

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 594

Introduced by Carlson, 38.

Read first time January 19, 2011

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to safety inspections; to amend sections 48-1802,
2 48-1803, 48-1805, 48-1811, 48-1812, 48-2501, 48-2502,
3 48-2506, 48-2507, 48-2508, 48-2511, 48-2512, 48-2512.01,
4 48-2513, 48-2514, 48-2515, 48-2516, 48-2518, 48-2519,
5 48-2533, 81-401, and 81-405, Reissue Revised Statutes of
6 Nebraska; to change and eliminate provisions of the
7 Nebraska Amusement Ride Act, and the Conveyance Safety
8 Act; to eliminate a fund; to harmonize provisions; to
9 provide operative dates; to repeal the original sections;
10 and to outright repeal sections 48-1801, 48-1802,
11 48-1803, 48-1804, 48-1804.01, 48-1805, 48-1806, 48-1807,
12 48-1808, 48-1809, 48-1811, 48-1812, 48-1813, 48-1814,
13 48-1815, 48-1816, 48-1817, 48-1818, 48-1819, 48-1820,
14 48-2501, 48-2502, 48-2503, 48-2504, 48-2506, 48-2507,
15 48-2508, 48-2509, 48-2510, 48-2511, 48-2512, 48-2512.01,
16 48-2513, 48-2514, 48-2515, 48-2516, 48-2517, 48-2518,
17 48-2519, 48-2520, 48-2521, 48-2522, 48-2523, 48-2524,

1 48-2525, 48-2526, 48-2527, 48-2528, 48-2529, 48-2530,
2 48-2531, 48-2532, and 48-2533, Reissue Revised Statutes
3 of Nebraska; and to declare an emergency.
4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-1802, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 48-1802 For purposes of the Nebraska Amusement Ride Act,
4 unless the context otherwise requires:

5 (1) Amusement ride shall mean any mechanical device that
6 carries or conveys passengers along, around, or over a fixed or
7 restricted route or course or within a defined area for the purpose
8 of giving its passengers amusement, pleasure, or excitement, but such
9 term shall not include (a) any single-passenger coin-operated ride
10 that is manually, mechanically, or electrically operated and
11 customarily placed in a public location and that does not normally
12 require the supervision or services of an operator or (b)
13 nonmechanized playground equipment, including, but not limited to,
14 swings, seesaws, stationary spring-mounted animal features, rider-
15 propelled merry-go-rounds, climbers, slides, trampolines, and
16 physical fitness devices. Bungee jumping is specifically designated
17 as an amusement ride for purposes of the act and shall mean the
18 sport, activity, or other practice of jumping, diving, stepping out,
19 dropping, or otherwise being released into the air while attached to
20 a bungee cord, whereby the cord stretches, stops the fall, lengthens,
21 and shortens allowing the person to bounce up and down, and is
22 intended to finally bring the person to a stop at a point above a
23 surface or the ground;

24 (2) Bungee cord shall mean a cord made of rubber, latex,
25 or other elastic-type material, whether natural or synthetic;

1 (3) Commissioner shall mean the Commissioner of Labor or
2 his or her designee;

3 (4) Operator shall mean a person actually engaged in or
4 directly controlling the operations of an amusement ride;

5 (5) Owner shall mean a person who owns, leases, controls,
6 or manages the operations of an amusement ride and may include the
7 state or any political subdivision of the state;

8 (6) Qualified inspector shall mean any person who is (a)
9 ~~found~~ certified by the commissioner to possess the requisite training
10 and experience to perform competently the inspections required by the
11 Nebraska Amusement Ride Act; ~~and (b) certified by the commissioner to~~
12 ~~perform inspections of amusement rides;~~ and

13 (7) Reverse bungee jumping shall mean the sport,
14 activity, or practice whereby a person is attached to a bungee cord,
15 the bungee cord is stretched down so that such person is on a fixed
16 catapult, launch, or release position, and such person is catapulted
17 or otherwise launched or released into the air from such fixed
18 position, while attached to a bungee cord, whereby the cord
19 stretches, stops the fall, lengthens, and shortens allowing the
20 person to bounce up and down, and is intended to finally bring the
21 person to a stop at a point above a surface or the ground.

