

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

**LCB File No. R077-14**

**DIVISION OF INDUSTRIAL RELATIONS, MECHANICAL COMPLIANCE SECTION  
FOR THE AMENDMENT OF CHAPTER 455C, NAC**

May 14, 2014

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

NRS 455C.110; NRS 233B.100; NRS 233B.120.

A REGULATION

**Section 1.** Chapter 455C of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

**Sec. 2.** *The Mechanical Compliance Section is the Authority Having Jurisdiction for enforcement of Chapter 455C, NAC and the organization, office or individual responsible for enforcement of this Code. Where compliance with this Code has been mandated by statute or regulation, the “Authority Having Jurisdiction” is the regulatory authority.*

**Sec. 3.** *The Mechanical Compliance Section is the Regulatory Authority for enforcement of Chapter 455C, NRS and the person or organization responsible for the administration and enforcement of the applicable statutes or regulations governing the construction, installation, operation, inspection, testing, maintenance, alteration or repair of equipment covered by this code.*

**Sec. 4.** *Elevators with 50 feet of travel or less shall be exempt from the monthly firefighters emergency exercise required in the Safety Code for Elevators and Escalators, A17.1 , adopted by reference in NAC 455C.500.*

**Sec. 5.** *“Licensed elevator contractor” means a person or entity who is licensed by the State Contractors’ Board, pursuant to Chapter 624, NRS, and is authorized by such license to install, maintain, repair or alter an elevator.*

**Sec. 6.** *1. The Chief or his designee may issue an emergency order to restrain any conditions or practices relating to an elevator 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 life safety danger can be eliminated through the other enforcement procedures provided by this chapter. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct or remove the life safety danger and prohibit the presence of any person in locations or under conditions where the life safety danger exists, except persons whose presence is necessary to avoid, correct or remove the life safety 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 permit it to be accomplished in a safe and orderly manner.*

*2. An order issued pursuant to subsection 1 becomes effective upon delivery to the owner of the elevator or his agent where the life safety danger exists. If, within 15 calendar days after the effective date of the order, the owner of the elevator fails to notify the Administrator that the owner of the elevator wishes to contest the order, the order shall be deemed a final order and is not subject to review by any court or agency. If the owner of the elevator contests the order within 15 calendar days after the effective date of the order and the Administrator does not rescind or modify the order as requested, the owner of the elevator may petition the 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 of the Mechanical Compliance Section or special inspector of an Authorized Inspection Agency concludes that conditions or practices described in subsection 1 exist regarding an elevator, the representative shall inform the owner of the elevator or his agent and the general public of the life safety danger and that he or she is recommending to the Chief that an emergency order be issued.*

*4. If an emergency order has been issued under this section, any inspection to return the elevator to service can only be performed by an inspector of the Mechanical Compliance Section.*

**Sec. 7. 1.** *An applicant for a certificate of accreditation as an Authorized Inspection Agency must:*

*(a) Submit to the Mechanical Compliance Section:*

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

*(2) The fee for issuance of a certificate of accreditation set forth in NAC 455C.450;*

*(b) Provide proof of and maintain Nevada workers' compensation insurance for its employees;*

*(c) Provide proof of and maintain professional errors and omissions insurance covering its inspection activities in Nevada with not less than \$5,000,000 limits;*

*(d) Provide proof of and maintain comprehensive general liability insurance coverage with not less than \$5,000,000 limits; and*

*(e) Certify that it shall maintain a library of all codes adopted pursuant to NAC 455C.500 and copies of all Mechanical Compliance Section inspector check lists.*

2. *The application shall include, but is not limited to:*
  - (a) *The physical address of the applicant where inspection records will be maintained;*
  - (b) *A Nevada state business license number;*
  - (c) *The name, business address and contact information for the person or persons designated to be the primary contact for the Mechanical Compliance Section; and*
  - (d) *The name of each special inspector with a certificate of competency issued pursuant to NAC 455C.464 who will be conducting inspections.*
3. *An authorized inspection agency shall not have common ownership with a licensed elevator contractor or an elevator maintenance company.*
4. *A certificate of accreditation issued pursuant to this section shall be valid for 3 years from the date of issuance, unless the certificate is renewed.*
5. *If an applicant satisfies the requirements set forth in this section, the Mechanical Compliance Section shall issue a certificate of accreditation to the applicant.*

**Sec. 8.** *To renew a certificate of accreditation, an Authorized Inspection Agency must, within 45 calendar days of expiration, submit to the Mechanical Compliance Section:*

1. *A renewal application on a form prescribed by the Mechanical Compliance Section;*
2. *The fee for renewal of a certificate of accreditation set forth in NAC 455C.450; and*
3. *All of the information and certifications set forth in Section 7 of this regulation.*

**Sec. 9.** *1. An Authorized Inspection Agency shall provide requested audit documents by delivering copies at the office of the Mechanical Compliance Section within 5 business days when requested in writing or by allowing immediate access to the requested documents at the office of the Authorized Inspection Agency at the discretion of the Mechanical Compliance*

*Section. The Mechanical Compliance Section may request the following information for audit purposes:*

*(a) Proof of availability of code books and Mechanical Compliance Section check lists for each special inspector employed;*

*(b) Inspection check list forms;*

*(c) Notice of Violation forms;*

*(d) Log of activity for each special inspector; and*

*(e) Required proof of insurance;*

*2. An Authorized Inspection Agency shall develop and implement on or before July 1, 2016 the following:*

*(a) An operations manual setting forth specific instructions that each special inspector for the agency must follow in completing every inspection;*

*(b) A written policy for the continuing education of special inspectors, including the tracking of the education for each inspector affiliated with the agency;*

*(c) A written quality assurance program that describes the agency's organization, program description, document routing and control procedures, record keeping and corrective actions for any failure to comply with any element of the quality assurance program; and*

*(d) An internal audit program which documents compliance with the operations manual, continuing education program and quality assurance program.*

*3. If a special inspector fails to comply with a specific requirement of the NRS, NAC or the codes adopted in NAC 455C.500 within the past 36 months, the Mechanical Compliance Section shall issue:*

*(a) 1st Offense- A letter of warning setting forth the basis of the noncompliance;*

*(b) 2nd Offense- A 30 day suspension of the certificate of competency issued to the special inspector;*

*(c) 3rd Offense- A 180 day suspension of the certificate of competency issued to the special inspector;*

*(d) 4th Offense- Revoke the certificate of competency issued to the special inspector.*

*An appeal of any action taken by Mechanical Compliance Section shall be taken pursuant to NAC 455C.620.*

**Sec. 10.** NAC 455C.006 is hereby amended to read as follows:

NAC 455C.006 “Chief” defined. (NRS 455C.110) “Chief” means the Chief Administrative Officer of the ~~Enforcement~~ *Mechanical Compliance* Section.

**Sec. 11.** NAC 455C.010 is hereby amended to read as follows:

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

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

NAC 455C.108 Adoption by reference of certain publications, codes and sections of codes. (NRS 455C.110) The Division hereby adopts by reference:

1. The following sections of the ASME Boiler and Pressure Vessel Code, ~~2001~~ **2013** 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, for the price indicated:

- (a) Section I, Power Boilers..... \$~~295~~**370**
- (b) Section II, Materials - Part D: Properties..... ~~435~~**560**

(c) Section IV, Rules for Construction of Heating Boilers.....	<del>1280</del> 375
(d) Section V, Nondestructive Examination.....	<del>1315</del> 415
(e) Section VI, Recommended Rules for the Care and Operation of Heating Boilers.....	<del>1175</del> 220
(f) Section VII, Recommended Guidelines for the Care of Power Boilers.....	<del>1180</del> 220
(g) Section VIII, Rules for Construction of Pressure Vessels - Division 1.....	<del>1460</del> 195
(h) Section IX, Welding and Brazing Qualifications.....	<del>1330</del> 425
<del>{(i) Section X, Fiber-Reinforced Plastic Pressure Vessels.....</del>	<del>250</del>

2. Controls and Safety Devices for Automatically Fired Boilers, CSD-1, ~~12002~~ 2012 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, for the price of \$~~156~~98.

3. The Power Piping Code, B31.1, ~~12001~~ 2012 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, for the price of \$~~1230~~260.

4. The Standard for the Qualification and Certification of Operators 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, for the price of \$~~141~~44.

