

NEBRASKA ADMINISTRATIVE CODE

TITLE 230 - DEPARTMENT OF LABOR

CHAPTER 1 - SAFETY CODE FOR ELEVATORS, ESCALATORS AND OTHER CONVEYANCES USED FOR PASSENGERS OR MATERIALS UNDER THE CONVEYANCE SAFETY ACT

1. General.

- A. This chapter is adopted pursuant to *Neb. Rev. Stat.* §§48-2501 to 48-2533, and shall be known as the Nebraska Conveyance Safety Code. A copy of the Nebraska Conveyance Safety Code will be kept on file in the offices of the Commissioner of Labor, Nebraska Department of Labor, 550 South 16th Street, Lincoln, Nebraska.
- B. The provisions of this chapter shall apply to the construction, operation, inspection, testing, maintenance, alteration, and repair, in this state, of the following:
1. Conveyances that are not in private residences;
 2. Automatic guided transit vehicles on guideways with an exclusive right-of-way, including automated people movers; and
 3. Conveyances in private residences, located in counties that have a population of more than one hundred thousand inhabitants, except that such Conveyances are subject to inspection only at installation.
- C. The provisions of this chapter shall not apply to:
1. Conveyances under the jurisdiction of, and subject to inspection by, the United States government;
 2. Conveyances used exclusively for agricultural purposes;
 3. Conveyances in private residences in counties that have a population of one hundred thousand or less inhabitants;

4. Personnel hoists within the scope of the American National Standards Institute and American Society of Safety Engineers (ANSI/ASSE) Safety Requirements for Personnel Hoists on Construction and Demolition Sites A10.4;
5. Material hoists within the scope of American National Standards Institute and American Society of Safety Engineers (ANSI/ASSE) Safety Requirements for Material Hoists A10.5;
6. Manlifts within the scope of American National Standards Institute and American Society of Mechanical Engineers (ANSI/ASME) Safety Standards for Belt Manlifts A90.1;
7. Mobile scaffolds, towers and platforms within the scope of American National Standards Institute and Security Industry Association (ANSI/SIA) A92.1, *et seq.*;
8. Powered platforms and equipment for exterior and interior maintenance within the scope of American National Standards Institute and American Society of Mechanical Engineers (ANSI/ASME) Safety Requirements for Powered Platforms and Traveling Ladders and Gantries for Building Maintenance A120.1;
9. Cranes, derricks, hoists, hooks, jacks, and slings within the scope of American Society of Mechanical Engineers (ASME) B30.1, *et seq.*;
10. Industrial trucks within the scope of Industrial Truck Standards Development Foundation (ITSDF) B56 Standards;
11. Portable equipment, except for portable escalators, which are within the scope of American Society of Mechanical Engineers (ASME) A17.1;
12. Tiering or piling machines used to move materials to and from storage located and operating entirely within one story;
13. Equipment for feeding, or positioning materials at machine tools, printing presses, and similar equipment;
14. Skip or furnace hoists;
15. Wharf ramps;
16. Railroad car lifts or dumpers;
17. Line jacks, false cars, shafters, moving platforms, and similar equipment;
18. Manlifts, hoists, or Conveyances used in grain elevators or feed mills;
19. Dock elevators; or
20. Stairway chair lifts and platform lifts.

2. Definitions.

For purposes of these regulations, the following definitions apply:

