

LEGISLATURE OF NEBRASKA  
 ONE HUNDRED THIRD LEGISLATURE  
 FIRST SESSION  
**LEGISLATIVE BILL 19**

Introduced by Nordquist, 7.

Read first time January 10, 2013

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to the Conveyance Safety Act; to amend sections  
 2 48-2501, 48-2502, 48-2503, 48-2504, 48-2506, 48-2507,  
 3 48-2508, 48-2511, 48-2512, 48-2512.01, 48-2514, 48-2516,  
 4 48-2518, 48-2520, 48-2521, 48-2522, 48-2525, 48-2526,  
 5 48-2527, 48-2528, 48-2529, 48-2530, and 81-405, Reissue  
 6 Revised Statutes of Nebraska; to change administration of  
 7 the act from the Commissioner of Labor to the State Fire  
 8 Marshal; to rename a committee; to create a fund; to  
 9 eliminate obsolete provisions; to harmonize provisions;  
 10 to provide an operative date; to repeal the original  
 11 sections; and to outright repeal section 48-2509, Reissue  
 12 Revised Statutes of Nebraska.

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

1                   Section 1. Section 48-2501, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   48-2501 Sections 48-2501 to 48-2533 and section 5 of this  
4 act shall be known and may be cited as the Conveyance Safety Act.

5                   Sec. 2. Section 48-2502, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7                   48-2502 For purposes of the Conveyance Safety Act:

8                   (1) Certificate of inspection means a document issued by  
9 the ~~commissioner~~ State Fire Marshal that indicates that the  
10 conveyance has had the required safety inspection and tests and that  
11 the required fees have been paid;

12                   ~~(2) Commissioner means the Commissioner of Labor;~~

13                   ~~(3)~~ (2) Committee means the Conveyance ~~Advisory~~  
14 Committee;

15                   ~~(4)~~ (3) Conveyance means any elevator, dumbwaiter,  
16 vertical reciprocating conveyor, escalator, moving sidewalk,  
17 automated people mover, and other equipment enumerated in section  
18 48-2507 and not exempted under section 48-2508;

19                   ~~(5)~~ (4) Elevator contractor means any person who is  
20 engaged in the business of contracting services for erecting,  
21 constructing, installing, altering, servicing, testing, repairing, or  
22 maintaining conveyances;

23                   ~~(6)~~ (5) Elevator mechanic means any person who is engaged  
24 in erecting, constructing, installing, altering, servicing,  
25 repairing, testing, or maintaining conveyances; and

1           ~~(7)~~(6) Person means an individual, a partnership, a  
2 limited liability company, a corporation, and any other business firm  
3 or company and includes a director, an officer, a member, a manager,  
4 and a superintendent of such an entity.

5           Sec. 3. Section 48-2503, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           48-2503 ~~(1)~~(1)(a) The Conveyance ~~Advisory~~ Committee is  
8 created. One member shall be the state elevator inspector appointed  
9 pursuant to section 48-2512.01. ~~One member shall be the State Fire~~  
10 ~~Marshal or his or her designee.~~ The Governor shall appoint the  
11 remaining members of the committee as follows: One representative  
12 from a major elevator manufacturing company; one representative from  
13 an elevator servicing company; one representative who is a building  
14 manager; one representative who is an elevator mechanic; one  
15 representative of labor involved in the conveyance industry; and,  
16 except as provided in subdivision (b) of this subsection, one  
17 representative of the general public from each county that has a  
18 population of more than one hundred thousand inhabitants. ~~The~~  
19 ~~committee shall be appointed within ninety days after January 1,~~  
20 ~~2008.~~

21           (b) On and after the effective date of this act, as the  
22 term of each representative of the general public from a county that  
23 has a population of more than one hundred thousand inhabitants  
24 expires, the Governor shall fill such expired terms with  
25 representatives from three different counties of the state, one of

1 whom shall represent urban interests, one of whom shall represent  
2 suburban interests, and one of whom shall represent rural interests  
3 of the general public. A representative of the general public who is  
4 serving on the committee on the operative date of this act may be  
5 eligible for reappointment when his or her term expires if he or she  
6 is eligible under the criteria established by this subdivision.

