

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

LCB File No. R077-14

August 28, 2014

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

AUTHORITY: §§1-31, 35-54 and 56-76, NRS 455C.110; §§32-34 and 55, NRS 455C.110 and 455C.120.

A REGULATION relating to public safety; revising provisions relating to boilers, elevators and pressure vessels; establishing the Mechanical Compliance Section of the Division of Industrial Relations of the Department of Business and Industry as the agency responsible for the enforcement of the provisions of chapter 455C of NAC relating to elevators; authorizing the Chief of the Section to issue an emergency order to restrain conditions or practices relating to an elevator in certain circumstances; providing for the certification of authorized inspection agencies; requiring special inspectors to be employed by or affiliated with an authorized inspection agency; revising and establishing fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Industrial Relations of the Department of Business and Industry to adopt certain regulations: (1) relating to boilers, elevators and pressure vessels; and (2) prescribing any fee that is necessary to carry out the provisions of NAC relating to boilers, elevators and pressure vessels. (NRS 455C.110, 455C.120)

Sections 4, 5, 16, 20, 21, 23-26, 29-31, 35-44, 46-53, 55-63, 66, 67 and 70-72 of this regulation require the Mechanical Compliance Section of the Division to enforce the provisions of chapter 455C of NAC and chapter 455C of NRS relating to elevators and the publications adopted by reference pursuant to NAC 455C.500.

Section 7 of this regulation authorizes the Chief of the Mechanical Compliance Section to issue an emergency order to restrain certain conditions or practices relating to an elevator which create a danger of death or serious physical harm.

Sections 2, 8-12 and 27 of this regulation require an authorized inspection agency to hold a certificate of accreditation and require a special inspector to be employed by or affiliated with an authorized inspection agency on or after July 1, 2015.

Sections 32-34 of this regulation revise the fees assessed by the Division.

Sections 3, 5, 6, 13, 14, 17, 22, 28, 31, 35-43 and 45-58 of this regulation revise various provisions relating to the operation, inspection and testing of elevators. Section 75 of this regulation allows a person who holds a certificate of competency as a special inspector issued before the effective date of section 13 to receive the training and complete the evaluation required by that section at any time before the earlier of the expiration or renewal of his or her current certificate of competency.

Section 1. Chapter 455C of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this regulation.

Sec. 2. *“Mechanical Compliance Section” means the Section which has been created within the Division as the regulatory authority with jurisdiction for the enforcement of the provisions of this chapter and chapter 455C of NRS governing the construction, installation, operation, testing, maintenance, alteration or repair of elevator equipment.*

Sec. 3. *For the purposes of the publications adopted by reference in NAC 455C.500, the Mechanical Compliance Section is the regulatory authority and the authority having jurisdiction for the enforcement of this chapter, chapter 455C of NRS and the provisions of the publications.*

Sec. 4. *“Authorized inspection agency” means a person who holds a certificate of accreditation as an authorized inspection agency issued by the Mechanical Compliance Section pursuant to section 8 of this regulation.*

Sec. 5. *“Licensed elevator contractor” means a person properly licensed pursuant to chapter 624 of NRS by the State Contractors’ Board to install, maintain, repair or alter an elevator.*

Sec. 6. 1. *An elevator with 55 feet or less of travel is not required to have Phase II Emergency In-Car Operation installed unless installation is required by local ordinance. If Phase II Emergency In-Car Operation is installed, it must be maintained and tested monthly.*

2. *As used in this section, “Phase II Emergency In-Car Operation” has the meaning ascribed to it in section 1.3 of the Safety Code for Elevators and Escalators, A17.1, as adopted by reference in NAC 455C.500.*

Sec. 7. 1. *The Chief of the Mechanical Enforcement Section or his or her 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 danger can be eliminated through the other enforcement procedures provided by this chapter. An order issued pursuant to this section may require such steps to be taken as are necessary to avoid, correct or remove the imminent danger and may prohibit the employment or presence of any person in locations or under conditions where the imminent danger exists, except persons whose presence is necessary to avoid, correct or remove the imminent danger or to maintain the capacity of a continuous process operation to resume normal operations without a complete cessation of operations or, where a cessation of operations is necessary, to allow the cessation to be accomplished in a safe and orderly manner.*

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

may grant injunctive relief or a temporary restraining order pending the outcome of an enforcement proceeding pursuant to this chapter.

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

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

Sec. 8. *1. On or after July 1, 2015, a person shall not employ or be affiliated with a special inspector to inspect elevators in this State unless the person holds a certificate of accreditation as an authorized inspection agency issued by the Mechanical Compliance Section.*

2. 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 the issuance of a certificate of accreditation set forth in NAC 455C.450;

(b) Provide proof that the applicant maintains adequate insurance coverage against liabilities resulting from claims incurred in the course of operation, including, without limitation:

(1) Workers' compensation insurance pursuant to chapters 616A to 617, inclusive, of NRS for its employees;

(2) Insurance for professional errors and omissions covering its inspection activities in this State in an amount of not less than \$4,000,000; and

(3) Commercial general liability insurance in an amount of not less than \$4,000,000; and

(c) Certify that the applicant maintains a library of each publication adopted by reference pursuant to NAC 455C.500 and copies of all Mechanical Compliance Section inspector checklists.

3. The application submitted pursuant to subsection 2 must include, without limitation:

(a) The physical address of the location where inspection records will be maintained;

(b) The state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(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 who will be employed by the applicant to conduct elevator inspections.

4. An authorized inspection agency shall not have common ownership with a licensed elevator contractor or an elevator maintenance company.

5. If an applicant satisfies the requirements set forth in this section, the Mechanical Compliance Section shall issue a certificate of accreditation as an authorized inspection agency to the applicant.

6. A certificate of accreditation as an authorized inspection agency issued pursuant to this section expires 3 years after the date of issuance unless the certificate is renewed.

Sec. 9. *To renew a certificate of accreditation as an authorized inspection agency, an authorized inspection agency must, not more than 45 calendar days before the expiration of the certificate, submit to the Mechanical Compliance Section:*

- 1. A renewal application on a form prescribed by the Mechanical Compliance Section;*
- 2. The fee for the renewal of a certificate of accreditation set forth in NAC 455C.450; and*
- 3. All the information required to be submitted for the issuance of a certificate of accreditation pursuant to section 8 of this regulation.*

Sec. 10. *1. The Mechanical Compliance Section may request that an authorized inspection agency provide the following information for audit purposes:*

- (a) Proof of the availability of code books and Mechanical Compliance Section checklists for each special inspector employed by or affiliated with the authorized inspection agency;*
- (b) Forms used for inspection checklists;*
- (c) Forms for reporting notices of violations;*
- (d) A log of activity for each special inspector; and*
- (e) Proof that the authorized inspection agency maintains the insurance required by section 8 of this regulation.*

2. An authorized inspection agency shall, within 5 business days after receipt of a request pursuant to subsection 1, provide the requested documents to the Mechanical Compliance Section in writing or, at the discretion of the Mechanical Compliance Section, by allowing immediate access to such documents to the Mechanical Compliance Section at the office of the authorized inspection agency.

