

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 301**

Introduced by Lowe, 37; at the request of the Governor.

Read first time January 15, 2019

Committee: Business and Labor

1 A BILL FOR AN ACT relating to state government; to amend sections 11-201,  
2 48-719, 48-720, 48-722, 48-723, 48-724, 48-725, 48-726, 48-727,  
3 48-728, 48-729, 48-730, 48-731, 48-732, 48-733, 48-736, 48-737,  
4 48-738, 48-739, 48-740, 48-741, 48-742, 48-743, 48-1801, 48-1802,  
5 48-1803, 48-1804, 48-1804.01, 48-1805, 48-1806, 48-1807, 48-1808,  
6 48-1809, 48-1811, 48-1812, 48-1813, 48-1814, 48-1815, 48-1816,  
7 48-1817, 48-1818, 48-1819, 48-2501, 48-2502, 48-2503, 48-2504,  
8 48-2506, 48-2507, 48-2508, 48-2509, 48-2510, 48-2511, 48-2512,  
9 48-2512.01, 48-2513, 48-2514, 48-2515, 48-2516, 48-2517, 48-2518,  
10 48-2519, 48-2520, 48-2521, 48-2522, 48-2523, 48-2524, 48-2525,  
11 48-2526, 48-2527, 48-2528, 48-2529, 48-2530, 48-2531, 48-2532, and  
12 48-2533, Reissue Revised Statutes of Nebraska, and sections 48-721,  
13 48-735.01, 81-401, and 81-405, Revised Statutes Cumulative  
14 Supplement, 2018; to transfer duties under the Boiler Inspection  
15 Act, the Nebraska Amusement Ride Act, and the Conveyance Safety Act  
16 from the Department of Labor to the State Fire Marshal; to change  
17 provisions of such acts; to eliminate obsolete provisions; to  
18 harmonize provisions; to provide a duty for the Revisor of Statutes;  
19 to provide an operative date; to repeal the original sections; to  
20 outright repeal section 48-1820, Reissue Revised Statutes of  
21 Nebraska; and to declare an emergency.

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

1 Section 1. Section 48-719, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 ~~48-719~~ Sections 1 to 25 of this act ~~48-719 to 48-743~~ shall be known  
4 and may be cited as the Boiler Inspection Act.

5 Sec. 2. Section 48-720, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 ~~48-720~~ As used in the Boiler Inspection Act, unless the context  
8 otherwise requires:

9 (1) Authorized inspection agency means an authorized inspection  
10 agency as defined in NB-369, National Board Qualifications and Duties for  
11 Authorized Inspection Agencies (AIAs) Performing Inservice Inspection  
12 Activities and Qualifications for Inspectors of Boilers and Pressure  
13 Vessels;

14 (2) Board means the Boiler Safety Code Advisory Board; and

15 (3) Boiler means a closed vessel in which water or other liquid is  
16 heated, steam or vapor is generated, steam or vapor is superheated, or  
17 any combination thereof, under pressure ~~or vacuum~~, for internal or  
18 external use to itself, by the direct application of heat and an unfired  
19 pressure vessel in which the pressure is obtained from an external source  
20 or by the application of heat from a ~~an indirect or~~ direct source. Boiler  
21 includes a fired unit for heating or vaporizing liquids other than water  
22 only when such unit is separate from processing systems and complete  
23 within itself. ;

24 ~~(4) Commissioner means the Commissioner of Labor; and~~

25 ~~(5) Department means the Department of Labor.~~

26 Sec. 3. Section 48-721, Revised Statutes Cumulative Supplement,  
27 2018, is amended to read:

28 ~~48-721~~ (1) The State Fire Marshal ~~commissioner~~ shall employ a state  
29 boiler inspector who shall work under the direct supervision of the State  
30 Fire Marshal ~~commissioner~~ or his or her designee ~~and devote his or her~~  
31 ~~full time to the duties of the office.~~ The state boiler inspector ~~person~~

1 ~~so appointed~~ shall:

2 (a) Be a practical boilermaker, technical engineer, operating  
3 engineer, or boiler inspector;

4 (b) Hold an "AI" or "IS" Commission from the National Board of  
5 Boiler and Pressure Vessel Inspectors. The state boiler inspector shall  
6 also either hold "B" and "R" endorsements to his or her commission at the  
7 time of hire or acquire such endorsements within eighteen months of  
8 employment;

9 (c) Be qualified by not less than ten years' experience in the  
10 construction, installation, repair, inspection, or operation of boilers,  
11 steam generators, and superheaters;

12 (d) Have a knowledge of the operation and use of boilers, steam  
13 generators, and superheaters for the generating of steam for power,  
14 heating, or other purposes; and

15 (e) Neither directly nor indirectly be interested in the  
16 manufacture, ownership, or agency of boilers, steam generators, and  
17 superheaters.

18 (2) The State Fire Marshal ~~commissioner~~ may hire deputy inspectors  
19 as necessary to carry out the Boiler Inspection Act. Deputy inspectors  
20 shall hold an "IS" Commission from the National Board of Boiler and  
21 Pressure Vessel Inspectors or acquire the same within twelve months of  
22 hire. Such deputy inspectors shall otherwise be subject to and governed  
23 by the same rules and regulations applicable to and governing the acts  
24 and conduct of the state boiler inspector.

25 (3) Before entering upon his or her duties under the Boiler  
26 Inspection Act, the state boiler inspector and each deputy inspector  
27 shall be bonded or insured as required by section 11-201.

28 Sec. 4. Section 48-722, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 ~~48-722~~ (1) Except as provided in subsections (3) and (4) of this  
31 section, the state boiler inspector shall inspect or cause to be

1 inspected at least once every twelve months all boilers required to be  
2 inspected by the Boiler Inspection Act to determine whether the boilers  
3 are in a safe and satisfactory condition and properly constructed and  
4 maintained for the purpose for which the boiler is used, except that (a)  
5 hobby boilers, steam farm traction engines, portable and stationary show  
6 engines, and portable and stationary show boilers, which are not  
7 otherwise exempted from the act pursuant to section 8 of this act ~~48-726~~,  
8 shall be subject to inspection at least once every twenty-four months and  
9 (b) the State Fire Marshal ~~commissioner~~ may, by rule and regulation,  
10 establish inspection periods for pressure vessels of more than twelve  
11 months, but not to exceed the inspection period recommended in the  
12 National Board Inspection Code or the American Petroleum Institute  
13 Pressure Vessel Inspection Code API-510 for pressure vessels being used  
14 for similar purposes. In order to ensure that inspections are performed  
15 in a timely manner, the State Fire Marshal ~~department~~ may contract with  
16 an authorized inspection agency to perform any inspection authorized  
17 under the Boiler Inspection Act. If the State Fire Marshal ~~department~~  
18 contracts with an authorized inspection agency to perform inspections,  
19 such contract shall be in writing and shall contain an indemnification  
20 clause wherein the authorized inspection agency agrees to indemnify and  
21 defend the State Fire Marshal ~~department~~ for loss occasioned by negligent  
22 or tortious acts committed by special inspectors employed by such  
23 authorized inspection agency when performing inspections on behalf of the  
24 State Fire Marshal ~~department~~.

25 (2) No boilers required to be inspected by the act shall be operated  
26 without valid and current certification pursuant to rules and regulations  
27 adopted and promulgated by the State Fire Marshal ~~commissioner~~ in  
28 accordance with the requirements of the Administrative Procedure Act. The  
29 owner of any boiler installed after September 2, 1973, shall file a  
30 manufacturer's data report covering the construction of such boiler with  
31 the state boiler inspector. Such reports shall be used to assist the

1 state boiler inspector in the certification of boilers. No boiler  
2 required to be inspected by the Boiler Inspection Act shall be operated  
3 at any type of public gathering or show without first being inspected and  
4 certified as to its safety by the state boiler inspector or a special  
5 inspector commissioned pursuant to section 13 of this act ~~48-731~~. Antique  
6 engines with boilers may be brought into the state from other states  
7 without inspection, but inspection as provided in this section shall be  
8 made and the boiler certified as safe before being operated.

9 (3) The State Fire Marshal ~~commissioner~~ may, by rule and regulation,  
10 waive the inspection of unfired pressure vessels registered with the  
11 State of Nebraska if the State Fire Marshal ~~commissioner~~ finds that the  
12 owner or user of the unfired pressure vessel follows a safety inspection  
13 and repair program that is based upon nationally recognized standards.

14 (4) A boiler that is used as a water heater to supply potable hot  
15 water and that is not otherwise exempt from inspection under the act  
16 pursuant to section 8 of this act ~~48-726~~ shall be subject to inspection  
17 at least once every twenty-four months in accordance with a schedule of  
18 inspection established by the State Fire Marshal ~~commissioner~~ by rule and  
19 regulation.

20 Sec. 5. Section 48-723, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 ~~48-723~~ The State Fire Marshal ~~commissioner~~ and the boiler inspectors  
23 shall have the right and power to enter any building or structure, public  
24 or private, for the purpose of inspecting any boilers required to be  
25 inspected by the Boiler Inspection Act or gathering information relating  
26 to such boilers.

27 Sec. 6. Section 48-724, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 ~~48-724~~ (1) Upon making an inspection of any boilers required to be  
30 inspected by the Boiler Inspection Act and upon receipt of the inspection  
31 fee and certificate fee or registration fee, the boiler inspector shall

1 give to the owner or user of the boilers a certificate of inspection or  
2 certificate of registration upon forms prescribed by the State Fire  
3 Marshal commissioner. The certificate shall be posted in a place near the  
4 location of such boiler.