- A. "Act" refers to the Conveyance Safety Act, *Neb. Rev. Stat.* §§48-2501 et seq.
- B. "Alteration" means any change to equipment other than routine maintenance, repair or replacement, as these terms are defined herein.
- C. "Applicant" shall mean the same as "person" under the Conveyance Safety Act, at *Neb. Rev. Stat.* §48-2502(7).
- D. "Approved Alternative" means any method, element, material, process or use in the construction, design, operation, inspection, testing, maintenance, alteration, or repair of conveyances subject to the jurisdiction of the commissioner and not otherwise exempted by statute, for which written approval is issued by the commissioner or, upon designation, by the state elevator inspector, subject to a showing of good cause and a showing that the safety of the users of the conveyance will not be compromised by the approved alternative.
- E. "Certificate of inspection" means a document issued by the state elevator inspector certifying that a conveyance has been inspected and has met the statutory and regulatory requirements, that it is in a safe and satisfactory condition and is properly constructed and maintained, and may be put into operation or to continue to operate in this State.
- F. "Commissioner" means the Commissioner of Labor of the Nebraska Department of Labor.
- G. "Conveyance Advisory Committee" means the committee created by the Conveyance Safety Act, which has the membership, powers and duties in accordance with the Act, at *Neb. Rev. Stat.* §§48-2503 and 48-2504.
- H. "Conveyances" means the following equipment, including their associated parts and hoistways, that are not exempted from the Conveyance Safety Act by *Neb. Rev. Stat.* §48-2508:
 - 1. Hoisting and lowering mechanisms equipped with a car which moves between two or more landings, including elevators;
 - 2. Power driven stairways and walkways for carrying persons between landings, including:
 - a. Escalators; and
 - b. Moving sidewalks;
 - 3. Hoisting and lowering mechanisms equipped with a car, which serve two or more landings and is restricted to the carrying of material by its limited size or limited access to the car, including:

- a. Dumbwaiters;
 - b. Material lifts and dumbwaiters with automatic transfer devices; and
 - c. Conveyors and related equipment within the scope of American Society of Mechanical Engineers B20.1.
- I. (REPEALED)
- J. “Emergency Elevator Mechanic License” means a license issued by the state elevator inspector to an individual, not currently licensed as an elevator mechanic, who meets certain qualifications specified in these regulations, when sufficient proof has been provided to the state elevator inspector by a licensed elevator contractor, employer or other person, that an emergency exists in the State due to natural disaster, work stoppage, or similar significant event, and the number of persons in the State holding elevator mechanic licenses is insufficient to cope with the emergency.
- K. “Independent” means, except within the scope of his or her employment with the state agency, not dependent; not influenced by the thought or action of others; free from the influence, guidance, or control of another or others; not dependent on or affiliated with a larger or controlling entity, group or system.
- L. "Inspection" means a careful examination by the state elevator inspector of conveyances in this state under the statutory authority set out in §001(A) of these regulations, as well as the regulations enacted thereunder. Inspection may include an examination of parts and equipment of a conveyance, its operation, the process and procedures of its installation and repair, any alterations made after installation, the building or structure in which the conveyance is housed, documentation, records and blueprints related to the conveyance, and any other matter deemed necessary by the elevator inspector to assure that the conveyance is in a safe and satisfactory condition and is properly constructed and maintained. Inspection shall include:
- 1. Preliminary inspection: any examination or review conducted by the elevator inspector outside the site or physical location of the conveyance.
 - 2. Initial inspection: the first inspection that has been conducted by the state elevator inspector at the site or physical location of a conveyance.
 - 3. Annual inspection: the inspection required by *Neb. Rev. Stat. §48-2513*.
 - 4. Special inspection: any inspection requested of the elevator inspector by the owner or user of the conveyance.
- M. “Interested Person” means a person who can demonstrate a specific and legally recognizable interest in the subject matter of an administrative action, and who can show that he, she or it has been directly and substantially affected by the decision.

- N. "Licensed Elevator Contractor" means any person who is engaged in the business of contracting services for erecting, constructing, installing, altering, servicing, testing, repairing, or maintaining conveyances, who has obtained a license from the Commissioner of Labor, and who has the qualifications, powers and duties prescribed by the Act.
- O. "Licensed Elevator Mechanic" means any person who is engaged in erecting, constructing, installing, altering, servicing, repairing, testing, or maintaining conveyances; and who has obtained a license from the Commissioner of Labor, and who has the qualifications, powers and duties prescribed by the Act.
- P. "Machinery space" means a space inside or outside of the hoistway that contains the conveyance mechanical equipment, and may contain electrical equipment, including the electric driving machine or hydraulic machine.
- Q. "Repair" means the restoration of existing parts to meet conveyance code standards existing at the time the conveyance was installed.
- R. "Replacement" means the substitution of a part in its entirety with another part, which is the same as, or substantially the same as, the part being replaced, and which meets the conveyance code standards existing at the time the conveyance was installed.
- S. "Substantial Alteration" means any alteration to a conveyance covered by these regulations whose cost exceeds fifteen hundred dollars (\$1,500.00).
- T. "Temporary Elevator Mechanic License" means a license issued by the state elevator inspector to an individual, not currently licensed as an elevator mechanic, who meets certain qualifications specified in these regulations, when sufficient proof has been provided to the state elevator inspector by a licensed elevator contractor, employer or other person, of a short-term immediate need for additional elevator mechanics.