3. If an authorized inspection agency or a special inspector violates any provision of this chapter, chapter 455C of NRS or any publication adopted by reference pursuant to NAC

455C.500, the Mechanical Compliance Section shall impose a penalty for violations occurring within the 3-year period immediately preceding the most recent offense according to the following schedule:

(a) For the first offense, issue a letter of warning describing the violation.

(b) For the second offense, suspend the certificate of accreditation issued to the authorized inspection agency or the certificate of competency issued to the special inspector for 30 days.

(c) For the third offense, suspend the certificate of accreditation issued to the authorized inspection agency or the certificate of competency issued to the special inspector for 180 days.

(d) For the fourth or subsequent offense, revoke the certificate of accreditation issued to the authorized inspection agency or the certificate of competency issued to the special inspector.

4. An appeal of any action taken by the Mechanical Compliance Section pursuant to subsection 3 must be made in accordance with the provisions of NAC 455C.620 and 455C.622.

Sec. 11. *Before applying for the issuance or renewal of a certificate of accreditation as an authorized inspection agency, an authorized inspection agency shall develop and implement:*

1. An operations manual setting forth specific instructions that each special inspector employed by or affiliated with the authorized inspection agency must follow while completing each inspection;

2. A written policy for the continuing education of special inspectors, including, without limitation, a system for tracking the continuing education completed by each special inspector employed by or affiliated with the authorized inspection agency;

3. *A written program for quality assurance that describes the authorized inspection agency's organization, programs, document routing and control procedures, recordkeeping and corrective action for any failure to comply with any element of the program for quality assurance; and*

4. *A program for internal audits which documents compliance with the operations manual, policy for the continuing education of special inspectors and program for quality assurance.*

Sec. 12. *A person shall not inspect an elevator in this State or perform any other duties for which a certificate of competency is required unless the person is:*

1. *An inspector employed by the Mechanical Compliance Section; or*

2. *A special inspector employed by or affiliated with an authorized inspection agency.*

Sec. 13. 1. *The Mechanical Compliance Section shall establish and maintain a listing of all elevators and related equipment in this State which require inspection.*

2. *A special inspector is responsible for billing and collecting the payment for any inspection service he or she performs.*

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

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

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

4. *A special inspector shall comply with all policies and procedures of the Mechanical Compliance Section for conducting inspections. A special inspector who fails to comply with*

this subsection may have his or her certificate of competency suspended or revoked pursuant to NAC 455C.626 or section 10 of this regulation.

5. A special inspector shall immediately notify the Mechanical Compliance Section of unsafe equipment in a condition which poses an imminent danger. A condition will be considered to pose an imminent danger if the existing condition of the equipment without being corrected could reasonably be expected to result in death or serious physical harm to a user of the equipment or a member of the general public. The Mechanical Compliance Section shall consider whether the equipment which is the subject of such a notification requires an emergency order to be issued pursuant to section 7 of this regulation and, if so, issue such an emergency order.

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

Sec. 14. *In addition to any requirement for written records contained in the Safety Code for Elevators and Escalators, A17.1, as adopted by reference in NAC 455C.500, each machine room shall contain a written log where each elevator mechanic must enter information concerning each incident to which he or she responds. The information entered by the elevator mechanic must include, without limitation, a description of the reported trouble, date, time and any corrective action taken. The written log must be maintained in the machine room and immediately accessible to all elevator mechanics.*

Sec. 15. NAC 455C.002 is hereby amended to read as follows:

455C.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 455C.004 to 455C.010, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 16. NAC 455C.006 is hereby amended to read as follows:

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

Sec. 17. NAC 455C.108 is hereby amended to read as follows:

455C.108 The Division hereby adopts by reference:

1. The following sections of the *ASME Boiler and Pressure Vessel Code*, ~~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, <i>Rules for Construction of</i> Power Boilers	295 370
(b) Section II, Materials - Part D: Properties	435 560
(c) Section IV, Rules for Construction of Heating Boilers	280 375
(d) Section V, Nondestructive Examination	315 415
(e) Section VI, Recommended Rules for the Care and Operation of Heating Boilers.	175 220
(f) Section VII, Recommended Guidelines for the Care of Power Boilers.....	180 220
(g) Section VIII, Rules for Construction of Pressure Vessels - Division 1.....	460 570
(h) Section IX, Welding , and Brazing <i>and Fusing</i> Qualifications	330
(i) Section X, Fiber Reinforced Plastic Pressure Vessels	250 425

2. *Controls and Safety Devices for Automatically Fired Boilers*, CSD-1, ~~2002~~ **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 ~~[\$56.]~~ **\$93.**

3. ~~{The}~~ *Power Piping*, ~~{Code,}~~ B31.1, ~~{2001}~~ **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 ~~[\$230.]~~ **\$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 \$41.

5. The *edition most recently adopted pursuant to NAC 590.610 of the National Fuel Gas Code*, ANSI Z223.1/NFPA 54, ~~{2002 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.}~~

6. The *edition most recently adopted in NAC 341.045 of 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 Protection Association.**

7. The ~~{Uniform}~~ *edition most recently adopted in NAC 477.281 of the 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.**

8. The *edition most recently adopted in NAC 341.045 of 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.*

9. The *edition most recently adopted in NAC 341.045 of 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.}~~

10. The ~~{Uniform}~~ *edition most recently adopted in NAC 477.281 of the 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.*

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.}~~ *the National Fire Protection Association free of charge at the Internet address <http://www.nfpa.org/freeaccess>.*

13. The *Safety Standard for Refrigeration Systems*, ANSI/ASHRAE 15, ~~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.~~ **107.**

14. The *edition most recently adopted pursuant to NAC 590.600 of 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.~~

Sec. 18. NAC 455C.284 is hereby amended to read as follows:

455C.284 1. The construction of the setting around each blowoff pipe must allow free expansion and contraction. The openings for the setting must be sealed without restricting the movement of the blowoff piping.

2. All blowoff piping, when exposed to heat from a furnace, must be protected by firebrick or other heat-resisting material so constructed that the piping may be inspected readily. Each boiler must have a blowoff pipe, fitted with a valve or cock, in direct connection with the lowest water space. Cocks must be of the gland or guard type and suitable for the pressure allowed. The use of globe valves must meet the requirements established by the American Society of Mechanical Engineers. If the maximum allowable working pressure exceeds 100 PSIG:

(a) Each blowoff pipe must be provided with two valves or a valve and cock, and the valves and cocks must be made of extra-heavy steel, or bronze when listed as acceptable in table 126.1 of ~~the~~ *Power Piping*, ~~Code,~~ as adopted by reference in NAC 455C.108, and must not be galvanized; and

(b) The blowoff piping must be at least extra-heavy steel from the boiler to each valve and must be run full size without reducers or bushings.