5. The National Fuel Gas Code, ANSI Z223.1/NFPA 54, ~~12002 edition,~~ published by the National Fire Protection Association~~. This publication may be obtained from Global~~

~~Engineering Documents, 15 Inverness Way East, Englewood, Colorado 80112, for the price of \$69]~~ *as adopted by the Board for Regulation of Liquefied Petroleum Gas, pursuant to NRS 590.515.*

6. The National Electrical Code, ANSI/NFPA 70, ~~[2002 edition,]~~ published by the ~~[American National Standards Institute. Those publications may be obtained from Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado 80112, for the price of \$284]~~ *National Fire Protective Association, as adopted by the State Public Works Board, pursuant to NRS 341.091.*

7. The ~~[Uniform]~~ *International* Building Code, ~~[1997 edition,]~~ published by the International ~~[Conference of Building Officials. This publication may be obtained from the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, for the price of \$227]~~ *Code Council, as adopted by the State Fire Marshall, pursuant to NRS 477.030.*

8. The Uniform Mechanical Code, ~~[2000 edition,]~~ published by the International ~~[Conference of Building Officials. This publication may be obtained from the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, for the price of \$70]~~ *Association of Plumbing and Mechanical Officials, as adopted by the State Public Works Board, pursuant to NRS 341.091.*

9. The Uniform Plumbing Code, ~~[2000 edition,]~~ published by the International Association of Plumbing and Mechanical Officials~~[. This publication may be obtained from the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, California 91789-2825, for the price of \$89]~~ , *as adopted by the State Public Works Board, pursuant to NRS 341.091.*



10. The ~~{Uniform}~~ *International Fire Code*, ~~{2000 edition,}~~ published by the International ~~{Conference of Building Officials. This publication may be obtained from the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, for the price of \$94.95}~~ *Code Council, as adopted by the State Fire Marshall, pursuant to NRS 477.030.*

11. The National Board Inspection Code, ~~{2001}~~ *2013* 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, for the price of \$~~{85}~~*295*.

12. The Standard for the Installation of Oil-Burning Equipment, ANSI/NFPA 31, ~~{2001}~~ *2011* edition, published by the National Fire Protection Association. This publication may be obtained from Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado 80112, for the price of \$~~{59}~~*45*.

13. The Safety Standard for Refrigeration Systems, ANSI/ASHRAE 15, ~~{2001}~~ *2013* 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, for the price of \$~~{46}~~*118*.

14. The Liquefied Petroleum Gas Code, ANSI/NFPA 58, ~~{2004 edition,}~~ published by the National Fire Protection Association~~{. This publication may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, for the price of \$69}~~, *as adopted by the State Fire Marshall, pursuant to NRS 477.030.*

**Sec. 13.** NAC 455C.404 is hereby amended to read as follows:

NAC 455C.404 “Certificate” defined. (NRS 455C.110) “Certificate” means a certificate to work as an elevator mechanic that is issued by the ~~Enforcement~~ *Mechanical Compliance* Section pursuant to NAC 455C.460.

**Sec. 14.** NAC 455C.406 is hereby amended to read as follows:

NAC 455C.406 “Certificate of competency” defined. (NRS 455C.110) “Certificate of competency” means a certificate of competency as a special inspector issued by the ~~Enforcement~~ *Mechanical Compliance* Section pursuant to NAC 455C.464.

**Sec. 15.** NAC 455C.410 is hereby amended to read as follows:

NAC 455C.410 “Elevator” defined. (NRS 455C.110)

1. “Elevator” includes, without limitation, an elevator, dumbwaiter, escalator, moving walk, ~~wheelchair~~ *platform* lift and related equipment. The term also includes the hoistway and hoistway enclosure of the elevator, dumbwaiter, escalator, moving walk, ~~wheelchair~~ *platform* lift and related equipment, and all the machinery and equipment necessary for the operation of the elevator, dumbwaiter, escalator, moving walk, ~~wheelchair~~ *platform* 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. 16.** NAC 455C.422 is hereby amended to read as follows:

NAC 455C.422 “Inspector” defined. (NRS 455C.110) “Inspector” means an elevator inspector employed by the ~~Enforcement~~ *Mechanical Compliance* Section.

**Sec. 17.** NAC 455C.426 is hereby amended to read as follows:

NAC 455C.426 “New elevator” defined. (NRS 455C.110) “New elevator” means an elevator for which the application for installing or relocating the elevator is filed with the ~~Enforcement~~ *Mechanical Compliance* Section on or after December 15, 2004.

**Sec. 18.** NAC 455C.428 is hereby amended to read as follows:

NAC 455C.428 “Operating permit” defined. (NRS 455C.110) “Operating permit” means a permit required by NRS 455C.100 and issued by the ~~Enforcement~~ *Mechanical Compliance* Section for the operation of an elevator.

**Sec. 19.** NAC 455C.434 is hereby amended to read as follows:

NAC 455C.434 “Related equipment” defined. (NRS 455C.110) “Related equipment” means a manlift, personnel hoist or any other related equipment designated by the ~~Enforcement~~ *Mechanical Compliance* Section.

**Sec. 20.** NAC 455C.440 is hereby amended to read as follows:

NAC 455C.440 “Special inspector” defined. (NRS 455C.110) “Special inspector” means an elevator inspector who holds a *Qualified Elevator Inspectors (QEI) certification, a* certificate of competency and who, *on or after July 1, 2015,* is employed ~~for-retained~~ *or affiliated with an Authorized Inspection Agency* to inspect elevators in this State. The term does not include an inspector as defined in NAC 455C.422.

*1. The Mechanical Compliance Section shall establish and maintain a listing of all elevators and other objects which require inspection in this state. Special inspectors will be responsible for billing and collection for any inspection services they perform.*

*2. Special inspectors, before assuming special inspector duties, will receive training from the Mechanical Compliance Section on the requirements of this regulation and Mechanical*

*Compliance Section policies and procedures relative to the inspection of elevators, escalators, and moving walks.*

*3. Special inspectors, before assuming special inspector duties, must demonstrate competence in elevator special inspector duties to the Mechanical Compliance Section by an evaluation performed by the Mechanical Compliance Section.*

*4. Special inspectors shall comply with all Mechanical Compliance Section policies and procedures for conducting inspections. Special inspectors who fail to comply with the Mechanical Compliance Sections' policies and procedures for inspections may have their special inspectors authority suspended or revoked, pursuant to NAC 455C.626 or Section 9 of this Regulation.*

*5. Special inspectors shall immediately notify the Mechanical Compliance Section of unsafe equipment which poses an imminent danger. A condition will be considered 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 member of the general public. If deemed valid, an emergency order to shut down the equipment shall be entered pursuant to Section 6 of this Regulation.*

*6. The Mechanical Compliance Section may perform follow-up inspections without prior notification or any charge to the building owner of inspections performed by special inspectors to ensure quality and consistency of inspections.*

*7. Subsections 2 and 3 of this section shall be effective on special inspectors at the first renewal of a certificate of competency after the adoption of this regulation.*

**Sec. 21.** NAC 455C.442 is hereby amended to read as follows:

NAC 455C.442 “~~{Wheelchair}~~ *Platform* lift” defined. (NRS 455C.110) “~~{Wheelchair}~~ *Platform* lift” includes a ~~{platform}~~ *wheelchair* lift, stairway lift and chair lift.

**Sec. 22.** NAC 455C.444 is hereby amended to read as follows:

NAC 455C.444 “Work card” defined. (NRS 455C.110) “Work card” means a card to work as an elevator mechanic apprentice or an elevator mechanic helper that is issued by the ~~{Enforcement}~~ *Mechanical Compliance* Section pursuant to NAC 455C.468.

**Sec. 23.** NAC 455C.446 is hereby amended to read as follows:

NAC 455C.446 Scope and applicability. (NRS 455C.110)

1. The requirements of NAC 455C.400 to 455C.528, inclusive, 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.528, inclusive.

3. All relocations of elevators made on or after December 15, 2004, must satisfy the requirements of NAC 455C.400 to 455C.528, inclusive.

4. An existing installation may be used without being reconstructed to comply with the requirements of NAC 455C.400 to 455C.528, inclusive, 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.