3. Codes and Standards.

The following codes and standards have been adopted by reference and incorporated into the Nebraska Conveyance Safety Code, as provided in these regulations:

- A. The ASME A17.1 / CSA B44 – 2013 Safety Code for Elevators and Escalators, which is available for viewing at the offices of the Commissioner of Labor, Nebraska Department of Labor, 550 South 16th Street, Lincoln, Nebraska.
- B. The ASME B20.1 - 1996 Safety Standard for Conveyors and Related Equipment (*Addendum "G-1"*), and the ASME B20.1b - 1998 Addenda (*Addendum "G-2"*), published by the American Society of Mechanical Engineers.
- C. The Automated People Mover Standards-Part 1, ASCE 21-05 (2006) (*Addendum "H-1"*), Automated People Mover Standards-Part 2, ASCE 21.2-08 (2008) (*Addendum "H-2"*), and Automated People Mover Standards-Part 3, ASCE 21.3-08 (2008) (*Addendum "H-3"*) published by the American Society of Mechanical Engineers.

4. Construction or Installation of Conveyance: Preliminary Inspection.

Prior to the commencement of construction or installation of a conveyance, the contractor or installer shall submit a completed application, which shall include blueprints, together with the applicable fee, to the state elevator inspector for a preliminary inspection. The application form shall be available, free of charge, in the office of the state elevator inspector.

5. Substantial Alterations: Preliminary Inspection.

Prior to the commencement of any substantial alterations, as defined in these regulations, the contractor or other responsible party shall submit a completed application, which shall include blueprints, together with any applicable fee, to the state elevator inspector for a preliminary inspection. The application form shall be available, free of charge, in the office of the state elevator inspector.

6. Non-Compliant Conveyances: Temporary Operation.

A conveyance which does not comply with the Conveyance Safety Act and/or these regulations, as determined by the state elevator inspector, may be permitted to operate on a temporary basis, under such terms and conditions as may be imposed by the state elevator inspector, provided that the state elevator inspector has determined the following:

- A. No mechanical or electrical failure has occurred or is imminent;
- B. User and/or passenger safety shall be maintained during the temporary operation of the noncompliant conveyance.

7. Annual Inspection.

The state elevator inspector shall inspect or cause to be inspected, all passenger and freight conveyances in this state at least once every twelve months in order to determine whether or not the conveyance:

- A. Is properly constructed;
- B. Is in safe and satisfactory condition; and
- C. Is maintained for the purposes for which it is used.

8. Inspection Fees.

The fees for inspections, conducted by the state elevator inspector or his assignees on or after the effective date of this regulation, shall be as follows:

- A. For conveyances:
 - 1. Preliminary Inspections. The fee for a preliminary inspection shall be one hundred and twenty-five dollars (\$125.00).

2. Initial Inspections.
 - a. For a unit comprising five floors or less, the fee for an initial inspection shall be two hundred dollars (\$200.00); and
 - b. For a unit comprising more than five floors, an initial inspection fee of two hundred dollars (\$200.00), plus an additional fee of ten dollars (\$10.00) for each floor over five.
 3. Annual Inspections.
 - a. For inspections occurring before January 1, 2017:
 - i. For a unit comprising five floors or less, an annual inspection fee of one hundred forty dollars (\$140.00), and
 - ii. For a unit comprising more than five floors, an annual inspection fee of one hundred forty dollars (\$140.00), plus an additional fee of ten dollars (\$10.00) for each floor over five.
 - b. For inspections occurring on or after January 1, 2017:
 - i. For a unit comprising five floors or less, an annual inspection fee of one hundred twenty dollars (\$120.00), and
 - ii. For a unit comprising more than five floors, an annual inspection fee of one hundred twenty dollars (\$120.00), plus an additional fee of ten dollars (\$10.00) for each floor over five.
 4. Special Inspections. The costs of a special inspection shall include a fee of two hundred dollars (\$200.00), plus the expenses incurred by the inspector in connection therewith.
- B. The inspection fees as set forth herein shall be paid by the owner or user for each conveyance inspected by the state elevator inspector before the inspection certificate is issued.
- C. Inspection Not Required. Inspection of a conveyance covered by these regulations shall not be required:
1. When any owner or user of such conveyance:
 - a. Obtains an inspection by a representative of a reputable insurance company licensed to do business in Nebraska; and
 - b. Obtains a policy of insurance from such company on such conveyance; and

