

Nebraska Workforce Development
Department of Labor

Elevator Law

Neb. Rev. Stat. §§48-418 to 48-418.14
[Current Through End Of 2005 Regular Session]



DAVE HEINEMAN, Governor
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ELEVATOR LAW

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TEXT OF THE LAW

48-418. State elevator inspector; deputy inspectors; appointment; qualifications. The Commissioner of Labor shall, on or before the first day of July 1965, appoint a state elevator inspector, subject to the approval of the Governor, who shall work under the direct supervision of the commissioner. The person so appointed shall be qualified by not less than five years' journeyman experience in elevator installation, maintenance, and inspection as determined by the Commissioner of Labor and shall be familiar with the inspection process provided by the Nebraska Elevator Code provided under section 48-418.12. The commissioner, subject to the approval of the Governor, may appoint deputy inspectors possessing the same qualifications as the state elevator inspector. A qualified individual may apply for the position of deputy inspector and such application shall include the applicant's social security number.

Source: Laws 1919, c. 190, tit. IV, art. IV, § 14, p. 561; C.S.1922, § 7695; C.S.1929, § 48-414; R.S.1943, § 48-418; Laws 1965, c. 283, § 1, p. 810; Laws 1967, c. 297, § 1, p. 810; Laws 1973, LB 320, § 1; Laws 1982, LB 659, § 2; Laws 1987, LB 36, § 1; Laws 1997, LB 752, § 126.

Annotations:

Employer failing to comply with statutory duty for benefit of employees can be held liable for injuries to employees only if there is a causal connection between his negligence and the injury of which the employee complains. *Smith v. Morton Motor Co.*, 145 Neb. 396, 16 N.W.2d 843 (1944).

48-418.01. State elevator inspector; duties. It shall be the duty of the state elevator inspector to inspect or cause to be inspected all freight and passenger elevators in this state at least once every twelve months in order to determine whether all such equipment is in a safe and satisfactory condition and properly constructed and maintained for the purpose for which it is used.

Source: Laws 1965, c. 283, § 2, p. 810.

48-418.02. State elevator inspector; entry into buildings or structures; authorized. The Commissioner of Labor and the state elevator inspector shall have the right and power to enter any building or structure, public or private, for the purpose of inspecting any equipment covered by sections 48-418 to 48-418.12 or gathering information with reference thereto.

Source: Laws 1965, c. 283, § 3, p. 811.

48-418.03. State elevator inspector; certificate of inspection; posting. Upon making an inspection of any equipment covered by sections 48-418 to 48-418.12 and receipt of the inspection fee, the inspector shall give to the owner or user thereof a certificate of inspection, upon forms prescribed by the Commissioner of Labor. The certificate shall be posted in the elevator car.

Source: Laws 1965, c. 283, § 4, p. 811.

48-418.04. Elevator inspection; where not applicable. The provisions of sections 48-418 to 48-418.12 shall not apply to (1) elevators under the jurisdiction and subject to inspection by the United States Government, (2) elevators used exclusively for agricultural purposes, and (3) elevators in private residences.

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Source: Laws 1965, c. 283, § 5, p. 811.

48-418.05. State elevator inspector; investigation of accidents; report; contents. The state elevator inspector shall investigate and report to the commissioner the cause of any elevator accident that may occur in the state, the loss of life, the injuries sustained, and such other data as may be of benefit in preventing other similar accidents.

Source: Laws 1965, c. 283, § 6, p. 811.

48-418.06. State elevator inspector; record of elevators and equipment; maintain. The state elevator inspector shall maintain a complete and accurate record of the name of the owner or user of each elevator and equipment subject to sections 48-418 to 48-418.12 and a full description of the equipment and the date when last inspected.

Source: Laws 1965, c. 283, § 7, p. 811.

48-418.07. Elevator; inspections; when not made; inspection by insurance company or under a city ordinance; effect. The inspections required by sections 48-418 to 48-418.12 shall not be made when any owner or user of any equipment obtains an inspection by a representative of a reputable insurance company licensed to do business in Nebraska, obtains a policy of insurance from such company upon the equipment, and files with the Commissioner of Labor a certificate of inspection by such insurance company and a statement that such equipment is insured, and no fee shall be required. No inspection shall be required under sections 48-418 to 48-418.12 when there has been an annual inspection under a city ordinance which meets the standards of the Nebraska Elevator Code.

Source: Laws 1965, c. 283, § 8, p. 811; Laws 1967, c. 297, § 2, p. 811; Laws 1987, LB 36, § 2.