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.528, inclusive. If the ~~{Enforcement}~~ *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. 24.** NAC 455C.448 is hereby amended to read as follows:

NAC 455C.448 Procedure to obtain exemption for certain conditions or practices; grant of certain exemptions by Chief. (NRS 455C.110)

1. A person responsible for the operation of an elevator pursuant to NAC 455C.504 who wishes to obtain an exemption from a requirement set forth in NAC 455C.400 to 455C.528, 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 an elevator or related system, ~~{an inspector}~~ *the Mechanical Compliance Section* may approve the exemption from the requirement if:

(a) Such an exemption ~~{is}~~

*(i) Is necessary to allow the operation of the elevator or related system and compliance with the requirement is not practicable; or*

*(ii) May be granted if the elevator or related system is compliant with adopted codes or standards of the local jurisdiction where the elevator is located. ~~{and~~*

~~—(b) Compliance with the requirement is not practicable.~~

3. If ~~{an inspector}~~ *the Chief's designee* ~~{approves}~~ *recommends approval of* the exemption:

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

(b) The application for an exemption must be reviewed *and accepted or denied* by ~~{a person designated by}~~ the Chief within 5 ~~{working}~~ *business* days after ~~{the exemption is approved by the inspector}~~ *receipt of the application*.

4. If the ~~{person designated by the}~~ Chief grants the exemption, he shall:

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

(b) Forward the application for an exemption to the ~~{Chief}~~ *Administrator* within 15 *calendar* days after he grants the exemption.

5. If the ~~{person designated by the}~~ Chief *or his designee* denies the exemption and the person requesting the exemption contests the denial, the person designated by the Chief 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 person designated by the Chief. The person designated by the ~~{Chief}~~ *Administrator or his 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 designee is a final decision for the purposes 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.528, inclusive, for an elevator in the case of an emergency or if he 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 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. 25. NAC 455C.450 is hereby amended to read as follows:

NAC 455C.450 Fees of ~~Enforcement~~ *Mechanical Compliance* Section. (NRS 455C.110, 455C.120)

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

Certificates <i>for Elevator Mechanics</i>	Fees
For the issuance of a certificate.....	<del>\$100</del> 150
For the renewal of a certificate.....	<del>50</del> 75
<i>Certificate of Accreditation for Authorized Inspection Agencies</i>	
<i>For the issuance of a certificate</i>	<i>\$300</i>
<i>For the renewal of a certificate</i>	<i>150</i>

Certificates of <i>Competency for Special Inspectors</i>	Fees
For the issuance of a certificate of competency.....	<del>\$100</del> 150
For the renewal of a certificate of competency.....	<del>50</del> 75

Work Cards <i>for Elevator Mechanic Apprentices and Helpers</i>	Fees
For the issuance of a work card.....	<del>\$100</del> 150
For the renewal of a work card.....	<del>50</del> 75



Passenger Elevators

Fees

<del>— If the passenger elevator has at least one but not more than three stops:</del>	<del>-</del>
<del>— For the issuance of an initial operating permit, based on a preliminary and final inspection by an inspector.....</del>	<del>— \$120</del>
<del>— For the annual renewal of an operating permit, based on one inspection and the witnessing of one annual test by an inspector.....</del>	<del>— 120}</del>
If the passenger elevator has at least <del>4</del> 1 but not more than 10 <del>stops</del> landings:	
<i>For the issuance of an initial operating permit based on an acceptance inspection.....</i>	<i>500</i>
<del>If the passenger elevator has at least 4 but not more than 10 stops:</del>	
<del>— [For the issuance of an initial operating permit, based on a preliminary and final inspection by an inspector.....</del>	<del>— 140}</del>
If the passenger elevator has at least 11 but not more than 30 <del>stops</del> landings:	
<i>For the issuance of an initial operating permit based on an acceptance inspection.....</i>	<i>750</i>
<del>— [For the annual renewal of an operating permit, based on one inspection and the witnessing of one annual test by an inspector.....</del>	<del>— 130</del>
<del>— If the passenger elevator has at least 11 but not more than 20 stops:</del>	
<del>— For the issuance of an initial operating permit, based on a preliminary and final inspection by an inspector.....</del>	<del>— 150}</del>
If the passenger elevator has more than 30 <del>stops</del> landings:	

*For the issuance of an initial operating permit based on an acceptance*

*inspection ..... '1,000*

~~— For the annual renewal of an operating permit, based on one inspection and the witnessing of one annual test by an inspector..... 140~~

~~— If the passenger elevator has at least 21 but not more than 30 stops:~~

~~— 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 inspection and the witnessing of one annual test by an inspector..... 150~~

~~— If the passenger elevator has more than 30 stops:~~

~~— For the issuance of an initial operating permit, based on a preliminary and final inspection by an inspector, for each stop in excess of 30 stops..... 30~~

~~— Plus the fee set forth for the issuance of an initial operating permit for a passenger elevator that has at least 21 but not more than 30 stops.~~

~~— For the annual renewal of an operating permit, based on one inspection and the witnessing of one annual test by an inspector, for each stop in excess of 30 stops..... 10~~

~~— Plus the fee set forth for the annual renewal of an operating permit for a passenger elevator that has at least 21 but not more than 30 stops.]~~

Freight Elevators

Fees

<del>If the freight elevator has a capacity of 5,000 pounds or less:</del>	<del>-</del>
<del>For the issuance of an initial operating permit, based on a preliminary and final inspection by an inspector.....</del>	<del>\$150</del>
If the freight elevator has a capacity of <del>at least 5,001</del> <b>0 to</b> 10,000 pounds:	
For the issuance of an initial operating permit, based on <del>a preliminary and final inspection by an inspector</del> <b>an acceptance inspection</b>	<b>500</b>
If the freight elevator has a capacity of 10,001 or more:	
For the issuance of an initial operating permit, based on <del>a preliminary and final inspection by an inspector</del> <b>an acceptance inspection</b>	<b>750</b>
<del>For the annual renewal of an operating permit, based on one inspection and the witnessing of one annual test by an inspector.....</del>	<del>80</del>
<del>If the freight elevator has a capacity of at least 5,001 pounds but not more than 10,000 pounds:</del>	
<del>For the issuance of an initial operating permit, based on a preliminary and final inspection by an inspector.....</del>	<del>170</del>
<del>For the annual renewal of an operating permit, based on one inspection and the witnessing of one annual test by an inspector.....</del>	<del>100</del>
<del>If the freight elevator has a capacity of 10,001 pounds or more:</del>	
<del>For the issuance of an initial operating permit, based on a preliminary and final inspection by an inspector.....</del>	<del>190</del>

Freight Elevators

Fees

~~For the annual renewal of an operating permit, based on one inspection and the witnessing of one annual test by an inspector..... 120~~

Dumbwaiters

Fees

~~For the issuance of an initial operating permit for a dumbwaiter, based on a preliminary and final inspection by an inspector..... \$80~~

~~For the renewal of an operating permit for a dumbwaiter, based on one inspection and the witnessing of one annual test by an inspector..... 50}~~

*For the issuance of an operating permit for a dumbwaiter, based on an acceptance inspection 250*

Escalators, Moving Walks and Manlifts

Fees

~~[For the issuance of an initial operating permit for an escalator, moving walk or manlift, based on a preliminary and final inspection by an inspector..... \$100~~

~~For the renewal of an operating permit for an escalator, moving walk or manlift, based on an inspection and appropriate testing by an inspector..... 80}~~

*For the issuance of an operating permit for an escalator, moving walk or manlift based on an acceptance inspection 750*

~~{Personnel}~~ **Construction** Elevators and Personnel Hoists

Used During Construction

Fees

For the issuance of an initial limited operating permit for ~~{a personnel}~~ **an** elevator  
~~{or personnel hoist}~~ that is used during construction, based on ~~{a preliminary~~  
~~and final}~~ **an acceptance** inspection by an inspector..... ~~{80}~~**300**

~~—{For the renewal of a limited operating permit for a personnel elevator or~~  
~~personnel hoist that is used during construction, based on an inspection and~~  
~~appropriate testing by an inspector..... — 50}~~

***For the issuance of a limited operating permit for a personnel hoist that is used***  
***during construction, based on an acceptance inspection*** **500**

~~{Certain Wheelchair}~~ **Platform** Lifts

Fees

~~—{For the issuance of an initial operating permit for a wheelchair lift other than a~~  
~~wheelchair lift installed in a private residence, based on a preliminary and final~~  
~~inspection by an inspector..... — \$80~~