5 (2) The State Fire Marshal commissioner shall establish the amount  
6 of the inspection fee, certificate fee, and registration fee by rule or  
7 regulation at the level necessary to meet the costs of administering the  
8 act.

9 Sec. 7. Section 48-725, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 ~~48-725~~ The owner, user, or person or persons in charge of any boiler  
12 required to be inspected by the Boiler Inspection Act shall not allow or  
13 permit a greater pressure in any unit than is stated in the certificate  
14 of inspection issued by the inspector.

15 Sec. 8. Section 48-726, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 ~~48-726~~ The Boiler Inspection Act shall not apply to:

- 18 (1) Boilers of railway locomotives subject to federal inspection;
- 19 (2) Boilers operated and regularly inspected by railway companies  
20 operating in interstate commerce;
- 21 (3) Boilers under the jurisdiction and subject to regular periodic  
22 inspection by the United States Government;
- 23 (4) Boilers used exclusively for agricultural purposes;
- 24 (5) Steam heating boilers in single-family residences and apartment  
25 houses with four or less units using a pressure of less than fifteen  
26 pounds per square inch and having a safety valve set at not higher than  
27 fifteen pounds pressure per square inch;
- 28 (6) Heating boilers using water in single-family residences and  
29 apartment houses with four or less units using a pressure of less than  
30 thirty pounds per square inch and having a safety valve set at not higher  
31 than thirty pounds pressure per square inch;

1 (7) Fire engine boilers brought into the state for temporary use in  
2 times of emergency;

3 (8) Boilers of a miniature model locomotive or boat or tractor or  
4 stationary engine constructed and maintained as a hobby and not for  
5 commercial use and having a diameter of less than ten inches inside  
6 diameter and a grate area not in excess of one and one-half square feet  
7 and that are properly equipped with a safety valve;

8 (9) Hot water supply boilers if none of the following limitations is  
9 exceeded: (a) Two hundred thousand British thermal units of input; (b)  
10 one hundred twenty gallons of nominal capacity; or (c) two hundred ten  
11 degrees Fahrenheit output;

12 (10) Unfired pressure vessels not exceeding (a) five cubic feet in  
13 volume or (b) a pressure of two hundred fifty pounds per square inch;

14 (11) Unfired pressure vessels owned and maintained by a district or  
15 corporation organized under the provisions of Chapter 70, article 6; and

16 (12) Unfired pressure vessels (a) not exceeding a maximum allowable  
17 working pressure of five hundred pounds per square inch, (b) that contain  
18 carbon dioxide, helium, oxygen, nitrogen, argon, hydrofluorocarbon  
19 refrigerant, or any other nonflammable gas determined by the State Fire  
20 Marshal commissioner not to be a risk to the public, (c) that are  
21 manufactured and repaired in accordance with applicable American Society  
22 of Mechanical Engineers standards, and (d) that are installed in  
23 accordance with the manufacturer's specifications.

24 Sec. 9. Section 48-727, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 ~~48-727~~ The State Fire Marshal commissioner may adopt and promulgate  
27 rules and regulations for the purpose of effectuating the Boiler  
28 Inspection Act, including rules and regulations for the methods of  
29 testing equipment, the construction and installation of new boilers, and  
30 a schedule of inspection and certificate fees for boilers required to be  
31 inspected by the act. Such rules and regulations may incorporate by

1 reference any portion of (1) the Boiler and Pressure Vessel Code of the  
2 American Society of Mechanical Engineers, as amended, (2) the National  
3 Board Inspection Code ~~for Boilers and Pressure Vessels~~, as amended, (3)  
4 the American Society of Mechanical Engineers Code for Controls and Safety  
5 Devices for Automatically Fired Boilers, as amended, concerning controls  
6 and safety devices for automatically fired boilers, (4) the American  
7 Petroleum Institute Pressure Vessel Inspection Code API-510, and (5) the  
8 National Fire Protection Association pamphlet 85, Boiler and Combustion  
9 Systems Hazards Code , ~~series 85, code for controls and safety devices~~,  
10 including codes referenced in such code. A copy of all rules and  
11 regulations adopted and promulgated under the Boiler Inspection Act,  
12 including copies of all codes incorporated by reference, shall be kept on  
13 file in the office of the State Fire Marshal ~~commissioner~~ and shall be  
14 known as the Boiler Safety Code.

15 Sec. 10. Section 48-728, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 ~~48-728~~ The state boiler inspector shall investigate and report to  
18 the State Fire Marshal ~~commissioner~~ the cause of any boiler explosion  
19 that may occur in the state, the loss of life, the injuries sustained,  
20 the estimated loss of property, if any, and such other data as may be of  
21 benefit in preventing other similar explosions.

22 Sec. 11. Section 48-729, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 ~~48-729~~ The state boiler inspector shall keep in the office of the  
25 State Fire Marshal ~~commissioner~~ a complete and accurate record of the  
26 name of the owner or user of any boiler required to be inspected by the  
27 Boiler Inspection Act and a full description of the equipment including  
28 the type, dimensions, age, condition, amount of pressure allowed, and  
29 date when last inspected.

30 Sec. 12. Section 48-730, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           ~~48-730~~ Before any boiler required to be inspected by the Boiler  
2 Inspection Act is installed, a ten days' written notice of intention to  
3 install the boiler shall be given to the State Fire Marshal ~~commissioner~~,  
4 except that the State Fire Marshal ~~commissioner~~ may, upon application and  
5 good cause shown, waive the ten-day prior notice requirement. The notice  
6 shall designate the proposed place of installation, the type and capacity  
7 of the boiler, the use to be made of the boiler, the name of the company  
8 which manufactured the boiler, and whether the boiler is new or used. A  
9 boiler moved from one location to another shall be reinspected prior to  
10 being placed back into use.

11           Sec. 13. Section 48-731, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13           ~~48-731~~ (1)(a) The State Fire Marshal ~~commissioner~~ may issue a  
14 special inspector commission to an inspector in the employ of a company  
15 if the inspector has previously passed the examination prescribed by the  
16 National Board of Boiler and Pressure Vessel Inspectors and the company  
17 is an insurance company authorized to insure boilers in this state  
18 against loss from explosion or is an authorized inspection agency.

19           (b) Each special inspector employed by an insurance company or  
20 authorized inspection agency who has been issued a special inspector  
21 commission under this section shall submit to the state boiler inspector  
22 complete data of each boiler required to be inspected by the Boiler  
23 Inspection Act which is insured or inspected by such insurance company or  
24 authorized inspection agency on forms approved by the State Fire Marshal  
25 ~~commissioner~~.

26           (c) Insurance companies shall notify the State Fire Marshal  
27 ~~department~~ of new, canceled, or suspended risks relating to insured  
28 boilers. Insurance companies shall notify the State Fire Marshal  
29 ~~department~~ of all boilers which the company insures, or any boiler for  
30 which insurance has been canceled, not renewed, or suspended within  
31 thirty days after such action. Authorized inspection agencies shall

1 notify the State Fire Marshal ~~department~~ of any new or canceled  
2 agreements relating to the inspection of boilers or pressure vessels  
3 within thirty days after such action.

4 (d) Insurance companies and authorized inspection agencies shall  
5 immediately notify the State Fire Marshal ~~department~~ of defective  
6 boilers. If a special inspector employed by an insurance company, upon  
7 the first inspection of new risk, finds that the boiler or any of the  
8 appurtenances are in such condition that the inspector's company refuses  
9 insurance, the company shall immediately submit a report of the defects  
10 to the state boiler inspector.

11 (2) The inspection required by the act shall not be required if (a)  
12 an annual inspection is made under a city ordinance which meets the  
13 standards set forth in the act, (b) a certificate of inspection of the  
14 boiler is filed with the State Fire Marshal ~~commissioner~~ with a  
15 certificate fee, and (c) the inspector for the city making such  
16 inspection is required by such ordinance to either hold a commission from  
17 the National Board of Boiler and Pressure Vessel Inspectors commensurate  
18 with the type of inspections performed by the inspector for the city or  
19 acquire the commission within twelve months after appointment.

20 (3) The State Fire Marshal ~~commissioner~~ may, by rule and regulation,  
21 provide for the issuance of a special inspector commission to an  
22 inspector in the employ of a company using or operating an unfired  
23 pressure vessel subject to the act for the limited purpose of inspecting  
24 unfired pressure vessels used or operated by such company.

25 (4) All inspections made by a special inspector shall be performed  
26 in accordance with the act, and a complete report of such inspection  
27 shall be filed with the State Fire Marshal ~~department~~ in the time,  
28 manner, and form prescribed by the State Fire Marshal ~~commissioner~~.

29 (5) The state boiler inspector may, at his or her discretion,  
30 inspect any boiler to which a special inspector commission applies.

31 (6) The State Fire Marshal ~~commissioner~~ may, for cause, suspend or

1 revoke any special inspector commission.

2 (7) No authorized inspection agency shall perform inspections of  
3 boilers in the State of Nebraska unless the authorized inspection agency  
4 has insurance coverage for professional errors and omissions and  
5 comprehensive and general liability under a policy or policies written by  
6 an insurance company authorized to do business in this state in effect at  
7 the time of such inspection. Such insurance policy or policies shall be  
8 in an amount not less than the minimum amount as established by the State  
9 Fire Marshal ~~commissioner~~. Such minimum amount shall be established with  
10 due regard to the protection of the general public and the availability  
11 of insurance coverage, but such minimum insurance coverage shall not be  
12 less than one million dollars for professional errors and omissions and  
13 one million dollars for comprehensive and general liability.