22 Sec. 2. Section 48-1803, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 48-1803 The commissioner shall adopt and promulgate rules
25 and regulations (1) for the safe installation, repair, maintenance,

1 use, operation, and inspection of amusement rides as the commissioner
2 may find necessary for the protection of the general public, (2) for
3 the annual certification of qualified inspectors of amusement rides,
4 and (3) and (2) necessary to carry out the provisions of the Nebraska
5 Amusement Ride Act. Such rules and regulations shall be of a
6 reasonable nature, based upon generally accepted engineering
7 standards, formulas, and practices, and, insofar as practicable and
8 consistent with the Nebraska Amusement Ride Act, uniform with rules
9 and regulations of other states. Whenever such standards are
10 available in suitable form they may be incorporated by reference by
11 the commissioner. The commissioner shall administer and enforce the
12 Nebraska Amusement Ride Act and all rules and regulations adopted and
13 promulgated pursuant to such act. The commissioner shall coordinate
14 all regulatory and investigative activities with the appropriate
15 state agencies.

16 Sec. 3. Section 48-1805, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 48-1805 (1) The commissioner shall issue a permit to
19 operate an amusement ride to the owner of such amusement ride upon
20 presentation by the owner of (a) an application for a permit, (b) a
21 certificate of inspection by a qualified inspector with a current
22 certification to inspect amusement rides, (c) proof of liability
23 insurance as required in section 48-1806, and (d) the permit fee.
24 Such permit shall be valid through December 31 of the year in which
25 the inspection is performed. Effective January 1, 2012, amusement

1 rides will continue to be required to be inspected, but employees of
2 the Department of Labor will no longer inspect amusement rides.

3 (2) The commissioner may waive the requirement of
4 subdivision (1)(b) of this section if the owner of the amusement ride
5 gives satisfactory proof to the commissioner that such amusement ride
6 has passed an inspection conducted or required by a federal agency,
7 any other state, or a governmental subdivision of this or of any
8 other state which has standards for the inspection of such an
9 amusement ride at least as stringent as those adopted and promulgated
10 pursuant to the Nebraska Amusement Ride Act.

11 Sec. 4. Section 48-1811, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 48-1811 The commissioner may ~~certify~~ provide annual
14 certification to such qualified inspectors as may be necessary to
15 carry out the Nebraska Amusement Ride Act according to rules and
16 regulations adopted and promulgated by the commissioner.

17 Sec. 5. Section 48-1812, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 48-1812 (1) The commissioner may establish by rules and
20 regulations a schedule of reasonable inspections fees for each
21 amusement ride. The cost of obtaining the certificate of inspection
22 from a qualified inspector shall be borne by the owner of the
23 amusement ride.

24 (2) A separate schedule of fees shall be established for
25 the inspection of bungee jumping operations, including the inspection

1 of cranes used for bungee jumping. The fees shall be established
2 taking into consideration the cost of such inspections.

3 (3) The commissioner may establish by rules and
4 regulations a schedule of reasonable fees for the annual
5 certification of qualified inspectors of amusement rides. Such
6 certification shall be valid for a period of one year from the date
7 of issuance.

8 Sec. 6. Section 48-2501, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 48-2501 Sections 48-2501 to 48-2533 and section 14 of
11 this act shall be known and may be cited as the Conveyance Safety
12 Act.

13 Sec. 7. Section 48-2502, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 48-2502 For purposes of the Conveyance Safety Act:

16 (1) Certificate of inspection means a document issued by
17 the commissioner that indicates that the conveyance has had the
18 required safety inspection and tests and that the required fees have
19 been paid;

20 (2) Commissioner means the Commissioner of Labor;

21 (3) Committee means the Conveyance Advisory Committee;

22 (4) Conveyance means any elevator, dumbwaiter, vertical
23 reciprocating conveyor, escalator, moving sidewalk, automated people
24 mover, and other equipment enumerated in section 48-2507 and not
25 exempted under section 48-2508;

1 (5) Elevator contractor means any person who is engaged
2 in the business of contracting services for erecting, constructing,
3 installing, altering, servicing, testing, repairing, or maintaining
4 conveyances;

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

8 (7) Person means an individual, a partnership, a limited
9 liability company, a corporation, and any other business firm or
10 company and includes a director, an officer, a member, a manager, and
11 a superintendent of such an entity; and -

12 (8) Qualified elevator inspector means a person who has
13 been issued a license to inspect elevators issued by the commissioner
14 pursuant to section 14 of this act.

