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DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS

NOTICE OF INTENT TO ACT ON PROPOSED REGULATIONS

Notice of Hearing for the Adoption of Regulations
of the Division of Industrial Relations,
Department of Business and Industry
October 16, 2020 at 10:00 a.m.
LCB File No. R045-20

You are hereby given notice that the Division of Industrial Relations of the Department of Business and Industry, State of Nevada ("Division") will conduct a public hearing on proposed permanent regulations amending Chapter 455C of the Nevada Administrative Code ("NAC") on Friday, October 16, 2020 at 10:00 a.m. This meeting will be held *via* a Webex meeting only. Webex allows for video and teleconferencing. Pursuant to Governor Sisolak's March 22, 2020 Declaration of Emergency Directive 006, the requirement contained in NRS 241.023(1)(b), that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate, is suspended in order to mitigate against the possible exposure or transmission of the COVID-19 (Corona Virus). Accordingly, any person planning to participate in the meeting must participate by using the Webex Access information immediately below.

Webex Access

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Pursuant to NRS 233B.608 and 233B.609, the Division is providing the following statements pertaining to the public hearing on proposed changes to Chapter 455C of NAC.

The need and purpose of the proposed revisions to regulations: *The Division of Industrial Relations, Mechanical Compliance Section (“MCS”) shall adopt by regulation the standards and procedures for the installation, inspection, maintenance, relocation, improvement, alteration and repair of boilers, elevators and pressure vessels. The proposed regulations update the adopted standards for boilers, pressure vessels, elevators and escalators; exempt water heaters under 200,000 BTU from regulation; provide relief for industry from over-regulation; authorize any qualified Division staff to inspect elevators, boilers and pressure vessels at mine sites; and clarify existing regulations regarding licensing, permitting and appealing MCS determinations.*

The estimated economic effect of the proposed regulations on (a) regulated businesses and (b) the public, including, stated separately: (i) adverse and beneficial effects; and (ii) immediate and long-term effects:

(a) Regulated businesses:

(i) Adverse and beneficial effects:

The Division anticipates no adverse effects, either direct or indirect, on regulated businesses as the result of these regulations. The adverse effects, if any, are difficult to determine at this time. There will be no direct or indirect cost to regulated or small businesses.

The Division believes that there will be no beneficial effects, either direct or indirect, on regulated or small businesses as the result of these regulations.

(ii) Immediate and long-term effects:

The Division does not anticipate any immediate effects, either adverse or beneficial, on regulated or small businesses as a result of these regulations. There will be no direct or indirect costs to regulated or small businesses.

The Division does not anticipate any long term effects, either adverse or beneficial, on regulated or small businesses as a result of these regulations. There will be no direct or indirect costs to regulated or small businesses.

(b) The public:

(i) Adverse and beneficial effects:

The Division anticipates no adverse effects, either direct or indirect, on the public as the result of these regulations. There will be no direct or indirect cost to the public.

The Division believes that there will be no beneficial effects, either direct or indirect, on the public as the result of these regulations.

(ii) Immediate and long-term effects:

The Division does not anticipate any immediate effects, either adverse or beneficial, on the public as a result of these regulations. There will be no direct or indirect costs to the public.

The Division does not anticipate any long term effects, either adverse or beneficial, on the public as a result of these regulations. There will be no direct or indirect costs to the public.

The estimated cost to the Division for enforcement of the proposed regulations: *The Division does not anticipate incurring any additional cost for these proposed permanent regulations.*

The Division believes that the proposed regulation does not overlap or duplicate any existing regulation. *The proposed regulation is not required by federal law and there is no equivalent federal law.*

The proposed regulation does not establish a new fee or increase an existing fee. *The proposed regulation does not provide for a new fee or increase an existing fee payable to the Division.*

The Division invites representatives of regulated businesses and the public to attend the public hearing and/or prepare written and/or oral comments concerning the proposed regulations. A copy of the proposed language for LCB File No. R045-20, may be downloaded from the Mechanical Compliance Section's website: <http://dir.nv.gov/MCS/Home>. Before the Public Hearing, persons may submit written comments to Donald C. Smith, Esq., Senior Division Counsel, Division of Industrial Relations, 3360 W. Sahara Avenue, #250, Las Vegas, Nevada 89102 or by email to donalddsmith@dir.nv.gov. If no person who is directly affected by the proposed regulation appears to make oral comments, the Division will proceed immediately to act upon any written submissions.

Persons with disabilities who require special accommodations or assistance at the public hearing must notify Rosalind Jenkins, at the Division of Industrial Relations, Mechanical Compliance Section, 3360 W. Sahara Ave., Suite 170, Las Vegas, Nevada 89102, in writing or by calling (702) 486-9054 at least three (3) working days prior to the scheduled hearing date.

A copy of this notice and the proposed regulations are available at the Division's web page (<http://www.dir.nv.gov/WCS/home/>). This notice and the text of the proposed regulations are also in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency (the Division), if requested to do so by an interested person, either before adoption or thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

The requirements set forth in NRS 241.020(4)(a) for the posting of agendas for public meetings was suspended in Governor Sisolak's March 22, 2020 Declaration of Emergency Directive 006. This notice has been posted on Nevada's notice website: <http://leg.state.nv.us/App/Notice/A/>; and the Division's website: <http://dir.nv.gov/Meetings/Meetings>, as set forth in NRS 241.020(4)(b) and (4)(c).

**REVISED PROPOSED REGULATION OF THE
DIVISION OF INDUSTRIAL RELATIONS OF THE
DEPARTMENT OF BUSINESS AND INDUSTRY**

LCB File No. R045-20

September 15, 2020

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-82, NRS 455C.110.

A REGULATION relating to safety of certain mechanical equipment; adopting provisions governing the access to certain areas of an elevator; revising provisions governing the enforcement of existing law and regulations governing boilers and elevators; revising the adoption by reference of certain manuals, codes and standards governing elevators and boilers; revising provisions governing the expiration and renewal of certain certificates and work cards; revising provisions governing permits authorizing the operation of boilers and pressure vessels; revising provisions governing certain safety valves; revising fees for certain services; revising provisions governing the issuance and maintenance of permits for the construction, installation, alteration and operation of elevators; revising provisions governing the performance of inspections of elevators and payment therefor; revising provisions relating to accidents involving elevators; revising provisions governing administrative actions for violations of certain regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this regulation adopts restrictions on the access to a machine room, hoistway, pit area or control space of an elevator or any other area related to a machine room, hoistway, pit area or control space of an elevator. **Sections 41, 45, 46, 55, 57, 62, 63, 66** of this regulation make conforming changes to provide for the administration and enforcement of this restriction in the same manner as other restrictions governing elevators.

Sections 2-8, 10, 14-34, 36, 39 and 67-81 of this regulation eliminate references to the Enforcement Section of the Division of Industrial Relations of the Department of Business and Industry and establish that enforcement of existing law and regulations governing boilers and elevators is placed with the Mechanical Compliance Section of the Division.

Sections 12 and 54 of this regulation revise the adoption of certain manuals, codes and standards and set forth a process for the review of revisions to those publications.

Section 20 of this regulation eliminates provisions which provide that, under certain circumstances, a report of inspection of a boiler or pressure vessel shall be deemed to be an operating permit authorizing the operation of the boiler or pressure vessel until the operating permit is issued.

Section 31 of this regulation describes the situations which constitute an emergency which establishes grounds for a contractor to install or alter a boiler or pressure vessel without first obtaining a permit.

Section 32 of this regulation revises provisions governing the moving and reinstallation of boilers and pressure vessels to require a contractor to apply for a permit before installing a portable boiler or pressure vessel which is moved for temporary use.

Section 35 of this regulation establishes certain requirements for emergency shut-off valves on installations which are gas-fired.

Section 37 of this regulation revises limits for the pressure capacity of safety relief valves for boilers.

Section 38 of this regulation revises provisions governing pressure and temperature relief valves of lined potable water heaters to make the provisions applicable to all potable water heaters

Section 40 of this regulation requires each hot water boiler to be equipped with a drain valve that has been installed in accordance with certain codes or standards.

Section 47 of this regulation revises the schedule of fees that the Mechanical Compliance Section is required to charge for certain services.

Sections 48-53 of this regulation revise certain provisions relating to the expiration and renewal of certificates to work as an elevator mechanic, certificates of competency as a special inspector and work cards to work as an elevator mechanic apprentice or elevator mechanic helper.

Section 56 of this regulation: (a) revises the requirements which must be satisfied by a licensed elevator contractor before the Mechanical Compliance Section will issue that contractor a permit for the construction, installation or alteration of an elevator; and (b) suspends the operating permit of an elevator upon the issuance of a permit for alteration of the elevator.

Section 58 of this regulation revises provisions governing the issuance and maintenance of an operating permit for an elevator.

Existing regulations require a special inspector to witness certain period tests performed on elevators and perform certain inspections of elevators. (NAC 455C.512, 455C.516) **Sections 59 and 60** of this regulation provide that these functions can be performed by either an inspector or a special inspector. **Section 60** also requires cab material for private residence elevators to meet certain standards related to the prevention of fires.

Existing regulations provide that a special inspector is responsible for billing and collecting the payment for any inspection service he or she performs. (NAC 455C.519) **Section 61** of this regulation provides that the payment is to be collected from the owner of the equipment on which the service was performed.

Section 64 of this regulation revises provision governing the display of jurisdictional numbers which are required on all new elevators and existing installations.

Existing regulations require the notification of the Mechanical Compliance Section promptly after every accident involving an elevator. (NAC 455C.526) **Section 65** of this regulation: (1) requires such notification within specified times, depending on whether or not bodily injury occurs; and (2) sets forth certain activities and restrictions which are required to be implemented after an accident.

Section 66 of this regulation limits to a maximum of 30 days the time within which the Mechanical Compliance may fix for the abatement of a violation of certain regulations relating to elevators.

Existing regulations authorize the issuance of an emergency order to restrain certain dangerous conditions or practices relating to elevators. (NAC 455C.530) **Section 67** of this regulation extends this emergency order authority to conditions or practices relating to boilers and pressure vessels.

Existing regulations set forth the circumstances which constitute violations under which certain administrative actions may be taken against certain holders of certain permits, certificates and work cards. (NAC 455C.616, 455C.618) **Sections 70 and 71** of this regulation provide for such actions against holders of certain licenses, revise the penalties which may be imposed and revise the procedures for notifying the holder of the permit, certificate, work card or license.

Section 72 of this regulation authorizes the designee of the Chief of the Mechanical Compliance Section to hear a contest of a notice of violation and issue a decision after a hearing.

Section 1. Chapter 455C of NAC is hereby amended by adding thereto a new section to read as follows:

A machine room, hoistway, pit area or control space of an elevator or any other area related to a machine room, hoistway, pit area or control space may be accessed only by:

1. Authorized personnel who carry:

(a) A certificate as an elevator mechanic;

(b) A work card as an elevator mechanic apprentice;

(c) A work card as an elevator mechanic helper; or

(d) A certificate of competency as a special inspector.

2. An inspector; or

3. Any other person who has reason to be in such area if accompanied by a person described in subsections 1 or 2.

Sec. 2. NAC 455C.006 is hereby amended to read as follows:

455C.006 “Chief” means the Chief Administrative Officer of ~~the Enforcement Section or~~ the Mechanical Compliance Section . ~~as applicable.~~

Sec. 3. NAC 455C.012 is hereby amended to read as follows:

455C.012 “Mechanical Compliance Section” means the Section which has been created within the Division as the regulatory authority with jurisdiction for the enforcement of the provisions of this chapter and chapter 455C of NRS governing the construction, installation, operation, testing, maintenance, alteration or repair of *a boiler or pressure vessel or an elevator and related* equipment.

Sec. 4. NAC 455C.024 is hereby amended to read as follows:

455C.024 “Authorized inspection entity” means:

1. The ~~Enforcement~~ *Mechanical Compliance* Section;
2. An insurance company that:
 - (a) Is licensed in this State to write insurance for a boiler or pressure vessel; and
 - (b) Employs or contracts with a special inspector who has been issued a certificate; or
3. An inspection organization that employs or contracts with a special inspector who has been issued a certificate.

Sec. 5. NAC 455C.030 is hereby amended to read as follows:

455C.030 “Certificate” means a certificate to work as a special inspector that is issued by the ~~{Enforcement}~~ **Mechanical Compliance** Section pursuant to NAC 455C.130.

Sec. 6. NAC 455C.056 is hereby amended to read as follows:

455C.056 “Inspection for an operating permit” means an inspection:

1. That is used by the ~~{Enforcement}~~ **Mechanical Compliance** Section as the basis for issuing, withholding or revoking an operating permit; and
2. For which a report of inspection is required to be issued.

Sec. 7. NAC 455C.058 is hereby amended to read as follows:

455C.058 “Inspection organization” means an owner or user of boilers or pressure vessels who maintains an inspection program that includes inspection procedures which comply with the *National Board Inspection Code adopted by reference in NAC 455C.108* and have been approved by the ~~{Enforcement}~~ **Mechanical Compliance** Section.

Sec. 8. NAC 455C.060 is hereby amended to read as follows:

455C.060 “Inspector” means a boiler inspector employed by the ~~{Enforcement}~~ **Mechanical Compliance** Section.

Sec. 9. NAC 455C.064 is hereby amended to read as follows:

455C.064 ~~{“Lined potable”}~~ **“Potable** water heater” means a fired heater for the storage of water which has a corrosion-resistant lining and is used to supply potable hot water.

Sec. 10. NAC 455C.076 is hereby amended to read as follows:

455C.076 “Operating permit” means a permit required by NRS 455C.100 and issued by the ~~{Enforcement}~~ **Mechanical Compliance** Section for the operation of a boiler or pressure vessel.

Sec. 11. NAC 455C.080 is hereby amended to read as follows:

455C.080 “Portable boiler ~~["]~~ *or pressure vessel*” means a boiler *or pressure vessel* that is intended primarily for temporary use and has a construction that allows it to be moved readily from one location to another.