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

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

25           Sec. 4. Section 48-2504, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 48-2504 The committee:

3 (1) May consult with engineering authorities and  
4 organizations concerned with standard safety codes;

5 (2) Shall ~~recommend to the commissioner~~ adopt and  
6 promulgate rules and regulations for standard safety codes, as  
7 provided in section 5 of this act, governing the operation,  
8 maintenance, servicing, construction, alteration, installation, and  
9 inspection of conveyances;

10 (3) Shall ~~recommend to the commissioner~~ adopt and  
11 promulgates rules and regulations for qualifications for licensure as  
12 an elevator mechanic, or elevator contractor, and elevator inspector  
13 and conditions for disciplinary actions, including suspension or  
14 revocation of a license;

15 (4) Shall ~~recommend to the commissioner~~ adopt and  
16 promulgate rules and regulations for temporary and emergency elevator  
17 mechanic thirty-day licenses;

18 (5) May recommend to the State Fire Marshal legislative  
19 changes to the Conveyance Safety Act deemed appropriate by the  
20 committee;

21 ~~(5)-(6)~~ (6) Shall recommend to the ~~commissioner~~ State Fire  
22 Marshal an enforcement program which will ensure compliance with the  
23 Conveyance Safety Act and the rules and regulations adopted and  
24 promulgated pursuant to the act. The enforcement program shall  
25 include the identification of property locations which are subject to

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

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

9 Sec. 5. (1) The committee shall adopt and promulgate  
10 rules and regulations for state standards for the equipment regulated  
11 under the Conveyance Safety Act. Such regulations shall include the  
12 Safety Code for Elevators and Escalators, American Society of  
13 Mechanical Engineers A17.1-2007/Canadian Standards Association B44;  
14 the Safety Code for Existing Elevators and Escalators, American  
15 Society of Mechanical Engineers A17.3-2011; the Performance-Based  
16 Safety Code for Elevators and Escalators, American Society of  
17 Mechanical Engineers A17.7/Canadian Standards Association B44.7-2007;  
18 the Safety Standards for Platform Lifts and Stairway Chairlifts,  
19 American Society of Mechanical Engineers A18.1-2011; Standard for the  
20 Qualification of Elevator Inspectors, American Society of Mechanical  
21 Engineers QEI-1-2010; and Automated People Mover Standards, American  
22 Society of Civil Engineers 21-2005. The committee shall adopt the  
23 most recent editions of such standards within six months after  
24 publication. Any modifications to such standards the committee deems  
25 necessary shall be adopted and justified in writing by the committee;

1           (2) The committee may grant an exception or variance from  
2 the state standards or local ordinances if such variances will not  
3 jeopardize the public safety and welfare. The committee shall hold a  
4 hearing and decide upon such exception or variance within thirty days  
5 after the application for an exception or variance is received by the  
6 committee. The decision of the committee may be appealed, and the  
7 appeal shall be in accordance with the Administrative Procedure Act.

8           Sec. 6. Section 48-2506, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           48-2506 (1) ~~The commissioner~~committee shall, after a  
11 public hearing, ~~conducted by the commissioner or his or her designee,~~  
12 establish a reasonable schedule of fees for licenses, permits,  
13 certificates, and inspections authorized under the Conveyance Safety  
14 Act. ~~The commissioner~~committee shall establish the fees at a level  
15 necessary to meet the costs of administering the act. Inspection fee  
16 schedules relating to the inspection of conveyances adopted ~~by the~~  
17 ~~commissioner~~ prior to January 1, 2008, shall continue to be effective  
18 until they are amended or repealed. ~~by the commissioner.~~

19           (2) The Conveyance Safety Fund is created. Any money in  
20 the fund available for investment shall be invested by the state  
21 investment officer pursuant to the Nebraska Capital Expansion Act and  
22 the Nebraska State Funds Investment Act.