~~—{For the renewal of an operating permit for a wheelchair lift other than a~~  
~~wheelchair lift installed in a private residence, based on one inspection and~~  
~~the witnessing of one annual test by an inspector..... — 80}~~

***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.....	<del>180</del> 400
For each subsequent inspection of a private residence elevator by <del>an</del> <i>a special inspector</i> that is requested by the owner of the private residence elevator.....	<del>40</del> 100

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 a special inspector.....	<del>20</del> 200
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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.516 and the review of plans and specifications before those plans and specifications are submitted to the ~~Enforcement~~ *Mechanical Compliance* Section pursuant to NAC 455C.506:

Special Services

Fees

Per hour charge for those services provided during the first 8 hours of a day... ~~[\$40]~~ \$60

Per hour charge for those services provided after the first 8 hours of the day... ~~{60}~~ 100

*Mileage*

*If the inspection is located 50 or more miles from the closest office of the Mechanical Compliance Section, there will be a mileage charge for both directions at a rate equal to the mileage allowance for state employees who use their personal vehicles for the convenience of the state, which shall be paid in full prior to the issuance of any permit.*

*Charge for Producing Copies*

*The Mechanical Compliance Section may charge \$.50 for each page of any document requested and produced by the Mechanical Compliance Section.*

*For the filing of a maintenance control program for an elevator..... 20*

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 elevators *by the Mechanical Compliance Section* do not apply to elevators 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~~ *a school district within the State of Nevada.*

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}~~ *a school district within the State of Nevada.*

5. *Any and all fees payable to the Mechanical Compliance Section shall be payable in advance. Failure to forward the correct fee at the time of submission of any paperwork shall result in the Mechanical Compliance Section returning the documents to the sender without processing the certificate, certificate of accreditation, certificate of competency, work card, operating permit or any renewal thereof. If a submission has not been fully and accurately completed, does not contain all required information or is not sent to the Mechanical Compliance Section office which maintains the record for that object, the submission shall be rejected and returned to the sender. If a submission has previously been returned or rejected, there shall be an additional fee of \$50 payable to the Mechanical Compliance Section. If a submission has been rejected and returned to the sender, an amended submission shall be sent within 10 business days of the date of the rejection.*

6. *The maximum charge an Authorized Inspection Agency or special inspector may charge:*

*Special Inspector Services*

*Fees*



*For any services rendered by an Authorized Inspection Agency or special inspector to assist a person in complying with the provisions of this chapter:*

*Per hour charge for those services provided during the first 8 hours of a day... \$75*

*Per hour charge for those services provided after the first 8 hours of the day... 100*

#### *Mileage*

*If the inspection is located 15 or more miles from the closest office of the Authorized Inspection Agency or special inspector, they may also include a mileage charge for both directions at a rate equal to the mileage allowance for state employees who use their personal vehicles for the convenience of the state.*

*7. Subsections 3 and 4 of this section shall expire 3 years after the adoption of this regulation.*

*8. Subsection 6 of this section shall expire 2 years after the adoption of this regulation.*

**Sec. 26.** NAC 455C.460 is hereby amended to read as follows:

NAC 455C.460 Certificate: Application and prerequisites; issuance; expiration; restriction.  
(NRS 455C.110)

1. An applicant for a certificate *to work as an elevator mechanic* 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.450; ~~and~~

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

(d) Proof satisfactory to the ~~Enforcement~~ *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 ~~16,000~~ *12,000* hours of working experience in the construction, installation, alteration and repair of elevators;

(3) Has at least ~~12,000~~ *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 ~~Enforcement~~ *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

~~Enforcement~~ *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 of issuance, unless the certificate is renewed.

4. Except as otherwise provided in subsection 5, if an applicant satisfies the requirements set forth in this section, the ~~Enforcement~~ *Mechanical Compliance* Section ~~may~~ *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.

**Sec. 27.** NAC 455C.462 is hereby amended to read as follows:

NAC 455C.462 Certificate: Renewal. (NRS 455C.110) To renew a certificate, an elevator mechanic must, on or before September 1, 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.450.

**Sec. 28.** NAC 455C.464 is hereby amended to read as follows:

NAC 455C.464 Certificate of competency: Application and prerequisites; issuance; expiration. (Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational

and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.) (NRS 455C.110)

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

(a) Submit to the ~~Enforcement~~ *Mechanical Compliance* Section:

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

(2) The fee for 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 of issuance, unless the certificate of competency is renewed.

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

**Sec. 29.** NAC 455C.464 is hereby amended to read as follows:

NAC 455C.464 Certificate of competency: Application and prerequisites; issuance; expiration. (Effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.) (NRS 455C.110)

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

(a) 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 issuance of a certificate of competency set forth in NAC 455C.450; 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 of issuance, unless the certificate of competency is renewed.

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

**Sec. 30.** NAC 455C.466 is hereby amended to read as follows:

NAC 455C.466 Certificate of competency: Renewal. (Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.) (NRS 455C.110) To renew a certificate of competency, a special inspector must, on or before September 1, submit to the ~~{Enforcement}~~ *Mechanical Compliance* Section:

1. An application on a form prescribed by the ~~{Enforcement}~~ *Mechanical Compliance* Section;

2. The fee for renewal of a certificate of competency set forth in NAC 455C.450; and

3. The statement required by NAC 455C.474.

**Sec. 31.** NAC 455C.466 is hereby amended to read as follows:

NAC 455C.466 Certificate of competency: Renewal. (Effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and

restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.) (NRS 455C.110) To renew a certificate of competency, a special inspector must, on or before September 1, 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 of competency set forth in NAC 455C.450.

**Sec. 32.** NAC 455C.468 is hereby amended to read as follows:

NAC 455C.468 Work card: Application; issuance; expiration. (Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.) (NRS 455C.110)

1. An applicant for a work card *to be an elevator mechanic apprentice or an elevator mechanic helper* must submit to the ~~{Enforcement}~~ *Mechanical Compliance* Section:
  - (a) A letter certifying that he is currently employed by ~~{}~~ *a licensed elevator contractor; ~~an elevator mechanic or contractor as an elevator mechanic apprentice or elevator mechanic helper, as applicable~~*;
  - (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 of issuance, unless the work card is renewed.

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

**Sec. 33.** NAC 455C.468 is hereby amended to read as follows:

NAC 455C.468 Work card: Application; issuance; expiration. (Effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.) (NRS 455C.110)

1. An applicant for a work card *to be an elevator mechanic apprentice or elevator mechanic helper* must submit to the ~~{Enforcement}~~ *Mechanical Compliance* Section:

(a) A letter certifying that he is currently employed by ~~{ a licensed elevator contractor } ~~an elevator mechanic or contractor as an elevator mechanic or apprentice or elevator mechanic helper, as applicable~~~~; and

(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 of issuance, unless the work card is renewed.

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

**Sec. 34.** NAC 455C.470 is hereby amended to read as follows:

NAC 455C.470 Work card: Renewal. (Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for

noncompliance with certain processes relating to paternity or child support proceedings.) (NRS 455C.110) To renew a work card, an elevator mechanic apprentice or elevator mechanic helper must, on or before September 1, submit to the ~~[Enforcement]~~ *Mechanical Compliance* Section:

1. A letter certifying that he is currently employed by *a licensed elevator contractor* ~~[an elevator mechanic or contractor as an elevator mechanic apprentice or elevator mechanic helper, as applicable]~~;
2. The fee for renewal of a work card set forth in NAC 455C.450; and
3. The statement required by NAC 455C.474.

**Sec. 35.** NAC 455C.470 is hereby amended to read as follows:

NAC 455C.470 Work card: Renewal. (Effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.) (NRS 455C.110) To renew a work card, an elevator mechanic apprentice or elevator mechanic helper must, on or before September 1, submit to the ~~[Enforcement]~~ *Mechanical Compliance* Section:

1. A letter certifying that he or she is currently employed by *a licensed elevator contractor* ~~[an elevator mechanic or contractor as an elevator mechanic apprentice or elevator mechanic helper, as applicable]~~; and
2. The fee for renewal of a work card set forth in NAC 455C.450.