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

17 48-2506 (1) The commissioner ~~shall, after a public~~
18 ~~hearing conducted by the commissioner or his or her designee,~~
19 establish a reasonable may adopt and promulgate rules and regulations
20 for the purpose of effectuating the Conveyance Safety Act, including
21 rules and regulations governing (a) methods of testing and inspecting
22 conveyances, (b) the construction and installation of new conveyances
23 subject to inspection under the act, (c) a schedule of fees for
24 licenses, permits, and certificates issued by the state elevator
25 inspector, and (d) inspections authorized under the Conveyance Safety

1 ~~Act. performed by the state elevator inspector.~~ The commissioner
2 shall establish the fees at a level necessary to meet the costs of
3 administering the act. ~~Inspection fee schedules relating to the~~
4 ~~inspection of conveyances adopted by the commissioner prior to~~
5 ~~January 1, 2008, shall continue to be effective until they are~~
6 ~~amended or repealed by the commissioner.~~

7 (2) The commissioner shall administer the Conveyance
8 Safety Act. It is the intent of the Legislature that, ~~beginning in~~
9 ~~fiscal year 2008-09,~~ the funding for the administration of the act
10 shall be entirely from cash funds remitted to the Mechanical Safety
11 Inspection Fund that are fees collected in the administration of the
12 act.

13 Sec. 9. Section 48-2507, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 48-2507 (1) The Conveyance Safety Act applies to the
16 construction, operation, inspection, testing, maintenance,
17 alteration, and repair of conveyances. Conveyances include the
18 following equipment, associated parts, and hoistways which are not
19 exempted under section 48-2508:

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

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

25 (i) Escalators; and

1 (ii) Moving sidewalks; and

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

6 (i) Dumbwaiters;

7 (ii) Material lifts and dumbwaiters with automatic
8 transfer devices; and

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

11 (2) The ~~act~~ Conveyance Safety Act applies to the
12 construction, operation, inspection, maintenance, alteration, and
13 repair of automatic guided transit vehicles on guideways with an
14 exclusive right-of-way. This equipment includes automated people
15 movers.

16 ~~(3) The act applies to conveyances in private residences~~
17 ~~located in counties that have a population of more than one hundred~~
18 ~~thousand inhabitants at the time of installation. Such conveyances~~
19 ~~are subject to inspection at installation but are not subject to~~
20 ~~periodic inspections.~~

21 Sec. 10. Section 48-2508, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 48-2508 The Conveyance Safety Act does not apply to:

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

- 1 (2) Conveyances used exclusively for agricultural
2 purposes;
- 3 (3) Personnel hoists within the scope of American
4 National Standards Institute A10.4;
- 5 (4) Material hoists within the scope of American National
6 Standards Institute A10.5;
- 7 (5) Manlifts within the scope of American Society of
8 Mechanical Engineers A90.1;
- 9 (6) Mobile scaffolds, towers, and platforms within the
10 scope of American National Standards Institute A92;
- 11 (7) Powered platforms and equipment for exterior and
12 interior maintenance within the scope of American National Standards
13 Institute 120.1;
- 14 (8) Cranes, derricks, hoists, hooks, jacks, and slings
15 within the scope of American Society of Mechanical Engineers B30;
- 16 (9) Industrial trucks within the scope of American
17 Society of Mechanical Engineers B56;
- 18 (10) Portable equipment, except for portable escalators
19 which are covered by American National Standards Institute A17.1;
- 20 (11) Tiering or piling machines used to move materials to
21 and from storage located and operating entirely within one story;
- 22 (12) Equipment for feeding or positioning materials at
23 machine tools, printing presses, and similar equipment;
- 24 (13) Skip or furnace hoists;
- 25 (14) Wharf ramps;

- 1 (15) Railroad car lifts or dumpers;
- 2 (16) Line jacks, false cars, shafters, moving platforms,
3 and similar equipment used for installing a conveyance by an elevator
4 contractor;
- 5 (17) Manlifts, hoists, or conveyances used in grain
6 elevators or feed mills;
- 7 (18) Dock levelators;
- 8 (19) Stairway chair lifts and platform lifts; and
- 9 (20) Conveyances in personal residences. ~~located in~~
10 ~~counties that have a population of one hundred thousand or less~~
11 ~~inhabitants.~~