- c. Files with the Commissioner of Labor a certificate of inspection by the insurance company and a statement by the insurance company that such conveyance is insured.
2. If the conveyance is subject to an annual inspection under a city ordinance that meets the standards of these regulations.

9. New Conveyance Installations

- A. All new conveyance installations in counties with populations of more than 100,000 inhabitants shall be performed by:
 1. A licensed elevator mechanic under the control of a licensed elevator contractor; or by
 2. A licensed elevator contractor, who shall certify that the new conveyance has been installed in compliance with the Act.
- B. It is the responsibility of the licensed elevator mechanics and licensed elevator contractors who are performing the installation of a new conveyance to ensure that the installation and service complies with all applicable fire and safety codes.

10. Existing Conveyances

- A. No person shall wire, alter, replace, remove, or dismantle an existing conveyance contained within a building or structure, located in counties that have a population of more than one hundred thousand inhabitants, unless such person is a licensed elevator mechanic or is working under the direct supervision of a licensed elevator mechanic.
- B. It is the responsibility of the owner of a conveyance to ensure that the conveyance is maintained in compliance with all applicable fire and safety codes.
- C. A person is not required to be a licensed elevator mechanic or licensed elevator contractor, or to be working under the direct supervision of a licensed elevator mechanic or licensed elevator contractor, in order to
 1. Perform non-mechanical maintenance of a conveyance; or
 2. Remove or dismantle conveyances that are destroyed as a result of a complete demolition of a secured building.

11. Elevator Contractor: Licensure.

- A. Any person wishing to engage in the business of an elevator contractor, in counties that have populations of more than 100,000 inhabitants, shall apply for and obtain an elevator contractor license from the commissioner. The application shall contain the information and substantially comply with the "Application for License Renewal of License / Elevator Contractor / Conveyance Safety Act," attached as *Addendum "A"* to this chapter.

- B. Qualifications for Elevator Contractor License. An applicant seeking a license as an elevator contractor must comply with the following minimum qualifications:
1. No license shall be granted to any applicant unless the application fee required by §010 of this chapter is paid.
 2. An applicant for licensure must provide evidence and documentation, satisfactory to the commissioner, of the following:
 - a. Five years' work experience in the conveyance industry in construction, maintenance, and service or repair; and
 - b. Either:
 - i. Satisfactory completion of a written examination administered by the Conveyance Advisory Committee or its designated provider; or
 - ii. A valid license as an elevator contractor, from a state having standards substantially equal to those of this State; and
 3. Proof of insurance, as required by the Act, at *Neb. Rev. Stat. §48-2527*. Applicants must also provide notice to the commissioner of any substantial alteration or cancellation of a policy, at least ten (10) days in advance of the alteration or cancellation.

12. Elevator Mechanic: Licensure.

- A. Any person wishing to engage in the business of an elevator mechanic, in counties that have populations of more than 100,000 inhabitants, shall apply for and obtain an elevator mechanic license from the commissioner. The application shall contain the information and substantially comply with the "Application for License Renewal of License / Elevator Mechanic / Conveyance Safety Act," attached as *Addendum "B"* to this chapter.
1. No license shall be granted to any applicant unless the application fee required by §010 is paid.
 2. An applicant for licensure must demonstrate to the satisfaction of the commissioner that the applicant possesses an acceptable combination of documented experience and education credits consisting of:
 - a. Not less than 3 years' work experience in the conveyance industry, in construction, maintenance, and service or repair, as verified by current and previous employers or contractors; and
 - b. Compliance with one of the following subsections - (i) or (ii) or (iii) or (iv):

