

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 435

Introduced by Wordekemper, 15.

Read first time January 21, 2025

Committee: Business and Labor

1 A BILL FOR AN ACT relating to the Conveyance Safety Act; to amend
2 sections 81-5,213, 81-5,215, 81-5,216, 81-5,217, 81-5,218, 81-5,219,
3 81-5,221, 81-5,223, 81-5,230, and 81-5,239, Reissue Revised Statutes
4 of Nebraska; to change the duties of the Conveyance Advisory
5 Committee; to eliminate the granting of variances; to allow the
6 granting of equivalency requests; to change provisions relating to
7 exempted and not exempted conveyances, alternative inspections,
8 applications for elevator mechanic licenses and elevator contractor
9 licenses, and the method for requesting inspections; to harmonize
10 provisions; and to repeal the original sections.

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

1 **Section 1.** Section 81-5,213, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-5,213 The committee:

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

6 (2) Shall recommend to the State Fire Marshal rules and regulations
7 governing the operation, maintenance, servicing, construction,
8 alteration, installation, and inspection of conveyances;

9 (3) Shall recommend to the State Fire Marshal qualifications for
10 licensure as an elevator mechanic or elevator contractor and conditions
11 for disciplinary actions, including suspension or revocation of a
12 license;

13 (4) Shall recommend to the State Fire Marshal rules and regulations
14 for temporary and emergency elevator mechanic thirty-day licenses;

15 (5) Shall recommend to the State Fire Marshal an enforcement program
16 which will ensure compliance with the Conveyance Safety Act and the rules
17 and regulations adopted and promulgated pursuant to the act. The
18 enforcement program shall include the identification of property
19 locations which are subject to the act, issuing notifications to
20 violating property owners or operators, random onsite inspections and
21 tests on existing installations, and assisting in development of public
22 awareness programs; and

23 (6) Shall make recommendations to the State Fire Marshal regarding
24 ~~variances under section 81-5,217,~~ continuing education providers under
25 section 81-5,235 ~~7~~ and license disciplinary actions under section
26 81-5,237.

27 **Sec. 2.** Section 81-5,215, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 81-5,215 (1) The Conveyance Safety Act applies to the construction,
30 operation, inspection, testing, maintenance, alteration, and repair of
31 conveyances. Conveyances include the following equipment, associated

1 parts, and hoistways which are not exempted under section 81-5,216:

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

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

6 (i) Escalators; and

7 (ii) Moving sidewalks; and

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

12 (i) Dumbwaiters;

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

15 (iii) Conveyors and related equipment within the scope of American
16 Society of Mechanical Engineers B20.1, 2012 Edition.

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

21 (3) The act applies to conveyances in private residences located in
22 counties that have a population of more than one hundred thousand
23 inhabitants at the time of installation. Such conveyances are subject to
24 inspection at installation but are not subject to periodic inspections.

25 **Sec. 3.** Section 81-5,216, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 81-5,216 The Conveyance Safety Act does not apply to:

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

30 (2) Conveyances used exclusively for agricultural purposes;

31 (3) Personnel hoists within the scope of American National Standards

1 Institute A10.4, 2016 Edition;

2 (4) Material hoists within the scope of American National Standards
3 Institute A10.5, 2013 Edition;

4 (5) Manlifts within the scope of American Society of Mechanical
5 Engineers A90.1, 2015 Edition;

6 (6) Mobile scaffolds, towers, and platforms within the scope of
7 American National Standards Institute A92.10, 2009 Edition A92;

8 (7) Powered platforms and equipment for exterior and interior
9 maintenance within the scope of American National Standards Institute
10 120.1;

11 (8) Cranes, derricks, hoists, hooks, jacks, and slings within the
12 scope of American Society of Mechanical Engineers B30.10, 2014 Edition
13 B30;

14 ~~(9) Industrial trucks within the scope of American Society of~~
15 ~~Mechanical Engineers B56;~~

16 (9) ~~(10)~~ Portable equipment, except for portable escalators which
17 are covered by American National Standards Institute A17.1, 2013 Edition;

18 (10) ~~(11)~~ Tiering or piling machines used to move materials to and
19 from storage located and operating entirely within one story;

20 (11) ~~(12)~~ Equipment for feeding or positioning materials at machine
21 tools, printing presses, and similar equipment;

22 (12) ~~(13)~~ Skip or furnace hoists;

23 (13) ~~(14)~~ Wharf ramps;

24 (14) ~~(15)~~ Railroad car lifts or dumpers;

25 (15) ~~(16)~~ Line jacks, false cars, shafters, moving platforms, and
26 similar equipment used for installing a conveyance by an elevator
27 contractor;

28 (16) ~~(17)~~ Manlifts, hoists, or conveyances used in grain elevators
29 or feed mills;

30 (17) ~~(18)~~ Dock levelators;

31 (18) ~~(19)~~ Stairway chair lifts and platform lifts; and

1 (19) ~~(20)~~ Conveyances in residences located in counties that have a
2 population of one hundred thousand or less inhabitants.