12 Sec. 11. Section 48-2511, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 48-2511 ~~On and after January 1, 2008: Prior to any newly~~
15 ~~installed conveyance being used for the first time, the property~~
16 ~~owner or lessee shall obtain a certificate of inspection from the~~
17 ~~commissioner. At least thirty days before any conveyance required to~~
18 ~~be inspected under the Conveyance Safety Act is installed, a permit~~
19 ~~to install the conveyance shall be obtained from the commissioner. A~~
20 ~~fee established under section 48-2506 shall be paid for the~~
21 ~~certificate of inspection. permit to install. A licensed elevator~~
22 ~~contractor ~~shall~~ may complete and submit first-time registrations~~
23 ~~applications for a permit to install and the initial inspection~~
24 ~~following installation for new installations installed by the~~
25 ~~contractor to the state elevator inspector, for the inspector's~~

1 ~~approval.~~ A certificate of inspection shall be clearly displayed in
2 an elevator car and on or in each other conveyance.

3 Sec. 12. Section 48-2512, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 48-2512 (1) No person shall ~~wire, alter, replace, remove,~~
6 ~~or dismantle an existing conveyance contained within a building or~~
7 ~~structure located~~ perform services as an elevator mechanic or
8 contractor in a county that has a population of more than one hundred
9 thousand inhabitants unless such person possesses a current license
10 as an elevator mechanic or elevator contractor issued in accordance
11 with section 48-2521.

12 (2) This section shall not apply to (a) a person working
13 under the direct supervision of a person who is a licensed elevator
14 contractor or licensed elevator mechanic, (b) a person performing
15 nonmechanical maintenance of a conveyance, or (c) the removal or
16 dismantling of conveyances which are destroyed as a result of a
17 complete demolition of a secured building. ~~is a licensed elevator~~
18 ~~mechanic or he or she is working under the direct supervision of a~~
19 ~~person who is a licensed elevator mechanic. Neither a licensed~~
20 ~~elevator mechanic nor a licensed elevator contractor is required to~~
21 ~~perform nonmechanical maintenance of a conveyance. Neither a licensed~~
22 ~~elevator contractor nor a licensed elevator mechanic is required for~~
23 ~~removing or dismantling conveyances which are destroyed as a result~~
24 ~~of a complete demolition of a secured building.~~

25 ~~(2) It shall be the responsibility of licensed elevator~~

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

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

11 Sec. 13. Section 48-2512.01, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 48-2512.01 (1) ~~The Commissioner of Labor commissioner~~
14 ~~shall appoint employ a state elevator inspector., subject to the~~
15 ~~approval of the Governor, who shall work under the direct supervision~~
16 ~~of the commissioner. The state elevator inspector serving on January~~
17 ~~1, 2008, shall continue to serve unless removed by the commissioner.~~

18 (2) ~~The person so appointed state elevator inspector~~
19 ~~shall be a qualified by (a) not less than five years' experience in~~
20 ~~the installation, maintenance, and repair of elevators as determined~~
21 ~~by the commissioner, (b) certification as a qualified elevator~~
22 ~~inspector by an association accredited by the American Society of~~
23 ~~Mechanical Engineers, or (c) not less than five years' journeyman~~
24 ~~experience in elevator installation, maintenance, and inspection as~~
25 ~~determined by the Commissioner of Labor elevator inspector and shall~~

1 be familiar with the inspection process and rules and regulations
2 adopted and promulgated under the Conveyance Safety Act.