- i. Satisfactory completion of a written examination administered by the Elevator Safety Review Board or its designated provider, on the most recently enacted codes and standards for elevator mechanics; or
- ii. Both of the following:
 - A. Acceptable proof that the applicant has worked as an elevator mechanic:
 - 1. In conveyance construction, maintenance, or repair;
 - 2. Lasting at least three (3) years, immediately prior to the effective date of the elevator mechanic's license;
 - 3. Working without the direct and immediate supervision of a licensed elevator contractor; and
 - B. Satisfactory completion of a written examination approved by the commissioner; or
- iii. A certificate of successful completion of the mechanic examination of a nationally recognized training program for the conveyance industry, such as the National Elevator Industry Educational Program, or its equivalent, with standards substantially similar to those set out in the "National Guidelines for Apprenticeship Standards Developed by the National Elevator Industry Education Program (NEIEP) for Elevator Constructor Mechanics (O*NET/SOC Code: 47-4021.00) in Cooperation with the U.S. Department of Labor Bureau of Apprenticeship and Training," attached as *Addendum "C"* to this chapter; or
- iv. A certificate of completion of an elevator mechanic apprenticeship program, registered with the Bureau of Apprenticeship and Training of the U.S. Department of Labor, whose content is substantially similar to that set out in *Addendum "D"* - "Apprenticeship Course Outlines."

13. Temporary or Emergency Elevator Mechanic Thirty-Day Licenses

- A. Whenever sufficient proof has been provided to the state elevator inspector, by a licensed elevator contractor, employer or other person, of a short-term immediate need for additional elevator mechanics, the state elevator inspector may issue a temporary elevator mechanic thirty-day license to an individual, not currently licensed as an elevator mechanic, who meets the qualifications set forth in subsection C of this section.
- B. Whenever sufficient proof has been provided to the state elevator inspector, by a licensed elevator contractor, employer or other person, that an emergency exists in the State due

to natural disaster, work stoppage, or similar significant event, and that the number of persons in the State holding elevator mechanic licenses is insufficient to cope with the emergency, the state elevator inspector may issue an emergency elevator mechanic thirty-day license to an individual, not currently licensed as an elevator mechanic, who meets the qualifications set forth in subsection C of this section.

- C. The state elevator inspector may issue a temporary or emergency elevator mechanic thirty-day license to an individual upon completion of the following:
1. The individual shall file an application for a temporary or emergency elevator mechanic license with the Commissioner of Labor within five (5) business days after commencing elevator mechanic work, using the form attached to these regulations as *Addendum "E"* - "Application for License / Extension of License / Temporary or Emergency Elevator Mechanic / Conveyance Safety Act."
 2. The individual shall furnish proof of competency by submitting documentation of at least three (3) years of work experience in the conveyance industry as an elevator mechanic, working without direct supervision, in this State or in any other state having standards substantially the same as those of this State.
 3. A licensed elevator contractor must certify that the person has an acceptable combination of documented experience and education to enable him or her to perform work as an elevator mechanic, without direct and immediate supervision.
- D. No application fee shall be required of an individual that is applying for a temporary or emergency elevator mechanic thirty-day license, or for the renewal of that license.
- E. A temporary or emergency elevator mechanic license is valid for 30 days from the date issued. The commissioner may impose restrictions on the license as to types of conveyances or geographical areas to which the license is applicable. Except for such restrictions as the commissioner may impose, the temporary or emergency license entitles the licensee to all rights and privileges of an elevator mechanic.
- F. The temporary or emergency mechanic license may be renewed by the commissioner for good cause shown.

14. License and Registration Fees

License fees shall be as follows:

- A. Initial Licenses
1. Elevator Mechanic License: \$100.00.
 2. Elevator Contractor License: \$100.00.