Sec. 12. NAC 455C.108 is hereby amended to read as follows:

455C.108 The Division hereby adopts by reference:

1. The following sections of the *ASME Boiler and Pressure Vessel Code*, ~~["2013"]~~ **2019** edition and addenda, published by the American Society of Mechanical Engineers. Those sections of the publication and the addenda may be obtained from ASME ~~["International, 22 Law Drive, P.O. Box 2900, Fairfield, New Jersey 07007-2900,"]~~ , **P.O. Box 36037, Newark, NJ 07188-6037**, for the price indicated:

(a) Section I, Rules for Construction of Power Boilers	["\$380"] \$500
(b) Section II, Materials - Part D: Properties	["\$580"] 760
(c) Section IV, Rules for Construction of Heating Boilers	["\$385"] 510
(d) Section V, Nondestructive Examination	["\$430"] 570
(e) Section VI, Recommended Rules for the Care and Operation of Heating Boilers.	["\$230"] 300
(f) Section VII, Recommended Guidelines for the Care of Power Boilers.....	["\$230"] 300
(g) Section VIII, Rules for Construction of Pressure Vessels - Division 1.....	["\$585"] 775
(h) Section IX, Welding, Brazing and Fusing Qualifications	["\$440"] 580

2. *Controls and Safety Devices for Automatically Fired Boilers*, CSD-1, ~~["2012"]~~ **2018** edition, published by the American Society of Mechanical Engineers. This publication applies to automatically fired boilers which are directly fired with gas, oil, a combination of gas and oil, or electricity, and may be obtained from ASME ~~["International, 22 Law Drive, P.O. Box 2900,~~

~~Fairfield, New Jersey 07007-2900,]~~ **P.O. Box 36037, Newark, NJ 07188-6037**, for the price of ~~[\$93.]~~ **\$103.**

3. *Power Piping*, B31.1, ~~[2012]~~ **2018** edition and addenda, published by the American Society of Mechanical Engineers. This publication and its addenda may be obtained from ASME ~~[International, 22 Law Drive, P.O. Box 2900, Fairfield, New Jersey 07007-2900,]~~ **, P.O. Box 36037, Newark, NJ 07188-6037**, for the price of ~~[\$216.]~~ **\$335.**

4. *The Standard for the Qualification and Certification of High Capacity Fossil Fuel Fired Plants*, QFO-1, 1998 edition, published by the American Society of Mechanical Engineers. This publication may be obtained from ASME ~~[International, 22 Law Drive, P.O. Box 2900, Fairfield, New Jersey 07007-2900,]~~ **P.O. Box 36037, Newark, NJ 07188-6037**, for the price of ~~[\$41.]~~ **\$43.**

5. The edition most recently adopted pursuant to NAC 590.610 of the *National Fuel Gas Code*, ANSI Z223.1/NFPA 54, published by the National Fire Protection Association.

6. The edition most recently adopted in NAC 341.045 of the *National Electrical Code*, ANSI/NFPA 70, published by the National Fire Protection Association.

7. The edition most recently adopted in NAC 477.281 of the *International Building Code*, published by the International Code Council.

8. The edition most recently adopted in NAC 341.045 of the *Uniform Mechanical Code*, published by the International Association of Plumbing and Mechanical Officials.

9. The edition most recently adopted in NAC 341.045 of the *Uniform Plumbing Code*, published by the International Association of Plumbing and Mechanical Officials.

10. The edition most recently adopted in NAC 477.281 of the *International Fire Code*, published by the International Code Council.

11. The *National Board Inspection Code*, ~~[2013]~~ 2019 edition and addenda, published by the National Board of Boiler and Pressure Vessel Inspectors. This publication and its addenda may be obtained from the National Board of Boiler and Pressure Vessel Inspectors, ~~[1055 Crupper Avenue, Columbus, Ohio 43229,]~~ *at the Internet address <http://www.nationalboard.org>*, for the price of ~~[\$295.]~~ \$325.
12. The *Standard for the Installation of Oil-Burning Equipment*, ANSI/NFPA 31, ~~[2011]~~ 2020 edition, published by the National Fire Protection Association. This publication may be obtained from the National Fire Protection Association free of charge at the Internet address <http://www.nfpa.org/freeaccess>.
13. The *Safety Standard for Refrigeration Systems*, ANSI/ASHRAE 15, ~~[2013]~~ 2019 edition, published by the American Society of Heating, Refrigeration and Air-Conditioning Engineers. This publication may be obtained from ~~[Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado 80112,]~~ *the American Society of Heating, Refrigeration and Air-Conditioning Engineers, 1791 Tullie Circle, Atlanta, GA 30329*, for the price of \$107.
14. The edition most recently adopted pursuant to NAC 590.600 of the *Liquefied Petroleum Gas Code*, ANSI/NFPA 58, published by the National Fire Protection Association.
15. *If any publication adopted by reference in subsections 1 to 4, inclusive, 11, 12 or 13 is revised, the Division will review the revision to determine its suitability for this State. If the Division determines that the revision is not suitable for this State, the Division will hold a public hearing to review its determination within 6 months after the date of publication of the revision and give notice of that hearing. If, after the hearing, the Division does not revise its determination, the Division will give notice within 30 days after the hearing that the revision is*

not suitable for this State. If the Division does not give such notice, the revision becomes part of the publication adopted by reference in this section.

Sec. 13. NAC 455C.114 is hereby amended to read as follows:

455C.114 The provisions of NAC 455C.020 to 455C.300, inclusive, do not apply to:

1. Boilers and pressure vessels governed by the provisions of chapter 512 of NRS and chapter 512 of NAC.
2. Boilers and pressure vessels installed or used in a single-family residence unless the boiler or pressure vessel is a:
 - (a) Hot water supply boiler;
 - (b) Hot water supply tank that has a storage capacity which exceeds 120 gallons;
 - (c) Low-pressure heating boiler;
 - (d) Power boiler; or
 - (e) Pressure vessel that:
 - (1) Operates at pressures that exceed 15 PSIG; or
 - (2) Has a storage capacity of 5 cubic feet or more by volume.
3. Boilers and pressure vessels under the control of the Federal Government.
4. Unfired pressure vessels meeting the requirements of the United States Department of Transportation for the shipment of liquids or gases under pressure.
5. Unfired pressure vessels having an inside diameter not exceeding 6 inches (152 millimeters).
6. Unfired pressure vessels containing cold water under pressure, including those containing air, the compression of which serves only as a cushion.

7. ~~{Pressure vessels containing water heated by steam or by any other indirect means}~~ *A fired storage water heater that is directly fired with oil, gas or electricity, or a pressure vessel containing water heated by steam or by any other indirect means,* if none of the following limitations is exceeded:
- (a) An input of heat of 199,999 British thermal units per hour (58,600 watts).
 - (b) A water temperature of 210 degrees Fahrenheit (99 degrees Centigrade).
 - (c) A water capacity of 120 gallons (450 liters).
8. Unfired pressure vessels that do not exceed 5 cubic feet in volume and 15 PSIG.
9. An unfired pressure vessel that may be classified as a pressure container which is an integral part or component of a rotating or reciprocating mechanical device, including a pump, compressor, turbine, generator, engine and hydraulic or pneumatic cylinder where the primary considerations of stresses in the design, or both, are derived from the functional requirements of the device.
10. Unfired pressure vessels used for the storage of compressed air only.
11. A hot water heater constructed of continuous coils, which is used only to produce steam vapor to clean machinery, equipment and buildings, if:
- (a) The tubing or pipe size does not exceed three-fourths of an inch in diameter and drums and headers are not attached;
 - (b) The nominal water containing capacity does not exceed 6 gallons;
 - (c) The water temperatures do not exceed 350 degrees Fahrenheit; and
 - (d) Steam is not generated within the coil,
- ↪ except that the provisions of NAC 455C.020 to 455C.300, inclusive, do apply to safety relief valves on a hot water heater constructed of continuous coils.

12. Unfired pressure vessels and piping containing liquid petroleum gas and liquid natural gas.

13. A boiler or heater for a pool, if:

- (a) The supply or return line has no stop valves installed; and
- (b) It is impossible for the unit to build pressure in excess of 15 pounds per square inch.

Sec. 14. NAC 455C.116 is hereby amended to read as follows:

455C.116 1. An owner of a boiler or pressure vessel who wishes to obtain an exemption from a requirement set forth in NAC 455C.020 to 455C.300, inclusive, for a condition or practice that is not consistent with the requirement must submit an application for an exemption to the ~~Enforcement~~ *Mechanical Compliance* Section on a form prescribed by the ~~Enforcement~~ *Mechanical Compliance* Section.

2. If a condition or practice for which the person requests an exemption does not affect the safe operation of a boiler, pressure vessel or related system, an inspector may approve the exemption from the requirement if:

- (a) Such an exemption is necessary to allow the operation of the boiler or pressure vessel; and
- (b) Compliance with the requirement is not practicable.

3. If an inspector approves the exemption:

- (a) The approval must be noted on the application for an exemption; and
- (b) The application for an exemption must be reviewed by a person designated by the Chief within 5 working days after the exemption is approved by the inspector.

4. If the person designated by the Chief grants the exemption, the person shall:

- (a) Note that he or she has granted the exemption on the application for an exemption; and

(b) Forward the application for an exemption to the Chief within 15 days after granting the exemption.

5. If the person designated by the Chief denies the exemption and the person requesting the exemption contests the denial, the person designated by the Chief shall have the boiler or pressure vessel jointly inspected by any combination of two inspectors or special inspectors. Each inspector or special inspector shall prepare and submit a report of inspection to the person designated by the Chief. The person designated by the Chief shall reconsider the application for exemption and render a final decision based on the information contained in the reports of inspection submitted by the inspectors or special inspectors pursuant to this section.

6. In addition to an exemption that may be granted pursuant to subsections 1 to 5, inclusive, the Chief may grant an exemption from a requirement set forth in NAC 455C.020 to 455C.300, inclusive, for a boiler or pressure vessel in the case of an emergency or if the Chief determines that such an exemption is in the best interests of the general public. If the Chief grants an exemption pursuant to this subsection, he or she shall notify the Administrator of the exemption. If the exemption is granted because the Chief determined that the exemption is in the best interests of the general public, the notice to the Administrator must be in writing.

Sec. 15. NAC 455C.118 is hereby amended to read as follows:

455C.118 1. Except as otherwise provided in subsections 3 and 4, the ~~Enforcement~~ *Mechanical Compliance* Section shall charge and collect the following fees:

Certificates

Fees

For the issuance of a certificate..... \$100

Certificates

Fees

For the renewal of a certificate..... 50

Power Boilers

Fees

If the power boiler has 250 square feet or less of heating surface:

For the issuance of an initial operating permit, based on a preliminary and final
inspection by an inspector \$160

For the annual renewal of an operating permit, based on one internal inspection
and one external inspection or two external inspections 110

If the power boiler has more than 250 square feet but not more than 750 square feet
of heating surface:

For the issuance of an initial operating permit, based on a preliminary and final
inspection by an inspector 160

For the annual renewal of an operating permit, based on one internal inspection
and one external inspection or two external inspections 120

If the power boiler has more than 750 square feet of heating surface:

For the issuance of an initial operating permit, based on a preliminary and final
inspection by an inspector 160

For the annual renewal of an operating permit, based on one internal inspection
and one external inspection or two external inspections 140

Low-Pressure Steam Heating Boilers

Fees

If the low-pressure steam heating boiler has less than 500 square feet of heating surface:

For the issuance of an initial operating permit, based on a preliminary and final inspection by an inspector \$160

For the annual renewal of an operating permit, based on one internal inspection and one external inspection or two external inspections 60

If the low-pressure steam heating boiler has 500 square feet or more of heating surface:

For the issuance of an initial operating permit, based on a preliminary and final inspection by an inspector 160

For the annual renewal of an operating permit, based on one internal inspection and one external inspection or two external inspections 65

Low-Pressure Hot Water Heating Boilers

Fees

If the low-pressure hot water heating boiler has less than 500 square feet of heating surface:

For the issuance of an initial operating permit, based on a preliminary and final inspection by an inspector \$160

For the biennial renewal of an operating permit, based on one internal inspection or one external inspection..... 60

Low-Pressure Hot Water Heating Boilers

Fees

If the low-pressure hot water heating boiler has 500 square feet or more of heating surface:

For the issuance of an initial operating permit, based on a preliminary and final inspection by an inspector 160

For the biennial renewal of an operating permit, based on one internal inspection or one external inspection..... 65

Hot Water Supply Boilers

Fees

For the issuance of an initial operating permit for a hot water supply boiler, based on a preliminary and final inspection by an inspector \$110

For the biennial renewal of an operating permit for a hot water supply boiler, based on one internal inspection or one external inspection 50

Unfired Pressure Vessels

Fees

For the issuance of an initial operating permit for an unfired pressure vessel, based on a preliminary and final inspection by an inspector \$90

For the renewal of an operating permit for an unfired pressure vessel, based on one internal inspection or one external inspection 40

Refrigeration Pressure Vessels

Fees

If the output capacity of the system of refrigeration is less than 100 tons:

For the issuance of an initial operating permit for the refrigeration pressure vessel, based on a preliminary and final inspection by an inspector \$80

For the renewal of an operating permit for the refrigeration pressure vessel, based on one internal inspection or one external inspection 50

If the output capacity of the system of refrigeration is 100 tons or more:

For the issuance of an initial operating permit for the refrigeration pressure vessel, based on a preliminary and final inspection by an inspector 90

For the renewal of an operating permit for the refrigeration pressure vessel, based on one internal inspection or one external inspection 60

Boilers or Pressure Vessels Installed or Used in Single-Family Residences

Fees

For the preliminary and final inspections of a boiler or pressure vessel that is installed or used in a single-family residence that are required to be made at the time of installation pursuant to NAC 455C.156..... \$80

For each subsequent inspection of the boiler or pressure vessel that is requested by the owner of the boiler or pressure vessel 40

Renewal of Operating Permits for Boilers or Pressure Vessels

Inspected by Special Inspectors

Fees

For the renewal of an operating permit for a boiler or pressure vessel if the operating permit is renewed based on a report of an inspection made by a special inspector \$20

Special Services

Fees

For any services rendered by the ~~Enforcement~~ *Mechanical Compliance* Section to assist a person in complying with the provisions of this chapter, including, without limitation, an inspection other than an inspection required by NAC 455C.156 and the review of plans and specifications before those plans and specifications are submitted to the ~~Enforcement~~ *Mechanical Compliance* Section pursuant to NAC 455C.182:

Per hour charge for those services provided during the first 8 hours of a day \$40

Per hour charge for those services provided after the first 8 hours of the day 60

2. In addition to paying the fees imposed by this section for services rendered by the ~~Enforcement~~ *Mechanical Compliance* Section to assist a person in complying with the provisions of this chapter, a person who requests that the ~~Enforcement~~ *Mechanical Compliance* Section perform such services must pay all necessary expenses incurred by the ~~Enforcement~~ *Mechanical Compliance* Section in fulfilling the request.

3. The fees imposed by this section for operating permits or inspections of boilers or pressure vessels do not apply to boilers or pressure vessels that are owned by the United States, the State of Nevada or any political subdivision of the State of Nevada, including, without limitation, any county, city, municipality, district or commission.

4. The fees imposed by this section for a request for services by the ~~[Enforcement]~~ *Mechanical Compliance* Section to assist a person in complying with the provisions of this chapter and any necessary expenses incurred by the ~~[Enforcement]~~ *Mechanical Compliance* Section in fulfilling the request will not be charged to the United States, the State of Nevada or any political subdivision of the State of Nevada, including, without limitation, any county, city, municipality, district or commission.