3 (3) ~~The commissioner, subject to the approval of the~~
4 ~~Governor, may appoint employ deputy elevator inspectors possessing~~
5 ~~the same qualifications as the state elevator inspector. A qualified~~
6 ~~individual may apply for the position of inspector or deputy~~
7 ~~inspector. The application shall include the applicant's social~~
8 ~~security number, but such social security number shall not be a~~
9 ~~public record. who are qualified elevator inspectors.~~

10 (4) In order to ensure that inspections are performed in
11 a timely manner, the commissioner may contract with a qualified
12 elevator inspector or company employing qualified elevator inspectors
13 to perform any inspection authorized under the Conveyance Safety Act.
14 If the department contracts with a qualified elevator inspector or
15 company employing qualified elevator inspectors to perform
16 inspections, such contract shall be in writing and shall (a) specify
17 that inspections shall only be performed by qualified elevator
18 inspections and shall be conducted to the same standards as
19 inspections performed by the state elevator inspector, (b) contain an
20 indemnification clause wherein the authorized inspection agency
21 agrees to indemnify and defend the department for loss occasioned by
22 negligent or tortious acts committed by the qualified elevator
23 inspector or company employing qualified elevator inspectors when
24 performing inspections on behalf of the department, and (c) require
25 that the qualified elevator inspector or company employing qualified

1 elevator inspectors be insured against loss occasioned by negligent
2 or tortious acts committed by the qualified elevator inspector or
3 company employing qualified elevator inspectors in the amount
4 required under subsection (2) of section 14 of this act.

5 Sec. 14. (1) A qualified elevator inspector shall have
6 the following minimum qualifications: (a) Five or more years'
7 experience in the installation, maintenance, and repair of elevators
8 as determined by the commissioner; (b) five or more years' journeyman
9 experience in elevator installation, maintenance, and inspection as
10 determined by the commissioner; or (c) has obtained certification as
11 a qualified elevator inspector by an association accredited by the
12 American Society of Mechanical Engineers and has demonstrated
13 familiarity with the inspection process and rules and regulations
14 adopted and promulgated under the Conveyance Safety Act.

15 (2) Prior to the issuance of a license to a qualified
16 elevator inspector the applicant shall (a) provide satisfactory
17 evidence to the commissioner that the applicant is or will be covered
18 by general liability, personal injury, and property damage insurance
19 in an amount not less than the minimum amount established by the
20 commissioner by rule and regulation and (b) pay the licensure fee
21 established by the commissioner pursuant to section 48-2506. Such
22 license shall be renewed annually.

23 (3) For purposes of compliance with the inspection
24 requirements of section 48-2513, a qualified elevator inspector shall
25 not inspect conveyances owned, installed, or maintained by such

1 qualified elevator inspector or the employer of such qualified
2 elevator inspector.

3 Sec. 15. Section 48-2513, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 48-2513 ~~(1) Except as provided otherwise in the~~
6 ~~Conveyance Safety Act, the state elevator inspector shall inspect or~~
7 ~~cause to be inspected conveyances which are located in a building or~~
8 ~~structure, other than a private residence, at least once every twelve~~
9 ~~months in order to determine whether such conveyances are in a safe~~
10 ~~and satisfactory condition and are properly constructed and~~
11 ~~maintained for their intended use.~~

12 (1) The owner of each conveyance required to be inspected
13 under the Conveyance Safety Act shall have such conveyance inspected
14 not less than annually.

15 (2) Subsequent to inspection of a conveyance, the
16 inspector performing the inspection shall supply ~~owners or lessees~~
17 the owner and, if the state elevator inspector did not perform the
18 inspection, the state elevator inspector with a written inspection
19 report describing any and all violations. ~~An~~The owner has thirty
20 days after the date of the published inspection report to correct the
21 violations.

22 (3) All tests done for the conveyance inspection shall be
23 performed by a licensed elevator mechanic.

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

1 48-2514 (1) No additional inspection shall be required
2 under the Conveyance Safety Act when an owner ~~or user~~ of a conveyance
3 obtains an inspection by a representative of a reputable insurance
4 company licensed to do business in Nebraska, obtains a policy of
5 insurance from such company upon the conveyance and files with the
6 commissioner ~~a certificate of inspection~~ a copy of the inspection
7 report provided by such insurance company, ~~files~~ a statement that
8 such conveyance is insured, and pays ~~an administrative~~ the
9 certificate of inspection fee established pursuant to section
10 48-2506.

11 (2) No additional inspection shall be required under the
12 ~~act~~ Conveyance Safety Act when there has been an annual inspection
13 under a city ordinance which ~~meets the standards of the act.~~ requires
14 conveyances to be constructed, installed, maintained, and inspected
15 under standards equal to or exceeding those standards adopted by the
16 commissioner and the owner of the conveyance files with the
17 commissioner a copy of the inspection report issued pursuant to the
18 city ordinance and pays the certificate of inspection fee established
19 pursuant to section 48-2506.