3. All fittings between the boiler and blowoff valve must be made of steel. In case of the renewal of the blowoff pipe or fittings, they must be installed in accordance with the requirements for new installations set forth in ~~{the}~~ *Power Piping*, ~~{Code,}~~ as adopted by reference in NAC 455C.108.

Sec. 19. NAC 455C.400 is hereby amended to read as follows:

455C.400 As used in NAC 455C.400 to 455C.528, inclusive, *and sections 4 to 14, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 455C.402 to 455C.444, inclusive, *and sections 4 and 5 of this regulation* have the meanings ascribed to them in those sections.

Sec. 20. NAC 455C.404 is hereby amended to read as follows:

455C.404 “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. 21. NAC 455C.406 is hereby amended to read as follows:

455C.406 “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. 22. NAC 455C.410 is hereby amended to read as follows:

455C.410 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. 23. NAC 455C.422 is hereby amended to read as follows:

455C.422 “Inspector” means an elevator inspector employed by the ~~Enforcement~~ *Mechanical Compliance* Section.

Sec. 24. NAC 455C.426 is hereby amended to read as follows:

455C.426 “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. 25. NAC 455C.428 is hereby amended to read as follows:

455C.428 “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. 26. NAC 455C.434 is hereby amended to read as follows:

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

Sec. 27. NAC 455C.440 is hereby amended to read as follows:

455C.440 “Special inspector” means an elevator inspector who holds a *current Qualified Elevator Inspector (QEI) certification issued by an organization that holds a QEI Certificate of Accreditation and a* certificate of competency and who , *on or after July 1, 2015*, is

employed *by* or ~~retained~~ *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.

Sec. 28. NAC 455C.442 is hereby amended to read as follows:

455C.442 ~~“Wheelchair”~~ *“Platform lift”* includes a ~~platform~~ *wheelchair* lift, stairway lift and chair lift.

Sec. 29. NAC 455C.444 is hereby amended to read as follows:

455C.444 “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. 30. NAC 455C.446 is hereby amended to read as follows:

455C.446 1. The requirements of NAC 455C.400 to 455C.528, inclusive, *and sections 4 to 14, inclusive, of this regulation* apply to the installation, relocation, use, maintenance, alteration or repair of an elevator as specified in this section.

2. All new elevators must be designed and installed in accordance with the requirements of NAC 455C.400 to 455C.528, inclusive ~~and~~, *and sections 4 to 14, inclusive, of this regulation.*

3. All relocations of elevators made on or after December 15, 2004, must satisfy the requirements of NAC 455C.400 to 455C.528, inclusive ~~and~~, *and sections 4 to 14, inclusive, of this regulation.*

4. An existing installation may be used without being reconstructed to comply with the requirements of NAC 455C.400 to 455C.528, inclusive, *and sections 4 to 14, inclusive, of this regulation*, except for those sections which specifically refer to such existing installations. Every existing installation must be maintained in a safe operating condition and must comply with the applicable provisions of the edition of each publication adopted by reference in NAC 455C.500

that was in effect at the time the elevator was installed ~~†~~ *and the Code for Existing Elevators and Escalators, A17.3, as adopted by reference in NAC 455C.500.*

5. Except as otherwise provided in this subsection, an alteration or repair to an existing installation must satisfy the requirements set forth in NAC 455C.400 to 455C.528, inclusive ~~†~~, *and sections 4 to 14, inclusive, of this regulation.* 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. 31. NAC 455C.448 is hereby amended to read as follows:

455C.448 1. A person responsible for the operation of an elevator pursuant to NAC 455C.504 who wishes to obtain an exemption from a requirement set forth in NAC 455C.400 to 455C.528, inclusive, *and sections 4 to 14, inclusive, of this regulation* 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 ~~†~~ *the exemption is in the best interests of the general public and:*

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

(b) ~~{Compliance with the requirement is not practicable.}~~ *The elevator or related system complies with the codes or standards adopted by the local jurisdiction within which the elevator or related system is located.*

3. If ~~{an inspector approves}~~ *a person designated by the Chief recommends approval of* the exemption:

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

(b) The *Chief must review and determine whether to accept or reject the* application for an exemption ~~{must be reviewed by a person designated by the Chief}~~ within 5 ~~{working}~~ *business* days after the ~~{exemption}~~ *application* is ~~{approved by the inspector.}~~ *submitted to the Mechanical Compliance Section.*

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

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

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

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

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

6. In addition to an exemption that may be granted pursuant to subsections 1 to 5, inclusive, the Chief may grant an exemption from a requirement set forth in NAC 455C.400 to 455C.528, inclusive, *and sections 4 to 14, inclusive, of this regulation* for an elevator in the case of an emergency or if he or she determines that such an exemption is in the best interests of the general public. If the Chief grants an exemption pursuant to this subsection, the Chief shall notify the Administrator of the exemption. If the exemption is granted because the Chief determined that the exemption is in the best interests of the general public, the notice to the Administrator must be in writing.

NEW FIRST
PARALLEL
SECTION

Sec. 32. NAC 455C.450 is hereby amended to read as follows:

455C.450 1. Except as otherwise provided in subsections 3 and 4, the ~~{Enforcement}~~

Mechanical Compliance Section shall charge and collect the following fees:

Certificates *to work as an Elevator Mechanic* Fees

For the issuance of a certificate ~~{ \$100 }~~ **\$150**

For the renewal of a certificate ~~{ 50 }~~ **75**

Certificates of Accreditation as an Authorized Inspection Agency Fees

For the issuance of a certificate of accreditation **\$300**

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

Certificates of Competency *for Special Inspectors*

Fees

For the issuance of a certificate of competency.....~~[\$100]~~ **\$150**

For the renewal of a certificate of competency.....~~[50]~~ **75**

Work Cards *for Elevator Mechanic Apprentices and Helpers*

Fees

For the issuance of a work card.....~~[\$100]~~ **\$150**

For the renewal of a work card.....~~[50]~~ **75**

Passenger Elevators

Fees

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

inspection, if the passenger elevator has : ~~[at least one but not more than three steps:~~

~~— For the issuance of an initial operating permit, based on a preliminary and final inspection by an inspector.....\$120~~

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

~~— If the passenger elevator has at least 4 but not more than 10 stops:~~

~~— For the issuance of an initial operating permit, based on a preliminary and final inspection by an inspector.....140~~

Passenger Elevators

Fees

~~For the annual renewal of an operating permit, based on one inspection and the witnessing of one annual test by an inspector130~~

~~If the passenger elevator has at least 11 but not more than 20 stops:~~

~~For the issuance of an initial operating permit, based on a preliminary and final inspection by an inspector150~~

~~For the annual renewal of an operating permit, based on one inspection and the witnessing of one annual test by an inspector140~~