Sec. 16. NAC 455C.120 is hereby amended to read as follows:

455C.120 An insurance company shall notify the ~~[Enforcement]~~ *Mechanical Compliance* Section within 30 days after the insurance company:

1. Commences the coverage of a boiler or pressure vessel; or
2. Cancels, refuses to renew or suspends the coverage of a boiler or pressure vessel.

Sec. 17. NAC 455C.130 is hereby amended to read as follows:

455C.130 1. An applicant for a certificate to work as a special inspector must submit to the ~~[Enforcement]~~ *Mechanical Compliance* Section:

- (a) An application on a form prescribed by the ~~[Enforcement]~~ *Mechanical Compliance* Section;
- (b) The fee for issuance of a certificate set forth in NAC 455C.118; and
- (c) Proof satisfactory to the ~~[Enforcement]~~ *Mechanical Compliance* Section that the applicant:

- (1) Satisfies the requirements described in NAC 455C.132;
 - (2) Passed the examination described in NAC 455C.132; and
 - (3) Is employed or retained as an independent contractor by:
 - (I) An insurance company that is licensed in this State to write insurance for a boiler or pressure vessel; or
 - (II) An inspection organization as defined in NAC 455C.058 or 512.528.
2. If an applicant satisfies the requirements set forth in subsection 1, the ~~Enforcement~~ **Mechanical Compliance** Section may issue a certificate to the applicant.
 3. The ~~Enforcement~~ **Mechanical Compliance** Section may issue a card for identification to the applicant after the applicant receives a commission.
 4. A certificate and a card for identification issued pursuant to this section expire at midnight on March 1 next following the date of issuance, unless the certificate and the card for identification are renewed.

Sec. 18. NAC 455C.132 is hereby amended to read as follows:

- 455C.132 1. An applicant for examination for a certificate must have the education and experience required by the code.
2. The application for examination must be:
 - (a) Submitted to the ~~Enforcement~~ **Mechanical Compliance** Section at least 45 days before the examination; and
 - (b) In writing on a form provided by the ~~Enforcement~~ **Mechanical Compliance** Section, stating the education of the applicant and listing his or her employers, the length of time employed by each employer and the position held with each employer.
 3. An application that contains a false statement will be rejected.

4. The examination will be conducted in accordance with the code.
5. An applicant who fails to pass the examination may not take another written examination within 30 days after the examination.

Sec. 19. NAC 455C.134 is hereby amended to read as follows:

455C.134 To renew a certificate and card for identification, a special inspector must, ~~on or~~ before ~~March 1,~~ *the expiration of the certificate and card*, submit to the ~~Enforcement~~ *Mechanical Compliance* Section:

1. An application on a form prescribed by the ~~Enforcement~~ *Mechanical Compliance* Section; and
2. The fee for renewal of a certificate set forth in NAC 455C.118.

Sec. 20. NAC 455C.140 is hereby amended to read as follows:

455C.140 1. The owner of a boiler or pressure vessel must obtain an operating permit before the boiler or pressure vessel may be operated in this State unless the boiler or pressure vessel is exempted from that requirement pursuant to NAC 455C.114.

2. An operating permit is valid until the earliest date of the following:
 - (a) Its date of expiration;
 - (b) The date the boiler or pressure vessel for which the permit is issued is removed from the location in which it was installed;
 - (c) A defect or condition affecting the safety of the boiler or pressure vessel is discovered;
 - (d) It is revoked by the ~~Enforcement~~ *Mechanical Compliance* Section for nonpayment of fees; or
 - (e) It is revoked by the ~~Enforcement~~ *Mechanical Compliance* Section for any other reason.

3. The operating permit must be retained on the premises where the boiler or pressure vessel is installed.

~~{4. A report of inspection made pursuant to NAC 455C.154 shall be deemed to be an operating permit and authorizes the operation of a boiler or pressure vessel until the operating permit is issued, if:~~

~~—(a) The report of inspection recommends the issuance of an operating permit; and~~

~~—(b) The equipment complies with the requirements of NAC 455C.020 to 455C.300, inclusive.}~~

Sec. 21. NAC 455C.142 is hereby amended to read as follows:

455C.142 The ~~{Enforcement}~~ **Mechanical Compliance** Section shall cancel an operating permit for a boiler or pressure vessel if it is moved from the site at which the boiler or pressure vessel was inspected. If the boiler or pressure vessel is reinstalled, it must be inspected, and a new permit will be issued by the ~~{Enforcement}~~ **Mechanical Compliance** Section.

Sec. 22. NAC 455C.150 is hereby amended to read as follows:

455C.150 An inspection for an operating permit must be an internal inspection if required by the ~~{Enforcement}~~ **Mechanical Compliance** Section. If the ~~{Enforcement}~~ **Mechanical Compliance** Section does not require an internal inspection, the inspection for an operating permit must comply with the requirements set forth in NAC 455C.154.

Sec. 23. NAC 455C.154 is hereby amended to read as follows:

455C.154 1. The ~~{Enforcement}~~ **Mechanical Compliance** Section shall issue, renew or revoke an operating permit based on the report of an inspection by an inspector or special inspector. Unless the type of inspection is specified in NAC 455C.156 and except as otherwise provided in subsections 2 and 3, an inspection must be:

- (a) Internal; or
 - (b) If the inspection is of a pressure vessel and the determined thickness is included in the report, made by ultrasonic testing.
- 2. If the design or construction of a boiler or pressure vessel is such that an internal inspection is not possible, an external inspection is acceptable.
 - 3. An internal inspection is not required to obtain an operating permit for a hot water heating boiler, hot water supply boiler or boiler made of cast iron.
 - 4. If a boiler or pressure vessel is found to be unsafe to operate, the inspector or special inspector shall notify the ~~[Enforcement]~~ *Mechanical Compliance* Section and the ~~[Enforcement]~~ *Mechanical Compliance* Section shall suspend the operating permit.
 - 5. If the owner of a boiler or pressure vessel which is required to be inspected or his or her agent refuses to allow an inspection to be made, the ~~[Enforcement]~~ *Mechanical Compliance* Section shall suspend the operating permit until the owner or the agent allows the inspection.
 - 6. The inspector or special inspector shall indicate in the report of inspection the type of inspection that was performed.

Sec. 24. NAC 455C.156 is hereby amended to read as follows:

- 455C.156 1. A power boiler or a high-pressure, high-temperature water boiler must be inspected upon installation and must have an internal inspection, if the construction and design of the boiler so allows, at least once each year thereafter, and an external inspection approximately 6 months after the date of the internal inspection. If an internal inspection is not possible, such a boiler must have an external inspection at least once every 6 months.
2. A low-pressure steam heating boiler must be inspected upon installation and at least once each year thereafter. The inspection must be:

(a) An internal inspection, if the construction and design of the boiler so allows and the inspector or special inspector so requests; or

(b) An external inspection that includes operational testing of all controls and safety devices.

3. Except as otherwise provided in subsection 4, a low-pressure hot water heating boiler and a hot water supply boiler must be inspected upon installation and at least once every 2 years thereafter. The inspection must be:

(a) An internal inspection, if the construction and design of the boiler so allows and the inspector or special inspector so requests; or

(b) An external inspection that includes operational testing of all controls and safety devices.

4. A ~~lined~~ potable water heater must have an external inspection at least once every 2 years. The external inspection must include operational testing of all controls and safety devices if the installation and construction of the ~~lined~~ potable water heater so allows.

5. Any other fired pressure vessel for which a frequency of inspection is not specified in subsections 1 to 4, inclusive, must be inspected upon installation and at least once each year thereafter. The inspection must be:

(a) An internal inspection, if the construction and design of the pressure vessel so allows;

(b) An external inspection that includes operational testing of all controls and safety devices, if the installation and construction of the pressure vessel so allows; or

(c) An external inspection that includes operational testing of each control and safety device that it is possible to test given the installation and construction of the pressure vessel.

6. An unfired pressure vessel must be inspected upon installation and at least once every 4 years thereafter. The inspection must be:

(a) An internal inspection, if the construction and design of the pressure vessel so allows; or

(b) An external inspection that includes operational testing of all controls and safety devices.

7. A refrigeration pressure vessel must be inspected upon installation and at least once every 4 years thereafter. The inspection must be:

(a) An internal inspection, if the construction and design of the pressure vessel so allows; or

(b) An external inspection that includes operational testing of all controls and safety devices.

8. A boiler or pressure vessel installed or used in a single-family residence must be inspected by an inspector upon installation. The inspection must include a preliminary and a final inspection and must be an internal inspection, if the construction and design of the boiler or pressure vessel so allows, or an external inspection that includes operational testing of all controls and safety devices. If the owner of the boiler or pressure vessel wishes to have an inspector perform any subsequent inspections of the boiler or pressure vessel, he or she must submit a written request for such an inspection to the ~~[Enforcement]~~ **Mechanical Compliance** Section.

9. An inspector or special inspector may require any boiler or pressure vessel to be prepared for inspection in the manner set forth in NAC 455C.158 if, in his or her opinion, an inspection is necessary to determine whether the boiler or pressure vessel is operating in a safe manner.

10. An inspection organization that has been authorized by the ~~[Enforcement]~~ **Mechanical Compliance** Section to inspect its boilers and pressure vessels may request approval from the ~~[Enforcement]~~ **Mechanical Compliance** Section to inspect its boilers and pressure vessels at a different interval.

11. Upon application from a petroleum company, chemical plant, public utility or other employer considered by the ~~[Enforcement]~~ **Mechanical Compliance** Section as having a program acceptable to the ~~[Enforcement]~~ **Mechanical Compliance** Section for preventive

maintenance and examination, an operating permit that allows an extension of time between required internal inspections may be granted if the power boiler is inspected by external inspections at intervals of approximately 6 months. The application for the operating permit that allows an extension of time must be submitted in writing at least 45 days before the required internal inspection. The application must include the history of the power boiler or, if the power boiler is newly installed, of a similar boiler, substantiating that there is no significant deterioration from scaling, corrosion, erosion or overheating. Points of reference established by the owner of the power boiler or an authorized inspection entity at the time of the first inspection must be used to determine the thickness of the walls of the power boiler. If the application is approved after the internal inspection of each power boiler, a record showing the total corrosion and any other conditions that need correction must be submitted to the ~~{Enforcement}~~

Mechanical Compliance Section.

12. An operating permit issued pursuant to subsection 11 expires 1 year after the date of an internal inspection. Before the expiration of the permit, the boiler must be inspected by an external inspection conducted by an inspector or special inspector who will review the operation logs and records of water treatment. If the owner of the power boiler or his or her agent applies for an extension of an operating permit issued pursuant to subsection 11, the inspector or special inspector shall submit a report of inspection and recommendations to the ~~{Enforcement}~~ ***Mechanical Compliance*** Section. If the ~~{Enforcement}~~ ***Mechanical Compliance*** Section approves the application, it may extend the operating permit for a period not to exceed 6 months. Before the expiration date of the extension, the owner or his or her agent must apply again for an extension and the boiler must again be inspected by an external inspection conducted by an

inspector or special inspector. A second extension may be issued for an additional period of 6 months after which the boiler must be inspected by an internal inspection.

Sec. 25. NAC 455C.166 is hereby amended to read as follows:

455C.166 A special inspector shall submit to the ~~{Enforcement}~~ *Mechanical Compliance* Section within 10 days after the inspection, on a form prescribed by the ~~{Enforcement}~~ *Mechanical Compliance* Section, a report of each inspection he or she is required to conduct.

Sec. 26. NAC 455C.168 is hereby amended to read as follows:

455C.168 If an inspector or special inspector determines that there is a violation of the code, the inspector or special inspector shall notify the owner of the boiler or pressure vessel in writing and describe the nature of the violation, including a reference to the provision of the code that was violated. The ~~{Enforcement}~~ *Mechanical Compliance* Section shall take such action as it determines is appropriate pursuant to NAC 455C.616.

Sec. 27. NAC 455C.170 is hereby amended to read as follows:

455C.170 If, as the result of an inspection, the inspector or special inspector determines that the continued operation of a boiler or pressure vessel constitutes an unsafe condition, the inspector or special inspector:

1. Shall immediately notify the owner of the boiler or pressure vessel in writing, stating the repairs or other corrective measures that are required to be made. Unless the owner or his or her agent makes the repairs or institutes other corrective measures promptly, the inspector or special inspector shall immediately notify the ~~{Enforcement}~~ *Mechanical Compliance* Section. Until the corrections have been made, the boiler or pressure vessel involved must not be operated and the operating permit shall be deemed to be revoked by the ~~{Enforcement}~~ *Mechanical Compliance* Section.

2. May require an internal inspection or a pressure test, or both, to evaluate the condition of the boiler or pressure vessel. The owner of the boiler or pressure vessel or his or her agent shall prepare the boiler or pressure vessel for the internal inspection or pressure test.

Sec. 28. NAC 455C.172 is hereby amended to read as follows:

455C.172 If an accident occurs which renders a boiler or pressure vessel inoperative, the owner of the boiler or pressure vessel or his or her agent shall immediately notify the ~~[Enforcement]~~ *Mechanical Compliance* Section in writing and submit a detailed report of the accident. In the case of a serious accident, including an explosion, notice must be given to the ~~[Enforcement]~~ *Mechanical Compliance* Section immediately by the most expeditious means. The boiler or pressure vessel and any parts thereof must not be removed or disturbed before an inspection has been made by an inspector or special inspector unless human life is endangered or except to limit further damage.

Sec. 29. NAC 455C.174 is hereby amended to read as follows:

455C.174 1. An inspector or special inspector shall stamp a boiler or pressure vessel that he or she has inspected and declared unsafe with the letters “XXX” on each side of the number that indicates the registration of the boiler or pressure vessel with the National Board or the number designated by the ~~[Enforcement]~~ *Mechanical Compliance* Section. Such a stamp indicates that the boiler or pressure vessel is condemned.

2. A person shall not use or offer for sale in this State a boiler or pressure vessel that has been stamped pursuant to subsection 1.

Sec. 30. NAC 455C.180 is hereby amended to read as follows:

455C.180 A boiler or pressure vessel constructed in a manner which meets the standards of this State, having the standard stamping of another state that has adopted a standard of

construction equivalent to the standard of this State, the American Society of Mechanical Engineers or the National Board, may be accepted for installation in this State by the ~~{Enforcement}~~ *Mechanical Compliance* Section if the contractor installing the boiler or pressure vessel applies to the ~~{Enforcement}~~ *Mechanical Compliance* Section for a permit for installation pursuant to NAC 455C.182 before the construction or installation begins.

Sec. 31. NAC 455C.182 is hereby amended to read as follows:

455C.182 1. Each boiler and pressure vessel must be installed and trimmed as required by the stamping of the original manufacturer of the boiler or pressure vessel and in accordance with the applicable provisions of the code.

2. Except as otherwise provided in subsection 6, a contractor must obtain a permit for installation before installing or altering a boiler or pressure vessel, including, without limitation, a refrigeration pressure vessel, in this State. If installation is begun before the permit is issued, installation must be suspended until the permit is issued.