**Sec. 36.** NAC 455C.474 is hereby amended to read as follows:

NAC 455C.474 Payment of child support: Required statement; grounds for denial of certificate or card; duty of ~~[Enforcement]~~ *Mechanical Compliance* Section. (Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding,



suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.) (NRS 455C.110)

1. An applicant for the issuance or renewal of a certificate of competency or work card must submit to the ~~{Enforcement}~~ *Mechanical Compliance* Section the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~{Enforcement}~~ *Mechanical Compliance* Section shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate of competency or work card; or

(b) A separate form prescribed by the ~~{Enforcement}~~ *Mechanical Compliance* Section.

3. ~~{A certificate of competency}~~ *A certificate as an elevator mechanic* or work card may not be issued or renewed by the ~~{Enforcement}~~ *Mechanical Compliance* Section if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the ~~{Enforcement}~~ *Mechanical*

*Compliance* Section shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

**Sec. 37.** NAC 455C.476 is hereby amended to read as follows:

NAC 455C.476 Suspension of certificate or card for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of certificate or card. (Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.) (NRS 455C.110)

1. If the ~~Enforcement~~ *Mechanical Compliance* Section receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to the holder of a certificate, the ~~Enforcement~~ *Mechanical Compliance* Section shall deem the certificate of competency or work card issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~Enforcement~~ *Mechanical Compliance* Section receives a letter issued to the holder of the certificate of competency or work card by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate of competency or work card has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~Enforcement~~ *Mechanical Compliance* Section shall reinstate a certificate of competency or work card that has been suspended by a district court pursuant to NRS 425.540 if the ~~Enforcement~~ *Mechanical Compliance* Section receives a letter issued by the district

attorney or other public agency pursuant to NRS 425.550 to the person whose certificate of competency or work card was suspended stating that the person whose certificate of competency or work card was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

**Sec. 38.** NAC 455C.500 is hereby amended to read as follows:

NAC 455C.500 Adoption by reference of certain codes, manuals and standards. (NRS 455C.110)

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, ~~{2007}~~ **2013** edition and ~~{addenda, including}~~ **all** appendices, published by the American Society of Mechanical Engineers, for the price of ~~[\$250, except that rule 2.12.5—Restricted Opening of Hoistway or Car Doors, is deleted]~~ **\$345**.

(b) Guide for Inspection of Elevators, Escalators, and Moving Walks, A17.2, ~~{2007}~~ **2012** edition, **and all appendices** published by the American Society of Mechanical Engineers, for the price of ~~[\$165]~~ **\$170**.

~~{(c) Safety Requirements for Personnel Hoists and Employee Elevators on Construction and Demolition Sites for Construction and Demolition Operations, A10.4, 2007 edition, published by the American National Standards Institute, for the price of \$70.~~

~~—(d) Safety Standard for Belt Manlifts, A90.1, 2003 edition, published by the American Society of Mechanical Engineers, for the price of \$57.~~

~~—(e)~~ **(c)** Safety Code for Existing Elevators and Escalators, A17.3, ~~{2005}~~ **2011** edition, *and all appendices* published by the American Society of Mechanical Engineers, for the price of ~~[\$99]~~ **\$130**.

~~{(f) Guidelines for Accessible and Usable Buildings and Facilities, A117.1, sections 4.07 and 4.08, 2003 edition, published by the American National Standards Institute, for the price of \$46.~~

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

~~—(h) Safety Standard for Platform Lifts and Stairway Chairlifts, A18.1, 2005 edition, published by the American Society of Mechanical Engineers, for the price of \$80.~~

~~—(i) Standard for the Qualification of Elevator Inspectors, QEI-1, 2007 edition, published by the American Society of Mechanical Engineers, for the price of \$59.~~

~~—(j)~~ **(d)** Elevator and Escalator Electrical Equipment, A17.5, ~~{2004}~~ **2011** edition, published by the American Society of Mechanical Engineers, for the price of \$85.

~~{(k) Performance Based Safety Code for Elevators and Escalators, A17.7, 2007 edition, published by the American Society of Mechanical Engineers, for the price of \$135}.~~

**(e)** *The International Building Code, published by the International Code Council, as adopted by the State Fire Marshall, pursuant to NRS 477.030.*

**(f)** *Handbook of Safety Code for Elevators and Escalators, A17.1/CSA B44-2010, published by the American Society of Mechanical Engineers for a price of \$210.*

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.

~~{3. The codes, manuals and standards set forth in subsection 1 which are published by the American National Standards Institute may be obtained from IHS Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado 80112.~~

~~—4. If any publication adopted by reference in this section is revised, the Administrator shall review the revision to determine its suitability for this State. If the Administrator determines that the revision is not suitable for this State, he or she shall hold a public hearing to review his or her determination and give notice of that hearing within 6 months after the date of the publication of the revision. If, after the hearing, the Administrator does not revise his or her determination, the Administrator shall give notice that the revision is not suitable for this State within 30 days after the hearing. If the Administrator does not give such notice, the revision becomes part of the publication adopted by reference in this section.}~~

**Sec. 39.** NAC 455C.504 is hereby amended to read as follows:

NAC 455C.504 Responsibility of contractor; responsibility of owner ~~{or owner's agent}~~.  
(NRS 455C.110)

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.528, inclusive, until an initial operating permit has been issued.

2. The owner of an elevator ~~{or his or her agent}~~ is responsible for ensuring the safe operation and proper maintenance of the elevator after the initial operating permit has been issued.

*3. It is the responsibility of the owner of the elevator to have available on site the Maintenance Control Program required by the standard adopted by reference in NAC 455C.500(1)(a) and written maintenance records required by the standard adopted by*

*reference in NAC 455C.500(1)(a) of all maintenance, alterations, repairs, inspections and test results from installation to present for review by elevator personnel, special inspectors and inspectors of the Mechanical Compliance Section at time of inspection. The Maintenance Control Program and maintenance records for each piece of equipment are the property of the owner of the elevator.*

*4. The written Maintenance Control Program required by the standard adopted by reference in NAC 455C.500(1)(a) shall be located in the building and/or structure where the elevator is located or at a central location in a complex of buildings owned or operated by one entity. The owner of the elevator shall retain the Maintenance Control Program for period of no less than 5 years.*

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

*6. The maintenance records required by the standard adopted by reference in NAC 455C.500(1)(a) shall be located in the building and/or structure where the elevator is located or at a central location in a complex of buildings owned or operated by one entity. The maintenance records may be kept electronically and shall be immediately available on request to elevator personnel, inspectors, or special inspector. If the maintenance records are kept and available electronically, such records must be current and include all maintenance, alterations, repairs, inspections and test results and must allow for appropriate entries by an inspector or special inspector. The owner of the elevator shall retain the maintenance records for period of no less than 5 years.*

**Sec. 40.** NAC 455C.506 is hereby amended to read as follows:

NAC 455C.506 Permit for construction, installation, *or* alteration ~~{or repair}~~; performance of work by or under supervision of certified elevator mechanic. (NRS 455C.110)

1. Except as otherwise provided in subsection 3, a *licensed elevator* contractor must obtain a permit from the ~~{Enforcement}~~ *Mechanical Compliance* Section for construction, installation~~{}~~ *or* alteration ~~{or repair}~~ of an elevator before such work is begun. *Only one active permit shall be authorized for each elevator.*

2. A contractor who is required to obtain a permit pursuant to subsection 1 must submit to the ~~{Enforcement}~~ *Mechanical Compliance* Section a request for the permit that is accompanied by plans, *drawings, maintenance control program* and specifications in the form prescribed by the ~~{Enforcement}~~ *Mechanical Compliance* Section *not less than 10 business days prior to commencing the construction, installation or alteration*. Except as otherwise provided in subsection 3, if the plans, *drawings*, and specifications indicate the construction, installation~~{}~~ *or* alteration ~~{or repair}~~ will comply with the provisions of NAC 455C.400 to 455C.528, inclusive, the ~~{Enforcement}~~ *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. An elevator for which a permit for construction, installation~~{}~~ *or* alteration ~~{or repair}~~ is required must not be constructed, installed~~{}~~ *or* altered ~~{or repaired}~~ 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 up to \$5,000 on the licensed elevator contractor or building owner if a licensed elevator*

*contractor is not performing the work. An additional administrative fine of up to \$5,000 may be imposed every 30 calendar days if a violation of this section continues.*

5. Except as otherwise provided in subsection 3 of NAC 455C.510, an operating permit is void upon the issuance of a permit for construction, installation~~{,}~~ *or* alteration ~~{or repair}~~ of an elevator. A permit for construction, installation~~{,}~~ *or* alteration ~~{or repair}~~ of an elevator does not authorize the operation of an elevator for which an operating permit is required.