B. Renewal of License

1. Elevator Mechanic License: \$75.00.
2. Elevator Contractor License: \$75.00.

15. Renewal of License

- A. Licenses for elevator contractors and elevator mechanics, except temporary or emergency elevator mechanic licenses, shall be renewed every 2 years.
- B. A licensee may renew a license by submitting a written application for renewal, accompanied by the required fee, 30 days prior to expiration of the license.
- C. An applicant for renewal of an elevator mechanic license shall, in addition, provide a certificate of completion of a course designed to ensure the continuing education on new and existing rules and regulations adopted and promulgated by the commissioner.
1. The course shall consist of not less than eight hours of instruction that shall be attended and completed within one year immediately preceding any license renewal.
 2. The individual holding the elevator mechanic license shall pay the cost of such course.
 3. The course shall be taught by instructors through continuing education providers selected by the commissioner upon recommendation by the Conveyance Advisory Committee.
- D. An elevator mechanic licensee who, due to a temporary disability, is unable to complete the continuing education course required under this section, prior to the expiration of his or her existing license, may apply for an extension from the state elevator inspector.
1. The request for extension of time to complete the continuing education course shall be on a form provided by the state elevator inspector, which shall be signed by the applicant.
 2. The request for extension of time to complete the continuing education course shall be accompanied by a certified statement from a competent physician, attesting to such temporary disability.
 3. An extension sticker, valid for ninety days, shall be issued to the licensed elevator mechanic. The sticker shall be affixed to the license. Extensions shall be renewable for periods of ninety days upon a showing that the disability continues.
 4. Upon the termination of such temporary disability, the elevator mechanic licensee shall submit to the state elevator inspector a certified statement from the same physician, if practicable, attesting to the termination of such temporary disability.

16. Approved Alternative or Variance.

The Commissioner, or, upon designation, the state elevator inspector, may grant an alternative that varies from the rules and regulations in this chapter, provided that:

- A. The request for an alternative or variance is made in writing, directed to the Commissioner, in care of the state elevator inspector;
- B. The request is made on the form provided herein, or contains the same information and substantially complies with the "Application for Approved Alternative or Variance / Conveyance Safety Act," attached as *Addendum "F"* to this chapter;
- C. Sufficient documentation is provided with the application to show good cause for granting the alternative or variance requested;
- D. Sufficient documentation is provided with the application to show that the safety of those riding in or using the conveyance will not be compromised by granting the alternative or variance; and
- E. The Commissioner submits the application to the Conveyance Advisory Committee for its recommendations to the Commissioner regarding each alternative or variance requested.

17. Appeal of Granting or Denial of Approved Alternative or Variance.

- A. Any interested person, as defined in §002(N) of these regulations, may file an appeal of the granting or denial of a request for an alternative or variance by the Commissioner or state elevator inspector.
- B. An appeal must be filed with the agency at its official office, as set out in this section, within thirty (30) calendar days of the date that the decision was mailed by the Commissioner or state elevator inspector.
- C. An appeal must be filed with the agency at its official office. Filing may be accomplished by personal delivery or mail and will be received during regular office hours of the agency. Regular business hours for the Department are from 8:00 a.m. to 5:00 p.m., Central Time, Monday through Friday, exclusive of state or federal holidays. Filings should be addressed or delivered to:

Commissioner of Labor
P.O. Box 94600
550 South 16th Street Lincoln, NE 68508

- D. An appeal must follow the form of a petition, as described in 223 NAC 5(004)(D) – Rules of Practice and Procedure for Hearings on Contested Cases.
- E. The appeal shall be conducted in accordance with 223 NAC 5 - Rules of Practice and Procedure for Hearings on Contested Cases.

18. Notification of Accidents.

- A. The owner of a conveyance shall notify the state elevator inspector of any accident, involving a conveyance that has caused personal injury or property damage in excess of one thousand dollars (\$1,000.00).
- B. The owner of the conveyance shall notify the state elevator inspector on or before the close of business on the next business day following the accident.
- C. The conveyance involved shall not be operated until the state elevator inspector has conducted an investigation of the accident and has approved the operation of the conveyance.
- D. The state elevator inspector shall investigate and shall report to the commissioner:
 - 1. The cause of any conveyance accident that may occur in the state;
 - 2. Any loss of life or injuries sustained;
 - 3. Such other data as may, in the judgment of the state elevator inspector, be of benefit in preventing other similar accidents.

19. Posted Notice of Discontinued Use.

- A. The state elevator inspector shall adopt a suitable label to be attached to any conveyance:
 - 1. Being operated in violation of the Act; or
 - 2. Where the state elevator inspector determines that continued operation of the conveyance would jeopardize public safety. Such label shall provide notice that the conveyance is not certified for operation.
- B. Unauthorized removal by an owner/user or their representative of a label attached by a state elevator inspector may result in revocation of existing certification or denial of future certification until adequate assurances are made to the commissioner that occurrences initiating the affixing of the label have been resolved.