



Ninety-Seventh Legislature - First Session - 2001
Committee Statement
LB 816

Hearing Date: January 29, 2001
Committee On: Business and Labor

Introducers: (Hilgert)
Title: Adopt the Elevator Regulation Act

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

6	Yes	Connealy, Chambers, Dierks, Hartnett, Preister, Schimek
0	No	
0	Present, not voting	
1	Absent	Vrtiska

Proponents:

Joe Kohout
 John Quackenbush
 Earl Baker

 Thomas Leutzinger

Representing:

Sen. Hilgert, Introducer
 EIWPF
 International Union of Elevator Constructors
 Local 28
 Advance Elevator

Opponents:

Representing:

Neutral:

Ron Anglim
 John H. Albin

Representing:

CEC Inc., Access Elevator Company
 Department of Labor

Summary of purpose and/or changes:

LB 816 seeks to adopt the Elevator Regulation Act and create the Elevator Safety Review Board. The Board would be charged with adopting rules and regulations covering all types of elevators; establish the qualifications of elevator mechanics, contractors and inspectors; establish regulations on equipment that are to include reference to national codes and standards; grant exceptions and hold hearings and hear appeals; and establish fee schedules.

The bill further proposes: that owners of covered elevators register with the Commissioner of Labor and obtain certificates of operation; that one must be a licensed elevator mechanic to work with

elevators in the state, and provides duties to those who do such work; annual inspections by an inspector; to delete the inspection exclusion for elevators used in private residences; to delete the required annual inspection fee of \$75 and \$50, depending on the type of equipment; to require one to obtain a license from the Commissioner before working as an elevator mechanic, installer, or inspector, which will be granted based on the listed criteria; to provide license renewal criteria; instances when a license may be revoked; proof of insurance provisions for contractors and inspectors; and enforcement program provisions.

LB 816 is described as an attempt to create uniformity among states regarding elevator laws. There are national standards and codes (not federal law) that many states follow when making their individual elevator laws. The provisions set out in this bill are said to put Nebraska in sync with other states that follow the national standards.

Explanation of amendments, if any:

The committee amendment would replace the original bill and would do the following:

Sec. 1. Cites the bill as the Elevator Safety Act.

Sec. 2. Provides definitions for purposes of the Act.

Sec. 3. Creates the Elevator Advisory Committee, consisting of seven members, and appointed by the Governor except for the elevator inspector and the State Fire Marshal. Terms will be for three years, but the elevator inspector and the Fire Marshal will serve continuously. The elevator inspector will serve as chair of the committee, and will be the deciding vote in the event of a tie. The committee is to meet quarterly and is to discuss code regulations and appeals.

Sec. 4. States duties of the committee, including consulting with engineering professionals on the safety codes, recommending rules and regulations governing conveyances, recommending licensure qualifications. Calls for the Commissioner of Labor to adopt rules and regulations for conveyances and the national codes to which the rules and regulations may refer.

Sec. 5. Amends §48-418 by cleaning up language on the duties of the Commissioner of Labor and elevator inspector to reflect the new language of the Act.

Sec. 6. Amends §48-418.10 by adding a reference to the new language of the Act.

Sec. 7. States that the Elevator Safety Act is to cover all aspects of conveyances, and what is included in the definition of conveyance.

Sec. 8. States what is not covered by the Elevator Safety Act. Includes an exemption for manlifts, hoists, elevators, or conveyances within the scope of American Society of Mechanical Engineers A17.1 (Part XV) used in grain elevators or feed mills.

Sec. 9. States that within 6 months after the operative date of this act, all covered conveyance owners must register with the Commissioner of Labor if such owners do not already have a current certificate of operation issued by the State of Nebraska. New conveyance owners may register once the work is finished and the conveyance is in service.

Sec. 10. States that property owners must obtain certificates of operation prior to a conveyance being used on their property and a fee must be paid. Licensed elevator contractors are to complete first-time registrations for new installations, and certificates of operation are to be displayed in the conveyance. The elevator inspector will be allowed to issue temporary certificates of operation for elevators not compliant with the code.

Sec. 11. Disallows work on a conveyance unless the worker is a licensed elevator mechanic and under the supervision of a licensed elevator contractor. Licensees are responsible for ensuring that work on a conveyance is performed in compliance with applicable fire and safety codes. Requires all new conveyance installations to be performed by a licensed elevator contractor, who shall certify compliance with the Act.

Sec. 12. Requires conveyance owners to have an annual inspection by a licensed elevator mechanic and requires the inspector to issue written inspection reports describing any violations. The owner is to be given 30 days to correct any violations.