6. Except as otherwise provided in subsection 7, as required by NRS 455C.160, the 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. 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. 41.** NAC 455C.508 is hereby amended to read as follows:

NAC 455C.508 Installation, relocation or alteration: Notification of ~~{Enforcement}~~ *Mechanical Compliance* Section; duties of inspector. (NRS 455C.110)

1. ~~{An elevator mechanic}~~ *A licensed elevator contractor* who installs, relocates or alters an elevator shall notify the ~~{Enforcement}~~ *Mechanical Compliance* Section, in writing ~~{or by telephone,}~~ at least ~~{7}~~ *3 business* days before completion of the work, and ~~{the}~~ *an* elevator mechanic shall test the new, moved or altered portions of the elevator as required by NAC 455C.400 to 455C.528, inclusive.

2. All new, altered ~~{and}~~ *or* relocated elevators must be inspected for compliance with the requirements of NAC 455C.400 to 455C.528, inclusive, by an inspector *from the Mechanical*



**Compliance Section.** Except as otherwise provided in NAC 455C.512, the inspector shall witness the tests required by NAC 455C.400 to 455C.528, inclusive.

**Sec. 42.** NAC 455C.510 is hereby amended to read as follows:

NAC 455C.510 Operating permits: Requirements for issuance; location; limited permit; denial, suspension or revocation; operation before issuance. (NRS 455C.110)

1. The ~~Enforcement~~ **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.528, inclusive. The operating permit must set forth the number assigned by the ~~Enforcement~~ **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 the elevator.

2. The ~~Enforcement~~ **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 ~~Enforcement~~ **Mechanical Compliance** Section. An elevator for which a permit is required must not be operated unless the operating permit has been issued.

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

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

(a) One year for elevators, dumbwaiters and ~~wheelchair~~ **platform** lifts.

(b) Six months for escalators or moving walks.

(c) The period designated by the ~~{Enforcement}~~ *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.528, inclusive, or of the detailed plans and specifications approved by the ~~{Enforcement}~~ *Mechanical Compliance* Section pursuant to NAC 455C.506, the ~~{Enforcement}~~ *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 ~~{Enforcement}~~ *Mechanical Compliance* Section, the ~~{Enforcement}~~ *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 ~~{Enforcement}~~ *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 ~~{Enforcement}~~ *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.528, 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.528, inclusive.

**Sec. 43.** NAC 455C.512 is hereby amended to read as follows:

NAC 455C.512 Periodic ~~{maintenance and}~~ tests: Notification of ~~{Enforcement}~~ *Mechanical Compliance* Section; performance; authority of inspector or special inspector. (NRS 455C.110)

1. ~~{An elevator mechanic}~~ *A licensed elevator contractor* who performs periodic ~~{maintenance or}~~ tests on an elevator shall notify the ~~{Enforcement}~~ *Mechanical Compliance* Section, in writing ~~{or by telephone}~~, at least ~~{7}~~ *3 business* days before commencing any periodic ~~{maintenance}~~ *inspections* or tests on the elevator.

2. Except as otherwise provided in subsection 3, any periodic ~~{maintenance}~~ *inspections* or tests performed on an elevator must comply with the requirements of NAC 455C.400 to 455C.528, inclusive.

4. ~~{An inspector or}~~ *A* special inspector ~~{may}~~ *shall* witness any periodic ~~{maintenance or}~~ tests performed on an elevator.

**Sec. 44.** NAC 455C.516 is hereby amended to read as follows:

NAC 455C.516 Inspections: Initial and periodic; private residence elevator. (NRS 455C.110) An elevator located in this State must be inspected ~~{}~~ *in accordance to the standards adopted in NAC 455C.500:*

1. Upon *construction, installation or alteration* by an inspector and annually thereafter by ~~{an inspector or}~~ a special inspector;

*2. Upon construction, installation or alteration by an inspector and every 6 months thereafter by a special inspector for [a]*

~~[(a) Passenger elevator;~~

~~—(b) Freight elevator;~~

~~—(c) Dumbwaiter; or~~

~~—(d) Wheelchair lift, other than a wheelchair lift installed in a private residence.~~

~~—(e) Stair climber in private residence or commercial.]~~ *an escalator, moving walk or a manlift.*

~~[2]~~ *3. Upon construction, installation[+] or alteration by an inspector and every [6] 3 months thereafter by an inspector [or a special inspector] for [an escalator, moving walk or manlift] a construction elevator or personnel hoist that is used during construction.*

~~[3. Upon installation by an inspector and every 3 months thereafter by an inspector or a special inspector for a personnel elevator or personnel hoist that is used during construction.~~

~~—4. Upon installation and/or at the time of change of ownership, by an inspector, and the inspection must include a preliminary and a final inspection for a private residence elevator. If the owner of the private residence elevator wishes to have an inspector perform any subsequent inspections of the private residence elevator, he must submit a written request for such an inspection to the Enforcement Section.]~~

*4. Upon construction, installation or alteration by an inspector for a private residence elevator, and the inspection must include a preliminary and a final inspection. A private residence elevator shall also be inspected by a special inspector prior to close of every escrow conveying title of the property to a new owner. The owner of the private residence elevator shall have a special inspector perform any subsequent inspections.*

*5. The initial inspection for a new operating permit after an emergency order has been issued pursuant to Section 6 of this regulation shall be conducted by an inspector.*

*6. Special inspectors will conduct all other periodic inspections in the State of Nevada, including rural Nevada. A building owner may request that an inspector from the Mechanical Compliance Section conduct an inspection provided the building is located more than 100 miles from an office of the Mechanical Compliance Section and the building owner provides with its request written documentation that a special inspector has declined to conduct the required inspection.*

**Sec. 45.** NAC 455C.518 is hereby amended to read as follows:

NAC 455C.518 Inspections to determine safety of equipment. (NRS 455C.110)

*1. In addition to those inspections of an elevator that are required to be made pursuant to NAC 455C.516, an inspector or a special inspector may require an inspection to be made of any elevator if, in his or her opinion, an inspection is necessary to determine the safety of the elevator. If an inspector or special inspector determines the operating permit for an elevator should be suspended, modified or revoked, pursuant to NAC 455C.616, 455C.624, 455C.632 or Section 6 of this Regulation, due to an unsafe condition, he must notify the Mechanical Compliance Section immediately.*

*2. Inspectors and special inspectors are required to perform all inspection duties as set forth in ASME A17.1, ASME A17.2 and the Standard for the Qualification of Elevator Inspectors, QEI-1. These inspection duties include, but are not limited to: observing the periodic tests, including the CAT 1, CAT 3 and CAT 5 tests, performed by an elevator mechanic; inspecting the machine room; inspecting the elevator car top; inspecting the hoistway; inspecting the inside of the cab of the elevator; and inspecting the elevator pit area.*

*Inspectors and special inspectors are authorized only to perform the inspection duties as adopted in NAC 455C.500(1)(a) and (b).*

Sec. 46. NAC 455C.520 is hereby amended to read as follows:

NAC 455C.520 Restrictions on authority of special inspector to inspect ~~for test~~ elevator. (NRS 455C.110) A special inspector who inspects ~~for tests~~ an elevator as required by NAC 455C.400 to 455C.528, inclusive, must not be *employed by the contractor who was required to obtain a permit in accordance with NAC 455C.506, 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 or test.

Sec. 47. NAC 455C.522 is hereby amended to read as follows:

NAC 455C.522 Reports of inspections and tests; performance of tests and notification of ~~Enforcement~~ *Mechanical Compliance* Section by certified elevator mechanic; witnessing of tests. (NRS 455C.110)

1. A *written* report of every required inspection or *periodic* test must be filed with the ~~Enforcement~~ *Mechanical Compliance* Section by the inspector or special inspector ~~making~~ *conducting* the inspection *or witnessing the periodic test*, on a form prescribed by the ~~Enforcement~~ *Mechanical Compliance* Section, within 10 *business* days after the inspection or *periodic* test has been completed *at the Mechanical Compliance Section office which maintains the record for that object*. The report must describe the nature of any violation including a

reference to any provision of NAC 455C.400 to 455C.528, inclusive, 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.528, inclusive, must be performed by a person who is certified as an elevator mechanic pursuant to NAC 455C.460. The elevator mechanic who will perform a *periodic* test required by NAC 455C.400 to 455C.528, inclusive, shall notify *the special inspector for the building owner and the ~~Enforcement~~ Mechanical Compliance* Section, *in writing, at least 3 business days in advance* of the *date*, time and location that the test will take place. ~~The Enforcement Section may require an inspector or~~ *A* special inspector ~~to~~ *or the Mechanical Compliance Section, if appropriate, shall* witness ~~any such~~ *every periodic test, including every CAT 1, CAT 3 or CAT 5* test.

