inspection fee of not more than seventy-  
25 five dollars per unit up to five floors plus five dollars for each

1 floor over five shall be paid for each elevator inspected. For new  
2 installations, a preliminary inspection fee of not more than seventy-  
3 five dollars shall be paid, and for an initial inspection, a fee of  
4 not more than seventy-five dollars shall be paid. Such fees shall be  
5 paid by the owner or user for each elevator inspected by the state  
6 elevator inspector before the inspection certificate is issued.

7 (3) For the class of elevators which includes escalators,  
8 moving sidewalks, conveyors, and dumbwaiters, the preliminary  
9 inspection fee shall be not more than fifty dollars, the initial  
10 inspection fee shall be not more than fifty dollars, and the annual  
11 inspection fee shall be not more than fifty dollars per unit for up  
12 to five floors with an additional charge of five dollars per floor  
13 for each floor over five.

14 (4) If at any time the owner or user desires a special  
15 inspection of an elevator, the state elevator inspector shall inspect  
16 the elevator after request therefor and the inspector making the  
17 inspection shall collect his or her expenses in connection therewith  
18 and a fee of not more than seventy-five dollars for each elevator.

19 Sec. 13. Fees collected under the Elevator Inspection Act  
20 shall be remitted to the State Treasurer for credit to the Mechanical  
21 Safety Inspection Fund. The Commissioner of Labor shall use the fund  
22 for the administration of the act.

23 Sec. 14. Any person violating any provision of the  
24 Elevator Inspection Act shall be guilty of a Class V misdemeanor.  
25 Each violation shall be a separate offense.

1           Sec. 15. The Commissioner of Labor shall adopt and  
2 promulgate rules and regulations to establish safety requirements for  
3 elevators used in this state. A safety code may be adopted by rule  
4 and regulation of the commissioner and shall thereafter be known as  
5 the Nebraska Elevator Code. The rules and regulations may conform  
6 generally to the standards found in the American National Standard  
7 Safety Code A17.1 as published by the American Society of Mechanical  
8 Engineers. A copy of the American National Standard Safety Code  
9 A17.1, if so adopted, shall be kept on file in the office of the  
10 commissioner.

11           Sec. 16. Section 81-405, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           81-405 The Mechanical Safety Inspection Fund is created.  
14 All fees collected by the Department of Labor pursuant to the  
15 Nebraska Amusement Ride Act and the ~~Conveyance Safety Elevator~~  
16 Inspection Act shall be remitted to the State Treasurer for credit to  
17 the Mechanical Safety Inspection Fund. Fees so collected shall not  
18 lapse into the General Fund. Fees so collected shall be used for the  
19 sole purpose of administering the provisions of the Nebraska  
20 Amusement Ride Act and the ~~Conveyance Safety Elevator Inspection Act~~.  
21 Any money in the Mechanical Safety Inspection Fund available for  
22 investment shall be invested by the state investment officer pursuant  
23 to the Nebraska Capital Expansion Act and the Nebraska State Funds  
24 Investment Act. ~~All funds existing in the Elevator Inspection Fund~~  
25 ~~and the Nebraska Amusement Ride Fund on January 1, 2008, shall be~~

1 ~~transferred to the Mechanical Safety Inspection Fund.~~

2           Sec. 17. This act becomes operative on January 1, 2012.

3           Sec. 18. Original section 81-405, Reissue Revised  
4 Statutes of Nebraska, is repealed.

5           Sec. 19. The following sections are outright repealed:  
6 Sections 48-2501, 48-2502, 48-2503, 48-2504, 48-2506, 48-2507,  
7 48-2508, 48-2509, 48-2510, 48-2511, 48-2512, 48-2512.01, 48-2513,  
8 48-2514, 48-2515, 48-2516, 48-2517, 48-2518, 48-2519, 48-2520,  
9 48-2521, 48-2522, 48-2523, 48-2524, 48-2525, 48-2526, 48-2527,  
10 48-2528, 48-2529, 48-2530, 48-2531, 48-2532, and 48-2533, Reissue  
11 Revised Statutes of Nebraska.