~~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 inspector160~~

~~For the annual renewal of an operating permit, based on one inspection and the witnessing of one annual test by an inspector150~~

~~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 stops30~~

~~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 101~~

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

Passenger Elevators

Fees

<i>At least 11 but not more than 30 landings.....</i>	<i>750</i>
<i>More than 30 landings.....</i>	<i>1,000</i>

Freight Elevators

Fees

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

inspection, if the freight elevator has a capacity of : ~~15,000 pounds or less:~~

~~— For the issuance of an initial operating permit, based on a preliminary and final inspection by an inspector.....\$150~~

~~— For the annual renewal of an operating permit, based on one inspection and the witnessing of one annual test by an inspector.....80~~

~~— If the freight elevator has a capacity of at least 5,001 pounds but not more than 10,000 pounds:~~

~~— For the issuance of an initial operating permit, based on a preliminary and final inspection by an inspector.....170~~

~~— For the annual renewal of an operating permit, based on one inspection and the witnessing of one annual test by an inspector.....100~~

~~— If the freight elevator has a capacity of 10,001 pounds or more:~~

~~— For the issuance of an initial operating permit, based on a preliminary and final inspection by an inspector.....190~~

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
<i>10,000 pounds or less</i>	<i>\$500</i>
<i>More than 10,000 pounds</i>	<i>750</i>

Dumbwaiters

Fees

For the issuance of an initial operating permit for a dumbwaiter, based on a preliminary and final <i>an acceptance</i> inspection by an inspector	80 <i>\$250</i>
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

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 <i>an acceptance</i> inspection by an inspector	100 <i>\$750</i>
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

~~{Personnel}~~ Elevators and Personnel Hoists

Used During Construction

Fees

For the issuance of ~~{an initial}~~ **a** 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}~~ **issuance** of a limited operating permit for a personnel ~~{elevator or personnel}~~ hoist that is used during construction, based on an **acceptance** inspection ~~{and appropriate testing by an inspector}~~..... ~~{50}~~ **500**

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

Fees

For the issuance of an ~~{initial}~~ operating permit for a ~~{wheelchair lift other than a wheelchair}~~ **platform** lift ~~{installed in a private residence,}~~ based on ~~{a preliminary and final}~~ **an acceptance** inspection ~~{by an inspector}~~..... ~~{80}~~ **\$250**

~~{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}~~

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..... ~~[\$80]~~ **\$400**

For each subsequent inspection of a private residence elevator by ~~an~~ **a special** inspector that is requested by the owner of the private residence elevator ~~[40]~~ **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 ~~[\$20]~~ **\$200**

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 , **drawings** and specifications before those plans , **drawings** and specifications are submitted to the ~~[Enforcement]~~ **Mechanical Compliance** Section pursuant to NAC 455C.506:

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**

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 ~~{}~~, **including, without limitation:**

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

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

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

3. The fees **and charges** imposed by this section for operating permits or inspections of elevators 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,}~~ **school** district ~~{or commission.}~~ **within this State.**

4. The fees **and charges** 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,~~ school district ~~or commission.~~ *within this State.*

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

6. The maximum fee that may be charged by an authorized inspection agency or special inspector for the performance of services rendered by a special inspector to assist a person in complying with the provisions of this chapter is:

(a) Not more than \$150 per hour for those services provided during the first 8 hours of a day.

(b) Not more than \$225 per hour for those services provided after the first 8 hours of a day.

↪ In addition to the hourly rates described in this subsection, an authorized inspection agency or special inspector may require the payment of a mileage charge at a rate equal to the mileage allowance for state officers and employees who use their personal vehicles for the convenience of this State for all travel to and from an inspection conducted at a location

which is more than 15 miles from the closest office of the authorized inspection agency or special inspector.

NEW
SECOND
PARALLEL
SECTION

Sec. 33. NAC 455C.450 is hereby amended to read as follows:

455C.450 1. Except as otherwise provided in subsections 3 and 4, the Mechanical

Compliance Section shall charge and collect the following fees:

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

Certificates of Accreditation as an Authorized Inspection Agency	Fees
For the issuance of a certificate of accreditation.....	\$300
For the renewal of a certificate of accreditation.....	150

Certificates of Competency for Special Inspectors	Fees
For the issuance of a certificate of competency.....	\$150
For the renewal of a certificate of competency.....	75

Work Cards for Elevator Mechanic Apprentices and Helpers	Fees
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Work Cards for Elevator Mechanic Apprentices and Helpers

Fees

For the issuance of a work card.....	\$150
For the renewal of a work card	75

Passenger Elevators

Fees

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

if the passenger elevator has:

At least 1 but not more than 10 landings.....	\$500
At least 11 but not more than 30 landings.....	750
More than 30 landings.....	1,000

Freight Elevators

Fees

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

if the freight elevator has a capacity of:

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

Dumbwaiters

Fees

Dumbwaiters

Fees

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 operating permit for an escalator, moving walk or manlift, based on an acceptance inspection\$750

Elevators and Personnel Hoists

Used During Construction

Fees

For the issuance of a limited operating permit for an elevator that is used during construction, based on an acceptance inspection\$300

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

Platform Lifts

Fees

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

Private Residence Elevators

Fees

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

For each subsequent inspection of a private residence elevator by a special inspector that is requested by the owner of the private residence elevator 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\$200

Special Services

Fees

For any services rendered by the Mechanical Compliance Section to assist a person in complying with the provisions of this chapter, including, without limitation, an inspection other than an inspection required by NAC 455C.516 and the review of plans, drawings and specifications before those plans and specifications are submitted to the Mechanical Compliance Section pursuant to NAC 455C.506:
Per hour charge for those services provided during the first 8 hours of a day\$60

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

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

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

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

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

3. The fees and charges imposed by this section for operating permits or inspections of elevators do not apply to elevators that are owned by the United States, the State of Nevada or any school district within this State.

4. The fees and charges imposed by this section for a request for services by the Mechanical Compliance Section to assist a person in complying with the provisions of this chapter and any necessary expenses incurred by the Mechanical Compliance Section in fulfilling the request will not be charged to the United States, the State of Nevada or any school district within this State.