3. A request for a permit for installation must be submitted by the contractor to the ~~{Enforcement}~~ *Mechanical Compliance* Section in writing not less than 10 days before the installation will begin and include:

(a) A data report from the manufacturer of the boiler or pressure vessel and, if the boiler or pressure vessel that is being installed was moved from another location, a copy of the original permit for installation and report of inspection;

(b) The plans and specifications of the boiler room in which the boiler or pressure vessel is being installed which designate the location of the boiler or pressure vessel and which comply with the requirements of NAC 455C.250 and 455C.254; and

(c) A copy of his or her contractor's license issued pursuant to chapter 624 of NRS which authorizes the contractor to install boilers or pressure vessels.

4. Except for an existing installation or a reinstalled boiler or pressure vessel, a boiler or pressure vessel may not be installed in this State unless it has been registered with the National Board.

5. Before a secondhand boiler or pressure vessel, reinstalled boiler or pressure vessel, or portable boiler or pressure vessel may be installed or shipped for installation into this State, the owner of the boiler or pressure vessel or his or her agent or the contractor must apply to the ~~{Enforcement}~~ **Mechanical Compliance** Section for approval to install it. The request for a permit for installation must include, without limitation, a report of inspection. The report of inspection must be prepared by a person who holds a commission and who inspected the boiler or pressure vessel. The fittings and appurtenances of the boiler or pressure vessel must comply with the requirements for the installation of a new boiler or pressure vessel.

6. In the case of an emergency, a contractor may install or alter a boiler or pressure vessel, including a refrigeration pressure vessel, in this State without first obtaining a permit from the ~~{Enforcement}~~ **Mechanical Compliance** Section if the contractor:

- (a) Notifies the ~~{Enforcement}~~ **Mechanical Compliance** Section ~~{as soon as practicable}~~ **the next business day** after the alteration or installation; and
- (b) Obtains the permit required by subsection 2 at that time.

7. As used in this section, "emergency" means a situation in which:

(a) A boiler or pressure vessel is required by an occupant of a building for heating, cooling or a potable water supply;

(b) The occupancy is classified as Group E (Educational), Group I (Institutional) or Group R (Residential) pursuant to the International Building Code adopted by reference in NAC 455C.108; and

(c) The failure to immediately install or repair the boiler or pressure vessel would be a threat to public safety.

Sec. 32. NAC 455C.184 is hereby amended to read as follows:

455C.184 1. If a boiler or pressure vessel is removed from its original site and is to be reinstalled at the same location or reinstalled at a new location with or without a change of ownership, the contractor must apply to the ~~[Enforcement]~~ *Mechanical Compliance* Section for a permit for installation before reinstalling the boiler or pressure vessel. The fittings and appurtenances must comply with the requirements for the installation of a new boiler or pressure vessel.

2. If a standard boiler or pressure vessel is to be moved to another state for temporary use or repair, the owner of the boiler or pressure vessel or his or her agent must apply to the ~~[Enforcement]~~ *Mechanical Compliance* Section for approval to reinstall the boiler or pressure vessel within this State.

3. Each time a portable boiler or pressure vessel is to be moved for temporary use within this State, a contractor who is to install the portable boiler or pressure vessel must apply to the Mechanical Compliance Section for a permit for installation before installing the potable boiler or pressure vessel.

Sec. 33. NAC 455C.194 is hereby amended to read as follows:

455C.194 A boiler or pressure vessel for which a manufacturer's data report is required pursuant to the code must bear a number beginning with "NB" as registered with the National

Board. A copy of the manufacturer's data report must be filed with the ~~{Enforcement}~~ *Mechanical Compliance* Section. The copy of the manufacturer's data report that is filed with the ~~{Enforcement}~~ *Mechanical Compliance* Section must be signed by:

1. A representative of the manufacturer; and
2. A person who holds a commission and who inspected the boiler or pressure vessel during the manufacturing process.

Sec. 34. NAC 455C.200 is hereby amended to read as follows:

455C.200 1. An inspector or special inspector may require a decrease in the working pressure or temperature of a boiler or pressure vessel if he or she determines that the condition of the boiler or pressure vessel requires such a decrease. If the owner of the boiler or pressure vessel does not concur with the decision of the inspector or special inspector, the owner or his or her agent may contest the decision. The contest must be in writing, addressed to the ~~{Enforcement}~~ *Mechanical Compliance* Section and state with particularity the basis for the contest.

2. If contested, the person designated by the Chief to review the contest may require a joint inspection by any combination of two inspectors or special inspectors. Each inspector or special inspector shall prepare and submit a report to the person designated by the Chief. The person designated by the Chief shall render a final decision based upon the data contained in the reports submitted by the inspectors or special inspectors.

Sec. 35. NAC 455C.206 is hereby amended to read as follows:

455C.206 For installations which are gas-fired ~~{, the}~~:

1. *The* burners used must conform to the applicable requirements of the *National Fuel Gas Code*, as adopted by reference in NAC 455C.108 ~~{,}~~ *; and*
2. *An emergency shut-off valve must be installed:*

(a) On the gas line which feeds the installation; and

(b) In a location on that gas line such that the emergency shut-off valve is upstream of all other valves.

↪ The emergency shut-off valve must interrupt all flow of gas to the installation upon the actuation of the emergency shut-down switch for the boiler.

Sec. 36. NAC 455C.216 is hereby amended to read as follows:

455C.216 1. Repairs and alterations to all boilers and pressure vessels must conform to the applicable provisions of the code.

2. If a repair or alteration to a boiler or pressure vessel is necessary, an inspector or special inspector must be consulted about the appropriate method of making the repair or alteration. After the repair or alteration is made, the inspector or special inspector shall inspect the boiler or pressure vessel in the manner set forth in the code. The person who makes the repairs or alterations shall submit the “R” form, prescribed by the National Board, to the ~~Enforcement~~ *Mechanical Compliance* Section within 30 days after completion of the repair or alteration.

3. The person who makes repairs or alterations must be qualified pursuant to the applicable provisions of the code.

Sec. 37. NAC 455C.232 is hereby amended to read as follows:

455C.232 1. Each hot water heating boiler must have at least one safety relief valve, certified by the American Society of Mechanical Engineers or the National Board, set to relieve pressure at or below the maximum allowable working pressure of the boiler. Each hot water supply boiler must have at least one safety relief valve of the automatic reseating type, certified by the American Society of Mechanical Engineers or the National Board, set to relieve at or below the maximum allowable working pressure of the boiler. Safety relief valves must have a

capacity certified by the American Society of Mechanical Engineers or the National Board and must have a spring-pop type action if tested by steam. If more than one safety relief valve is used on hot water heating or hot water supply boilers, the additional valve must be rated by the American Society of Mechanical Engineers or the National Board and set within a range not to exceed 6 PSIG above the maximum allowable working pressure of the boiler up to and including 60 PSIG and 10 percent if the maximum allowable working pressure exceeds 60 PSIG. Safety relief valves must be spring loaded. Safety relief valves must be arranged so that they cannot be reset at a higher pressure than the maximum permitted by this subsection.

2. Material that is likely to fail because of deterioration or vulcanization if it is subjected to a saturated steam temperature which corresponds to test pressure for capacity must not be used for any part of the safety relief valve.

3. A safety relief valve must not be smaller than three-quarters of an inch or larger than 4 1/2 inches in a standard pipe size, except that boilers having ~~an~~ *an* input of heat of not more than 15,000 British thermal units per hour may be equipped with a safety relief valve of one-half of an inch in diameter or its equivalent area. The opening for the inlet must have an inside diameter approximately equal to, or greater than, the diameter of the seat. The minimum opening through any part of the valve must not be less than one-fourth of an inch in diameter or an equivalent area.

4. The capacity of the safety relief valve for each boiler must be such that, with the fuel-burning equipment installed and operated at maximum capacity, the pressure cannot exceed ~~6 PSIG above the maximum allowable working pressure of the boiler up to and including 60 PSIG and~~ 10 percent ~~if~~ *above* the maximum allowable working pressure ~~exceeds 60 PSIG.~~ *of the boiler.*

5. If operating conditions are changed or additional boiler heating surface is installed, the capacity of the valve must be increased, if necessary, to meet the new conditions as set forth in the code and must be in accordance with subsection 4. The additional valves required because of changed conditions may be installed on the outlet piping if there is no intervening valve.

6. If there is any doubt as to the capacity of the safety relief valve, an accumulation test must be run as provided in section IV of the *ASME Boiler and Pressure Vessel Code*, as adopted by reference in NAC 455C.108.

7. A valve of any description must not be placed between the safety relief valve and the boiler, or on the discharge pipe between the safety relief valve and the atmosphere. The discharge pipe must be at least full size and fitted with an open drain to prevent water from lodging in the upper part of the safety relief valve or in the discharge pipe. If an elbow is placed on the discharge pipe, it must be located close to the safety relief valve outlet or the discharge pipe must be securely anchored and supported. All discharges from the safety relief valve must be so located or piped as not to endanger any person in the area.

8. A pressure and temperature relief valve must be installed on all water heaters and hot water supply boilers to which the provisions of NAC 455C.020 to 455C.300, inclusive, apply.

Sec. 38. NAC 455C.234 is hereby amended to read as follows:

455C.234 1. A ~~lined~~ potable water heater must have at least one pressure and temperature relief valve that is:

- (a) Not smaller than three-fourths of an inch standard pipe size; and
- (b) Marked with the symbol V or HV to ensure compliance with the construction and rating requirements of the code.

2. The pressure setting of the relief valve must be less than or equal to the maximum allowable working pressure of the ~~lined~~ potable water heater. The temperature setting of the relief valve must not exceed 210 degrees Fahrenheit. If any other components of the hot water supply system, such as a valve, pump, expansion or storage tank or piping, have a working pressure rating that is less than the ~~lined~~ potable water heater, the pressure setting for the relief valve must be based upon the component with the lowest maximum allowable working pressure rating. If there is more than one safety relief valve on a ~~lined~~ potable water heater, the pressure of the additional valve must not exceed the pressure of the first valve by more than 10 percent.

3. The relieving capacity for the safety relief valve of an electrically powered ~~lined~~ potable water heater must be greater than 3,500 British thermal units per hour per kilowatt of input. The required relieving capacity for the safety relief valve on any other ~~lined~~ potable water heater must be in British thermal units per hour and must not be less than the maximum allowable input.

4. A ~~lined~~ potable water heater must have a safety relief valve capacity such that when the fuel-burning equipment is installed and operated at maximum capacity, the pressure cannot rise more than 10 percent of maximum allowable working pressures.

5. If operating conditions change or additional heating surface is installed, the capacity of the safety relief valve on a ~~lined~~ potable water heater must be increased to meet the requirements of this section. If any additional valves are required because of a change in operating conditions, the valves may be installed on the outlet piping if there is not an intervening valve.

Sec. 39. NAC 455C.274 is hereby amended to read as follows:

455C.274 1. Except as otherwise provided in subsection 4, a high-pressure, high-temperature water boiler and a power boiler must be attended by an operator who meets the qualifications set forth in NAC 455C.268.

2. The operator shall personally check the operation of the boiler, the necessary auxiliaries and the level of water in the boiler at intervals necessary to ensure the boiler's safe operation. The boiler and its auxiliaries must be checked at least once every 60 minutes and must not be left unattended for periods in excess of the time required to evaporate the water from the normal operating level to the lowest water level permissible if the feed water is shut off or the boiler is forced to its maximum capacity. A log noting the time of all checks and observations must be kept in the boiler room.

3. If the attendance of the boiler is required pursuant to this section, a clock to start or stop automatically the operation of the boiler must not be used, unless the timing mechanism is a device or system which has been approved by the ~~[Enforcement]~~ **Mechanical Compliance** Section.

4. High-pressure, high-temperature water boilers and power boilers are not required to be attended, if the boiler is equipped with the following functioning protective devices, as required by the applicable provisions of *Controls and Safety Devices for Automatically Fired Boilers, CSD-1*, as adopted by reference in NAC 455C.108:

- (a) If the boiler is operated at less than supercritical pressure:
 - (1) A low water fuel cutoff;
 - (2) An automatic feed regulator;
 - (3) Fireside regulators and controls;
 - (4) An audible alarm to indicate low water;

(5) A pressure control; and

(6) A programmed flame safeguard system with an audible alarm on burners equipped with spark ignition.

(b) If the boiler is operated at supercritical pressure, it must include all the devices described in paragraph (a) and:

(1) A cutoff device for high temperature or fuel; and

(2) An audible alarm to indicate high temperature.

5. As used in this section, “supercritical pressure” means 3,206 pounds of pressure per square inch at 705 degrees Fahrenheit.

Sec. 40. NAC 455C.278 is hereby amended to read as follows:

455C.278 1. Each hot water boiler must have a thermometer so located and connected that it is easily readable when observing the burner of the boiler. The thermometer must be so located and connected that it will at all times indicate, in degrees Fahrenheit, the temperature of the water in the boiler at or near the outlet.

2. In addition to satisfying the requirements set forth in subsection 1, each hot water boiler must be equipped with:

(a) An operating control and a secondary high limit control that automatically interrupts the fuel supply to the boiler if the boiler reaches its designed maximum operating temperature; and

(b) A stop valve *and a drain valve* that ~~has~~ *have* been installed in accordance with:

(1) The applicable construction code, if any; or

(2) Controls and Safety Devices for Automatically Fired Boilers, *CSD-1*, as adopted by reference in NAC 455C.108.

Sec. 41. NAC 455C.400 is hereby amended to read as follows:

455C.400 As used in NAC 455C.400 to 455C.530, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 455C.402 to 455C.444, inclusive, have the meanings ascribed to them in those sections.

Sec. 42. NAC 455C.410 is hereby amended to read as follows:

455C.410 1. “Elevator” includes, without limitation, an elevator, dumbwaiter, escalator, moving walk, platform lift, *material lift* and related equipment. The term also includes the hoistway and hoistway enclosure of the elevator, dumbwaiter, escalator, moving walk, platform lift, *material lift* and related equipment, and all the machinery and equipment necessary for the operation of the elevator, dumbwaiter, escalator, moving walk, platform lift, *material lift* and related equipment.

2. As used in this section, “hoistway enclosure” means a fixed structure, consisting of vertical walls or partitions, that isolates the hoistway from all other areas or from an adjacent hoistway and in which entrances are installed.

Sec. 43. NAC 455C.432 is hereby amended to read as follows:

455C.432 “Private residence elevator” means an elevator that ~~is~~ :

1. Is installed in a private residence ~~for in a multiple family dwelling or apartment complex~~ as a means of access to ~~a private~~ the residence ~~;~~ or any portion thereof; and

2. Is not accessible to the general public.

Sec. 44. NAC 455C.434 is hereby amended to read as follows:

455C.434 “Related equipment” means a manlift, personnel hoist, *vertical reciprocating conveyor, shopping cart conveyor* or any other related equipment designated by the Mechanical Compliance Section.