3. *Failure to timely file a written report of an inspection or periodic test within 10 business days of the date the inspection or periodic test was completed at that location by the special inspector, shall result in a late filing fee of \$50 payable to the Mechanical Compliance Section. A written report of an inspection or test received more than 20 business days after the inspection or periodic test was completed at that location will be considered invalid, will not be accepted for filing by the Mechanical Compliance Section and such inspection or periodic test must be performed again.*

**Sec. 48.** NAC 455C.524 is hereby amended to read as follows:

NAC 455C.524 Numbering of equipment. (NRS 455C.110) All new elevators and existing installations must be assigned a *jurisdictional* number by ~~an inspector~~ the *Mechanical Compliance Section*. The number must be painted on or attached to the elevator car *crosshead and machine controller* or to the balustrade of an escalator or moving walk *and controller*, in plain view ~~, and to the driving mechanism~~. The number must be shown on all required permits.

*The State of Nevada stamp, tag or number format must consist of the letters “NV” followed by 4 digits at least 5/16 of an inch in height, followed by the last 2 digits of the year in which the elevator, escalator or moving walk or related equipment is installed. An alteration designation will follow the year in the form of an “A” added and the number of the alteration .*

**Sec. 49.** NAC 455C.526 is hereby amended to read as follows:

NAC 455C.526 Accidents: Notification of ~~{Enforcement}~~ *Mechanical Compliance* Section; investigation; inspection and report; subsequent use or removal of equipment. (NRS 455C.110)

1. Before an initial operating permit has been issued for an elevator, the ~~{elevator mechanic}~~ *licensed elevator contractor* who ~~{will install, relocate or alter}~~ *has installed, relocated or altered* the elevator shall promptly notify the ~~{Enforcement}~~ *Mechanical Compliance* Section of every accident involving the elevator.

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 ~~{Enforcement}~~ *Mechanical Compliance* Section of every accident involving the elevator.

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

4. The ~~{Enforcement}~~ *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 ~~{involves}~~ *may have been caused by* the failure, *malfunction* or destruction of any part of an elevator, ~~{the use of the elevator is prohibited}~~ *the elevator, escalator or moving walk shall be shut down immediately and cannot be restored to service* until:

- (a) The ~~{Enforcement}~~ *Mechanical Compliance* Section has been notified;
- (b) The elevator, *escalator or moving walk* has been made safe;
- (c) The elevator, *escalator or moving walk* has been ~~{reinspected}~~ *inspected by the Mechanical Compliance Section and, if necessary, tested*; and
- (d) Any repairs, changes or alterations have been approved by the ~~{Enforcement}~~ *Mechanical Compliance* Section.

6. If an accident involves the failure of an elevator, no part of the elevator may be removed from the premises until the ~~{Enforcement}~~ *Mechanical Compliance* Section authorizes that removal.

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

- ~~—(a) Causes serious bodily injury; or~~
- ~~—(b) Requires an alteration, repair or replacement of the elevator}.~~

**Sec. 50.** NAC 455C.528 is hereby amended to read as follows:

NAC 455C.528 Violations: Report to responsible person; action by ~~{Enforcement}~~ *Mechanical Compliance* Section. (NRS 455C.110)

*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.528, inclusive, 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.528, inclusive, or set forth in a publication adopted by reference in NAC 455C.500 that was violated. *A copy of the report shall be submitted to the Mechanical Compliance Section within 10 business days of the inspection or periodic test at the Mechanical Compliance Section office which maintains the record for that object.* The ~~Enforcement~~ *Mechanical Compliance* Section shall:

- ~~1.1~~ (a) Fix a reasonable time ~~for the abatement of~~ *to correct* the violation; and
- ~~1.2~~ (b) Take any action authorized by NAC 455C.616 that it determines is appropriate.

*2. If the special inspector has submitted a report to the Mechanical Compliance Section pursuant to subsection 1 of this regulation, the special inspector shall confirm not later than 5 business days after the due date for the abatement of the violation that the violation was, in fact, abated, record the actions taken to abate the violation which have not been completed or that no action to abate the violation has occurred and shall report his or her findings to the Mechanical Compliance Section within 5 business days at the Mechanical Compliance Section office which maintains the record for that object.*

**Sec. 51.** NAC 455C.604 is hereby amended to read as follows:

NAC 455C.604 “Certificate” defined. (NRS 455C.110) “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~~ *Mechanical Compliance* Section pursuant to NAC 455C.130 or 455C.460.

**Sec. 52.** NAC 455C.606 is hereby amended to read as follows:

NAC 455C.606 “Certificate of competency” defined. (NRS 455C.110) “Certificate of competency” means a certificate of competency as a special inspector as defined in NAC

455C.440 that is issued by the ~~Enforcement~~ *Mechanical Compliance* Section pursuant to NAC 455C.464.

**Sec. 53.** NAC 455C.610 is hereby amended to read as follows:

NAC 455C.610 “Operating permit” defined. (NRS 455C.110) “Operating permit” means a permit required by NRS 455C.100 and issued by the ~~Enforcement~~ *Mechanical Compliance* Section for the operation of a boiler, elevator or pressure vessel.

**Sec. 54.** NAC 455C.616 is hereby amended to read as follows:

NAC 455C.616 Authority of ~~Enforcement~~ *Mechanical Compliance* Section. (NRS 455C.110)

1. The ~~Enforcement~~ *Mechanical Compliance* Section 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.528, inclusive;

(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.528, inclusive;

(e) A holder of a certificate of competency *as a special inspector or certificate of accreditation of an Authorized Inspection Agency* has violated any of the provisions set forth in NAC 455C.400 to 455C.528, inclusive; or

(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.528, inclusive.

2. After determining a violation described in subsection 1 has occurred, the ~~Enforcement~~ *Mechanical Compliance* Section may:

(a) Issue a notice of violation which requires the holder of the operating permit, certificate, certificate of competency or work card to correct the violation;

(b) Impose an administrative fine of not more than \$5,000, *impose an additional administrative fine of up to \$5,000 every 30 calendar days if the violation continues*, and revoke the operating permit, certificate, certificate of competency or work card, as applicable; or

(c) For a second or subsequent violation:

(1) Impose an administrative fine of not more than \$10,000 *and an additional administrative fine of up to \$5,000 every 30 calendar days if the violation continues*;

(2) Revoke the operating permit, certificate, certificate of competency or work card, as applicable; and

(3) Require the holder of the operating permit, certificate, certificate of competency or work card to fulfill certain training or educational requirements.

**Sec. 55.** NAC 455C.618 is hereby amended to read as follows:

NAC 455C.618 Imposition of administrative fine: Notice of action. (NRS 455C.110) If the ~~Enforcement~~ *Mechanical Compliance* Section intends to impose an administrative fine pursuant to NAC 455C.616, the ~~Enforcement~~ *Mechanical Compliance* Section shall notify the holder of an operating permit, certificate, certificate of competency or work card of its intention by:

1. Delivering a notice of violation to the holder of the operating permit, certificate, certificate of competency or work card by certified mail;
2. Enclosing with the notice of violation:
  - (a) A statement indicating the ~~Enforcement~~ *Mechanical Compliance* Section's legal authority and jurisdiction to issue an administrative fine; 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; and
3. Stating the effective date of the imposition of the proposed administrative fine upon failure to contest, the procedures for bringing a contest and the procedures for an appeal.

**Sec. 56.** NAC 455C.620 is hereby amended to read as follows:

NAC 455C.620 Imposition of administrative fine: Contest of action. (NRS 455C.110)

1. A holder of an operating permit, certificate, certificate of competency or work card may appeal the imposition of an administrative fine by filing a contest with the Chief 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.
  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, it must be indicated in the contest documents.