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

~~{6.—The maximum fee that may be charged by an authorized inspection agency or special inspector for the performance of services rendered by a special inspector to assist a person in complying with the provisions of this chapter is:~~

~~—(a) Not more than \$150 per hour for those services provided during the first 8 hours of a day.~~

~~—(b) Not more than \$225 per hour for those services provided after the first 8 hours of a day.~~

~~↪ In addition to the hourly rates described in this subsection, an authorized inspection agency or special inspector may require the payment of a mileage charge at a rate equal to the mileage allowance for state officers and employees who use their personal vehicles for the convenience of this State for all travel to and from an inspection conducted at a location which is more than 15 miles from the closest office of the authorized inspection agency or special inspector.}~~

NEW THIRD
PARALLEL
SECTION

Sec. 34. NAC 455C.450 is hereby amended to read as follows:

455C.450 1. ~~{Except as otherwise provided in subsections 3 and 4, the}~~ *The* Mechanical

Compliance Section shall charge and collect the following fees:

Certificates to work as an Elevator Mechanic Fees

For the issuance of a certificate.....	\$150
For the renewal of a certificate.....	75

Certificates of Accreditation as an Authorized Inspection Agency Fees

For the issuance of a certificate of accreditation.....	\$300
For the renewal of a certificate of accreditation.....	150

Certificates of Competency for Special Inspectors Fees

For the issuance of a certificate of competency.....	\$150
For the renewal of a certificate of competency.....	75

Work Cards for Elevator Mechanic Apprentices and Helpers Fees

For the issuance of a work card.....	\$150
For the renewal of a work card.....	75

Passenger Elevators Fees

Passenger Elevators

Fees

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

if the passenger elevator has:

At least 1 but not more than 10 landings.....	\$500
At least 11 but not more than 30 landings.....	750
More than 30 landings.....	1,000

Freight Elevators

Fees

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

the freight elevator has a capacity of:

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

Dumbwaiters

Fees

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

inspection	\$250
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Escalators, Moving Walks and Manlifts Fees

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

Elevators and Personnel Hoists

Used During Construction Fees

For the issuance of a limited operating permit for an elevator that is used during
construction, based on an acceptance inspection\$300

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

Platform Lifts Fees

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

Private Residence Elevators Fees

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

Private Residence Elevators

Fees

For each subsequent inspection of a private residence elevator by a special inspector that is requested by the owner of the private residence elevator 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 \$200

Special Services

Fees

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

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

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

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

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

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

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

~~3. The fees and charges imposed by this section for operating permits or inspections of elevators do not apply to elevators that are owned by the United States, the State of Nevada or any school district within this State.~~

~~4. The fees and charges imposed by this section for a request for services by the Enforcement Section to assist a person in complying with the provisions of this chapter and any necessary expenses incurred by the Mechanical Compliance Section in fulfilling the request will not be charged to the United States, the State of Nevada or any school district within this State.~~

~~5.]~~ Each fee owed to the Mechanical Compliance Section must be paid in advance. The Mechanical Compliance Section will not process and will return to the sender any documents submitted to the Mechanical Compliance Section which do not include the correct fee, are incomplete or are not sent to the Mechanical Compliance Section office which maintains the

record for that object. An amended submission for any submission returned pursuant to this subsection may be resubmitted to the Mechanical Compliance Section within 10 business days after the original submission was returned to the sender and must be accompanied by an additional fee of \$50.

NEW FIRST
PARALLEL
SECTION

Sec. 35. NAC 455C.460 is hereby amended to read as follows:

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

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

(b) The fee for *the* 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.

6. If the working experience of the applicant is limited to personnel hoists and employee elevators on construction or demolition sites, the certificate issued pursuant to this section

must only authorize the holder of the certificate to construct, install, alter or repair a personnel hoist or employee elevator on a construction or demolition site.

NEW
SECOND
PARALLEL
SECTION

Sec. 36. NAC 455C.460 is hereby amended to read as follows:

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

- (a) An application on a form prescribed by the Mechanical Compliance Section;
- (b) The fee for the issuance of a certificate set forth in NAC 455C.450; *and*
- (c) ~~The statement required by NAC 455C.474; and~~

~~(d)~~ Proof satisfactory to the Mechanical Compliance Section that the applicant:

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

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

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

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

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

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

3. A certificate issued pursuant to this section expires at midnight on September 1 next following the date 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 Mechanical Compliance Section shall issue a certificate to the applicant.

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

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

NEW FIRST
PARALLEL
SECTION

Sec. 37. NAC 455C.462 is hereby amended to read as follows:

455C.462 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 *the* renewal of a certificate set forth in NAC 455C.450 ~~{}~~; *and*

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

Sec. 38. NAC 455C.462 is hereby amended to read as follows:

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

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

2. The fee for the renewal of a certificate set forth in NAC 455C.450 . ~~{}~~; ~~and~~

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

Sec. 39. NAC 455C.464 is hereby amended to read as follows:

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

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

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

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

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

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

2. A certificate of competency issued pursuant to this section expires at midnight on September 1 next following the date 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.

NEW
SECOND
PARALLEL
SECTION

FIRST
PARALLEL
SECTION

Sec. 40. NAC 455C.466 is hereby amended to read as follows:

455C.466 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 *the* renewal of a certificate of competency set forth in NAC 455C.450; and
3. The statement required by NAC 455C.474.

Sec. 41. NAC 455C.468 is hereby amended to read as follows:

455C.468 1. An applicant for a work card must submit to the ~~{Enforcement}~~ *Mechanical Compliance* Section:

(a) A letter certifying that the applicant is currently employed by ~~{an elevator mechanic or contractor as an elevator mechanic apprentice or elevator mechanic helper, as applicable;} or under contract with a licensed elevator contractor;~~

- (b) The fee for issuance of a work card set forth in NAC 455C.450; and
- (c) The statement required by NAC 455C.474.

2. A work card issued pursuant to this section expires at midnight on September 1 next following the date 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. 42. NAC 455C.470 is hereby amended to read as follows:

455C.470 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 ~~{an elevator mechanic or contractor as an elevator mechanic apprentice or elevator mechanic helper, as applicable;}~~ *or under contract with a licensed elevator contractor;*

2. The fee for *the* renewal of a work card set forth in NAC 455C.450; and

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

Sec. 43. NAC 455C.474 is hereby amended to read as follows:

455C.474 1. An applicant for the issuance or renewal of a *certificate*, 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*, certificate of competency or work card; or

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

3. A *certificate*, certificate of competency 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 the applicant 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 or she 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. 44. NAC 455C.476 is hereby amended to read as follows:

455C.476 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*, 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*, 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*, 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*, 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*, certificate of competency or work card was suspended stating that the person whose

certificate, 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. 45. NAC 455C.500 is hereby amended to read as follows:

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

(a) *Safety Code for Elevators and Escalators*, A17.1, ~~{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.}~~ **\$335.**

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

(c) *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.~~

~~{(e)}~~ **\$180.**

(d) *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)}~~ **\$77.**

(e) *Safety Standard for Belt Manlifts*, A90.1, ~~{2003}~~ **2009** edition, published by the American Society of Mechanical Engineers, for the price of ~~{ \$57.~~

~~{(e)}~~ **\$59.**

(f) Safety Code for Existing Elevators and Escalators, A17.3, ~~2005~~ 2011 edition ~~H~~ and all *appendices*, published by the American Society of Mechanical Engineers, for the price of ~~99.~~
~~(f)~~ \$130.

(g) Guidelines for Accessible and Usable Buildings and Facilities, A117.1, sections 4.07 and 4.08, ~~2003~~ 2009 edition, published by the American National Standards Institute, for the price of \$46.