Sec. 45. NAC 455C.446 is hereby amended to read as follows:

455C.446 1. The requirements of NAC 455C.400 to 455C.530, inclusive, *and section 1 of this regulation*, apply to the installation, relocation, use, maintenance, alteration or repair of an elevator as specified in this section.

2. All new elevators must be designed and installed in accordance with the requirements of NAC 455C.400 to 455C.530, inclusive ~~H~~, *and section 1 of this regulation*.

3. All relocations of elevators made on or after December 15, 2004, must satisfy the requirements of NAC 455C.400 to 455C.530, inclusive ~~H~~, *and section 1 of this regulation*.

4. An existing installation may be used without being reconstructed to comply with the requirements of NAC 455C.400 to 455C.530, inclusive, *and section 1 of this regulation*, except for those sections which specifically refer to such existing installations. Every existing installation must be maintained in a safe operating condition and must comply with the applicable provisions of the edition of each publication adopted by reference in NAC 455C.500 that was in effect at the time the elevator was installed and the *Safety Code for Existing Elevators and Escalators*, A17.3, as adopted by reference in NAC 455C.500.

5. Except as otherwise provided in this subsection, an alteration or repair to an existing installation must satisfy the requirements set forth in NAC 455C.400 to 455C.530, inclusive ~~H~~, *and section 1 of this regulation*. If the Mechanical Compliance Section determines that it is not practicable to satisfy any of those requirements, the alteration or repair must satisfy the requirements of the applicable provisions of the edition of each publication adopted by reference in NAC 455C.500 that was in effect at the time the elevator was installed.

Sec. 46. NAC 455C.448 is hereby amended to read as follows:

455C.448 1. A person responsible for the operation of an elevator pursuant to NAC 455C.504, *or an agent of such a person*, who wishes to obtain an exemption from a

requirement set forth in NAC 455C.400 to 455C.530, inclusive, *and section 1 of this regulation*, for a condition or practice that is not consistent with the requirement must submit an application for an exemption to the Mechanical Compliance Section on a form prescribed by the Mechanical Compliance Section.

2. If a condition or practice for which the person requests an exemption does not affect the safe operation of an elevator or related system, the Mechanical Compliance Section may approve the exemption from the requirement if the exemption is in the best interests of the general public and:

(a) Such an exemption is necessary to allow the operation of the elevator or related system and compliance with the requirement is not practicable; or

(b) The elevator or related system complies with the codes or standards adopted by the local jurisdiction within which the elevator or related system is located.

3. If a person designated by the Chief recommends approval of the exemption:

(a) The recommendation for approval must be noted on the application for an exemption; and

(b) The Chief must review and determine whether to accept or reject the application for an exemption within 5 business days after the application is submitted to the Mechanical Compliance Section.

4. If the Chief grants the exemption, the Chief shall:

(a) Note that he or she has granted the exemption on the application for an exemption; and

(b) Forward the application for an exemption to the Administrator within 15 calendar days after granting the exemption.

5. If the Chief or his or her designee denies the exemption and the person requesting the exemption contests the denial, the Chief or his or her designee shall have the elevator jointly

inspected by any combination of two inspectors or special inspectors. Each inspector or special inspector shall prepare and submit a report of inspection to the Chief or his or her designee. The Administrator or his or her designee shall reconsider the application for exemption and render a final decision based on the information contained in the reports of inspection submitted by the inspectors or special inspectors pursuant to this section. The decision of the Administrator or his or her designee is a final decision for the purpose of judicial review.

6. In addition to an exemption that may be granted pursuant to subsections 1 to 5, inclusive, the Chief may grant an exemption from a requirement set forth in NAC 455C.400 to 455C.530, inclusive, *and section 1 of this regulation*, for an elevator in the case of an emergency or if he or she determines that such an exemption is in the best interests of the general public. If the Chief grants an exemption pursuant to this subsection, the Chief shall notify the Administrator of the exemption. If the exemption is granted because the Chief determined that the exemption is in the best interests of the general public, the notice to the Administrator must be in writing.

Sec. 47. NAC 455C.450 is hereby amended to read as follows:

455C.450 1. The Mechanical Compliance Section shall charge and collect the following fees:

Certificates to work as an Elevator Mechanic	Fees
For the issuance of a certificate.....	\$150
For the renewal of a certificate.....	75

Certificates of Accreditation as an Authorized Inspection Agency	Fees
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For the issuance of a certificate of accreditation.....\$300

For the renewal of a certificate of accreditation.....150

Certificates of Competency for Special Inspectors Fees

For the issuance of a certificate of competency\$150

For the renewal of a certificate of competency75

Work Cards for Elevator Mechanic Apprentices and Helpers Fees

For the issuance of a work card.....\$150

For the renewal of a work card75

Passenger Elevators Fees

For the issuance of an initial operating permit based on an acceptance inspection,

if the passenger elevator has:

At least 1 but not more than 10 landings.....\$500

At least 11 but not more than 30 landings.....750

More than 30 landings.....1,000

Freight Elevators *and Vertical Reciprocating Conveyors*

Fees

For the issuance of an initial operating permit based on an acceptance inspection,

if the freight elevator *or vertical reciprocating conveyor* has a capacity of:

10,000 pounds or less	\$500
More than 10,000 pounds	750

Dumbwaiters

Fees

For the issuance of an operating permit for a dumbwaiter, based on an acceptance

inspection\$250

Escalators, *Shopping Cart Conveyors*, Moving Walks and Manlifts

Fees

For the issuance of an operating permit for an escalator, *shopping cart conveyor*

moving walk or manlift, based on an acceptance inspection\$750

Elevators and Personnel Hoists

Used During Construction

Fees

For the issuance of a limited operating permit for an elevator that is used during

construction, based on an acceptance inspection\$300

For the issuance of a limited operating permit for a personnel hoist that is used
during construction, based on an acceptance inspection500

Platform Lifts Fees

For the issuance of an operating permit for a platform lift, based on an acceptance
inspection\$250

Private Residence Elevators Fees

For the preliminary and final inspections of a private residence elevator by an
inspector that are required to be made at the time of installation pursuant to
NAC 455C.516.....\$400

For each subsequent inspection of a private residence elevator by a special
inspector that is requested by the owner of the private residence elevator100

Renewal of Operating Permits for Elevators Inspected

by Special Inspectors Fees

For the renewal of an operating permit for an elevator if the operating permit is
renewed based on a report of inspection made by ~~an~~ *an inspector or* special
inspector\$200

For any services rendered by the Mechanical Compliance Section to assist a person in complying with the provisions of this chapter, including, without limitation, an inspection other than an inspection required by NAC 455C.516 and the review of plans, drawings and specifications before those plans, drawings and specifications are submitted to the Mechanical Compliance Section pursuant to NAC 455C.506:

Per hour charge for those services provided during the first 8 hours of a day\$60

Per hour charge for those services provided after the first 8 hours of the day100

2. In addition to paying the fees imposed by this section for services rendered by the Mechanical Compliance Section to assist a person in complying with the provisions of this chapter, a person who requests that the Mechanical Compliance Section perform such services must pay all necessary expenses incurred by the Mechanical Compliance Section in fulfilling the request, including, without limitation:

(a) The payment of a mileage charge before the issuance of any permit at a rate equal to the mileage allowance for state officers and employees who use their personal vehicles for the convenience of this State for all travel to and from an inspection conducted at a location which is more than 50 miles from the closest office of the Mechanical Compliance Section;

(b) A charge of \$20 for the filing of a maintenance control program for an elevator; ~~and~~

(c) A charge of \$250 for any inspection that is cancelled less than one full business day before the scheduled inspection ~~and~~;

(d) A processing fee not to exceed \$25 for each renewal of an operating permit issued by the Mechanical Compliance Section; and

(e) Fees for inspections of alterations to elevators, which will be assessed on an hourly basis not to exceed the fee for an initial operating permit for an elevator of the same type.

3. Each fee owed to the Mechanical Compliance Section must be paid in advance. The Mechanical Compliance Section will not process and will return to the sender any documents submitted to the Mechanical Compliance Section which do not include the correct fee, are incomplete or are not sent to the Mechanical Compliance Section office which maintains the record for that object. An amended submission for any submission returned pursuant to this subsection may be resubmitted to the Mechanical Compliance Section within 10 business days after the original submission was returned to the sender and must be accompanied by an additional fee of \$50.

4. A fee for the annual renewal of an operating permit may be, at the discretion of the Administrator, collected by an authorized inspection agency on behalf of the Division.

FIRST
PARALLEL
SECTION

Sec. 48. NAC 455C.460 is hereby amended to read as follows:

455C.460 1. An applicant for a certificate to work as an elevator mechanic must submit to the Mechanical Compliance Section:

- (a) An application on a form prescribed by the Mechanical Compliance Section;
- (b) The fee for the issuance of a certificate set forth in NAC 455C.450;
- (c) The statement required by NAC 455C.474; and
- (d) Proof satisfactory to the Mechanical Compliance Section that the applicant:

(1) Has successfully completed a formal educational program or an apprenticeship, recognized by a state or federal apprenticeship program, in the construction, installation, alteration and repair of elevators;

(2) Has at least 12,000 hours of working experience in the construction, installation, alteration and repair of elevators;

(3) Has at least 10,000 hours of working experience in the construction, installation, alteration and repair of elevators and holds a current Qualified Elevator Inspector (QEI) certification issued by an organization that holds a QEI Certificate of Accreditation;

(4) Has at least 8,000 hours of working experience in the construction, installation, alteration and repair of elevators, has successfully completed at least 60 semester hours or 90 quarter hours of course work from an accredited college or university in an engineering field relating to the construction, installation, alteration and repair of elevators and holds a current Qualified Elevator Inspector (QEI) certification issued by an organization that holds a QEI Certificate of Accreditation; or

(5) Has ~~[, on December 15, 2004,]~~ at least 6,000 hours of working experience in the construction, installation, alteration and repair of private residence elevators.

2. If the Mechanical Compliance Section has reason to believe that the conduct of an applicant for a certificate has raised a reasonable question as to the applicant's competence to practice as an elevator mechanic with reasonable skill and safety, the Mechanical Compliance Section may require an examination of the applicant to determine his or her fitness to practice as an elevator mechanic. If such action is taken, the reasons for the action must be documented and must be available to the applicant being examined.

3. A certificate issued pursuant to this section expires at midnight on ~~September 1 next following~~ *the date that is one year after* the date of issuance, unless the certificate is renewed.

4. Except as otherwise provided in subsections 5 and 6, if an applicant satisfies the requirements set forth in this section, the Mechanical Compliance Section shall issue a certificate to the applicant.

5. If the working experience of the applicant is limited to private residence elevators, the certificate issued pursuant to this section must only authorize the holder of the certificate to construct, install, alter or repair a private residence elevator.

6. If the working experience of the applicant is limited to personnel hoists and employee elevators on construction or demolition sites, the certificate issued pursuant to this section must only authorize the holder of the certificate to construct, install, alter or repair a personnel hoist or employee elevator on a construction or demolition site.

7. If the working experience of the applicant is limited to vertical reciprocating conveyors, the certificate issued pursuant to this section must only authorize the holder of the certificate to construct, install, alter or repair a vertical reciprocating conveyor.

FIRST
PARALLEL
SECTION

Sec. 49. NAC 455C.462 is hereby amended to read as follows:

455C.462 **1.** To renew a certificate, an elevator mechanic must, ~~on or before September 1~~ *before the expiration of the certificate*, submit to the Mechanical Compliance Section:

~~1.1~~ *(a)* An application on a form prescribed by the Mechanical Compliance Section;

~~1.2~~ *(b)* The fee for the renewal of a certificate set forth in NAC 455C.450; and

~~1.3~~ *(c)* The statement required by NAC 455C.474.

2. The renewal of a certificate pursuant to this section expires at midnight on the date that is one year after the date of the renewal.

FIRST
PARALLEL
SECTION

Sec. 50. NAC 455C.464 is hereby amended to read as follows:

455C.464 1. An applicant for a certificate of competency as a special inspector must:

(a) Submit to the Mechanical Compliance Section:

(1) An application on a form prescribed by the Mechanical Compliance Section;

(2) The fee for the issuance of a certificate of competency set forth in NAC 455C.450; and

(3) The statement required by NAC 455C.474; and

(b) Hold a current Qualified Elevator Inspector (QEI) certification issued by an organization that holds a QEI Certificate of Accreditation.

2. A certificate of competency issued pursuant to this section expires at midnight on ~~September 1 next following~~ *the date that is one year after* the date of issuance, unless the certificate of competency is renewed.

3. If an applicant satisfies the requirements set forth in this section, the Mechanical Compliance Section shall issue a certificate of competency to the applicant.

FIRST
PARALLEL
SECTION

Sec. 51. NAC 455C.466 is hereby amended to read as follows:

455C.466 1. To renew a certificate of competency, a special inspector must, ~~on or before September 1,~~ *before the expiration of the certificate*, submit to the Mechanical Compliance Section:

~~1-1~~ (a) An application on a form prescribed by the Mechanical Compliance Section;

~~1-2~~ (b) The fee for the renewal of a certificate of competency set forth in NAC 455C.450; and

~~1-3~~ (c) The statement required by NAC 455C.474.

2. *The renewal of a certificate of competency pursuant to this section expires at midnight on the date that is one year after the date of the renewal.*

FIRST
PARALLEL
SECTION

Sec. 52. NAC 455C.468 is hereby amended to read as follows:

455C.468 1. An applicant for a work card must submit to the Mechanical Compliance Section:

(a) A letter certifying that the applicant is currently employed by or under contract with a licensed elevator contractor;

(b) The fee for issuance of a work card set forth in NAC 455C.450; and

(c) The statement required by NAC 455C.474.

2. A work card issued pursuant to this section expires at midnight on ~~{September 1 next following}~~ *the date that is one year after* the date of issuance, unless the work card is renewed.

3. If an applicant satisfies the requirements set forth in this section, the Mechanical Compliance Section shall issue a work card to the applicant.

FIRST
PARALLEL
SECTION

Sec. 53. NAC 455C.470 is hereby amended to read as follows:

455C.470 1. To renew a work card, an elevator mechanic apprentice or elevator mechanic helper must, ~~{on or before September 1,}~~ *before the expiration of the work card*, submit to the Mechanical Compliance Section:

~~{1.}~~ (a) A letter certifying that he or she is currently employed by or under contract with a licensed elevator contractor;

~~{2.}~~ (b) The fee for the renewal of a work card set forth in NAC 455C.450; and

~~{3.}~~ (c) The statement required by NAC 455C.474.