23           ~~(2)~~(3) ~~The commissioner~~State Fire Marshal shall  
24 administer the Conveyance Safety Act and the Conveyance Safety Fund.  
25 It is the intent of the Legislature that, ~~beginning in fiscal year~~

1 2008-09, the funding for the administration of the act shall be  
2 entirely from cash funds remitted to the ~~Mechanical~~ Conveyance Safety  
3 ~~Inspection~~ Fund that are fees collected in the administration of the  
4 act.

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

7 48-2507 (1) The Conveyance Safety Act applies to the  
8 construction, operation, inspection, testing, maintenance,  
9 alteration, and repair of conveyances. Conveyances include the  
10 following equipment, associated parts, and hoistways which are not  
11 exempted under section 48-2508:

12 (a) Hoisting and lowering mechanisms equipped with a car  
13 which moves between two or more landings. This equipment includes  
14 elevators, platform lifts, and stairway chair lifts;

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

17 (i) Escalators; and

18 (ii) Moving sidewalks; and

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

23 (i) Dumbwaiters;

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



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

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

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

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

14 48-2508 The Conveyance Safety Act does not apply to:

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

17 (2) Conveyances used exclusively for agricultural  
18 purposes;

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

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

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

25 (6) Mobile scaffolds, towers, and platforms within the

1 scope of American National Standards Institute A92;

2 (7) Powered platforms and equipment for exterior and  
3 interior maintenance within the scope of American National Standards  
4 Institute 120.1;

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

7 (9) Industrial trucks within the scope of American  
8 Society of Mechanical Engineers B56;

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

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

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

15 (13) Skip or furnace hoists;

16 (14) Wharf ramps;

17 (15) Railroad car lifts or dumpers;

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

21 (17) Manlifts, hoists, or conveyances used in grain  
22 elevators or feed mills;

23 (18) Dock levelators; and

24 (19) Stairway—If installed in a single family dwelling,  
25 stairway chair lifts and platform lifts; and

1                   (20) Elevators in private residences. ~~Conveyances in~~  
2 ~~residences located in counties that have a population of one hundred~~  
3 ~~thousand or less inhabitants.~~

4                   Sec. 9. Section 48-2511, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6                   48-2511 On and after January 1, 2008, prior ~~+~~ ~~Prior~~ to  
7 any newly installed conveyance being used for the first time, the  
8 property owner or lessee shall obtain a certificate of inspection  
9 from the ~~commissioner.~~ State Fire Marshal. A fee established under  
10 section 48-2506 shall be paid for the certificate of inspection. A  
11 licensed elevator contractor shall complete and submit first-time  
12 registrations for new installations to the state elevator inspector  
13 for the inspector's approval. A certificate of inspection shall be  
14 clearly displayed in an elevator car and on or in each other  
15 conveyance.

16                  Sec. 10. Section 48-2512, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18                  48-2512 (1) No person shall wire, alter, replace, remove,  
19 or dismantle an existing conveyance ~~contained within a building or~~  
20 ~~structure located in a county that has a population of more than one~~  
21 ~~hundred thousand inhabitants~~ unless such person is a licensed  
22 elevator mechanic or he or she is working under the ~~direct~~ general  
23 supervision of a person who is a licensed elevator mechanic. ~~Neither~~  
24 ~~a licensed elevator mechanic nor a licensed elevator contractor is~~  
25 ~~required to perform nonmechanical maintenance of a conveyance.~~

1 Neither a licensed elevator contractor nor a licensed elevator  
2 mechanic is required for removing or dismantling conveyances which  
3 are destroyed as a result of a complete demolition of a secured  
4 building.

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

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

16 Sec. 11. Section 48-2512.01, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 48-2512.01 (1) The ~~Commissioner of Labor~~ State Fire  
19 Marshal shall appoint a state elevator inspector, subject to the  
20 approval of the Governor, who shall work under the direct supervision  
21 of the ~~commissioner~~. State Fire Marshal. The state elevator inspector  
22 serving on January 1, 2008, shall continue to serve unless removed by  
23 the ~~commissioner~~. State Fire Marshal.