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

~~(h)~~ *(i) Safety Standard for Platform Lifts and Stairway Chairlifts*, A18.1, ~~2005~~ 2011 edition, published by the American Society of Mechanical Engineers, for the price of ~~80.~~
~~(i)~~ \$90.

(j) Standard for the Qualification of Elevator Inspectors, QEI-1, ~~2007~~ 2013 edition, published by the American Society of Mechanical Engineers, for the price of ~~59.~~
~~(j)~~ \$70.

(k) Elevator and Escalator Electrical Equipment, A17.5, ~~2004~~ 2011 edition, published by the American Society of Mechanical Engineers, for the price of ~~85.~~
~~(k)~~ \$130.

(l) Standard for Elevator Suspension, Compensation, and Governor Systems, A17.6, 2010 edition, published by the American Society of Mechanical Engineers, for the price of \$90.

(m) Performance-Based Safety Code for Elevators and Escalators, A17.7, 2007 edition, published by the American Society of Mechanical Engineers, for the price of ~~135.~~ \$155.

(n) The edition most recently adopted in NAC 477.281 of the International Building Code, published by the International Code Council.

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

455C.504 1. The *licensed elevator* contractor is responsible for ensuring that the operation, maintenance and testing of the elevator comply with the requirements of NAC 455C.400 to 455C.528, inclusive, *and sections 4 to 14, inclusive, of this regulation* 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. *The owner of an elevator is responsible for ensuring that the maintenance control program and written maintenance records required by the Safety Code for Elevators and Escalators, A17.1, as adopted by reference in NAC 455C.500, are available at the location of the elevator for review by elevator personnel, inspectors and special inspectors at the time of inspection. The maintenance control program and all maintenance records for each piece of equipment are the property of the owner of the elevator.*

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

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

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

Sec. 47. NAC 455C.506 is hereby amended to read as follows:

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

2. A contractor who is required to obtain a permit pursuant to subsection 1 must submit to the ~~{Enforcement}~~ *Mechanical Compliance* Section *not less than 10 business days before commencing the construction, installation or alteration* a request for the permit that is accompanied by plans, *drawings, a maintenance control program* and specifications in the form prescribed by the ~~{Enforcement}~~ *Mechanical Compliance* Section. 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, *and sections 4 to 14, inclusive, of this regulation*, 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 not more than \$5,000 on the licensed elevator contractor or, if a licensed elevator contractor is not performing the work, on the owner of the elevator. Each 30-*

calendar-day period during which a violation of this section continues constitutes a separate violation.

5. 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}~~ *a* person who constructs, installs, alters or repairs a new elevator or existing installation must be certified as an elevator mechanic pursuant to NRS 455C.110 and NAC 455C.460.

7. 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. 48. NAC 455C.508 is hereby amended to read as follows:

455C.508 1. ~~{An}~~ *A licensed* elevator ~~{mechanic}~~ *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 ~~{}~~ , *and sections 4 to 14, inclusive, of this regulation.*

2. All new, altered ~~{and}~~ *or* relocated elevators must be inspected for compliance with the requirements of NAC 455C.400 to 455C.528, inclusive, *and sections 4 to 14, inclusive, of this regulation,* by an inspector. Except as otherwise provided in NAC 455C.512, the inspector shall

witness the tests required by NAC 455C.400 to 455C.528, inclusive ~~†~~, *and sections 4 to 14, inclusive, of this regulation.*

Sec. 49. NAC 455C.510 is hereby amended to read as follows:

455C.510 1. The ~~†~~ *Mechanical Compliance* Section shall issue an operating permit to the owner of an elevator within the period set forth in subsection 2 if the *written* report of inspection indicates the elevator is in compliance with NAC 455C.400 to 455C.528, inclusive ~~†~~, *and sections 4 to 14, inclusive, of this regulation.* The operating permit must set forth the number assigned by the ~~†~~ *Mechanical Compliance* Section and the serial number assigned by the manufacturer of the elevator. The operating permit must be kept at the same location as the elevator.

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

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

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

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

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

- (a) One year for elevators, dumbwaiters and ~~†~~ *platform* lifts.
- (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, *and sections 4 to 14, inclusive, of this regulation*, 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 ~~{,}~~ *, and sections 4 to 14, inclusive, of this regulation.*

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 ~~+~~, *and sections 4 to 14, inclusive, of this regulation.*

Sec. 50. NAC 455C.512 is hereby amended to read as follows:

455C.512 1. ~~+~~ *A licensed* elevator ~~mechanic~~ *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 or~~ tests on the elevator.

2. Except as otherwise provided in subsection 3, any periodic ~~maintenance or~~ tests performed on an elevator must comply with the requirements of NAC 455C.400 to 455C.528, inclusive ~~+~~, *and sections 4 to 14, inclusive, of this regulation.*

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

Sec. 51. NAC 455C.514 is hereby amended to read as follows:

455C.514 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~~ *Mechanical Compliance* 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.

Sec. 52. NAC 455C.516 is hereby amended to read as follows:

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

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

(a) Passenger elevator;

(b) Freight elevator;

(c) Dumbwaiter; or

(d) ~~{Wheelchair}~~ *Platform* lift, other than a ~~{wheelchair}~~ *platform* lift installed in a private residence.

2. Upon *construction*, installation *or alteration* by an inspector and every 6 months thereafter by ~~{an inspector or}~~ a special inspector for an escalator, moving walk or ~~{lift used for people.}~~ *manlift*.

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

4. Upon *construction*, installation *or alteration* 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 or she must submit a written request for such an inspection to the Enforcement Section.~~ *A private residence elevator must be inspected by a special inspector before any transfer of title for a property on which a private residence elevator is located to a new owner. Any subsequent inspection of a private residence elevator must be performed by a special inspector.*

5. The initial inspection for a new operating permit after an emergency order has been issued pursuant to section 7 of this regulation must be conducted by an inspector.

6. Except as otherwise provided in this subsection, all other periodic inspections in this State must be conducted by a special inspector. If a building is located more than 100 miles from an office of the Mechanical Compliance Section and the owner of the building provides written documentation that a special inspector has declined to conduct the inspection, the owner may submit to the Mechanical Compliance Section a written request for an inspector to perform the inspection.