2. *The renewal of a work card pursuant to this section expires at midnight on the date that is one year after the date of the renewal.*

Sec. 54. NAC 455C.500 is hereby amended to read as follows:

455C.500 1. The following codes, manuals and standards are hereby adopted by reference by the Division and may be obtained for the price listed:

(a) *Safety Code for Elevators and Escalators*, A17.1, ~~2013~~ 2019 edition and all appendices, published by the American Society of Mechanical Engineers, for the price of ~~335.~~ \$390.

(b) ~~2013~~ 2016 *Handbook on Safety Code for Elevators and Escalators*, A17.1/CSA B44, published by the American Society of Mechanical Engineers, for the price of ~~240.~~ \$245.

(c) *Guide for Inspection of Elevators, Escalators, and Moving Walks*, A17.2, ~~2012~~ 2017 edition and all appendices, published by the American Society of Mechanical Engineers, for the price of ~~180.~~ \$195.

(d) *Safety Requirements for Personnel Hoists on Construction and Demolition Sites*, A10.4, ~~2007~~ 2016 edition, published by the American National Standards Institute, for the price of ~~77.~~ \$110.

(e) *Safety Standard for Belt Manlifts*, A90.1, ~~2009~~ 2015 edition, published by the American Society of Mechanical Engineers, for the price of \$59.

(f) *Safety Code for Existing Elevators and Escalators*, A17.3, ~~2011~~ 2017 edition and all appendices, published by the American Society of Mechanical Engineers, for the price of ~~130.~~ \$195.

(g) *Accessible and Usable Buildings and Facilities*, A117.1, sections 4.07 and 4.08, ~~2009~~ 2017 edition, published by the American National Standards Institute, for the price of ~~46.~~ \$48.

(h) *Guide for Emergency Personnel*, A17.4, ~~1999~~ 2015 edition, published by the American Society of Mechanical Engineers, for the price of \$35.

(i) *Safety Standard for Platform Lifts and Stairway Chairlifts*, A18.1, ~~2011~~ 2017 edition, published by the American Society of Mechanical Engineers, for the price of ~~90.~~ \$98.

- (j) *Standard for the Qualification of Elevator Inspectors*, QEI-1, ~~2013~~ 2018 edition, published by the American Society of Mechanical Engineers, for the price of ~~\$70.~~ \$74.
- (k) *Elevator and Escalator Electrical Equipment*, A17.5, ~~2011~~ 2019 edition, published by the American Society of Mechanical Engineers, for the price of ~~\$130.~~ \$145.
- (l) *Standard for Elevator Suspension, Compensation, and Governor Systems*, A17.6, ~~2010~~ 2017 edition, published by the American Society of Mechanical Engineers, for the price of \$90.
- (m) *Performance-Based Safety Code for Elevators and Escalators*, A17.7, 2007 edition, published by the American Society of Mechanical Engineers, for the price of \$155.
- (n) The edition most recently adopted in NAC 477.281 of the *International Building Code*, published by the International Code Council.
- (o) Safety Standard for Conveyors and Related Equipment, B20.1, sections 6.17, 6.18, 6.21 and Mandatory Appendix I, 2018 edition, published by the American Society of Mechanical Engineers, for the price of \$58.*
- (p) Standard Test Method for Surface Burning Characteristics of Building Materials, ASTM E84, 2020 edition, published by the American Society of Mechanical Engineers, for the price of \$72.*
- (q) Standard For Test For Surface Burning Characteristics Of Building Materials, ANSI/UL 723, 2018 edition, published by the American National Standards Institute.*
- (r) Standard Method of Test for Surface Burning Characteristics of Building Materials and Assemblies, CAN/ULC-S102, 2019 edition, published by the Standards Council of Canada, for the price of \$221.*

(s) Standard Test Method for Critical Radiant Flux of Floor-Covering Systems Using a Radiant Heat Energy Source, ASTM E648, 2019 edition, published by the American Society of Mechanical Engineers, for the price of \$56.

2. The codes, manuals and standards set forth in subsection 1 which are published by the American Society of Mechanical Engineers may be obtained from the ASME ~~International, 22 Law Drive, P.O. Box 2900, Fairfield, New Jersey 07007-2900.],~~ *P.O. Box 36037, Newark, New Jersey, 07188-6037.*

3. If any publication adopted by reference in paragraphs (a) to (m), inclusive, or (o) of subsection 1 is revised, the Division will review the revision to determine its suitability for this State. If the Division determines that the revision is not suitable for this State, the Division will hold a public hearing to review its determination within 6 months after the date of publication of the revision and give notice of that hearing. If, after the hearing, the Division does not revise its determination, the Division will give notice within 30 days after the hearing that the revision is not suitable for this State. If the Division does not give such notice, the revision becomes part of the publication adopted by reference in this section.

Sec. 55. NAC 455C.504 is hereby amended to read as follows:

455C.504 1. The licensed elevator contractor is responsible for ensuring that the operation, maintenance and testing of the elevator comply with the requirements of NAC 455C.400 to 455C.530, inclusive, *and section 1 of this regulation* until an initial operating permit has been issued.

2. The owner of an elevator is responsible for ensuring the safe operation and proper maintenance of the elevator after the initial operating permit has been issued.

3. The owner of an elevator is responsible for ensuring that the maintenance control program and written maintenance records required by the *Safety Code for Elevators and Escalators*, A17.1, as adopted by reference in NAC 455C.500, are available at the location of the elevator for review by elevator personnel, inspectors and special inspectors at the time of inspection. The maintenance control program and all maintenance records for each piece of equipment are the property of the owner of the elevator.

4. The owner of an elevator shall keep the written maintenance control program required by the *Safety Code for Elevators and Escalators*, A17.1, as adopted by reference in NAC 455C.500, in the building or structure where the elevator is located or at a central location in a complex of buildings which is owned or operated by one entity.

5. The owner of an elevator or his or her agent must file a copy of the maintenance control program for the elevator with the Mechanical Compliance Section before an operating permit may be issued pursuant to NAC 455C.510.

6. The owner of an elevator shall keep the maintenance records required by the *Safety Code for Elevators and Escalators*, A17.1, as adopted by reference in NAC 455C.500, in the building or structure where the elevator is located or at a central location in a complex of buildings which is owned or operated by one entity. The maintenance records may be kept electronically and must be made immediately available upon request to elevator personnel, inspectors or special inspectors. If the maintenance records are kept electronically, the maintenance records must be complete and current and allow for appropriate entries to be made by an inspector or special inspector. The owner of an elevator shall retain the maintenance records for at least 5 years.

Sec. 56. NAC 455C.506 is hereby amended to read as follows:

455C.506 1. Except as otherwise provided in subsection 3, a licensed elevator contractor must obtain a permit from the Mechanical Compliance Section for construction, installation or alteration of an elevator before such work is begun. Only one active permit may exist at any time for each elevator.

2. A contractor who is required to obtain a permit pursuant to subsection 1 must submit to the Mechanical Compliance Section not less than 10 business days before commencing the construction, installation or alteration a request for the permit that is accompanied by plans, drawings, a maintenance control program and specifications in the form prescribed by the Mechanical Compliance Section. Except as otherwise provided in subsection 3, if the plans, drawings and specifications indicate the construction, installation or alteration will comply with the provisions of NAC 455C.400 to 455C.530, inclusive, *and section 1 of this regulation, and the contractor does not have an outstanding debt owing to the Mechanical Compliance Section*, the Mechanical Compliance Section shall issue a permit to the contractor.

3. A permit is not required for repairs and replacement that are necessary for the maintenance of an elevator if parts of equivalent materials, strength and design as that used in the original construction are used.

4. *A permit is not required for the installation of cosmetic wraps on elevator hoistway doors, on doors of cars or on interior panels of cars if the installation:*

- (a) Does not exceed 90 days in duration;*
- (b) Does not obscure any required marking, control, light, key switch or access point;*
- (c) Does not cover any operating panel of a car;*
- (d) Uses materials that comply with adopted codes; and*
- (e) Is not made on an escalator.*

5. An elevator for which a permit for construction, installation or alteration is required must not be constructed, installed or altered unless a permit has been issued. If any such work is started before the permit is obtained, the work must be suspended until a permit is issued and the Mechanical Compliance Section may impose an administrative fine of not more than \$5,000 on the licensed elevator contractor or, if a licensed elevator contractor is not performing the work, on the owner of the elevator. Each 30-calendar-day period during which a violation of this section continues constitutes a separate violation.

~~{5.}~~ **6.** Except as otherwise provided in subsection 3 of NAC 455C.510, an operating permit is ~~{void}~~ **suspended** upon the issuance of a permit for ~~{construction, installation or}~~ alteration of an elevator ~~{}~~ **until the alteration is complete and a satisfactory inspection has been performed by the Mechanical Compliance Section.** A permit for construction, installation or alteration of an elevator does not authorize the operation of an elevator for which an operating permit is required.

~~{6.}~~ **7.** Except as otherwise provided in subsection ~~{7.}~~ **8,** as required by NRS 455C.160, a person who constructs, installs, alters or repairs a new elevator or existing installation must be certified as an elevator mechanic pursuant to NRS 455C.110 and NAC 455C.460.

~~{7.}~~ **8.** An elevator mechanic may be assisted in the construction, installation, alteration or repair of a new elevator or existing installation by an elevator mechanic apprentice or an elevator mechanic helper if the work performed by the elevator mechanic apprentice or elevator mechanic helper is performed under the supervision of the elevator mechanic.

Sec. 57. NAC 455C.508 is hereby amended to read as follows:

455C.508 1. A licensed elevator contractor who installs, relocates or alters an elevator shall notify the Mechanical Compliance Section, in writing, at least 3 business days before

completion of the work, and an elevator mechanic shall test the new, moved or altered portions of the elevator as required by NAC 455C.400 to 455C.530, inclusive ~~H~~, *and section 1 of this regulation.*

2. All new, altered or relocated elevators must be inspected for compliance with the requirements of NAC 455C.400 to 455C.530, inclusive, *and section 1 of this regulation* by an inspector. Except as otherwise provided in NAC 455C.512, the inspector shall witness the tests required by NAC 455C.400 to 455C.530, inclusive ~~H~~, *and section 1 of this regulation.*

Sec. 58. NAC 455C.510 is hereby amended to read as follows:

455C.510 1. The Mechanical Compliance Section shall issue an operating permit to the owner of an elevator within the period set forth in subsection 2 if the written report of inspection indicates the elevator is in compliance with NAC 455C.400 to 455C.530, inclusive ~~H~~, *and section 1 of this regulation.* The operating permit must set forth the number assigned by the Mechanical Compliance Section and the serial number assigned by the manufacturer of the elevator. The operating permit must be ~~kept at the same location as~~ *retained on the premises where* the elevator ~~H~~ *is installed. The owner shall post in each elevator information regarding the operating permit as required by the Mechanical Compliance Section.*

2. The Mechanical Compliance Section shall issue an operating permit within:

- (a) Thirty calendar days for existing installations; and
- (b) Fifteen calendar days for new elevators,

↪ after the date of the inspection, unless the time is extended by the Mechanical Compliance Section. An elevator for which a permit is required must not be operated unless the operating permit has been issued.

3. The Mechanical Compliance Section may issue a limited operating permit to allow an elevator to be used during construction.

4. The Mechanical Compliance Section shall not issue an operating permit for a period that exceeds:

- (a) One year for elevators, dumbwaiters , ~~and~~ platform lifts ~~and~~ *and material lifts.*
- (b) Six months for escalators or moving walks.
- (c) The period designated by the Mechanical Compliance Section for related equipment.
- (d) Ninety calendar days if the operating permit is a limited operating permit issued to allow an elevator to be used during construction.

5. If the written report of an inspection of an elevator indicates a violation of NAC 455C.400 to 455C.530, inclusive, *and section 1 of this regulation*, or of the detailed plans and specifications approved by the Mechanical Compliance Section pursuant to NAC 455C.506, the Mechanical Compliance Section shall give notice to the owner of the elevator and may give notice to any other appropriate person of the changes necessary for compliance. If the owner makes the changes required by the Mechanical Compliance Section, the Mechanical Compliance Section shall issue an operating permit to the owner within:

- (a) Thirty calendar days for existing installations; and
 - (b) Fifteen calendar days for new elevators,
- ➡ after the date the changes were completed, unless the time is extended by the Mechanical Compliance Section.

6. If the written report of an inspection of an elevator indicates that the elevator is unsafe and that its continued operation may be dangerous, the Mechanical Compliance Section shall refuse to issue, or shall suspend or revoke, the operating permit and shall require the owner of

the elevator to ensure that the elevator will not be used until the elevator has been made safe and is in compliance with the requirements of NAC 455C.400 to 455C.530, inclusive ~~†~~.

~~7. A written report of inspection shall be deemed to be an operating permit and authorizes the operation of an elevator until the operating permit is issued, if:~~

~~—(a) The report of inspection recommends the issuance of an operating permit; and~~

~~—(b) The elevator complies with the requirements of NAC 455C.400 to 455C.530, inclusive.†,~~

and section 1 of this regulation.

Sec. 59. NAC 455C.512 is hereby amended to read as follows:

455C.512 1. A licensed elevator contractor who performs periodic tests on an elevator shall notify the Mechanical Compliance Section, in writing, at least 3 business days before commencing any periodic tests on the elevator.

2. Except as otherwise provided in subsection 3, any periodic tests performed on an elevator must comply with the requirements of NAC 455C.400 to 455C.530, inclusive ~~†~~, *and section 1 of this regulation.*

3. ~~†A~~ *An inspector or* special inspector must witness any periodic tests performed on an elevator.

Sec. 60. NAC 455C.516 is hereby amended to read as follows:

455C.516 1. An elevator located in this State must be inspected in accordance with the codes, manuals and standards adopted by reference in NAC 455C.500:

(a) Upon construction, installation or alteration by an inspector and annually thereafter by ~~†a~~ *an inspector or* special inspector for a:

(1) Passenger elevator;

(2) Freight elevator;

- (3) Dumbwaiter; or
- (4) Platform lift, other than a platform lift installed in a private residence.
- (b) Upon construction, installation or alteration by an inspector and every 6 months thereafter by ~~{a}~~ *an inspector or* special inspector for an escalator, moving walk or manlift.
- (c) Upon construction, installation or alteration by an inspector and every 3 months thereafter by an inspector for an elevator or personnel hoist that is used during construction.
- (d) Upon construction, installation or alteration by an inspector, and the inspection must include a preliminary and a final inspection for a private residence elevator. *All cab materials must, in their end-use configuration and based on tests conducted in accordance with the requirements of ASTM E84, ANSI/UL 723 or CAN/ULC-S102 as adopted by reference in NAC 455C.500, indicate a flame spread rating of 0 to 75, a smoke development of 0 to 450 and, for floor coverings and underlayment and its adhesive, a critical radiant flux of not less than 0.45 W/cm², as measured by ASTM E648 as adopted by reference in NAC 455C.500.* A private residence elevator must be inspected by ~~{a}~~ *an inspector or* special inspector before any transfer of title for a property on which a private residence elevator is located to a new owner. Any subsequent inspection of a private residence elevator must be performed by ~~{a}~~ *an inspector or* special inspector.
2. The initial inspection for a new operating permit after an emergency order has been issued pursuant to NAC 455C.530 must be conducted by an inspector.
3. ~~{Except as otherwise provided in this subsection, all other periodic inspections in this State must be conducted by a special inspector.}~~ If a building is located more than ~~{100}~~ *25* miles from an office of the Mechanical Compliance Section and the owner of the building provides written documentation that a special inspector has declined to conduct the inspection, the owner

may submit to the Mechanical Compliance Section a written request for an inspector to perform the inspection.