24 (2) The person so appointed shall be qualified by (a) not  
25 less than five years' experience in the installation, maintenance,

1 and repair of elevators as determined by the ~~commissioner,~~ State Fire  
2 Marshal, (b) certification as a qualified elevator inspector by an  
3 association accredited by the American Society of Mechanical  
4 Engineers, or (c) not less than five years' journeyman experience in  
5 elevator installation, maintenance, and inspection as determined by  
6 the ~~Commissioner of Labor~~ State Fire Marshal and shall be familiar  
7 with the inspection process and rules and regulations adopted and  
8 promulgated under the Conveyance Safety Act.

9 (3) The ~~commissioner,~~ State Fire Marshal, subject to the  
10 approval of the Governor, may appoint deputy inspectors possessing  
11 the same qualifications as the state elevator inspector. A qualified  
12 individual may apply for the position of inspector or deputy  
13 inspector. The application shall include the applicant's social  
14 security number, but such social security number shall not be a  
15 public record.

16 Sec. 12. Section 48-2514, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 48-2514 (1) No inspection shall be required under the  
19 Conveyance Safety Act when an owner or user of a conveyance obtains  
20 an inspection by a representative of a reputable insurance company  
21 licensed to do business in Nebraska, obtains a policy of insurance  
22 from such company upon the conveyance and files with the ~~commissioner~~  
23 State Fire Marshal a certificate of inspection by such insurance  
24 company, files a statement that such conveyance is insured, and pays  
25 an administrative fee established pursuant to section 48-2506.

1                   (2) No inspection shall be required under the act when  
2 there has been an annual inspection under a city ordinance which  
3 meets the standards of the act.

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

6                   48-2516 Upon a conveyance passing an inspection under  
7 section 48-2513, 48-2514, or 48-2515 and receipt of the inspection  
8 fee, the ~~commissioner~~ State Fire Marshal shall issue the owner or  
9 user of the conveyance a certificate of inspection, upon forms  
10 prescribed by the ~~commissioner~~ committee.

11                  Sec. 14. Section 48-2518, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13                  48-2518 The ~~commissioner~~, State Fire Marshal, the state  
14 elevator inspector, and the deputy inspectors shall have the right  
15 and power to enter any public building or structure for the purpose  
16 of inspecting any conveyance subject to the Conveyance Safety Act or  
17 gathering information with reference thereto.

18                  Sec. 15. Section 48-2520, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20                  48-2520 The owner of a conveyance shall notify the state  
21 elevator inspector of any accident causing personal injury or  
22 property damage in excess of one thousand dollars involving a  
23 conveyance on or before the close of business the next business day  
24 following the accident, and the conveyance involved shall not operate  
25 until the state elevator inspector has conducted an investigation of

1 the accident and has approved the operation of the conveyance. The  
2 state elevator inspector shall investigate and report to the  
3 ~~commissioner~~ State Fire Marshal the cause of any conveyance accident  
4 that may occur in the state, the loss of life, the injuries  
5 sustained, and such other data as may be of benefit in preventing  
6 other similar accidents.

7 Sec. 16. Section 48-2521, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 48-2521 (1) Any person wishing to engage in the work of  
10 an elevator mechanic shall apply for and obtain an elevator mechanic  
11 license from the ~~commissioner~~ State Fire Marshal. The application  
12 shall be on a form ~~provided~~ prescribed by the ~~commissioner~~.  
13 committee.

14 (2) Any person wishing to engage in the business of an  
15 elevator contractor shall apply for and obtain an elevator contractor  
16 license from the ~~commissioner~~ State Fire Marshal. The application  
17 shall be on a form provided by the ~~commissioner~~ State Fire Marshal.