3 **Sec. 4.** Section 81-5,217, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 81-5,217 (1) The State Fire Marshal shall adopt and promulgate rules
6 and regulations which establish the regulations for conveyances under the
7 Conveyance Safety Act. The rules and regulations may include the Safety
8 Code for Elevators and Escalators, American Society of Mechanical
9 Engineers A17.1 except those parts exempted under section 81-5,216; the
10 standards for conveyors and related equipment, American Society of
11 Mechanical Engineers B20.1; and the Automated People Mover Standards,
12 American Society of Civil Engineers 21. The State Fire Marshal shall
13 annually review to determine if the most current form of such standards
14 should be adopted.

15 (2) The State Fire Marshal may grant an equivalency request to a
16 ~~variance from~~ the rules and regulations adopted in subsection (1) of this
17 section in individual situations upon good cause shown if the safety of
18 those riding or using the conveyance is not compromised by the
19 equivalency variance. ~~The State Fire Marshal shall adopt and promulgate~~
20 ~~rules and regulations for the procedure to obtain a variance. The~~
21 ~~committee shall make recommendations to the State Fire Marshal regarding~~
22 ~~each variance requested.~~ The decision of the State Fire Marshal in
23 granting or refusing to grant an equivalency request ~~a variance~~ may be
24 appealed. The appeal shall be in accordance with the Administrative
25 Procedure Act.

26 **Sec. 5.** Section 81-5,218, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 81-5,218 Conveyances ~~upon which construction is started subsequent~~
29 ~~to January 1, 2008,~~ shall be registered at the time they are completed
30 and placed in service.

31 **Sec. 6.** Section 81-5,219, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 81-5,219 ~~On and after January 1, 2008:~~ Prior to any newly installed
3 conveyance being used for the first time, the property owner or lessee
4 shall obtain a certificate of inspection from the State Fire Marshal. A
5 fee established under section 81-5,214 shall be paid for the certificate
6 of inspection. A licensed elevator contractor shall complete and submit
7 first-time registrations for new installations to the state elevator
8 inspector for the inspector's approval. A certificate of inspection shall
9 be clearly displayed in an elevator car and on or in each other
10 conveyance.

11 **Sec. 7.** Section 81-5,221, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 81-5,221 (1) The State Fire Marshal shall employ a state elevator
14 inspector who shall work under the direct supervision of the State Fire
15 Marshal or the State Fire Marshal's designee.

16 (2) The person so employed shall be qualified by (a) not less than
17 five years' experience in the installation, maintenance, and repair of
18 elevators as determined by the State Fire Marshal, (b) certification as a
19 qualified elevator inspector by an association accredited by the American
20 Society of Mechanical Engineers, or (c) not less than five years'
21 journeyman experience in elevator installation, maintenance, and
22 inspection as determined by the State Fire Marshal and shall be familiar
23 with the inspection process and rules and regulations adopted and
24 promulgated under the Conveyance Safety Act.

25 (3) The State Fire Marshal may employ deputy inspectors possessing
26 the same qualifications as the state elevator inspector as necessary to
27 carry out the Conveyance Safety Act.

28 **Sec. 8.** Section 81-5,223, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 81-5,223 (1) No inspection shall be required under the Conveyance
31 Safety Act when an owner or user of a conveyance: ~~obtains an inspection~~

1 ~~by a representative of a reputable insurance company licensed to do~~
2 ~~business in Nebraska, obtains a policy of insurance from such company~~
3 ~~upon the conveyance and files with the State Fire Marshal a certificate~~
4 ~~of inspection by such insurance company, files a statement that such~~
5 ~~conveyance is insured, and pays an administrative fee established~~
6 ~~pursuant to section 81-5,214.~~

7 (a) Obtains and submits to the State Fire Marshal a certificate of
8 inspection from a third-party inspection company;

9 (b) Obtains a policy of insurance upon the conveyance from a
10 licensed insurance company;

11 (c) Files a statement that such conveyance is insured; and

12 (d) Pays an administrative fee established pursuant to section
13 81-5,214.