Sec. 61. NAC 455C.519 is hereby amended to read as follows:

455C.519 1. The Mechanical Compliance Section shall establish and maintain a listing of all elevators and related equipment in this State which require inspection.

2. A special inspector is responsible for billing and collecting *from the owner of the equipment inspected* the payment for any inspection service ~~he or she~~ *the special inspector* performs.

3. Before performing any duty as a special inspector, a special inspector must:

(a) Receive training from the Mechanical Compliance Section on the requirements of this chapter and the policies and procedures of the Mechanical Compliance Section relating to the inspection of elevators; and

(b) Demonstrate competency in the duties of a special inspector through an evaluation performed by the Mechanical Compliance Section.

4. A special inspector shall comply with all policies and procedures of the Mechanical Compliance Section for conducting inspections. A special inspector who fails to comply with this subsection may have his or her certificate of competency suspended or revoked pursuant to NAC 455C.492 or 455C.626.

5. A special inspector shall immediately notify the Mechanical Compliance Section of unsafe equipment in a condition which poses an imminent danger. A condition will be considered to pose an imminent danger if the existing condition of the equipment without being corrected could reasonably be expected to result in death or serious physical harm to a user of the equipment or a member of the general public. The Mechanical Compliance Section shall

consider whether the equipment which is the subject of such a notification requires an emergency order to be issued pursuant to NAC 455C.530 and, if so, issue such an emergency order.

6. After a special inspector performs an inspection, the Mechanical Compliance Section may perform a follow-up inspection to ensure the quality and consistency of the inspection without prior notification or cost to the owner of the equipment that was inspected.

Sec. 62. NAC 455C.520 is hereby amended to read as follows:

455C.520 A special inspector who inspects an elevator as required by NAC 455C.400 to 455C.530, inclusive, *and section 1 of this regulation* must not be employed by the contractor who was required to obtain a permit for the elevator in accordance with NAC 455C.506, be employed by the licensed elevator contractor who performed the work to be inspected, or be the same person as the elevator mechanic who performed, or the elevator mechanic apprentice or the elevator mechanic helper who assisted in, the construction, installation, maintenance, relocation, alteration or repair of the elevator or the replacement of a device, component or subsystem of the elevator that necessitated the inspection.

Sec. 63. NAC 455C.522 is hereby amended to read as follows:

455C.522 1. A written report of every required inspection or periodic test must be filed at the Mechanical Compliance Section office which maintains the record for the object which was inspected or tested by the inspector or special inspector conducting the inspection or witnessing the periodic test, on a form prescribed by the Mechanical Compliance Section, within 10 business days after the inspection or periodic test has been completed. The report must describe the nature of any violation including a reference to any provision of NAC 455C.400 to 455C.530, inclusive, *and section 1 of this regulation*, or set forth in a publication adopted by reference in NAC 455C.500 that was violated.

2. Each periodic test required by NAC 455C.400 to 455C.530, inclusive, *and section 1 of this regulation* must be performed by a person who is certified as an elevator mechanic pursuant to NAC 455C.460. The licensed elevator contractor who will perform a periodic test required by NAC 455C.400 to 455C.530, inclusive, *and section 1 of this regulation* shall notify the special inspector retained by the owner of the building and the Mechanical Compliance Section at least 3 business days before the date that the test will take place of the date, time and location that the test will take place. A special inspector or the Mechanical Compliance Section, if the Mechanical Compliance Section determines it is appropriate, shall witness each test, including, without limitation, the category 1, 3 and 5 periodic tests required by the *Safety Code for Elevators and Escalators*, A17.1, as adopted by reference in NAC 455C.500.

3. A special inspector who fails to file a written report of an inspection or periodic test within 10 business days after the date that the inspection or periodic test was completed shall pay a late filing fee of \$50 to the Mechanical Compliance Section.

4. The Mechanical Compliance Section will reject a written report of an inspection or periodic test if it is submitted more than 20 business days after the completion of the inspection or periodic test. The results of an inspection or periodic test rejected pursuant to this subsection shall be deemed invalid and the inspection or periodic test must be performed again.

Sec. 64. NAC 455C.524 is hereby amended to read as follows:

455C.524 All new elevators and existing installations must be assigned a jurisdictional number by the Mechanical Compliance Section. The number must be painted on or attached *or applied via durable adhesive label* to the crosshead and machine controller of the elevator car or to the balustrade of an escalator or moving walk and its controller, in plain view. The number must be shown on all required permits. The format of the number must consist of the letters

“NV” followed by four digits at least 5/16 of an inch in height, followed by the last two digits of the year in which the elevator, escalator, moving walk or related equipment was installed. ~~If the equipment has been altered, an alteration designation must follow the year in the format of an “A” followed by the number of the alteration.~~

Sec. 65. NAC 455C.526 is hereby amended to read as follows:

455C.526 1. Before an initial operating permit has been issued for an elevator, the licensed elevator contractor who installed, relocated or altered the elevator shall ~~promptly~~ notify the Mechanical Compliance Section of every accident involving the elevator ~~§~~ :

(a) In the case of a bodily injury, within 8 hours after the accident; and

(b) In all other cases, by noon on the next business day after the accident.

2. After an operating permit has been issued for an elevator, the owner of the elevator or his or her agent shall ~~promptly~~ notify the Mechanical Compliance Section of every accident involving the elevator ~~§~~ :

(a) In the case of a bodily injury, within 8 hours after the accident; and

(b) In all other cases, by noon on the next business day after the accident.

3. The elevator mechanic, licensed elevator contractor or owner of the elevator or his or her agent shall provide any assistance required by the Mechanical Compliance Section for the investigation of an accident or for any inspection relating to an accident.

4. The Mechanical Compliance Section shall, as soon as practicable after receiving notification of an accident, make an inspection and keep in its files a complete report of its findings, including a detailed list of all material facts and information available and the cause, as far as it can be determined, for the accident.

5. If an accident may have been caused by the failure, malfunction or destruction of any part of an elevator, the elevator must be shut down immediately , *must be barricaded* and cannot be restored to service until:

- (a) The Mechanical Compliance Section has been notified;
- (b) The elevator has been made safe;
- (c) The elevator has been inspected by the Mechanical Compliance Section and, if necessary, tested by an elevator mechanic; and
- (d) Any repairs, changes or alterations have been approved by the Mechanical Compliance Section.

6. If an accident involves the failure of an elevator, no part of the elevator may be removed ~~{from the premises}~~ *or disturbed on the elevator car, machine room or hoistway* until the Mechanical Compliance Section authorizes that removal ~~{ }~~ , *unless human life is endangered or the removal is necessary to limit further damage.*

7. As used in this section, “accident” means an event resulting from the operation of an elevator that:

- (a) Causes serious bodily injury; ~~{or}~~
- (b) *Causes a person or persons to be evacuated from the elevator; or*
- (c) Requires an alteration, repair or replacement of the elevator.

Sec. 66. NAC 455C.528 is hereby amended to read as follows:

455C.528 1. If, at the time of an inspection or periodic test of any elevator, the inspector or special inspector determines that a violation of a requirement of NAC 455C.400 to 455C.530, inclusive, *and section 1 of this regulation*, exists, he or she shall provide a written report to the person responsible for the operation of the elevator pursuant to NAC 455C.504. The report must

describe the nature of the violation, including a reference to any provision of NAC 455C.400 to 455C.530, inclusive, *and section 1 of this regulation*, or set forth in a publication adopted by reference in NAC 455C.500 that was violated. The inspector or special inspector shall submit a copy of the report to the office of the Mechanical Compliance Section that maintains records for the elevator within 10 business days after the inspection or periodic test was performed. The Mechanical Compliance Section shall:

- (a) Fix a reasonable time to abate the violation ~~§~~, *which must not exceed 30 days*; and
- (b) Take any action authorized by NAC 455C.616 that it determines is appropriate.

2. An inspector or special inspector who submits a report to the Mechanical Compliance Section pursuant to subsection 1 shall:

- (a) Not later than 5 business days after the time fixed to abate the violation, determine whether the violation has been abated;
- (b) Record any actions taken to abate the violation which have not been completed or that no action to abate the violation has occurred; and
- (c) Report his or her findings to the office of the Mechanical Compliance Section that maintains records for the elevator within 5 business days after the determination was made.

Sec. 67. NAC 455C.530 is hereby amended to read as follows:

455C.530 1. The Chief of the Mechanical ~~Enforcement~~ *Compliance* Section or his or her designee may issue an emergency order to restrain any conditions or practices relating to an elevator, *boiler or pressure vessel* which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of the danger can be eliminated through the other enforcement procedures provided by this chapter. An order issued pursuant to this section may require such steps to be taken as are necessary to avoid,

correct or remove the imminent danger and may prohibit the employment or presence of any person in locations or under conditions where the imminent danger exists, except persons whose presence is necessary to avoid, correct or remove the imminent danger or to maintain the capacity of a continuous process operation to resume normal operations without a complete cessation of operations or, where a cessation of operations is necessary, to allow the cessation to be accomplished in a safe and orderly manner.

2. An emergency order issued pursuant to subsection 1 becomes effective upon delivery to the owner of the elevator , *boiler or pressure vessel* or his or her agent where the danger exists. If, within 15 calendar days after the effective date of the order, the owner of the elevator , *boiler or pressure vessel* fails to notify the Administrator that the owner wishes to contest the order, the order shall be deemed a final order. If the owner of the elevator , *boiler or pressure vessel* contests the order within 15 days after the effective date of the order and the Administrator does not rescind or modify the order as requested, the owner may petition the district court for relief. Upon the filing of such a petition, the district court may grant injunctive relief or a temporary restraining order pending the outcome of an enforcement proceeding pursuant to this chapter.

3. Whenever and as soon as an inspector or a special inspector concludes that a condition or practice described in subsection 1 exists regarding an elevator, *boiler or pressure vessel*, the inspector or special inspector shall inform the owner of the elevator , *boiler or pressure vessel* or his or her agent and the general public of the danger and that he or she is recommending to the Chief of the Mechanical ~~[Enforcement]~~ *Compliance* Section that an emergency order be issued.

4. If an emergency order has been issued pursuant to subsection 1, an inspection to return the elevator , *boiler or pressure vessel* to service may be performed only by an inspector.

Sec. 68. NAC 455C.604 is hereby amended to read as follows:

455C.604 “Certificate” means a certificate to work as a special inspector as defined in NAC 455C.100 or as an elevator mechanic that is issued by ~~the Enforcement Section or~~ the Mechanical Compliance Section pursuant to NAC 455C.130 or 455C.460, as applicable.

Sec. 69. NAC 455C.610 is hereby amended to read as follows:

455C.610 “Operating permit” means a permit required by NRS 455C.100 and issued by ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~as applicable,~~ for the operation of a boiler, elevator or pressure vessel.

Sec. 70. NAC 455C.616 is hereby amended to read as follows:

455C.616 1. The ~~Enforcement Section or the~~ Mechanical Compliance Section ~~as applicable,~~ may take any action described in subsection 2 if it determines that:

(a) A holder of an operating permit for a boiler or pressure vessel has violated any of the provisions set forth in NAC 455C.020 to 455C.300, inclusive;

(b) A holder of an operating permit for an elevator has violated any of the provisions set forth in NAC 455C.400 to 455C.530, inclusive ~~§~~, *and section 1 of this regulation;*

(c) A holder of a certificate to work as a special inspector has violated any of the provisions set forth in NAC 455C.020 to 455C.300, inclusive, or 512.500 to 512.594, inclusive;

(d) A holder of a certificate to work as an elevator mechanic has violated any of the provisions set forth in NAC 455C.400 to 455C.530, inclusive ~~§~~, *and section 1 of this regulation;*

(e) A holder of a certificate of competency or a certificate of accreditation as an authorized inspection agency has violated any of the provisions set forth in NAC 455C.400 to 455C.530, inclusive ~~§ or~~, *and section 1 of this regulation;*

(f) A holder of a work card as an elevator mechanic apprentice or elevator mechanic helper has violated any of the provisions set forth in NAC 455C.400 to 455C.530, inclusive ~~[H]~~, *and section 1 of this regulation; or*

(g) A licensed contractor or licensed elevator contractor has violated any of the provisions of NAC 455C.020 to 455C.300, inclusive, or NAC 455C.400 to 455C.530, inclusive, and section 1 of this regulation.

2. After determining a violation described in subsection 1 has occurred, ~~[the Enforcement Section or]~~ the Mechanical Compliance Section ~~[, as applicable,]~~ may:

(a) Issue a notice of violation which requires the holder of the operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card to correct the violation;

(b) Impose an administrative fine of not more than \$5,000 and revoke the operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card, as applicable; ~~[or]~~

(c) For a second ~~[or subsequent]~~ violation ~~[:]~~ *within a period of 24 months:*

(1) Impose an administrative fine of not more than \$10,000;

(2) Revoke the operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card, as applicable; and

(3) Require the holder of the operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card to fulfill certain training or educational requirements ~~[H]~~;

(d) For a third violation within a period of 24 months:

(1) Impose an administrative fine of not more than \$25,000;

(2) Revoke the operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card, as applicable; and

(3) Require the holder of the operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card to fulfill certain training or educational requirements; or

(e) For a fourth or subsequent violation within a period of 24 months:

(1) Impose an administrative fine of not more than \$50,000;

(2) Revoke the operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card, as applicable; and

(3) Require the holder of the operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card to fulfill certain training or educational requirements.

3. Each 30-calendar-day period during which a violation of subsection 1 continues constitutes a separate violation for which ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~[-as applicable,]~~ may impose an additional administrative fine of not more than \$5,000.

Sec. 71. NAC 455C.618 is hereby amended to read as follows:

455C.618 If ~~the Enforcement Section or~~ the Mechanical Compliance Section intends to impose an administrative fine pursuant to NAC 455C.506 or 455C.616, a penalty pursuant to NAC 455C.492 or a penalty pursuant to NAC 455C.616 against the holder of a certificate of accreditation as an authorized inspection agency, ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~[-as applicable,]~~ shall notify the holder of an operating permit, certificate,

certificate of competency, certificate of accreditation as an authorized inspection agency or work card of its intention by:

1. Delivering a notice of violation to *licensed contractor*, the licensed elevator contractor or the holder of the operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card by certified mail;

2. Enclosing with the notice of violation:

- (a) A statement indicating the legal authority and jurisdiction of ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~[, as applicable,]~~ to issue the administrative fine or penalty; and

- (b) A statement of the reasons for the proposed action, including a citation of the applicable regulations supporting the action and the proposed administrative fine or penalty; and

3. Stating the effective date of the imposition of the proposed administrative fine or penalty upon failure to contest, the procedures for bringing a contest and the procedures for an appeal.