14 Sec. 14. Section 48-732, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 ~~48-732~~ The state boiler inspector shall notify the user in writing  
17 of any boiler found to be unsafe or unfit for operation setting forth the  
18 nature and extent of such defects and condition. The notice shall  
19 indicate whether or not the boiler may be used without making repair or  
20 replacement of defective parts or may be used in a limited capacity  
21 before repairs or replacements are made. The state boiler inspector may  
22 permit the user a reasonable time to make such repairs or replacements.

23 Sec. 15. Section 48-733, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 ~~48-733~~ The owner or user of a boiler required to be inspected under  
26 the Boiler Inspection Act or inspected by request of the boiler owner  
27 shall pay a fee for such inspection or inspections in accordance with the  
28 rules and regulations adopted and promulgated by the State Fire Marshal  
29 ~~commissioner~~. Any boiler required to be inspected by the act may be  
30 inspected by the state boiler inspector if the owner or his or her agent  
31 makes written request to the state boiler inspector. Fees will be imposed

1 as required for services in support of the act in accordance with rules  
2 and regulations adopted and promulgated by the State Fire Marshal  
3 ~~commissioner~~.

4 Sec. 16. Section 48-735.01, Revised Statutes Cumulative Supplement,  
5 2018, is amended to read:

6 ~~48-735.01~~ The Boiler Inspection Cash Fund is created. The State Fire  
7 Marshal ~~commissioner~~ shall use the fund for the administration of the  
8 boiler inspection program pursuant to the Boiler Inspection Act. The fund  
9 shall consist of money appropriated to it by the Legislature and fees  
10 collected in the administration of the act. Fees so collected shall be  
11 remitted to the State Treasurer with an itemized statement showing the  
12 source of collection. The State Treasurer shall credit the fees to the  
13 fund and the money in the fund shall not lapse into the General Fund,  
14 except that money in the Boiler Inspection Cash Fund may be transferred  
15 to the General Fund at the direction of the Legislature. Any money in the  
16 Boiler Inspection Cash Fund available for investment shall be invested by  
17 the state investment officer pursuant to the Nebraska Capital Expansion  
18 Act and the Nebraska State Funds Investment Act.

19 ~~The State Treasurer shall transfer one hundred fifty thousand~~  
20 ~~dollars from the Boiler Inspection Cash Fund to the General Fund on or~~  
21 ~~before June 15, 2018, on such dates and in such amounts as directed by~~  
22 ~~the budget administrator of the budget division of the Department of~~  
23 ~~Administrative Services.~~

24 Sec. 17. Section 48-736, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 ~~48-736~~ Any person, persons, corporations, and the directors,  
27 managers, superintendents, and officers of such corporations violating  
28 the Boiler Inspection Act shall be guilty of a Class III misdemeanor.

29 Sec. 18. Section 48-737, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 ~~48-737~~ In addition to any and all other remedies, if any owner,

1 user, or person in charge of any boiler required to be inspected by the  
2 Boiler Inspection Act continues to use the same after receiving a notice  
3 of defect as provided by the act, without first correcting the defects or  
4 making replacements, the State Fire Marshal ~~commissioner~~ may apply to the  
5 district court or any judge thereof by petition in equity, in an action  
6 brought in the name of the state, for a writ of injunction to restrain  
7 the use of the alleged defective boiler or if the continued operation of  
8 the boiler poses serious risk or harm to the general public, the state  
9 boiler inspector may take those actions required to immediately shut down  
10 and cause to be inoperable any boiler required to be inspected by the  
11 act.

12 Sec. 19. Section 48-738, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 ~~48-738~~ The State Fire Marshal ~~commissioner~~ shall notify the owner or  
15 user of the equipment in writing of the time and place of hearing of the  
16 petition, as fixed by the court or judge, and serve the notice on the  
17 defendant at least five days prior to the hearing in the same manner as  
18 original notices are served. The general provisions relating to civil  
19 practice and procedure, insofar as the same may be applicable, shall  
20 govern such proceedings except as otherwise provided in the Boiler  
21 Inspection Act. In the event the defendant does not appear or plead to  
22 such action, default shall be entered against the defendant. The action  
23 shall be tried in equity, and the court or judge shall make such order or  
24 decree as the evidence warrants.

25 Sec. 20. Section 48-739, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 ~~48-739~~ There is hereby created the Boiler Safety Code Advisory  
28 Board. The board shall consist of seven members appointed by the Governor  
29 with the approval of the Legislature. Within thirty days after July 9,  
30 1988, the Governor shall appoint three members for terms of two years and  
31 four members for terms of four years. Each succeeding member of the board

1 shall be appointed for a term of four years, except that a member  
2 appointed to fill a vacancy shall serve for the unexpired term. If the  
3 Legislature is not in session when members of the board are appointed,  
4 such members shall take office and act as appointees until the next  
5 session of the Legislature.

6 Sec. 21. Section 48-740, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 ~~48-740~~ The membership of the board shall consist of one member who  
9 represents owners and users of boilers and has experience with boilers,  
10 one member who represents sellers of boilers, one member who represents  
11 the crafts involved in the construction, repair, or operation of boilers,  
12 one member who represents the insurance industry, one member who is a  
13 licensed professional engineer with experience with boilers, one member  
14 who represents the interest of public safety, and one member who  
15 represents the public. The state boiler inspector shall be a nonvoting  
16 member of the board.

17 Sec. 22. Section 48-741, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 ~~48-741~~ The members of the board shall conduct an annual meeting in  
20 July of each year, or at such other time as the board determines, and  
21 shall elect a chairperson from their members at the annual meeting. Other  
22 meetings of the board shall be held when called with at least seven days'  
23 notice to all members by the chairperson of the board or pursuant to a  
24 call signed by four other members. Four members of the board shall  
25 constitute a quorum for the transaction of business.

26 Sec. 23. Section 48-742, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 ~~48-742~~ Each board member shall be paid the sum of fifty dollars per  
29 day while actually engaged in the business of the board. The members of  
30 the board shall be paid their mileage and expenses in attending meetings  
31 of the board and carrying out their official duties as provided in

1 sections 81-1174 to 81-1177 ~~for state employees.~~

2 Sec. 24. Section 48-743, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 ~~48-743~~ The board shall hold hearings and advise the State Fire  
5 Marshal commissioner on rules and regulations for methods of testing  
6 equipment and construction and installation of new boilers required to be  
7 inspected by the Boiler Inspection Act and for inspection and certificate  
8 fees for such boilers.

9 Sec. 25. (1) Effective July 1, 2019, all duties and functions of  
10 the Department of Labor under the Boiler Inspection Act shall be  
11 transferred to the State Fire Marshal.

12 (2) On July 1, 2019, all items of property, real and personal,  
13 including office furniture and fixtures, books, documents, and records of  
14 the Department of Labor pertaining to the duties and functions  
15 transferred to the State Fire Marshal pursuant to this section shall  
16 become the property of the State Fire Marshal.

17 (3) On and after July 1, 2019, whenever the Department of Labor is  
18 referred to or designated by any contract or other document in connection  
19 with the duties and functions transferred to the State Fire Marshal  
20 pursuant to this section, such reference or designation shall apply to  
21 the State Fire Marshal. All contracts entered into by the Department of  
22 Labor prior to July 1, 2019, in connection with the duties and functions  
23 transferred to the State Fire Marshal are hereby recognized, with the  
24 State Fire Marshal succeeding to all rights and obligations under such  
25 contracts.

26 (4) All rules and regulations of the Department of Labor adopted  
27 prior to July 1, 2019, in connection with the duties and functions  
28 transferred to the State Fire Marshal pursuant to this section shall  
29 continue to be effective until revised, amended, repealed, or nullified  
30 pursuant to law.

31 (5) No suit, action, or other proceeding, judicial or

1 administrative, lawfully commenced prior to July 1, 2019, or which could  
2 have been commenced prior to that date, by or against the Department of  
3 Labor, or any employee thereof in such employee's official capacity or in  
4 relation to the discharge of his or her official duties, shall abate by  
5 reason of the transfer of duties and functions from the Department of  
6 Labor to the State Fire Marshal.

7 (6) On and after July 1, 2019, positions of employment in the  
8 Department of Labor related to the duties and functions transferred  
9 pursuant to this section are transferred to the State Fire Marshal. The  
10 affected employees shall retain their rights under the state personnel  
11 system or pertinent bargaining agreement, and their service shall be  
12 deemed continuous. This section does not grant employees any new rights  
13 or benefits not otherwise provided by law or bargaining agreement or  
14 preclude the State Fire Marshal from exercising any of the prerogatives  
15 of management set forth in section 81-1311 or as otherwise provided by  
16 law. This section is not an amendment to or substitute for the provisions  
17 of any existing bargaining agreements.

18 Sec. 26. Section 48-1801, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 ~~48-1801~~ Sections 26 to 45 of this act ~~48-1801 to 48-1820~~ shall be  
21 known and may be cited as the Nebraska Amusement Ride Act.