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

17 **Sec. 9.** Section 81-5,230, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 81-5,230 (1) Any person wishing to engage in the work of an elevator
20 mechanic shall apply for and obtain an elevator mechanic license from the
21 State Fire Marshal. The application shall be on a form provided by the
22 State Fire Marshal.

23 (2) Any person wishing to engage in the business of an elevator
24 contractor shall apply for and obtain an elevator contractor license from
25 the State Fire Marshal. The application shall be on a form provided by
26 the State Fire Marshal.

27 (3) Each application for an elevator mechanic license shall contain:

28 (a) The name and address of the applicant ~~If an individual, the~~
29 ~~name, residence and business address, and social security number of the~~
30 ~~applicant;~~

31 (b) A contact email address ~~If a partnership, the name, residence~~

1 ~~and business address, and social security number of each partner;~~

2 ~~(c) A contact telephone number If a domestic corporation, the name~~
3 ~~and business address of the corporation and the name, residence address,~~
4 ~~and social security number of the principal officer of the corporation;~~
5 ~~and if a corporation other than a domestic corporation, the name and~~
6 ~~address of an agent located locally who is authorized to accept service~~
7 ~~of process and official notices;~~

8 ~~(d) The number of years the applicant has engaged in the business of~~
9 ~~installing, inspecting, maintaining, or servicing conveyances;~~

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

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

15 ~~(e) (g) Permission for the State Fire Marshal to access the criminal~~
16 ~~history record information of individuals, partners, or officers~~
17 ~~maintained by the Federal Bureau of Investigation through the Nebraska~~
18 ~~State Patrol; and~~

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

22 ~~(f) (i) Such other information as the State Fire Marshal may by rule~~
23 ~~and regulation require.~~

24 ~~(4) Each application for an elevator contractor license shall~~
25 ~~contain:~~

26 ~~(a) All information required under subsection (3) of this section;~~

27 ~~(b) The name and address of the business;~~

28 ~~(c) The approximate number of employees to be employed by the~~
29 ~~applicant and, if applicable, satisfactory evidence that the employees~~
30 ~~are or will be covered by workers' compensation insurance;~~

31 ~~(d) Satisfactory evidence that the applicant is or will be covered~~

1 by general liability, personal injury, and property damage insurance;

2 (e) A description of all accidents causing personal injury or
3 property damage in excess of one thousand dollars involving conveyances
4 installed, inspected, maintained, or serviced by the applicant; and

5 (f) The name, telephone number, and Nebraska elevator mechanic
6 license number of a licensed elevator mechanic employed by or contracted
7 with the business Social security numbers on applications shall not be
8 made public or be considered a part of a public record.

9 **Sec. 10.** Section 81-5,239, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 81-5,239 (1) Any person may make a request for an investigation into
12 an alleged violation of the Conveyance Safety Act by giving notice to the
13 State Fire Marshal or state elevator inspector of such violation or
14 danger.

15 (2) Upon receipt of a request for an investigation, the State Fire
16 Marshal or state elevator inspector shall perform a preliminary inquiry
17 into the charges contained in the request for investigation. A request
18 for an investigation may be made in person or in writing ~~by telephone~~
19 ~~call~~ and shall set forth with reasonable particularity the grounds for
20 the request for an investigation. During the preliminary inquiry, the
21 name, address, and telephone number of the person making the request for
22 an investigation shall be available only to the State Fire Marshal, state
23 elevator inspector, or other person carrying out the preliminary inquiry
24 on behalf of the State Fire Marshal or state elevator inspector. The
25 State Fire Marshal or state elevator inspector shall keep a record of
26 each request for an investigation received under this section for three
27 years after such request is made.

28 (3) If after the preliminary inquiry the State Fire Marshal or state
29 elevator inspector determines that there are reasonable grounds to
30 believe that such violation or danger exists and is likely to continue to
31 exist such that the operation of the conveyance endangers the public, the

1 State Fire Marshal or state elevator inspector shall cause a formal
2 investigation to be made. During the formal investigation, a statement
3 shall be taken from the person who made the request for an investigation
4 and the person's name, address, and telephone number shall be made
5 available to any opposing parties upon request.

6 (4) If the State Fire Marshal or state elevator inspector determines
7 that there are no reasonable grounds to believe that a violation or
8 danger exists under either subsection (2) or (3) of this section, the
9 State Fire Marshal shall notify the person requesting the investigation
10 in writing of such determination.

11 **Sec. 11.** Original sections 81-5,213, 81-5,215, 81-5,216, 81-5,217,
12 81-5,218, 81-5,219, 81-5,221, 81-5,223, 81-5,230, and 81-5,239, Reissue
13 Revised Statutes of Nebraska, are repealed.