20 Sec. 17. Section 48-2515, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 48-2515 If at any time the owner ~~or user~~ of a conveyance
23 desires a special inspection of a conveyance by the state elevator
24 inspector, ~~it shall be made by the state elevator inspector after due~~
25 ~~request therefor and the inspector making the inspection shall~~

1 ~~collect his or her expenses in connection therewith and a fee may~~
2 ~~perform or cause to be performed the inspection of the conveyance.~~
3 ~~The state elevator inspector shall charge the owner of the conveyance~~
4 ~~an inspection fee established pursuant to section 48-2506 and travel~~
5 ~~costs reasonably and necessarily incurred in performing such special~~
6 ~~inspection. No certificate of inspection shall be issued for such~~
7 ~~conveyance until such time as the inspection fee, travel costs, and~~
8 ~~certificate of inspection fee are paid.~~ A report of the inspection
9 shall be provided to the owner, ~~or user who requested the inspection~~
10 ~~upon their request.~~

11 Sec. 18. Section 48-2516, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 48-2516 Upon ~~a conveyance passing an inspection under~~
14 ~~receipt of an inspection report issued pursuant to section 48-2513,~~
15 ~~48-2514, or 48-2515, proof of repair of any defects identified in the~~
16 ~~inspection report, and payment of the certificate of inspection fee~~
17 ~~established pursuant to section 48-2506, and receipt of the~~
18 ~~inspection fee,~~ the commissioner shall issue the owner ~~or user~~ of the
19 conveyance a certificate of inspection, upon forms prescribed by the
20 commissioner.

21 Sec. 19. Section 48-2518, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 48-2518 The commissioner, the state elevator inspector,
24 and the deputy elevator inspectors shall have the right and power to
25 enter any public building or structure for the purpose of inspecting

1 any conveyance ~~subject to~~ required to be inspected under the
2 Conveyance Safety Act, ~~or gathering information with reference~~
3 ~~thereto.~~ in regard to the installation, inspection, or maintenance of
4 a conveyance required to be inspected under the act, or otherwise
5 enforcing compliance with the act.

6 Sec. 20. Section 48-2519, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 48-2519 ~~The state~~ A qualified elevator inspector
9 performing an inspection shall notify the owner ~~or user and the state~~
10 elevator inspector in writing of any conveyance found to be unsafe or
11 unfit for operation setting forth the nature and extent of any defect
12 or other unsafe condition. If the inspection is performed by the
13 state elevator inspector, the state elevator inspector shall notify
14 the owner of the conveyance of the nature and extent of any defect or
15 unsafe condition. If the conveyance can be used without making repair
16 or replacement of defective parts or may be used in a limited
17 capacity before repairs or replacements are made, the state elevator
18 inspector may issue a temporary certificate of inspection which shall
19 state the terms and conditions of operation under the temporary
20 certificate. The temporary certificate shall be valid for no longer
21 than thirty days unless an extension is granted by the state elevator
22 inspector for good cause shown.

23 Sec. 21. Section 48-2533, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 48-2533 (1) Any person who knowingly violates the

1 Conveyance Safety Act is guilty of a ~~Class V~~Class I misdemeanor.

2 Each violation shall be a separate offense.

3 (2) Any person who installs a conveyance in violation of
4 the Conveyance Safety Act is guilty of a ~~Class II~~Class I
5 misdemeanor.

6 Sec. 22. Section 81-401, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 81-401 The Governor, through the agency of the Department
9 of Labor created by section 81-101, shall have power:

10 (1) To foster, promote, and develop the welfare of wage
11 earners;

12 (2) To improve working conditions;

13 (3) To advance opportunities for profitable employment;

14 (4) To collect, collate, assort, systematize, and report
15 statistical details relating to all departments of labor, especially
16 in its relation to commercial, industrial, social, economic, and
17 educational conditions and to the permanent prosperity of the
18 manufacturing and productive industries;

19 (5) To acquire and distribute useful information on
20 subjects connected with labor in the most general and comprehensive
21 sense of the word;