Sec. 13. Amends §48-418.01 by adding reference to the new language of the Act.

Sec. 14. Amends §48-418.04 by adding reference to the new language of the Act.

Sec. 15. Amends §48-418.07 by adding reference to the new language of the Act, and adds language requiring inspections by insurance companies to be performed by one with the same qualifications as the elevator inspector.

Sec. 16. Amends §48-418.03 by stating that a certificate of operation, instead of inspection, is to be issued, and deletes the requirement that the certificate be posted in the elevator car.

Sec. 17. Amends §48-418.06 by adding reference to the new language of the Act.

Sec. 18. Amends §48-418.09 by cleaning up language regarding fees. Deletes language stating set fees depending on the type of conveyance. The fee schedules are to be determined by the Commissioner of Labor.

Sec. 19. Amends §48-418.02 by adding that deputy inspectors, in addition to the Commissioner of Labor and elevator inspector, have the right to enter and inspect buildings with conveyances to inspect them.

Sec. 20. Amends §48-418.08 by adding that if a conveyance has been found to be unsafe or unfit for operation, a temporary certificate of operation may be issued stating that a conveyance may be used in a limited capacity for no more than 30 days.

Sec. 21. Amends §48-418.05 by adding that the state elevator shall be notified within one business day if there has been a conveyance accident that causes personal injury or property damage that exceeds \$1,000.

Sec. 22. States application procedures for obtaining an elevator mechanic license, elevator contractor license, limited elevator contractor license, and the information that must be contained on the license applications.

Sec. 23. Allows the Commissioner of Labor to adopt rules and regulations establishing license standards for elevator mechanics, and states the qualifications an applicant must demonstrate.

Sec. 24. States the qualifications an elevator contractor license applicant must demonstrate before being granted such license.

Sec. 25. States that an elevator mechanic or contractor license may be issued to one who holds a valid license from a state having similar standards to this state under the Act.

Sec. 26. Allows approved licenses to be renewed biennially if continuing education requirements are met.

Sec. 27. Calls for renewals of licenses to be granted upon the submission of a continuing education course certificate of completion. Licensees unable to complete continuing education because of a disability may apply for an extension, the requirements of which are listed. Requires continuing education providers to keep uniform records for 10 years to be available for inspection by the state elevator inspector and additional duties the providers must follow regarding records.

Sec. 28. States the instances under which a license may be suspended, revoked, or subject to civil penalty not to exceed \$5,000 by the Commissioner. Calls for a hearing to be held before any penalty is assessed, states the hearing procedures, and allows appeals.

Sec. 29. Calls for elevator contractors to submit a general liability coverage insurance policy of \$1 million for injury or death to any one person, \$1 million for injury or death to any number of persons, and \$500,000 for property damage, as well as workers' compensation insurance coverage, to the Commissioner of Labor.

Sec. 30. States that the Elevator Advisory Committee is to recommend an enforcement program to the Commissioner of Labor to ensure compliance with the Act. Allows anyone to make a request for an investigation into an alleged violation of the Act, and calls for the Commissioner to conduct an investigation if reasonable grounds are found of the Act's violation.

Sec. 31. States that the Act does not lessen liability of conveyance owners, and does not increase the State of Nebraska's liability for any acts or omissions arising under the Act.

Sec. 32. The Act is not retroactive, but equipment installed prior to the operative date of the act must comply with minimum standards established by the Commissioner of Labor.

Sec. 33. Amends §48-418.11 by adding reference to new language under the Act. Changes the penalty for violation of the Act to a Class II misdemeanor.

Sec. 34. Operative date of January 1, 2002.

Sec. 35. Repeal Original Sections.

Sec. 36. Outright repeal certain sections.

Substantive Changes:

1. The amendment reduces Elevator Board from 10 members to 7. The board is to be appointed within 90 days instead of 30 days. The Elevator Inspector is the tie-breaking vote instead of the chair of the committee. The committee is to meet quarterly instead of monthly.
2. The Committee can hear appeals, but not variance hearings.
3. The requirement is taken out that all residence elevators be inspected. It retains the requirement that the residential elevators have to be installed by certified technicians.
4. Takes out the requirement that the Department physically observe 5-year tests of conveyances being taken out of service (or dormant conveyances).
5. Allows the Department to set fees by rules and regulation.
6. Because of the reduction in staff and work, the fiscal note is reduced substantially – the Department estimates around \$1700 from \$500,000.

Senator Matt Connealy, Chairperson