18 (3) Each application shall contain:

19 (a) If an individual, the name, residence and business  
20 address, and social security number of the applicant;

21 (b) If a partnership, the name, residence and business  
22 address, and social security number of each partner;

23 (c) If a domestic corporation, the name and business  
24 address of the corporation and the name, residence address, and  
25 social security number of the principal officer of the corporation;

1 and if a corporation other than a domestic corporation, the name and  
2 address of an agent located locally who is authorized to accept  
3 service of process and official notices;

4 (d) The number of years the applicant has engaged in the  
5 business of installing, inspecting, maintaining, or servicing  
6 conveyances;

7 (e) The approximate number of individuals to be employed  
8 by the applicant and, if applicable, satisfactory evidence that the  
9 employees are or will be covered by workers' compensation insurance;

10 (f) Satisfactory evidence that the applicant is or will  
11 be covered by general liability, personal injury, and property damage  
12 insurance;

13 (g) Permission for the ~~Department of Labor State Fire~~  
14 Marshal or his or her designee to access the criminal history record  
15 information of individuals, partners, or officers maintained by the  
16 Federal Bureau of Investigation through the Nebraska State Patrol;

17 (h) A description of all accidents causing personal  
18 injury or property damage in excess of one thousand dollars involving  
19 conveyances installed, inspected, maintained, or serviced by the  
20 applicant; and

21 (i) Such other information as the ~~commissioner~~ committee  
22 may by rule and regulation require.

23 (4) Social security numbers on applications shall not be  
24 made public or be considered a part of a public record.

25 Sec. 17. Section 48-2522, Reissue Revised Statutes of



1 Nebraska, is amended to read:

2           48-2522 The ~~commissioner~~committee shall adopt and  
3 promulgate rules and regulations establishing standards for licensure  
4 of elevator mechanics. An applicant for an elevator mechanic license  
5 shall demonstrate the following qualifications before being granted  
6 an elevator mechanic license:

7           (1) Not less than three years' work experience in the  
8 conveyance industry, in construction, maintenance, and service or  
9 repair, as verified by current and previous employers;

10           (2) One of the following:

11           (a) Satisfactory completion of a written examination  
12 administered by the committee on the most recent referenced codes and  
13 standards;

14           (b) Acceptable proof that the applicant has worked as a  
15 conveyance constructor, maintenance, or repair person. Such person  
16 shall have worked as an elevator mechanic without the direct and  
17 immediate supervision of a licensed elevator contractor and have  
18 passed a written examination approved by the ~~commissioner~~committee.  
19 This employment shall not be less than three years immediately prior  
20 to the effective date of the license;

21           (c) Certificates of completion and successfully passing  
22 an elevator mechanic examination of a nationally recognized training  
23 program for the conveyance industry as provided by the National  
24 Elevator Industry Educational Program or its equivalent; or

25           (d) Certificates of completion of an apprenticeship

1 program for elevator mechanics, having standards substantially equal  
2 to those of the Conveyance Safety Act and registered with the Bureau  
3 of Apprenticeship and Training of the United States Department of  
4 Labor or a state apprenticeship council; and

5 (3) Any additional qualifications adopted and promulgated  
6 in rule and regulation by the ~~commissioner~~. committee.

7 Sec. 18. Section 48-2525, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 48-2525 Upon approval of an application for licensure as  
10 an elevator mechanic, the ~~commissioner~~ State Fire Marshal may issue a  
11 license which shall be renewable biennially if the continuing  
12 education requirements are met. The fee for licenses and for license  
13 renewal for elevator mechanic licenses and elevator contractor  
14 licenses shall be set by the ~~commissioner~~ committee under section  
15 48-2506.

16 Sec. 19. Section 48-2526, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 48-2526 (1) The renewal of elevator mechanic licenses  
19 granted under the Conveyance Safety Act shall be conditioned upon the  
20 submission of a certificate of completion of a course designed to  
21 ensure the continuing education on new and existing rules and  
22 regulations adopted and promulgated by the ~~commissioner~~. committee.  
23 Such course shall consist of not less than eight hours of instruction  
24 that shall be attended and completed within one year immediately  
25 preceding any license renewal. The individual holding the elevator

1 mechanic license shall pay the cost of such course.

2 (2) The courses shall be taught by instructors through  
3 continuing education providers that may include association seminars  
4 and labor training programs. The committee shall ~~make recommendations~~  
5 ~~to the commissioner about approval of~~ approve continuing education  
6 providers.