22 Sec. 27. Section 48-1802, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 ~~48-1802~~ For purposes of the Nebraska Amusement Ride Act, unless the  
25 context otherwise requires:

26 (1) Amusement ride shall mean any mechanical device that carries or  
27 conveys passengers along, around, or over a fixed or restricted route or  
28 course or within a defined area for the purpose of giving its passengers  
29 amusement, pleasure, or excitement, but such term shall not include (a)  
30 any single-passenger coin-operated ride that is manually, mechanically,  
31 or electrically operated and customarily placed in a public location and

1 that does not normally require the supervision or services of an operator  
2 or (b) nonmechanized playground equipment, including, but not limited to,  
3 swings, seesaws, stationary spring-mounted animal features, rider-  
4 propelled merry-go-rounds, climbers, slides, trampolines, and physical  
5 fitness devices. Bungee jumping is specifically designated as an  
6 amusement ride for purposes of the act and shall mean the sport,  
7 activity, or other practice of jumping, diving, stepping out, dropping,  
8 or otherwise being released into the air while attached to a bungee cord,  
9 whereby the cord stretches, stops the fall, lengthens, and shortens  
10 allowing the person to bounce up and down, and is intended to finally  
11 bring the person to a stop at a point above a surface or the ground;

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

14 ~~(3) Commissioner shall mean the Commissioner of Labor or his or her~~  
15 ~~designee;~~

16 (3) ~~(4)~~ Operator shall mean a person actually engaged in or directly  
17 controlling the operations of an amusement ride;

18 (4) ~~(5)~~ Owner shall mean a person who owns, leases, controls, or  
19 manages the operations of an amusement ride and may include the state or  
20 any political subdivision of the state;

21 (5) ~~(6)~~ Qualified inspector shall mean any person who is (a) found  
22 by the State Fire Marshal ~~commissioner~~ to possess the requisite training  
23 and experience to perform competently the inspections required by the  
24 Nebraska Amusement Ride Act and (b) certified by the State Fire Marshal  
25 ~~commissioner~~ to perform inspections of amusement rides; and

26 (6) ~~(7)~~ Reverse bungee jumping shall mean the sport, activity, or  
27 practice whereby a person is attached to a bungee cord, the bungee cord  
28 is stretched down so that such person is on a fixed catapult, launch, or  
29 release position, and such person is catapulted or otherwise launched or  
30 released into the air from such fixed position, while attached to a  
31 bungee cord, whereby the cord stretches, stops the fall, lengthens, and

1 shortens allowing the person to bounce up and down, and is intended to  
2 finally bring the person to a stop at a point above a surface or the  
3 ground.

4 Sec. 28. Section 48-1803, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 ~~48-1803~~ The State Fire Marshal ~~commissioner~~ shall adopt and  
7 promulgate rules and regulations (1) for the safe installation, repair,  
8 maintenance, use, operation, and inspection of amusement rides as the  
9 State Fire Marshal ~~commissioner~~ may find necessary for the protection of  
10 the general public and (2) necessary to carry out the provisions of the  
11 Nebraska Amusement Ride Act. Such rules and regulations shall be of a  
12 reasonable nature, based upon generally accepted engineering standards,  
13 formulas, and practices, and, insofar as practicable and consistent with  
14 the Nebraska Amusement Ride Act, uniform with rules and regulations of  
15 other states. Whenever such standards are available in suitable form they  
16 may be incorporated by reference by the State Fire Marshal ~~commissioner~~.  
17 The State Fire Marshal ~~commissioner~~ shall administer and enforce the  
18 Nebraska Amusement Ride Act and all rules and regulations adopted and  
19 promulgated pursuant to such act. The State Fire Marshal ~~commissioner~~  
20 shall coordinate all regulatory and investigative activities with the  
21 appropriate state agencies.

22 Sec. 29. Section 48-1804, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 ~~48-1804~~ Except for purposes of testing and inspection, no amusement  
25 ride shall be operated without a valid permit for the operation issued by  
26 the State Fire Marshal ~~commissioner~~ to the owner of such amusement ride.  
27 The owner of an amusement ride shall apply for a permit under section 31  
28 of this act ~~48-1805~~ to the State Fire Marshal ~~commissioner~~ on an  
29 application furnished by the State Fire Marshal ~~commissioner~~ and shall  
30 include such information as the State Fire Marshal ~~commissioner~~ may  
31 require. Every amusement ride shall be inspected before it is originally

1 put into operation for public use and at least once every year after such  
2 ride is put into operation for public use.

3 Sec. 30. Section 48-1804.01, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

5 ~~48-1804.01~~ No person shall operate a reverse bungee jumping ride in  
6 this state.

7 Sec. 31. Section 48-1805, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 ~~48-1805~~ (1) The State Fire Marshal ~~commissioner~~ shall issue a permit  
10 to operate an amusement ride to the owner of such amusement ride upon  
11 presentation by the owner of (a) an application for a permit, (b) a  
12 certificate of inspection by a qualified inspector, (c) proof of  
13 liability insurance as required in section 32 of this act ~~48-1806~~, and  
14 (d) the permit fee. Such permit shall be valid through December 31 of the  
15 year in which the inspection is performed.

16 (2) The State Fire Marshal ~~commissioner~~ may waive the requirement of  
17 subdivision (1)(b) of this section if the owner of the amusement ride  
18 gives satisfactory proof to the State Fire Marshal ~~commissioner~~ that such  
19 amusement ride has passed an inspection conducted or required by a  
20 federal agency, any other state, or a governmental subdivision of this or  
21 of any other state which has standards for the inspection of such an  
22 amusement ride at least as stringent as those adopted and promulgated  
23 pursuant to the Nebraska Amusement Ride Act.

24 Sec. 32. Section 48-1806, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 ~~48-1806~~ No amusement ride shall be operated unless at the time of  
27 operation the owner has an insurance policy in effect written by an  
28 insurance company authorized to do business in this state insuring the  
29 owner and operator against liability for injury to persons arising out of  
30 the operation of such amusement ride. Such insurance policy shall be in  
31 an amount not less than the minimum amount per occurrence as established

1 by the State Fire Marshal ~~commissioner~~. Such minimum amount shall be  
2 established with due regard to the protection of the general public and  
3 the availability of insurance coverage, but such minimum amount shall not  
4 be greater than one million dollars per occurrence. The State Fire  
5 Marshal ~~commissioner~~ may require a separate insurance policy from the  
6 owner of any equipment used in an amusement ride, subject to the minimums  
7 and limitations provided in this section.

8 Sec. 33. Section 48-1807, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 ~~48-1807~~ The State Fire Marshal ~~commissioner~~ may inspect any  
11 amusement ride without notice at any time while such amusement ride is  
12 operating in this state. The State Fire Marshal ~~commissioner~~ may  
13 temporarily suspend a permit to operate an amusement ride if it has been  
14 determined after inspection to be hazardous or unsafe. An amusement ride  
15 shall not be operated while the permit for its operation is suspended.  
16 Operation of such an amusement ride shall not resume until the hazardous  
17 or unsafe condition is corrected to the satisfaction of the State Fire  
18 Marshal ~~commissioner~~.

19 Sec. 34. Section 48-1808, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 ~~48-1808~~ The owner of an amusement ride shall send a copy of any  
22 accident report required by his or her insurer to the State Fire Marshal  
23 ~~commissioner~~. The State Fire Marshal ~~commissioner~~ may provide for the  
24 suspension of the permit of operation for any amusement ride the  
25 breakdown or malfunction of which directly caused serious injury or death  
26 of any person. The State Fire Marshal ~~commissioner~~ may also require an  
27 inspection of any amusement ride, whose operation has resulted in any  
28 serious injury or death, before operation of such amusement ride may be  
29 resumed.

30 Sec. 35. Section 48-1809, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1       ~~48-1809~~ The State Fire Marshal commissioner shall establish by rules  
2 and regulations a schedule of permit fees not to exceed fifty dollars for  
3 each amusement ride. Such permit fees shall be established with due  
4 regard for the costs of administering the Nebraska Amusement Ride Act and  
5 shall be remitted to the State Treasurer for credit to the Mechanical  
6 Safety Inspection Fund.

7       Sec. 36. Section 48-1811, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9       ~~48-1811~~ The State Fire Marshal commissioner may certify such  
10 qualified inspectors as may be necessary to carry out the Nebraska  
11 Amusement Ride Act.

12       Sec. 37. Section 48-1812, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14       ~~48-1812~~ (1) The State Fire Marshal commissioner may establish by  
15 rules and regulations a schedule of reasonable inspections fees for each  
16 amusement ride. The cost of obtaining the certificate of inspection from  
17 a qualified inspector shall be borne by the owner of the amusement ride.

18       (2) A separate schedule of fees shall be established for the  
19 inspection of bungee jumping operations, including the inspection of  
20 cranes used for bungee jumping. The fees shall be established taking into  
21 consideration the cost of such inspections.

22       Sec. 38. Section 48-1813, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24       ~~48-1813~~ Each owner shall retain at all times up-to-date maintenance  
25 and inspection records for each amusement ride as prescribed by the State  
26 Fire Marshal commissioner. The owner shall make such records available to  
27 the State Fire Marshal commissioner on request.

28       Sec. 39. Section 48-1814, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30       ~~48-1814~~ The State Fire Marshal commissioner may require the owner of  
31 an amusement ride to provide the State Fire Marshal commissioner with a

1 tentative schedule of events at which the amusement ride will be operated  
2 within this state. The State Fire Marshal ~~commissioner~~ shall establish  
3 timetables and procedures for providing and updating such schedules.

4 Sec. 40. Section 48-1815, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 ~~48-1815~~ No person shall operate an amusement ride unless he or she  
7 is at least sixteen years of age. An operator shall be in attendance at  
8 all times that an amusement ride is in operation.