Sec. 72. NAC 455C.620 is hereby amended to read as follows:

455C.620 1. A person who receives a notice of violation pursuant to NAC 455C.618 may appeal the imposition of an administrative fine or penalty by filing a contest with the Chief of ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~[, as applicable,]~~ within 30 calendar days after the receipt of the notice of violation.

2. Any contest filed pursuant to this section stays the imposition of the administrative fine or penalty.

3. A contest filed pursuant to this section must be made in writing and describe in particular the matters to be contested. The contest must be accompanied by:

- (a) Any documents applicable to the contest;

(b) The names of any witnesses who may be called at the hearing; and

(c) The expected time needed to present the contest.

↪ If any person alleges that the Division does not have the jurisdiction or legal authority to act with regard to the imposition of an administrative fine or penalty, it must be indicated in the contest documents.

4. The Chief of ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~[, as applicable,]~~ shall set a date for hearing within 30 calendar days after the receipt of any written contest. The person filing the contest may request that the hearing be held on an earlier date by submitting a written request to the Chief of ~~the Enforcement Section or~~ the Mechanical Compliance Section . ~~[, as applicable,]~~ The request must show that the person filing the contest will suffer a substantial hardship if the date of the hearing is not changed and offer a proposed date for the hearing. The person filing the contest has the burden of establishing a substantial hardship.

5. The Chief of ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~[, as applicable,]~~ *, or his or her designee,* shall hear all contests made pursuant to this section and give all parties thereto notice of the hearing and a fair opportunity to participate at the hearing. The Chief of ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~[, as applicable,]~~ *or his designee* shall issue his or her decision within a reasonable time after the conclusion of the hearing.

Sec. 73. NAC 455C.622 is hereby amended to read as follows:

455C.622 1. Any decision of the Chief of ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~[, as applicable,]~~ rendered pursuant to NAC 455C.620 may be appealed to

the Administrator within 30 calendar days after the issuance of the decision. If a decision is not appealed to the Administrator within 30 calendar days, it becomes final.

2. Any review of a decision rendered pursuant to NAC 455C.620 must be summary in nature, limited to the record and without hearing, unless a request for a hearing is granted by the Administrator or his or her designee. If the Administrator or his or her designee grants a request for a hearing, the hearing must be confined to the issues raised and facts asserted during the hearing before the Chief who issued the decision. A hearing may be granted only to consider new evidence.

3. The Administrator or his or her designee may affirm, reverse or modify the decision of the Chief of ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~[, as applicable,]~~ or remand the matter to the Chief of ~~the Enforcement Section or~~ the Mechanical Compliance Section, as applicable, for further consideration.

4. The decision of the Administrator or his or her designee is a final decision for the purposes of judicial review.

Sec. 74. NAC 455C.624 is hereby amended to read as follows:

455C.624 1. The ~~Enforcement Section or the~~ Mechanical Compliance Section ~~[, as applicable,]~~ may suspend, modify or revoke an operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card issued pursuant to this chapter if it finds that for any reason the protection of the general public requires such action.

2. For the purposes of this section, a violation of any provision of this chapter, or if the inspector or special inspector is inspecting a boiler or pressure vessel governed by the provisions of chapter 512 of NRS and chapter 512 of NAC, a violation of any provision set forth in NAC

512.500 to 512.594, inclusive, may constitute a danger to the general public requiring immediate action if so determined by ~~the Enforcement Section or~~ the Mechanical Compliance Section.

Sec. 75. NAC 455C.626 is hereby amended to read as follows:

455C.626 If ~~the Enforcement Section or~~ the Mechanical Compliance Section intends to suspend, modify or revoke an operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card issued pursuant to the provisions of this chapter, ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~as applicable,~~ shall notify the holder of the operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card of the suspension, modification or revocation by:

1. Delivering a notice of suspension, modification or revocation to the holder of the operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card by certified mail;
2. Enclosing with the notice of suspension, modification or revocation:
 - (a) A statement indicating the legal authority and jurisdiction of ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~as applicable,~~ to issue the suspension, modification or revocation; and
 - (b) A statement of the reasons for the proposed action, including a citation of the applicable regulations supporting the action; and
3. Stating the effective date of the suspension, modification or revocation, the procedures for bringing a contest and the procedures for an appeal.

Sec. 76. NAC 455C.628 is hereby amended to read as follows:

455C.628 1. A holder of an operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card may appeal the suspension, modification or revocation of his or her operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card by filing a contest with the Chief of ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~[, as applicable,]~~ within 15 calendar days after the effective date of the suspension, modification or revocation.

2. Any contest filed pursuant to this section does not stay the suspension, modification or revocation. A stay may be requested from the Chief of ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~[, as applicable,]~~ but will not be granted if the holder of the certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card or the boiler, elevator or pressure vessel for which the operating permit was obtained, constitutes an immediate threat to the health or safety of the general public. The holder of the operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card has the burden of showing that there is not a threat to the health or safety of the general public if a stay is granted.

3. A contest filed pursuant to this section must be made in writing and describe in particular the matters to be contested. The contest must be accompanied by:

- (a) Any documents applicable to the contest;
- (b) The names of any witnesses who may be called at the hearing; and
- (c) The expected time needed to present the contest.

↪ If any person alleges that the Division does not have the jurisdiction or legal authority to act with regard to any suspension, modification or revocation, it must be indicated in the contest documents.

4. The Chief of ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~[-as applicable,]~~ shall set a date for hearing within 30 days after the receipt of any written contest. A holder of an operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card may request that the hearing be held on an earlier date by submitting a written request to the Chief of ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~[-as applicable,]~~. The request must show that the holder of the operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card will suffer a substantial hardship if the date of the hearing is not changed and offer a proposed date for hearing. The holder of the operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card has the burden of establishing a substantial hardship.

5. The Chief of ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~[-as applicable,]~~ shall hear all contests filed pursuant to this section and give all parties thereto notice of the hearing and a fair opportunity to participate at the hearing. The Chief of ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~[-as applicable,]~~ shall issue his or her decision within a reasonable time after the conclusion of the hearing.

Sec. 77. NAC 455C.630 is hereby amended to read as follows:

455C.630 1. Any decision of the Chief of ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~[-as applicable,]~~ rendered pursuant to NAC 455C.628 may be appealed to

the Administrator within 30 calendar days after the issuance of the decision. If a decision is not appealed to the Administrator within 30 calendar days, it becomes final.

2. Any review of a decision rendered pursuant to NAC 455C.628 must be summary in nature, limited to the record and without hearing, unless a request for a hearing is granted by the Administrator or his or her designee. If the Administrator or his or her designee grants a request for a hearing, the hearing must be confined to the issues raised and facts asserted during the hearing before the Chief who rendered the decision. A hearing may be granted only to consider new evidence.

3. The Administrator or his or her designee may affirm, reverse or modify the decision of the Chief of ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~[, as applicable,]~~ or remand the matter to the Chief of ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~[, as applicable,]~~ for further consideration.

4. The decision of the Administrator or his or her designee is a final decision for the purposes of judicial review.

Sec. 78. NAC 455C.632 is hereby amended to read as follows:

455C.632 1. The ~~Enforcement Section or~~ the Mechanical Compliance Section ~~[, as applicable,]~~ may suspend summarily an operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card issued pursuant to the provisions of this chapter if it finds that for any reason the protection of the general public requires such action.

2. For the purposes of this section, a violation of any provision of this chapter, or if the inspector or special inspector is inspecting a boiler or pressure vessel governed by the provisions of chapter 512 of NRS and chapter 512 of NAC, a violation of any provision set forth in NAC

512.500 to 512.594, inclusive, may constitute a danger to the general public requiring immediate action if so determined by ~~the Enforcement Section or~~ the Mechanical Compliance Section.

Sec. 79. NAC 455C.634 is hereby amended to read as follows:

455C.634 1. If ~~the Enforcement Section or~~ the Mechanical Compliance Section intends to suspend summarily an operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card issued pursuant to this chapter, ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~[, as applicable,]~~ shall notify the holder of the operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card of the summary suspension by:

(a) Delivering a notice of the summary suspension to the holder of the operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card by certified mail; and

(b) Enclosing with the notice of summary suspension:

(1) A statement indicating the legal authority and jurisdiction of ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~[, as applicable,]~~ to issue the summary suspension; and

(2) A statement of the reasons for the proposed action, including a citation of the applicable regulations supporting the action or the effect on the general public necessitating the action, or both.

2. The notice of the summary suspension must:

(a) State the effective date of the summary suspension;

(b) Inform the holder of the operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card that he or she is entitled to contest the summary suspension; and

(c) State that ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~is, as applicable,~~ will hold a hearing within 10 business days after the receipt of any contest.

3. Upon the receipt of a notice of summary suspension, the holder of the operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card shall immediately cease all operations that are the subject of the suspension.

Sec. 80. NAC 455C.636 is hereby amended to read as follows:

455C.636 1. A holder of an operating permit, certificate, certificate of competency, certificate of accreditation as an authorized inspection agency or work card may appeal a summary suspension by filing a contest with the Chief of ~~the Enforcement Section or~~ the Mechanical Compliance Section ~~is, as applicable,~~ within 15 calendar days after the issuance of the summary suspension.

2. Any contest filed pursuant to this section does not stay the summary suspension.

3. A contest filed pursuant to this section must be made in writing and describe in particular the matters to be contested. The contest must be accompanied by:

(a) Any documents applicable to the contest;

(b) The names of any witnesses who may be called at the hearing; and

(c) The expected time needed to present the contest.

↪ If any person alleges that ~~the Enforcement Section or~~ the Mechanical Compliance Section does not have the jurisdiction or legal authority to act with regard to any summary suspension, it must be indicated in the contest documents.

4. The Chief of ~~the Enforcement Section or~~ the Mechanical Compliance Section, as applicable, shall set a date for hearing within 10 business days after the receipt of any written contest.

5. The Chief of ~~{the Enforcement Section or}~~ the Mechanical Compliance Section ~~{, as applicable,}~~ shall hear all contests filed pursuant to this section and issue his or her decision within 10 business days after the conclusion of the hearing.

Sec. 81. NAC 455C.638 is hereby amended to read as follows:

455C.638 1. Any decision of the Chief of ~~{the Enforcement Section or}~~ the Mechanical Compliance Section ~~{, as applicable,}~~ rendered pursuant to NAC 455C.636 may be appealed to the Administrator within 30 calendar days after the issuance of the decision.

2. Any review of a decision rendered pursuant to NAC 455C.636 must be summary in nature, limited to the record and without hearing, unless a request for a hearing is granted by the Administrator or his or her designee. If the Administrator or his or her designee grants a request for a hearing, the hearing must be confined to the issues raised and facts asserted during the hearing before the Chief who rendered the decision. A hearing may be granted only to consider new evidence.

3. The Administrator or his or her designee may affirm, reverse or modify the decision of the Chief of ~~{the Enforcement Section or}~~ the Mechanical Compliance Section ~~{, as applicable,}~~ or remand the matter to the Chief of ~~{the Enforcement Section or}~~ the Mechanical Compliance Section ~~{, as applicable,}~~ for further consideration. If the matter is remanded, the Chief shall set a date for a new hearing within 10 business days.

4. The decision of the Administrator or his or her designee is a final decision for the purposes of judicial review.

Sec. 82. NAC 455C.010 is hereby repealed.

TEXT OF REPEALED SECTION

455C.010 “Enforcement Section” defined. (NRS 455C.110) “Enforcement Section”
means the Occupational Safety and Health Administration of the Division.



**DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS**

SMALL BUSINESS IMPACT STATEMENT
AS REQUIRED BY NRS 233B.0608 AND 233B.0609
LCB FILE NO. R045-20
September 15, 2020

Note: Small Business is defined as “a business conducted for profit which employs fewer than 150 full-time or part-time employees.” (NRS 233B.0382).

1. Describe the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

ANSWER: To determine whether the proposed regulations are likely to have an impact on small businesses, the Division considered the purpose and scope of the proposed regulations. The proposed regulations update the adopted standards for boilers, pressure vessels, elevators and escalators; exempt water heaters under 200,000 BTU from regulation; provide relief for industry from over-regulation; authorize any qualified Division staff to inspect elevators, boilers and pressure vessels at mine sites; and clarify existing regulations regarding licensing, permitting and appealing Mechanical Compliance Section (MCS) determinations, among other things. Based on this review, the Division determined that this regulation will have no direct effect on small businesses, either adverse or beneficial, and will also have no indirect effect on small businesses, either adverse or beneficial.

2. The manner in which the analysis was conducted.

ANSWER: As noted in Answer 1, above, there will be no direct or indirect financial effect on small businesses, either adverse or beneficial.

3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:
(a) Both adverse and beneficial effects; and
(b) Both direct and indirect effects.

ANSWER: The Division anticipates no adverse or beneficial effects, either direct or indirect, on small businesses as the result of the adoption of this regulation. The anticipates a beneficial effect on small business, plumbing contractor's who install water heaters under 200,000 BTU.

4. Describe the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

ANSWER: Because there will be no impact on small businesses in general, there are no methods available to reduce the impact the Division could have considered.

5. The estimated cost to the agency for enforcement of the proposed regulation.

ANSWER: There is no additional cost to the agency for enforcement of this regulation.

6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

ANSWER: The proposed regulation does not provide for a new fee or increase an existing fee payable to the Division.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

ANSWER: The proposed regulation does not include any provisions which duplicate or are more stringent than existing federal, state, or local standards.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

ANSWER: The Division complied with NRS 233B.0608 by considering the purpose and scope of the proposed amendments. The proposed regulations update the adopted standards for boilers, pressure vessels, elevators and escalators; exempt water heaters under 200,000 BTU from regulation; provide relief for industry from over-regulation; authorize any qualified Division staff to inspect elevators, boilers and pressure vessels at mine sites; and clarify existing regulations regarding licensing, permitting and appealing MCS determinations. The Division made a concerted effort to determine whether the proposed regulations impose a direct or significant economic burden upon small businesses, or directly restricts the formation, operation, or expansion of a small business. The Division determined that these regulations will have no effect on small businesses and will not restrict the formation, operation or expansion of small businesses.

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I, VICTORIA CARREON, Administrator of the Division of Industrial Relations, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement was prepared properly and is accurate.

DATED this 15th day of September, 2020.


VICTORIA CARREON, Administrator