48-418.08. State elevator inspector; defective equipment; notice to replace or repair. The state elevator inspector shall notify the user in writing of any equipment found to be unsafe or unfit for operation setting forth the nature and extent of any defect or other unsafe condition. Such notice shall indicate whether or not such equipment may be used without making repair or replacement of defective parts, or may be used in a limited capacity before repairs or replacements are made. The state elevator inspector may permit the user a reasonable time to make such repairs or replacements.

Source: Laws 1965, c. 283, § 9, p. 812.

48-418.09. Elevator; inspections; fees; special inspection. (1) The Commissioner of Labor may charge a reasonable fee for each elevator inspection. The commissioner shall establish the fees at a level necessary to meet the costs of the elevator inspection program as approved by the Legislature and to provide a sufficient balance in the Elevator Inspection Fund.

(2) An annual inspection fee of not more than seventy-five dollars per unit up to five floors plus five dollars for each floor over five shall be paid for each elevator inspected. For new installations, a preliminary inspection fee of not more than seventy-five dollars shall be paid, and for an initial inspection, a fee of not more than seventy-five dollars shall be paid. Such fees shall be paid by the owner or user for each elevator inspected by the state elevator inspector before the inspection

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certificate is issued.

(3) For the class of elevators which includes escalators, moving sidewalks, conveyors, and dumbwaiters, the preliminary inspection fee shall be not more than fifty dollars, the initial inspection fee shall be not more than fifty dollars, and the annual inspection fee shall be not more than fifty dollars per unit for up to five floors with an additional charge of five dollars per floor for each floor over five.

(4) If at any time the owner or user desires a special inspection of an elevator, it shall be made by the elevator inspector after due request therefor and the inspector making the inspection shall collect his or her expenses in connection therewith and a fee of not more than seventy-five dollars for each elevator.

Source: Laws 1965, c. 283, § 10, p. 812; Laws 1973, LB 320, § 2; Laws 1982, LB 928, § 39; Laws 1992, LB 877, § 1.

48-418.10. Elevators; Elevator Inspection Fund; created; use; investment. The Elevator Inspection Fund is hereby created. The Commissioner of Labor shall use the fund for the administration of the elevator inspection program pursuant to sections 48-418 to 48-418.14. The fund shall consist of money appropriated to it by the Legislature and fees collected in the administration of the elevator inspection program.

Fees so collected shall be remitted to the State Treasurer for credit to the fund and shall not lapse into the General Fund. Any money in the Elevator Inspection Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Source: Laws 1965, c. 283, § 11, p. 812; Laws 1992, LB 877, § 2; Laws 1994, LB 1066, § 36.

Cross References:

Nebraska Capital Expansion Act, see section 72-1269.
Nebraska State Funds Investment Act, see section 72-1260.

48-418.11. Elevator inspection; violations; penalty. Any person, persons, corporations and the directors, managers, superintendents and officers of such corporations violating any of the provisions of sections 48-418 to 48-418.12, shall be guilty of a Class V misdemeanor. Each violation shall be a separate offense.

Source: Laws 1965, c. 283, § 12, p. 812; Laws 1967, c. 297, § 3, p. 811; Laws 1977, LB 40, §283.

48-418.12. Nebraska Elevator Code; adopted; copy filed with Commissioner of Labor. The Commissioner of Labor shall adopt and promulgate rules and regulations to establish safety requirements for elevators used in this state. A safety code may be adopted as a rule and regulation by the commissioner and shall thereafter be known as the Nebraska Elevator Code. The rules and regulations may conform generally to the standards found in the American National Safety Code A17.1 as published by the American Society of Mechanical Engineers. A copy of this code, if so adopted, shall be kept on file in the office of the commissioner.

Source: Laws 1965, c. 283, § 13, p. 812; Laws 1973, LB 320, § 3; Laws 1982, LB 659, § 3; Laws 1987, LB 36, § 3; Laws 1989, LB 630, § 1.

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48-418.13. Repealed.

Source: Laws 1993, LB 45, s. 2.

48-418.14. Elevator inspection; elevator, defined. For purposes of sections 48-418 to 48-418.12, unless the context otherwise requires, elevator shall include

- (1) any hoisting or lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction and which serves two or more floors of a building or structure,
- (2) an escalator,
- (3) a power-driven incline,
- (4) a continuous stairway used for raising or lowering passengers,
- (5) moving sidewalks,
- (6) dumbwaiters, and
- (7) tray conveyors.

Source:
Laws 1982, LB 659, § 1; Laws 1993, LB 45, § 1.