7 (3) An elevator mechanic licensee who is unable to  
8 complete the continuing education course required under this section  
9 prior to the expiration of the license due to a temporary disability  
10 may apply for an extension from the state elevator inspector. The  
11 extension shall be on a form provided by the state elevator inspector  
12 which shall be signed by the applicant and accompanied by a certified  
13 statement from a competent physician attesting to such temporary  
14 disability. Upon the termination of such temporary disability, the  
15 elevator mechanic licensee shall submit to the state elevator  
16 inspector a certified statement from the same physician, if  
17 practicable, attesting to the termination of such temporary  
18 disability. At such time an extension sticker, valid for ninety days,  
19 shall be issued to the licensed elevator mechanic and affixed to the  
20 license. Such extension shall be renewable for periods of ninety days  
21 upon a showing that the disability continues.

22 (4) Approved continuing education providers shall keep  
23 uniform records, for a period of ten years, of attendance of elevator  
24 mechanic licensees following a format approved by the state elevator  
25 inspector, and such records shall be available for inspection by the

1 state elevator inspector upon request. Approved continuing education  
2 providers are responsible for the security of all attendance records  
3 and certificates of completion. Falsifying or knowingly allowing  
4 another to falsify such attendance records or certificates of  
5 completion shall constitute grounds for suspension or revocation of  
6 the approval required under this section.

7 Sec. 20. Section 48-2527, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 48-2527 (1) An elevator contractor shall submit to the  
10 ~~commissioner~~State Fire Marshal an insurance policy, or certified  
11 copy thereof, issued by an insurance company authorized to do  
12 business in the state to provide general liability coverage of at  
13 least one million dollars for injury or death of any one person and  
14 one million dollars for injury or death of any number of persons in  
15 any one occurrence and to provide coverage of at least five hundred  
16 thousand dollars for property damage in any one occurrence and  
17 workers' compensation insurance coverage as required under the  
18 Nebraska Workers' Compensation Act.

19 (2) Such policies, or certified copies thereof, shall be  
20 delivered to the ~~commissioner~~State Fire Marshal before or at the  
21 time of the issuance of a license. In the event of any material  
22 alteration or cancellation of any policy, at least ten days' notice  
23 thereof shall be given to the ~~commissioner~~State Fire Marshal.

24 Sec. 21. Section 48-2528, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1                   48-2528 (1) An elevator contractor license issued under  
2 the Conveyance Safety Act may be revoked by the ~~commissioner~~ State  
3 Fire Marshal upon verification that the elevator contractor licensee  
4 lacks the insurance coverage required by section 48-2527.

5                   (2) An elevator mechanic license or an elevator  
6 contractor license issued under the act may be suspended, revoked, or  
7 subject to a civil penalty not to exceed five thousand dollars by the  
8 ~~commissioner~~, State Fire Marshal, after notice and hearing, if the  
9 licensee:

10                   (a) Makes a false statement as to material matter in the  
11 license application;

12                   (b) Commits fraud, misrepresentation, or bribery in  
13 obtaining the license; or

14                   (c) Violates any other provision of the act.

15                   (3) No license shall be suspended, revoked, or subject to  
16 civil penalty until after a hearing is held before the committee and  
17 the ~~commissioner~~ State Fire Marshal or his or her designee. The  
18 hearing shall be held within sixty days after notice of the violation  
19 is received and all interested parties shall receive written notice  
20 of the hearing at least fifteen days prior to the hearing. Within  
21 fifteen days after the hearing, the committee shall make  
22 recommendations to the ~~commissioner~~ State Fire Marshal or his or her  
23 designee of appropriate penalties, if any, warranted under the  
24 circumstances of the case. The committee does not have the power to  
25 suspend or revoke licenses or impose civil penalties. Within thirty

1 days after the hearing, the ~~commissioner~~State Fire Marshal shall  
2 issue a decision which may include license suspension, license  
3 revocation, and civil penalties. The decision of the ~~commissioner~~  
4 State Fire Marshal may be appealed. The appeal shall be in accordance  
5 with the Administrative Procedure Act.