9 Sec. 41. Section 48-1816, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 ~~48-1816~~ Any person who knowingly operates or causes to be operated  
12 an amusement ride in violation of the Nebraska Amusement Ride Act shall  
13 be guilty of a Class II misdemeanor. Each day a violation continues shall  
14 constitute a separate offense.

15 Sec. 42. Section 48-1817, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 ~~48-1817~~ The Attorney General, acting on behalf of the State Fire  
18 Marshal ~~commissioner~~, or the county attorney in a county in which an  
19 amusement ride is located or operated may apply to the district court,  
20 pursuant to the rules of civil procedure, for an order enjoining  
21 operation of any amusement ride operated in violation of the Nebraska  
22 Amusement Ride Act.

23 Sec. 43. Section 48-1818, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 ~~48-1818~~ The Nebraska Amusement Ride Act shall not be construed to  
26 alter the duty of care or the liability of an owner of an amusement ride  
27 for injuries or death of any person or damage to any property arising out  
28 of an accident involving an amusement ride. The state and its officers  
29 and employees shall not be construed to assume liability arising out of  
30 an accident involving an amusement ride by reason of administration of  
31 the Nebraska Amusement Ride Act.

1           Sec. 44. Section 48-1819, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           ~~48-1819~~ The governing board of any city, county, or village may  
4 establish and enforce safety standards for amusement rides in addition  
5 to, but not in conflict with, the standards established by the State Fire  
6 Marshal commissioner pursuant to the Nebraska Amusement Ride Act.

7           Sec. 45. (1) Effective July 1, 2019, all duties and functions of  
8 the Department of Labor under the Nebraska Amusement Ride Act shall be  
9 transferred to the State Fire Marshal.

10           (2) On July 1, 2019, all items of property, real and personal,  
11 including office furniture and fixtures, books, documents, and records of  
12 the Department of Labor pertaining to the duties and functions  
13 transferred to the State Fire Marshal pursuant to this section shall  
14 become the property of the State Fire Marshal.

15           (3) On and after July 1, 2019, whenever the Department of Labor is  
16 referred to or designated by any contract or other document in connection  
17 with the duties and functions transferred to the State Fire Marshal  
18 pursuant to this section, such reference or designation shall apply to  
19 the State Fire Marshal. All contracts entered into by the Department of  
20 Labor prior to July 1, 2019, in connection with the duties and functions  
21 transferred to the State Fire Marshal are hereby recognized, with the  
22 State Fire Marshal succeeding to all rights and obligations under such  
23 contracts.

24           (4) All rules and regulations of the Department of Labor adopted  
25 prior to July 1, 2019, in connection with the duties and functions  
26 transferred to the State Fire Marshal pursuant to this section shall  
27 continue to be effective until revised, amended, repealed, or nullified  
28 pursuant to law.

29           (5) No suit, action, or other proceeding, judicial or  
30 administrative, lawfully commenced prior to July 1, 2019, or which could  
31 have been commenced prior to that date, by or against the Department of

1 Labor, or any employee thereof in such employee's official capacity or in  
2 relation to the discharge of his or her official duties, shall abate by  
3 reason of the transfer of duties and functions from the Department of  
4 Labor to the State Fire Marshal.

5 (6) On and after July 1, 2019, positions of employment in the  
6 Department of Labor related to the duties and functions transferred  
7 pursuant to this section are transferred to the State Fire Marshal. The  
8 affected employees shall retain their rights under the state personnel  
9 system or pertinent bargaining agreement, and their service shall be  
10 deemed continuous. This section does not grant employees any new rights  
11 or benefits not otherwise provided by law or bargaining agreement or  
12 preclude the State Fire Marshal from exercising any of the prerogatives  
13 of management set forth in section 81-1311 or as otherwise provided by  
14 law. This section is not an amendment to or substitute for the provisions  
15 of any existing bargaining agreements.

16 Sec. 46. Section 48-2501, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 ~~48-2501~~ Sections 46 to 79 of this act ~~48-2501 to 48-2533~~ shall be  
19 known and may be cited as the Conveyance Safety Act.

20 Sec. 47. Section 48-2502, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 ~~48-2502~~ For purposes of the Conveyance Safety Act:

23 (1) Certificate of inspection means a document issued by the State  
24 Fire Marshal ~~commissioner~~ that indicates that the conveyance has had the  
25 required safety inspection and tests and that the required fees have been  
26 paid;

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

28 ~~(2) (3)~~ Committee means the Conveyance Advisory Committee;

29 ~~(3) (4)~~ Conveyance means any elevator, dumbwaiter, vertical  
30 reciprocating conveyor, escalator, moving sidewalk, automated people  
31 mover, and other equipment enumerated in section 51 of this act ~~48-2507~~

1 and not exempted under section 52 of this act ~~48-2508~~;

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

5 ~~(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 ~~(6)~~ (7) Person means an individual, a partnership, a limited  
9 liability company, a corporation, and any other business firm or company  
10 and includes a director, an officer, a member, a manager, and a  
11 superintendent of such an entity.

12 Sec. 48. Section 48-2503, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 ~~48-2503~~ (1) The Conveyance Advisory Committee is created. One member  
15 shall be the state elevator inspector employed ~~appointed~~ pursuant to  
16 section 57 of this act ~~48-2512.01~~. ~~One member shall be the State Fire~~  
17 ~~Marshal or his or her designee.~~ The Governor shall appoint the other  
18 ~~remaining~~ members of the committee as follows: One representative from a  
19 major elevator manufacturing company; one representative from an elevator  
20 servicing company; one representative who is a building manager; one  
21 representative who is an elevator mechanic; and one representative of the  
22 general public from each county that has a population of more than one  
23 hundred thousand inhabitants. ~~The committee shall be appointed within~~  
24 ~~ninety days after January 1, 2008.~~

25 (2) The members of the committee appointed by the Governor shall  
26 serve for terms of three years, except that of the initial members  
27 appointed, two shall serve for terms of one year and three shall serve  
28 for terms of two years. The state elevator inspector ~~and the State Fire~~  
29 ~~Marshal or his or her designee~~ shall serve continuously. The appointed  
30 members shall be reimbursed for their actual and necessary expenses for  
31 service on the committee as provided in sections 81-1174 to 81-1177. The

1 members of the committee shall elect a chairperson who shall be the  
2 deciding vote in the event of a tie vote.

3 (3) The committee shall meet and organize within thirty days after  
4 the appointment of the members. The committee shall meet quarterly at a  
5 time and place to be fixed by the committee for the consideration of code  
6 regulations and for the transaction of such other business as properly  
7 comes before it. Special meetings may be called by the chairperson or at  
8 the request of two or more members of the committee. Any appointed  
9 committee member absent from three consecutive meetings shall be  
10 dismissed.

11 Sec. 49. Section 48-2504, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 ~~48-2504~~ The committee:

14 (1) May consult with engineering authorities and organizations  
15 concerned with standard safety codes;

16 (2) Shall recommend to the State Fire Marshal ~~commissioner~~ rules and  
17 regulations governing the operation, maintenance, servicing,  
18 construction, alteration, installation, and inspection of conveyances;

19 (3) Shall recommend to the State Fire Marshal ~~commissioner~~  
20 qualifications for licensure as an elevator mechanic or elevator  
21 contractor and conditions for disciplinary actions, including suspension  
22 or revocation of a license;

23 (4) Shall recommend to the State Fire Marshal ~~commissioner~~ rules and  
24 regulations for temporary and emergency elevator mechanic thirty-day  
25 licenses;

26 (5) Shall recommend to the State Fire Marshal ~~commissioner~~ an  
27 enforcement program which will ensure compliance with the Conveyance  
28 Safety Act and the rules and regulations adopted and promulgated pursuant  
29 to the act. The enforcement program shall include the identification of  
30 property locations which are subject to the act, issuing notifications to  
31 violating property owners or operators, random onsite inspections and

1 tests on existing installations, and assisting in development of public  
2 awareness programs; and

3 (6) Shall make recommendations to the State Fire Marshal  
4 ~~commissioner~~ regarding variances under section 53 of this act 48-2509,  
5 continuing education providers under section 71 of this act 48-2526, and  
6 license disciplinary actions under section 73 of this act 48-2528.

7 Sec. 50. Section 48-2506, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 ~~48-2506~~ (1) The State Fire Marshal ~~commissioner~~ shall, after a  
10 public hearing conducted by the State Fire Marshal ~~commissioner~~ or his or  
11 her designee, establish a reasonable schedule of fees for licenses,  
12 permits, certificates, and inspections authorized under the Conveyance  
13 Safety Act. The State Fire Marshal ~~commissioner~~ shall establish the fees  
14 at a level necessary to meet the costs of administering the act.  
15 Inspection fee schedules relating to the inspection of conveyances  
16 ~~adopted by the commissioner~~ prior to January 1, 2008, shall continue to  
17 be effective until they are amended or repealed by the State Fire Marshal  
18 ~~commissioner~~.

19 (2) The State Fire Marshal ~~commissioner~~ shall administer the  
20 Conveyance Safety Act. It is the intent of the Legislature that,  
21 ~~beginning in fiscal year 2008-09~~, the funding for the administration of  
22 the act shall be entirely from cash funds remitted to the Mechanical  
23 Safety Inspection Fund that are fees collected in the administration of  
24 the act.