22 (6) To acquire and distribute useful information
23 concerning the means of promoting the material, social, intellectual,
24 and moral prosperity of laboring men and women;

25 (7) To acquire and distribute information as to the

1 conditions of employment and such other facts as may be deemed of
2 value to the industrial interests of the state;

3 (8) To acquire and distribute information in relation to
4 the prevention of accidents, occupational diseases, and other related
5 subjects;

6 (9) To acquire and distribute useful information
7 regarding the role of the part-time labor force and the manner in
8 which such labor force affects the economy and citizens of the state;
9 and

10 (10) To administer and enforce all of the provisions of
11 the Boiler Inspection Act, the Employment Security Law, the Farm
12 Labor Contractors Act, ~~the Nebraska Amusement Ride Act,~~ the Nebraska
13 Workforce Investment Act, and the Wage and Hour Act and Chapter 48,
14 articles 2, 3, 4, and 5, and for that purpose there is imposed upon
15 the Commissioner of Labor the duty of executing all of the provisions
16 of such acts, law, and articles.

17 Sec. 23. Section 81-405, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 81-405 ~~The Mechanical Safety Inspection Fund is created.~~
20 ~~All fees collected by the Department of Labor pursuant to the~~
21 ~~Nebraska Amusement Ride Act and the Conveyance Safety Act shall be~~
22 ~~remitted to the State Treasurer for credit to the Mechanical Safety~~
23 ~~Inspection Fund. Fees so collected shall not lapse into the General~~
24 ~~Fund. Fees so collected shall be used for the sole purpose of~~
25 ~~administering the provisions of the Nebraska Amusement Ride Act and~~

1 ~~the Conveyance Safety Act. Any money in the Mechanical Safety~~
2 ~~Inspection Fund available for investment shall be invested by the~~
3 ~~state investment officer pursuant to the Nebraska Capital Expansion~~
4 ~~Act and the Nebraska State Funds Investment Act. All funds existing~~
5 ~~in the Elevator Inspection Fund and the Nebraska Amusement Ride Fund~~
6 ~~on January 1, 2008, shall be transferred to the Mechanical Safety~~
7 ~~Inspection Fund.~~

8 All funds existing in the Mechanical Safety Inspection
9 Fund on the operative date of this act shall be transferred to the
10 General Fund.

11 Sec. 24. Sections 1 to 5 and 25 of this act become
12 operative on January 1, 2012. Sections 6 to 21, 24, 26, and 29 of
13 this act become operative July 1, 2011. Sections 22, 23, 27, and 28
14 of this act become operative January 1, 2013.

15 Sec. 25. Original sections 48-1802, 48-1803, 48-1805,
16 48-1811, and 48-1812, Reissue Revised Statutes of Nebraska, are
17 repealed.

18 Sec. 26. Original sections 48-2501, 48-2502, 48-2506,
19 48-2507, 48-2508, 48-2511, 48-2512, 48-2512.01, 48-2513, 48-2514,
20 48-2515, 48-2516, 48-2518, 48-2519, and 48-2533, Reissue Revised
21 Statutes of Nebraska, are repealed.

22 Sec. 27. Original sections 81-401 and 81-405, Reissue
23 Revised Statutes of Nebraska, are repealed.

24 Sec. 28. The following sections are outright repealed:
25 Sections 48-1801, 48-1802, 48-1803, 48-1804, 48-1804.01, 48-1805,

1 48-1806, 48-1807, 48-1808, 48-1809, 48-1811, 48-1812, 48-1813,
2 48-1814, 48-1815, 48-1816, 48-1817, 48-1818, 48-1819, 48-1820,
3 48-2501, 48-2502, 48-2503, 48-2504, 48-2506, 48-2507, 48-2508,
4 48-2509, 48-2510, 48-2511, 48-2512, 48-2512.01, 48-2513, 48-2514,
5 48-2515, 48-2516, 48-2517, 48-2518, 48-2519, 48-2520, 48-2521,
6 48-2522, 48-2523, 48-2524, 48-2525, 48-2526, 48-2527, 48-2528,
7 48-2529, 48-2530, 48-2531, 48-2532, and 48-2533, Reissue Revised
8 Statutes of Nebraska.

9 Sec. 29. Since an emergency exists, this act takes effect
10 when passed and approved according to law.