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

8 48-2529 The ~~commissioner~~committee shall adopt and  
9 promulgate rules and regulations establishing standards and  
10 procedures for the issuance of temporary and emergency elevator  
11 mechanic ~~thirty day~~ licenses and for the extension of such licenses  
12 for good cause shown.

13 Sec. 23. Section 48-2530, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 48-2530 (1) Any person may make a request for an  
16 investigation into an alleged violation of the Conveyance Safety Act  
17 by giving notice to the ~~commissioner~~State Fire Marshal or state  
18 elevator inspector of such violation or danger.

19 (2) Upon receipt of a request for an investigation, the  
20 ~~commissioner~~State Fire Marshal or state elevator inspector shall  
21 perform a preliminary inquiry into the charges contained in the  
22 request for investigation. A request for an investigation may be made  
23 in person or by telephone call and shall set forth with reasonable  
24 particularity the grounds for the request for an investigation.  
25 During the preliminary inquiry, the name, address, and telephone

1 number of the person making the request for an investigation shall be  
2 available only to the ~~commissioner~~, State Fire Marshal, state  
3 elevator inspector, or other person carrying out the preliminary  
4 inquiry on behalf of the ~~commissioner~~ State Fire Marshal or state  
5 elevator inspector. The ~~commissioner~~ State Fire Marshal or state  
6 elevator inspector shall keep a record of each request for an  
7 investigation received under this section for three years after such  
8 request is made.

9 (3) If after the preliminary inquiry the ~~commissioner~~  
10 State Fire Marshal or state elevator inspector determines that there  
11 are reasonable grounds to believe that such violation or danger  
12 exists and is likely to continue to exist such that the operation of  
13 the conveyance endangers the public, the ~~commissioner~~ State Fire  
14 Marshal or state elevator inspector shall cause a formal  
15 investigation to be made. During the formal investigation, a  
16 statement shall be taken from the person who made the request for an  
17 investigation and the person's name, address, and telephone number  
18 shall be made available to any opposing parties upon request.

19 (4) If the ~~commissioner~~ State Fire Marshal or state  
20 elevator inspector determines that there are no reasonable grounds to  
21 believe that a violation or danger exists under either subsection (2)  
22 or (3) of this section, the ~~commissioner~~ State Fire Marshal shall  
23 notify the person requesting the investigation in writing of such  
24 determination.

25 Sec. 24. Section 81-405, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           81-405 The Mechanical Safety Inspection Fund is created.  
3 All fees collected by the Department of Labor pursuant to the  
4 Nebraska Amusement Ride Act ~~and the Conveyance Safety Act~~ shall be  
5 remitted to the State Treasurer for credit to the Mechanical Safety  
6 Inspection Fund. Fees so collected shall not lapse into the General  
7 Fund. Fees so collected shall be used for the sole purpose of  
8 administering the provisions of the Nebraska Amusement Ride Act, ~~and~~  
9 ~~the Conveyance Safety Act~~. Any money in the Mechanical Safety  
10 Inspection Fund available for investment shall be invested by the  
11 state investment officer pursuant to the Nebraska Capital Expansion  
12 Act and the Nebraska State Funds Investment Act. ~~All funds existing~~  
13 ~~in the Elevator Inspection Fund and the Nebraska Amusement Ride Fund~~  
14 ~~on January 1, 2008, shall be transferred to the Mechanical Safety~~  
15 ~~Inspection Fund.~~

16           Sec. 25. This act becomes operative on January 1, 2014.

17           Sec. 26. Original sections 48-2501, 48-2502, 48-2503,  
18 48-2504, 48-2506, 48-2507, 48-2508, 48-2511, 48-2512, 48-2512.01,  
19 48-2514, 48-2516, 48-2518, 48-2520, 48-2521, 48-2522, 48-2525,  
20 48-2526, 48-2527, 48-2528, 48-2529, 48-2530, and 81-405, Reissue  
21 Revised Statutes of Nebraska, are repealed.

22           Sec. 27. The following section is outright repealed:  
23 Section 48-2509, Reissue Revised Statutes of Nebraska.