4. The Chief shall set a date for hearing within 30 *calendar* days after the receipt of any written contest. A holder may request that the hearing be held on an earlier date by submitting a written request to the Chief. The request must show that the holder of the operating permit, certificate, certificate of competency or work card will suffer a substantial hardship if the date of the hearing is not changed and offer a proposed date for the hearing. The holder of the operating permit, certificate, certificate of competency or work card has the burden of establishing a substantial hardship.

5. The Chief 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 shall issue his or her decision within a reasonable time after the conclusion of the hearing.

**Sec. 57.** NAC 455C.622 is hereby amended to read as follows:

NAC 455C.622 Imposition of administrative fine: Appeal to Administrator. (NRS 455C.110)

1. Any decision of the Chief rendered pursuant to NAC 455C.620 may be appealed to the Administrator within 30 *calendar* days after the issuance of the Chief's decision. If a decision is not appealed to the Administrator within 30 *calendar* days, it becomes final.

2. Any review of the Chief's decision 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 designee*. If the Administrator *or his 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. A hearing may be granted only to consider new evidence.

3. The Administrator *or his designee* may affirm, reverse or modify the decision of the Chief or remand the matter to the Chief for further consideration.

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

**Sec. 58.** NAC 455C.624 is hereby amended to read as follows:

NAC 455C.624 Suspension, modification or revocation of operating permit, certificate, certificate of competency or work card: Grounds. (NRS 455C.110)

1. The ~~Enforcement~~ *Mechanical Compliance* Section may suspend, modify or revoke an operating permit, certificate, certificate of competency 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~~ *Mechanical Compliance* Section.

**Sec. 59.** NAC 455C.626 is hereby amended to read as follows:

NAC 455C.626 Suspension, modification or revocation of operating permit, certificate, certificate of competency or work card: Notice of action. (NRS 455C.110) If the ~~Enforcement~~ *Mechanical Compliance* Section intends to suspend, modify or revoke an operating permit, certificate, certificate of competency or work card issued pursuant to the provisions of this chapter, the ~~Enforcement~~ *Mechanical Compliance* Section shall notify the holder of the operating permit, certificate, certificate of competency 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 or work card by certified mail;

2. Enclosing with the notice of suspension, modification or revocation:

(a) A statement indicating the ~~Enforcement~~ *Mechanical Compliance* Section's legal authority and jurisdiction 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. 60.** NAC 455C.628 is hereby amended to read as follows:

NAC 455C.628 Suspension, modification or revocation of operating permit, certificate, certificate of competency or work card: Contest of action. (NRS 455C.110)

1. A holder of an operating permit, certificate, certificate of competency or work card may appeal the suspension, modification or revocation of his or her operating permit, certificate, certificate of competency or work card by filing a contest with the Chief 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, but will not be granted if the holder of the certificate, certificate of competency 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 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 shall set a date for hearing within 30 *calendar* days after the receipt of any written contest. A holder of an operating permit, certificate, certificate of competency or work card may request that the hearing be held on an earlier date by submitting a written request to the Chief. The request must show that the holder of the operating permit, certificate, certificate of competency 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 or work card has the burden of establishing a substantial hardship.

5. The Chief 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 shall issue his or her decision within a reasonable time after the conclusion of the hearing.

**Sec. 61.** NAC 455C.630 is hereby amended to read as follows:

NAC 455C.630 Suspension, modification or revocation of operating permit, certificate, certificate of competency or work card: Appeal to Administrator. (NRS 455C.110)

1. Any decision of the Chief rendered pursuant to NAC 455C.628 may be appealed to the Administrator within 30 *calendar* days after the issuance of the Chief's decision. If a decision is not appealed to the Administrator within 30 *calendar* days, it becomes final.

2. Any review of the Chief's decision 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 designee*. If the Administrator *or his 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. A hearing may be granted only to consider new evidence.

3. The Administrator *or his designee* may affirm, reverse or modify the decision of the Chief or remand the matter to the Chief for further consideration.

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

**Sec. 62.** NAC 455C.632 is hereby amended to read as follows:

NAC 455C.632 Summary suspension of operating permit, certificate, certificate of competency or work card: Grounds. (NRS 455C.110)

1. The ~~{Enforcement}~~ *Mechanical Compliance* Section may suspend summarily an operating permit, certificate, certificate of competency 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}~~ *Mechanical Compliance* Section.

**Sec. 63.** NAC 455C.634 is hereby amended to read as follows:

NAC 455C.634 Summary suspension of operating permit, certificate, certificate of competency or work card: Notice of action; immediate cessation of operations. (NRS 455C.110)

1. If the ~~Enforcement~~ *Mechanical Compliance* Section intends to suspend summarily an operating permit, certificate, certificate of competency or work card issued pursuant to this chapter, the ~~Enforcement~~ *Mechanical Compliance* Section shall notify the holder of the operating permit, certificate, certificate of competency 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 or work card by certified mail; and

(b) Enclosing with the notice of summary suspension:

(1) A statement indicating the ~~Enforcement~~ *Mechanical Compliance* Section's legal authority and jurisdiction 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 or work card that he or she is entitled to contest the summary suspension; and

(c) State that the ~~Enforcement~~ *Mechanical Compliance* Section 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 or work card shall immediately cease all operations that are the subject of the suspension.

**Sec. 64.** NAC 455C.636 is hereby amended to read as follows:

NAC 455C.636 Summary suspension of operating permit, certificate, certificate of competency or work card: Contest of action. (NRS 455C.110)

1. A holder of an operating permit, certificate, certificate of competency or work card may appeal a summary suspension by filing a contest with the Chief 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~~ *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 shall set a date for hearing within 10 *business* days after the receipt of any written contest.

5. The Chief 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. 65.** NAC 455C.638 is hereby amended to read as follows:

NAC 455C.638 Summary suspension of operating permit, certificate, certificate of competency or work card: Appeal to Administrator. (NRS 455C.110)

1. Any decision of the Chief rendered pursuant to NAC 455C.636 may be appealed to the Administrator within 30 *calendar* days after the issuance of the Chief's decision.

2. Any review of the Chief's decision 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 designee*. If the Administrator *or his 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. A hearing may be granted only to consider new evidence.

3. The Administrator *or his designee* may affirm, reverse or modify the decision of the Chief or remand the matter to the Chief 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 designee* is a final decision for the purposes of judicial review.

**Sec. 66.** NAC 455C.110 and 455C.514 are hereby repealed.

**Sec. 67.** Sections 1 through 7, inclusive, and 10 through 66, inclusive, shall become effective on adoption and approval by the Legislative Commission. Sections 8 and 9 of this Regulation shall become effective on July 1, 2015.

#### **TEXT OF REPEALED SECTIONS**

**NAC 455C.110 Determination of suitability for this State of revisions of publications adopted by reference.** (NRS 455C.110) If any publication adopted by reference in NAC

455C.108 is revised, the Administrator shall review the revision to determine its suitability for this State. If the Administrator determines that the revision is not suitable for this State, the Administrator shall hold a public hearing to review his or her determination and give notice of that hearing within 6 months after the date of the publication of the revision. If, after the hearing, the Administrator does not revise his or her determination, the Administrator shall give notice that the revision is not suitable for this State within 30 days after the hearing. If the Administrator does not give such notice, the revision becomes part of the publication adopted by reference in NAC 455C.108.

**NAC 455C.514 Escalators and moving walks: Tests relating to step and skirt performance index. (NRS 455C.110)**

1. For an escalator or moving walk for which the application for installing or relocating the escalator or moving walk is filed with the Enforcement Section on or after December 15, 2004:

(a) As required by the Safety Code for Elevators and Escalators, as adopted by reference in NAC 455C.500, the tests relating to the step and skirt performance index as set forth in rule 8.11.4.2.19 of that code must be performed at the time of manufacture or installation of the escalator or moving walk; and

(b) Subsequent tests relating to the step and skirt performance index as set forth in rule 8.11.4.2.19 of the Safety Code for Elevators and Escalators, as adopted by reference in NAC 455C.500, must be performed on those escalators or moving walks when an inspector or special inspector requires the tests to be performed.

2. For escalators or moving walks that are existing installations, tests relating to the step and skirt performance index as set forth in rule 8.11.4.2.19 of the Safety Code for Elevators and

Escalators, as adopted by reference in NAC 455C.500, must be performed when an inspector or special inspector requires the tests to be performed.