25 Sec. 51. Section 48-2507, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 ~~48-2507~~ (1) The Conveyance Safety Act applies to the construction,  
28 operation, inspection, testing, maintenance, alteration, and repair of  
29 conveyances. Conveyances include the following equipment, associated  
30 parts, and hoistways which are not exempted under section 52 of this act  
31 ~~48-2508~~:

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

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

5 (i) Escalators; and

6 (ii) Moving sidewalks; and

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

11 (i) Dumbwaiters;

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

13 and

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

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

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

24 Sec. 52. Section 48-2508, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 ~~48-2508~~ The Conveyance Safety Act does not apply to:

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

29 (2) Conveyances used exclusively for agricultural purposes;

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

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

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

5 (6) Mobile scaffolds, towers, and platforms within the scope of  
6 American National Standards Institute A92;

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

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

12 (9) Industrial trucks within the scope of American Society of  
13 Mechanical Engineers B56;

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

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

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

20 (13) Skip or furnace hoists;

21 (14) Wharf ramps;

22 (15) Railroad car lifts or dumpers;

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

25 (17) Manlifts, hoists, or conveyances used in grain elevators or  
26 feed mills;

27 (18) Dock levelators;

28 (19) Stairway chair lifts and platform lifts; and

29 (20) Conveyances in residences located in counties that have a  
30 population of one hundred thousand or less inhabitants.

31 Sec. 53. Section 48-2509, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2       ~~48-2509~~ (1) The State Fire Marshal ~~commissioner~~ shall adopt and  
3 promulgate rules and regulations which establish the regulations for  
4 conveyances under the Conveyance Safety Act. The rules and regulations  
5 may include the Safety Code for Elevators and Escalators, American  
6 Society of Mechanical Engineers A17.1 except those parts exempted under  
7 section 52 of this act ~~48-2508~~; the standards for conveyors and related  
8 equipment, American Society of Mechanical Engineers B20.1; and the  
9 Automated People Mover Standards, American Society of Civil Engineers 21.  
10 The State Fire Marshal ~~commissioner~~ shall annually review to determine if  
11 the most current form of such standards should be adopted.

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

22       Sec. 54. Section 48-2510, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24       ~~48-2510~~ Conveyances upon which construction is started subsequent to  
25 January 1, 2008, shall be registered at the time they are completed and  
26 placed in service.

27       Sec. 55. Section 48-2511, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29       ~~48-2511~~ On and after January 1, 2008: Prior to any newly installed  
30 conveyance being used for the first time, the property owner or lessee  
31 shall obtain a certificate of inspection from the State Fire Marshal

1 ~~commissioner~~. A fee established under section 50 of this act ~~48-2506~~  
2 shall be paid for the certificate of inspection. A licensed elevator  
3 contractor shall complete and submit first-time registrations for new  
4 installations to the state elevator inspector for the inspector's  
5 approval. A certificate of inspection shall be clearly displayed in an  
6 elevator car and on or in each other conveyance.

7       Sec. 56. Section 48-2512, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9       ~~48-2512~~ (1) No person shall wire, alter, replace, remove, or  
10 dismantle an existing conveyance contained within a building or structure  
11 located in a county that has a population of more than one hundred  
12 thousand inhabitants unless such person is a licensed elevator mechanic  
13 or he or she is working under the direct supervision of a person who is a  
14 licensed elevator mechanic. Neither a licensed elevator mechanic nor a  
15 licensed elevator contractor is required to perform nonmechanical  
16 maintenance of a conveyance. Neither a licensed elevator contractor nor a  
17 licensed elevator mechanic is required for removing or dismantling  
18 conveyances which are destroyed as a result of a complete demolition of a  
19 secured building.

20       (2) It shall be the responsibility of licensed elevator mechanics  
21 and licensed elevator contractors to ensure that installation and service  
22 of a conveyance is performed in compliance with applicable fire and  
23 safety codes. It shall be the responsibility of the owner of the  
24 conveyance to ensure that the conveyance is maintained in compliance with  
25 applicable fire and safety codes.

26       (3) All new conveyance installations shall be performed by a  
27 licensed elevator mechanic under the control of a licensed elevator  
28 contractor or by a licensed elevator contractor. Subsequent to  
29 installation, a licensed elevator contractor shall certify compliance  
30 with the Conveyance Safety Act.

31       Sec. 57. Section 48-2512.01, Reissue Revised Statutes of Nebraska,

1 is amended to read:

2 ~~48-2512.01~~ (1) The State Fire Marshal ~~Commissioner of Labor~~ shall  
3 employ ~~appoint~~ a state elevator inspector, ~~subject to the approval of the~~  
4 ~~Governor,~~ who shall work under the direct supervision of the State Fire  
5 Marshal ~~commissioner~~. ~~The state elevator inspector serving on January 1,~~  
6 ~~2008, shall continue to serve unless removed by the commissioner.~~

7 (2) The person so employed ~~appointed~~ shall be qualified by (a) not  
8 less than five years' experience in the installation, maintenance, and  
9 repair of elevators as determined by the State Fire Marshal ~~commissioner~~,  
10 (b) certification as a qualified elevator inspector by an association  
11 accredited by the American Society of Mechanical Engineers, or (c) not  
12 less than five years' journeyman experience in elevator installation,  
13 maintenance, and inspection as determined by the State Fire Marshal  
14 ~~Commissioner of Labor~~ and shall be familiar with the inspection process  
15 and rules and regulations adopted and promulgated under the Conveyance  
16 Safety Act.

17 (3) The State Fire Marshal ~~commissioner~~, ~~subject to the approval of~~  
18 ~~the Governor,~~ may employ ~~appoint~~ deputy inspectors possessing the same  
19 qualifications as the state elevator inspector as necessary to carry out  
20 the Conveyance Safety Act. ~~A qualified individual may apply for the~~  
21 ~~position of inspector or deputy inspector. The application shall include~~  
22 ~~the applicant's social security number, but such social security number~~  
23 ~~shall not be a public record.~~

24 Sec. 58. Section 48-2513, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 ~~48-2513~~ (1) Except as provided otherwise in the Conveyance Safety  
27 Act, the state elevator inspector shall inspect or cause to be inspected  
28 conveyances which are located in a building or structure, other than a  
29 private residence, at least once every twelve months in order to  
30 determine whether such conveyances are in a safe and satisfactory  
31 condition and are properly constructed and maintained for their intended

1 use.

2 (2) Subsequent to inspection of a conveyance, the inspector shall  
3 supply owners or lessees with a written inspection report describing any  
4 and all violations. An owner has thirty days after the date of the  
5 published inspection report to correct the violations.

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

8 Sec. 59. Section 48-2514, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 ~~48-2514~~ (1) No inspection shall be required under the Conveyance  
11 Safety Act when an owner or user of a conveyance obtains an inspection by  
12 a representative of a reputable insurance company licensed to do business  
13 in Nebraska, obtains a policy of insurance from such company upon the  
14 conveyance and files with the State Fire Marshal ~~commissioner~~ a  
15 certificate of inspection by such insurance company, files a statement  
16 that such conveyance is insured, and pays an administrative fee  
17 established pursuant to section 50 of this act ~~48-2506~~.

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

21 Sec. 60. Section 48-2515, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 ~~48-2515~~ If at any time the owner or user of a conveyance desires a  
24 special inspection of a conveyance, it shall be made by the state  
25 elevator inspector after due request therefor and the inspector making  
26 the inspection shall collect his or her expenses in connection therewith  
27 and a fee established pursuant to section 50 of this act ~~48-2506~~. A  
28 report of the inspection shall be provided to the owner or user who  
29 requested the inspection upon their request.

30 Sec. 61. Section 48-2516, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           ~~48-2516~~ Upon a conveyance passing an inspection under section 58,  
2 59, or 60 of this act ~~48-2513, 48-2514, or 48-2515~~ and receipt of the  
3 inspection fee, the State Fire Marshal ~~commissioner~~ shall issue the owner  
4 or user of the conveyance a certificate of inspection, upon forms  
5 prescribed by the State Fire Marshal ~~commissioner~~.

6           Sec. 62. Section 48-2517, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8           ~~48-2517~~ The state elevator inspector shall maintain a complete and  
9 accurate record of the name of the owner or user of each conveyance  
10 subject to sections 58 and 59 of this act ~~48-2513 and 48-2514~~ and a full  
11 description of the conveyance and the date when last inspected.

12           Sec. 63. Section 48-2518, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

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

19           Sec. 64. Section 48-2519, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21           ~~48-2519~~ The state elevator inspector shall notify the owner or user  
22 in writing of any conveyance found to be unsafe or unfit for operation  
23 setting forth the nature and extent of any defect or other unsafe  
24 condition. If the conveyance can be used without making repair or  
25 replacement of defective parts or may be used in a limited capacity  
26 before repairs or replacements are made, the state elevator inspector may  
27 issue a temporary certificate of inspection which shall state the terms  
28 and conditions of operation under the temporary certificate. The  
29 temporary certificate shall be valid for no longer than thirty days  
30 unless an extension is granted by the state elevator inspector for good  
31 cause shown.

1           Sec. 65. Section 48-2520, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           ~~48-2520~~ The owner of a conveyance shall notify the state elevator  
4 inspector of any accident causing personal injury or property damage in  
5 excess of one thousand dollars involving a conveyance on or before the  
6 close of business the next business day following the accident, and the  
7 conveyance involved shall not operate until the state elevator inspector  
8 has conducted an investigation of the accident and has approved the  
9 operation of the conveyance. The state elevator inspector shall  
10 investigate and report to the State Fire Marshal ~~commissioner~~ the cause  
11 of any conveyance accident that may occur in the state, the loss of life,  
12 the injuries sustained, and such other data as may be of benefit in  
13 preventing other similar accidents.

14           Sec. 66. Section 48-2521, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16           ~~48-2521~~ (1) Any person wishing to engage in the work of an elevator  
17 mechanic shall apply for and obtain an elevator mechanic license from the  
18 State Fire Marshal ~~commissioner~~. The application shall be on a form  
19 provided by the State Fire Marshal ~~commissioner~~.

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

24           (3) Each application shall contain:

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

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

29           (c) If a domestic corporation, the name and business address of the  
30 corporation and the name, residence address, and social security number  
31 of the principal officer of the corporation; and if a corporation other

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

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

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

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

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

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

18 (i) Such other information as the State Fire Marshal ~~commissioner~~  
19 may by rule and regulation require.

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

22 Sec. 67. Section 48-2522, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 ~~48-2522~~ The State Fire Marshal ~~commissioner~~ shall adopt and  
25 promulgate rules and regulations establishing standards for licensure of  
26 elevator mechanics. An applicant for an elevator mechanic license shall  
27 demonstrate the following qualifications before being granted an elevator  
28 mechanic license:

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

1 (2) One of the following:

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

4 (b) Acceptable proof that the applicant has worked as a conveyance  
5 constructor, maintenance, or repair person. Such person shall have worked  
6 as an elevator mechanic without the direct and immediate supervision of a  
7 licensed elevator contractor and have passed a written examination  
8 approved by the State Fire Marshal ~~commissioner~~. This employment shall  
9 not be less than three years immediately prior to the effective date of  
10 the license;

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

15 (d) Certificates of completion of an apprenticeship program for  
16 elevator mechanics, having standards substantially equal to those of the  
17 Conveyance Safety Act and registered with the Bureau of Apprenticeship  
18 and Training of the United States Department of Labor or a state  
19 apprenticeship council; and

20 (3) Any additional qualifications adopted and promulgated in rule  
21 and regulation by the State Fire Marshal ~~commissioner~~.

22 Sec. 68. Section 48-2523, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 ~~48-2523~~ An applicant for an elevator contractor license shall  
25 demonstrate five years' work experience in the conveyance industry in  
26 construction, maintenance, and service or repair, as verified by current  
27 or previous employers.

28 Sec. 69. Section 48-2524, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 ~~48-2524~~ Upon application, an elevator mechanic license or an  
31 elevator contractor license may be issued to a person holding a valid

1 license from a state having standards substantially equal to those of the  
2 Conveyance Safety Act.

3 Sec. 70. Section 48-2525, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 ~~48-2525~~ Upon approval of an application for licensure as an elevator  
6 mechanic, the State Fire Marshal commissioner may issue a license which  
7 shall be renewable biennially if the continuing education requirements  
8 are met. The fee for licenses and for license renewal for elevator  
9 mechanic licenses and elevator contractor licenses shall be set by the  
10 State Fire Marshal commissioner under section 50 of this act ~~48-2506~~.

11 Sec. 71. Section 48-2526, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 ~~48-2526~~ (1) The renewal of elevator mechanic licenses granted under  
14 the Conveyance Safety Act shall be conditioned upon the submission of a  
15 certificate of completion of a course designed to ensure the continuing  
16 education on new and existing rules and regulations adopted and  
17 promulgated by the State Fire Marshal commissioner. Such course shall  
18 consist of not less than eight hours of instruction that shall be  
19 attended and completed within one year immediately preceding any license  
20 renewal. The individual holding the elevator mechanic license shall pay  
21 the cost of such course.

22 (2) The courses shall be taught by instructors through continuing  
23 education providers that may include association seminars and labor  
24 training programs. The committee shall make recommendations to the State  
25 Fire Marshal commissioner about approval of continuing education  
26 providers.

27 (3) An elevator mechanic licensee who is unable to complete the  
28 continuing education course required under this section prior to the  
29 expiration of the license due to a temporary disability may apply for an  
30 extension from the state elevator inspector. The extension shall be on a  
31 form provided by the state elevator inspector which shall be signed by

1 the applicant and accompanied by a certified statement from a competent  
2 physician attesting to such temporary disability. Upon the termination of  
3 such temporary disability, the elevator mechanic licensee shall submit to  
4 the state elevator inspector a certified statement from the same  
5 physician, if practicable, attesting to the termination of such temporary  
6 disability. At such time an extension sticker, valid for ninety days,  
7 shall be issued to the licensed elevator mechanic and affixed to the  
8 license. Such extension shall be renewable for periods of ninety days  
9 upon a showing that the disability continues.

10 (4) Approved continuing education providers shall keep uniform  
11 records, for a period of ten years, of attendance of elevator mechanic  
12 licensees following a format approved by the state elevator inspector,  
13 and such records shall be available for inspection by the state elevator  
14 inspector upon request. Approved continuing education providers are  
15 responsible for the security of all attendance records and certificates  
16 of completion. Falsifying or knowingly allowing another to falsify such  
17 attendance records or certificates of completion shall constitute grounds  
18 for suspension or revocation of the approval required under this section.

19 Sec. 72. Section 48-2527, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 ~~48-2527~~ (1) An elevator contractor shall submit to the State Fire  
22 Marshal commissioner an insurance policy, or certified copy thereof,  
23 issued by an insurance company authorized to do business in the state to  
24 provide general liability coverage of at least one million dollars for  
25 injury or death of any one person and one million dollars for injury or  
26 death of any number of persons in any one occurrence and to provide  
27 coverage of at least five hundred thousand dollars for property damage in  
28 any one occurrence and workers' compensation insurance coverage as  
29 required under the Nebraska Workers' Compensation Act.

30 (2) Such policies, or certified copies thereof, shall be delivered  
31 to the State Fire Marshal commissioner before or at the time of the

1 issuance of a license. In the event of any material alteration or  
2 cancellation of any policy, at least ten days' notice thereof shall be  
3 given to the State Fire Marshal ~~commissioner~~.

4 Sec. 73. Section 48-2528, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 ~~48-2528~~ (1) An elevator contractor license issued under the  
7 Conveyance Safety Act may be revoked by the State Fire Marshal  
8 ~~commissioner~~ upon verification that the elevator contractor licensee  
9 lacks the insurance coverage required by section 72 of this act ~~48-2527~~.

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

14 (a) Makes a false statement as to material matter in the license  
15 application;

16 (b) Commits fraud, misrepresentation, or bribery in obtaining the  
17 license; or

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

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

1 ~~commissioner~~ may be appealed. The appeal shall be in accordance with the  
2 Administrative Procedure Act.

3 Sec. 74. Section 48-2529, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 ~~48-2529~~ The State Fire Marshal ~~commissioner~~ shall adopt and  
6 promulgate rules and regulations establishing standards and procedures  
7 for the issuance of temporary and emergency elevator mechanic thirty-day  
8 licenses and for the extension of such licenses for good cause shown.

9 Sec. 75. Section 48-2530, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 ~~48-2530~~ (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 ~~commissioner~~ or state elevator inspector of such  
14 violation or danger.

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

29 (3) If after the preliminary inquiry the State Fire Marshal  
30 ~~commissioner~~ or state elevator inspector determines that there are  
31 reasonable grounds to believe that such violation or danger exists and is

1 likely to continue to exist such that the operation of the conveyance  
2 endangers the public, the State Fire Marshal ~~commissioner~~ or state  
3 elevator inspector shall cause a formal investigation to be made. During  
4 the formal investigation, a statement shall be taken from the person who  
5 made the request for an investigation and the person's name, address, and  
6 telephone number shall be made available to any opposing parties upon  
7 request.

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

13 Sec. 76. Section 48-2531, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 ~~48-2531~~ The Conveyance Safety Act shall not be construed to relieve  
16 or lessen the responsibility or liability of any person owning,  
17 operating, controlling, maintaining, erecting, constructing, installing,  
18 altering, testing, or repairing any conveyance covered by the act for  
19 damages to person or property caused by any defect therein. By  
20 administering the Conveyance Safety Act, the state and its officers and  
21 employees assume no liability for accidents involving a conveyance.

22 Sec. 77. Section 48-2532, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 ~~48-2532~~ Under the Conveyance Safety Act, conveyances shall be  
25 required to comply with the code standards applicable at the time such  
26 conveyance was or is installed. However, if, upon the inspection of any  
27 conveyance, (1) the conveyance is found to be in a dangerous condition or  
28 there is an immediate hazard to those using such conveyance or (2) the  
29 design or the method of operation in combination with devices used is  
30 ~~considered~~ inherently dangerous ~~in the opinion of the state elevator~~  
31 ~~inspector~~, the state elevator inspector shall notify the owner of the

1 conveyance of such condition and shall order such alterations or  
2 additions as may be deemed necessary to eliminate the dangerous  
3 condition.

4 Sec. 78. Section 48-2533, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 ~~48-2533~~ (1) Any person who knowingly violates the Conveyance Safety  
7 Act is guilty of a Class V misdemeanor. Each violation shall be a  
8 separate offense.

9 (2) Any person who installs a conveyance in violation of the  
10 Conveyance Safety Act is guilty of a Class II misdemeanor.

11 Sec. 79. (1) Effective July 1, 2019, all duties and functions of  
12 the Department of Labor under the Conveyance Safety Act shall be  
13 transferred to the State Fire Marshal.

14 (2) On July 1, 2019, all items of property, real and personal,  
15 including office furniture and fixtures, books, documents, and records of  
16 the Department of Labor pertaining to the duties and functions  
17 transferred to the State Fire Marshal pursuant to this section shall  
18 become the property of the State Fire Marshal.

19 (3) On and after July 1, 2019, whenever the Department of Labor is  
20 referred to or designated by any contract or other document in connection  
21 with the duties and functions transferred to the State Fire Marshal  
22 pursuant to this section, such reference or designation shall apply to  
23 the State Fire Marshal. All contracts entered into by the Department of  
24 Labor prior to July 1, 2019, in connection with the duties and functions  
25 transferred to the State Fire Marshal are hereby recognized, with the  
26 State Fire Marshal succeeding to all rights and obligations under such  
27 contracts.

28 (4) All rules and regulations of the Department of Labor adopted  
29 prior to July 1, 2019, in connection with the duties and functions  
30 transferred to the State Fire Marshal pursuant to this section shall  
31 continue to be effective until revised, amended, repealed, or nullified

1 pursuant to law.

2 (5) No suit, action, or other proceeding, judicial or  
3 administrative, lawfully commenced prior to July 1, 2019, or which could  
4 have been commenced prior to that date, by or against the Department of  
5 Labor, or any employee thereof in such employee's official capacity or in  
6 relation to the discharge of his or her official duties, shall abate by  
7 reason of the transfer of duties and functions from the Department of  
8 Labor to the State Fire Marshal.

9 (6) On and after July 1, 2019, positions of employment in the  
10 Department of Labor related to the duties and functions transferred  
11 pursuant to this section are transferred to the State Fire Marshal. The  
12 affected employees shall retain their rights under the state personnel  
13 system or pertinent bargaining agreement, and their service shall be  
14 deemed continuous. This section does not grant employees any new rights  
15 or benefits not otherwise provided by law or bargaining agreement or  
16 preclude the State Fire Marshal from exercising any of the prerogatives  
17 of management set forth in section 81-1311 or as otherwise provided by  
18 law. This section is not an amendment to or substitute for the provisions  
19 of any existing bargaining agreements.

20 Sec. 80. Section 81-405, Revised Statutes Cumulative Supplement,  
21 2018, is amended to read:

22 ~~81-405~~ The Mechanical Safety Inspection Fund is created. All fees  
23 collected by the State Fire Marshal ~~Department of Labor~~ pursuant to the  
24 Nebraska Amusement Ride Act and the Conveyance Safety Act shall be  
25 remitted to the State Treasurer for credit to the Mechanical Safety  
26 Inspection Fund. Fees so collected shall be used for administering the  
27 provisions of the Nebraska Amusement Ride Act and the Conveyance Safety  
28 Act. Any money in the Mechanical Safety Inspection Fund available for  
29 investment shall be invested by the state investment officer pursuant to  
30 the Nebraska Capital Expansion Act and the Nebraska State Funds  
31 Investment Act. Money in the Mechanical Safety Inspection Fund may be

1 transferred to the General Fund at the direction of the Legislature.

2 ~~The State Treasurer shall transfer one hundred fifty thousand~~  
3 ~~dollars from the Mechanical Safety Inspection Fund to the General Fund on~~  
4 ~~or before June 15, 2018, on such dates and in such amounts as directed by~~  
5 ~~the budget administrator of the budget division of the Department of~~  
6 ~~Administrative Services.~~

7 Sec. 81. Section 11-201, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 11-201 It shall be the duty of the Risk Manager:

10 (1) To prescribe the amount, terms, and conditions of any bond or  
11 equivalent commercial insurance when the amount or terms are not fixed by  
12 any specific statute. The Risk Manager, in prescribing the amount,  
13 deductibles, conditions, and terms, shall consider the type of risks, the  
14 relationship of the premium to risks involved, the past and projected  
15 trends for premiums, the ability of the Tort Claims Fund, the State Self-  
16 Insured Property Fund, and state agencies to pay the deductibles, and any  
17 other factors the manager may, in his or her discretion, deem necessary  
18 in order to accomplish the provisions of sections 2-1201, 3-103, 8-104,  
19 8-105, 9-807, 11-119, 11-121, 11-201, 11-202, 37-110, 48-158, 48-609,  
20 48-618, ~~48-721,~~ 48-804.03, 53-109, 54-191, 55-123, 55-126, 55-127,  
21 55-150, 57-917, 60-1303, 60-1502, 71-222.01, 72-1241, 77-366, 80-401.02,  
22 81-111, 81-151, 81-8,128, 81-8,141, 81-1108.14, 81-2002, 83-128, 84-106,  
23 84-206, and 84-801 and section 3 of this act;

24 (2) To pass upon the sufficiency of and approve the surety on the  
25 bonds or equivalent commercial insurance of all officers and employees of  
26 the state, when approval is not otherwise prescribed by any specific  
27 statute;

28 (3) To arrange for the writing of corporate surety bonds or  
29 equivalent commercial insurance for all the officers and employees of the  
30 state who are required by statute to furnish bonds;

31 (4) To arrange for the writing of the blanket corporate surety bond

1 or equivalent commercial insurance required by this section; and

2 (5) To order the payment of corporate surety bond or equivalent  
3 commercial insurance premiums out of the State Insurance Fund created by  
4 section 81-8,239.02.

5 All state employees not specifically required to give bond by  
6 section 11-119 shall be bonded under a blanket corporate surety bond or  
7 insured under equivalent commercial insurance for faithful performance  
8 and honesty in an amount determined by the Risk Manager.

9 The Risk Manager may separately bond any officer, employee, or group  
10 thereof under a separate corporate surety bond or equivalent commercial  
11 insurance policy for performance and honesty pursuant to the standards  
12 set forth in subdivision (1) of this section if the corporate surety or  
13 commercial insurer will not bond or insure or excludes from coverage any  
14 officer, employee, or group thereof under the blanket bond or commercial  
15 insurance required by this section, or if the Risk Manager finds that the  
16 reasonable availability or cost of the blanket bond or commercial  
17 insurance required under this section is adversely affected by any of the  
18 following factors: The loss experience, types of risks to be bonded or  
19 insured, relationship of premium to risks involved, past and projected  
20 trends for premiums, or any other factors.

21 Surety bonds of collection agencies, as required by section 45-608,  
22 and detective agencies, as required by section 71-3207, shall be approved  
23 by the Secretary of State. The Attorney General shall approve all bond  
24 forms distributed by the Secretary of State.

25 Sec. 82. Section 81-401, Revised Statutes Cumulative Supplement,  
26 2018, is amended to read:

27 81-401 The Governor, through the agency of the Department of Labor  
28 created by section 81-101, shall have power:

- 29 (1) To foster, promote, and develop the welfare of wage earners;  
30 (2) To improve working conditions;  
31 (3) To advance opportunities for profitable employment;

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

6 (5) To acquire and distribute useful information on subjects  
7 connected with labor in the most general and comprehensive sense of the  
8 word;

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

12 (7) To acquire and distribute information as to the conditions of  
13 employment and such other facts as may be deemed of value to the  
14 industrial interests of the state;

15 (8) To acquire and distribute information in relation to the  
16 prevention of accidents, occupational diseases, and other related  
17 subjects;

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

21 (10) To administer and enforce all of the provisions of ~~the Boiler~~  
22 ~~Inspection Act,~~ the Employment Security Law, the Farm Labor Contractors  
23 Act, ~~the Nebraska Amusement Ride Act,~~ and the Wage and Hour Act and  
24 Chapter 48, articles 2, 3, 4, and 5, and for that purpose there is  
25 imposed upon the Commissioner of Labor the duty of executing all of the  
26 provisions of such acts, law, and articles.

27 Sec. 83. The Revisor of Statutes shall assign sections 1 to 80 of  
28 this act to Chapter 81, article 5.

29 Sec. 84. This act becomes operative on July 1, 2019.

30 Sec. 85. Original sections 11-201, 48-719, 48-720, 48-722, 48-723,  
31 48-724, 48-725, 48-726, 48-727, 48-728, 48-729, 48-730, 48-731, 48-732,

1 48-733, 48-736, 48-737, 48-738, 48-739, 48-740, 48-741, 48-742, 48-743,  
2 48-1801, 48-1802, 48-1803, 48-1804, 48-1804.01, 48-1805, 48-1806,  
3 48-1807, 48-1808, 48-1809, 48-1811, 48-1812, 48-1813, 48-1814, 48-1815,  
4 48-1816, 48-1817, 48-1818, 48-1819, 48-2501, 48-2502, 48-2503, 48-2504,  
5 48-2506, 48-2507, 48-2508, 48-2509, 48-2510, 48-2511, 48-2512,  
6 48-2512.01, 48-2513, 48-2514, 48-2515, 48-2516, 48-2517, 48-2518,  
7 48-2519, 48-2520, 48-2521, 48-2522, 48-2523, 48-2524, 48-2525, 48-2526,  
8 48-2527, 48-2528, 48-2529, 48-2530, 48-2531, 48-2532, and 48-2533,  
9 Reissue Revised Statutes of Nebraska, and sections 48-721, 48-735.01,  
10 81-401, and 81-405, Revised Statutes Cumulative Supplement, 2018, are  
11 repealed.

12       Sec. 86. The following section is outright repealed: Section  
13 48-1820, Reissue Revised Statutes of Nebraska.

14       Sec. 87. Since an emergency exists, this act takes effect when  
15 passed and approved according to law.