Sec. 53. NAC 455C.518 is hereby amended to read as follows:

455C.518 **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 that the operating permit for an elevator should be suspended, modified or revoked pursuant to NAC 455C.616, 455C.624 or 455C.632 or section 7 of this regulation due to an unsafe condition, he or she shall notify the Mechanical Compliance Section immediately.*

2. *All inspection duties set forth in the Safety Code for Elevators and Escalators, A17.1, the Guide for Inspection of Elevators, Escalators, and Moving Walks, A17.2 and the Standard for the Qualification of Elevator Inspectors, QEI-1, as adopted by reference in NAC 455C.500, must be performed by an inspector or a special inspector. An inspector or special inspector shall only perform the inspection duties described by those publications, including, without limitation, the observation of periodic tests performed by an elevator mechanic and the inspection of the machine room, elevator car top, hoistway, inside of the cab of an elevator and elevator pit area.*

Sec. 54. NAC 455C.520 is hereby amended to read as follows:

455C.520 A special inspector who inspects ~~for tests~~ an elevator as required by NAC 455C.400 to 455C.528, inclusive, *and sections 4 to 14, inclusive, of this regulation*, must not be *employed by the contractor who was required to obtain a permit for the elevator in accordance with NAC 455C.506, be employed by the licensed elevator contractor who performed the work to be inspected, or be* the same person as the elevator mechanic who performed, or the elevator mechanic apprentice or the elevator mechanic helper who assisted in, the construction, installation, maintenance, relocation, alteration or repair of the elevator or the replacement of a device, component or subsystem of the elevator that necessitated the inspection. ~~for test.~~

Sec. 55. NAC 455C.522 is hereby amended to read as follows:

455C.522 1. A *written* report of every required inspection or *periodic* test must be filed ~~{with}~~ at the ~~{Enforcement}~~ *Mechanical Compliance* Section *office which maintains the record for the object which was inspected or tested* 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. The report must describe the nature of any violation including a reference to any provision of NAC 455C.400 to 455C.528, inclusive, *and sections 4 to 14, inclusive, of this regulation*, or set forth in a publication adopted by reference in NAC 455C.500 that was violated.

2. Each *periodic* test required by NAC 455C.400 to 455C.528, inclusive, *and sections 4 to 14, inclusive, of this regulation*, must be performed by a person who is certified as an elevator mechanic pursuant to NAC 455C.460. The *licensed* elevator ~~{mechanic}~~ *contractor* who will perform a *periodic* test required by NAC 455C.400 to 455C.528, inclusive, *and sections 4 to 14, inclusive, of this regulation* shall notify the ~~{Enforcement}~~ *special inspector retained by the owner of the building and the Mechanical Compliance* Section *at least 3 business days before the date that the test will take place* of the *date*, time and location that the test will take place. ~~{The Enforcement Section may require an inspector or}~~ A special inspector ~~{to}~~ *or the Mechanical Compliance Section, if the Mechanical Compliance Section determines it is appropriate, shall witness ~~{any such}~~ each test ~~{}~~, including, without limitation, the category 1, 3 and 5 periodic tests required by the Safety Code for Elevators and Escalators, A17.1, as adopted by reference in NAC 455C.500.*

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

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

Sec. 56. NAC 455C.524 is hereby amended to read as follows:

455C.524 All new elevators and existing installations must be assigned a *jurisdictional* number by ~~{an inspector.}~~ *the Mechanical Compliance Section*. The number must be painted on or attached to the *crosshead and machine controller of the* elevator car or to the balustrade of an escalator or moving walk ~~{,}~~ *and its controller*, in plain view. ~~{, and to the driving mechanism.}~~ The number must be shown on all required permits. *The format of the number must consist of the letters “NV” followed by four digits at least 5/16 of an inch in height, followed by the last two digits of the year in which the elevator, escalator, moving walk or related equipment was installed. If the equipment has been altered, an alteration designation must follow the year in the format of an “A” followed by the number of the alteration.*

Sec. 57. NAC 455C.526 is hereby amended to read as follows:

455C.526 1. Before an initial operating permit has been issued for an elevator, the *licensed* elevator ~~{mechanic}~~ *contractor* who ~~{will install, relocate or alter}~~ *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, *licensed elevator* 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}~~ *must be shut down immediately and cannot be restored to service* until:

(a) The ~~{Enforcement}~~ *Mechanical Compliance* Section has been notified;

(b) The elevator has been made safe;

(c) The elevator has been ~~{reinspected;}~~ *inspected by the Mechanical Compliance Section and, if necessary, tested by an elevator mechanic;* and

(d) Any repairs, changes or alterations have been approved by the ~~{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. 58. NAC 455C.528 is hereby amended to read as follows:

455C.528 **1.** If, at the time of an inspection or *periodic* test of any elevator, the inspector or special inspector determines that a violation of a requirement of NAC 455C.400 to 455C.528, inclusive, *and sections 4 to 14, inclusive, of this regulation*, exists, he or she shall provide a written report to the person responsible for the operation of the elevator pursuant to NAC 455C.504. The report must describe the nature of the violation, including a reference to any provision of NAC 455C.400 to 455C.528, inclusive, *and sections 4 to 14, inclusive, of this regulation*, or set forth in a publication adopted by reference in NAC 455C.500 that was violated. *The inspector or special inspector shall submit a copy of the report to the office of the Mechanical Compliance Section that maintains records for the elevator within 10 business days after the inspection or periodic test was performed.* The ~~Enforcement~~ *Mechanical Compliance* Section shall:

- ~~1.~~ (a) Fix a reasonable time ~~for the abatement of~~ *to abate* the violation; and
- ~~2.~~ (b) Take any action authorized by NAC 455C.616 that it determines is appropriate.

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

- (a) *Not later than 5 business days after the time fixed to abate the violation, determine whether the violation has been abated;*

(b) Record any actions taken to abate the violation which have not been completed or that no action to abate the violation has occurred; and

(c) Report his or her findings to the office of the Mechanical Compliance Section that maintains records for the elevator within 5 business days after the determination was made.

Sec. 59. NAC 455C.604 is hereby amended to read as follows:

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

Sec. 60. NAC 455C.606 is hereby amended to read as follows:

455C.606 “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. 61. NAC 455C.610 is hereby amended to read as follows:

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

Sec. 62. NAC 455C.616 is hereby amended to read as follows:

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

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

(b) A holder of an operating permit for an elevator has violated any of the provisions set forth in NAC 455C.400 to 455C.528, inclusive ~~§~~, *and sections 4 to 14, inclusive, of this regulation;*

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

(d) A holder of a certificate to work as an elevator mechanic has violated any of the provisions set forth in NAC 455C.400 to 455C.528, inclusive ~~§~~, *and sections 4 to 14, inclusive, of this regulation;*

(e) A holder of a certificate of competency *or a certificate of accreditation as an authorized inspection agency* has violated any of the provisions set forth in NAC 455C.400 to 455C.528, inclusive ~~§~~, *and sections 4 to 14, inclusive, of this regulation;* 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 ~~§~~, *and sections 4 to 14, inclusive, of this regulation.*

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

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

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

(c) For a second or subsequent violation:

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

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

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

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

Sec. 63. NAC 455C.618 is hereby amended to read as follows:

455C.618 If the Enforcement *Section or the Mechanical Compliance* Section intends to impose an administrative fine pursuant to NAC *455C.506 or* 455C.616, *a penalty pursuant to section 10 of this regulation or a penalty pursuant to NAC 455C.616 against the holder of a certificate of accreditation as an authorized inspection agency*, the Enforcement *Section or the Mechanical Compliance* Section , *as applicable*, shall notify the holder of an operating permit, certificate, certificate of competency , *certificate of accreditation as an authorized inspection agency* or work card of its intention by:

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

2. Enclosing with the notice of violation:

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

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

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

Sec. 64. NAC 455C.620 is hereby amended to read as follows:

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

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

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

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

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

4. The Chief *of the Enforcement Section or the Mechanical Compliance Section, as applicable*, shall set a date for hearing within 30 *calendar* days after the receipt of any written contest. ~~A holder~~ *The person filing the contest* may request that the hearing be held on an

earlier date by submitting a written request to the Chief ~~{}~~ *of the Enforcement Section or the Mechanical Compliance Section, as applicable*. The request must show that the ~~{holder of the operating permit, certificate, certificate of competency or work card}~~ *person filing the contest* will suffer a substantial hardship if the date of the hearing is not changed and offer a proposed date for the hearing. The ~~{holder of the operating permit, certificate, certificate of competency or work card}~~ *person filing the contest* has the burden of establishing a substantial hardship.

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

Sec. 65. NAC 455C.622 is hereby amended to read as follows:

455C.622 1. Any decision of the Chief *of the Enforcement Section or the Mechanical Compliance Section, as applicable*, rendered pursuant to NAC 455C.620 may be appealed to the Administrator within 30 *calendar* days after the issuance of the ~~{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}~~ *a decision rendered pursuant to NAC 455C.620* must be summary in nature, limited to the record and without hearing, unless a request for a hearing is granted by the Administrator ~~{}~~ *or his or her designee*. If the Administrator *or his or her designee* grants a request for a hearing, the hearing must be confined to the issues raised and facts asserted during the hearing before the Chief ~~{}~~ *who issued the decision*. A hearing may be granted only to consider new evidence.

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

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

Sec. 66. NAC 455C.624 is hereby amended to read as follows:

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

2. For the purposes of this section, a violation of any provision of this chapter, or if the inspector or special inspector is inspecting a boiler or pressure vessel governed by the provisions of chapter 512 of NRS and chapter 512 of NAC, a violation of any provision set forth in NAC 512.500 to 512.594, inclusive, may constitute a danger to the general public requiring immediate action if so determined by the Enforcement *Section or the Mechanical Compliance* Section.

Sec. 67. NAC 455C.626 is hereby amended to read as follows:

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

competency , *certificate of accreditation as an authorized inspection agency* or work card of the suspension, modification or revocation by:

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

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

(a) A statement indicating the ~~[Enforcement Section's]~~ legal authority and jurisdiction *of the Enforcement Section or the Mechanical Compliance Section, as applicable*, to issue the suspension, modification or revocation; and

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

3. Stating the effective date of the suspension, modification or revocation, the procedures for bringing a contest and the procedures for an appeal.

Sec. 68. NAC 455C.628 is hereby amended to read as follows:

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

2. Any contest filed pursuant to this section does not stay the suspension, modification or revocation. A stay may be requested from the Chief ~~[H]~~ *of the Enforcement Section or the*

Mechanical Compliance Section, as applicable, but will not be granted if the holder of the certificate, certificate of competency , *certificate of accreditation as an authorized inspection agency* or work card or the boiler, elevator or pressure vessel for which the operating permit was obtained, constitutes an immediate threat to the health or safety of the general public. The holder of the operating permit, certificate, certificate of competency , *certificate of accreditation as an authorized inspection agency* or work card has the burden of showing that there is not a threat to the health or safety of the general public if a stay is granted.

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

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

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

4. The Chief *of the Enforcement Section or the Mechanical Compliance Section, as applicable*, shall set a date for hearing within 30 days after the receipt of any written contest. A holder of an operating permit, certificate, certificate of competency , *certificate of accreditation as an authorized inspection agency* or work card may request that the hearing be held on an earlier date by submitting a written request to the Chief ~~H~~ *of the Enforcement Section or the Mechanical Compliance Section, as applicable*. The request must show that the holder of the operating permit, certificate, certificate of competency , *certificate of accreditation as an authorized inspection agency* or work card will suffer a substantial hardship if the date of the

hearing is not changed and offer a proposed date for hearing. The holder of the operating permit, certificate, certificate of competency , *certificate of accreditation as an authorized inspection agency* or work card has the burden of establishing a substantial hardship.

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

Sec. 69. NAC 455C.630 is hereby amended to read as follows:

455C.630 1. Any decision of the Chief *of the Enforcement Section or the Mechanical Compliance Section, as applicable*, rendered pursuant to NAC 455C.628 may be appealed to the Administrator within 30 *calendar* days after the issuance of the ~~{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}~~ a decision *rendered pursuant to NAC 455C.628* must be summary in nature, limited to the record and without hearing, unless a request for a hearing is granted by the Administrator ~~{}~~ *or his or her designee*. If the Administrator *or his or her designee* grants a request for a hearing, the hearing must be confined to the issues raised and facts asserted during the hearing before the Chief ~~{}~~ *who rendered the decision*. A hearing may be granted only to consider new evidence.

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

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

Sec. 70. NAC 455C.632 is hereby amended to read as follows:

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

2. For the purposes of this section, a violation of any provision of this chapter, or if the inspector or special inspector is inspecting a boiler or pressure vessel governed by the provisions of chapter 512 of NRS and chapter 512 of NAC, a violation of any provision set forth in NAC 512.500 to 512.594, inclusive, may constitute a danger to the general public requiring immediate action if so determined by the Enforcement *Section or the Mechanical Compliance* Section.

Sec. 71. NAC 455C.634 is hereby amended to read as follows:

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

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

(b) Enclosing with the notice of summary suspension:

(1) A statement indicating the ~~{EnforcementSection's}~~ legal authority and jurisdiction *of the Enforcement Section or the Mechanical Compliance Section, as applicable*, to issue the summary suspension; and

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

2. The notice of the summary suspension must:

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

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

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

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

Sec. 72. NAC 455C.636 is hereby amended to read as follows:

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

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

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

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

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

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

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

Sec. 73. NAC 455C.638 is hereby amended to read as follows:

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

2. Any review of ~~{the Chief's}~~ a decision *rendered pursuant to NAC 455C.636* must be summary in nature, limited to the record and without hearing, unless a request for a hearing is granted by the Administrator ~~{}~~ *or his or her designee*. If the Administrator *or his or her designee* grants a request for a hearing, the hearing must be confined to the issues raised and

facts asserted during the hearing before the Chief ~~H~~ *who rendered the decision*. A hearing may be granted only to consider new evidence.

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

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

Sec. 74. NAC 455C.110 is hereby repealed.

Sec. 75. The provisions of subsection 3 of section 13 of this regulation do not apply to a person who holds a certificate of competency as a special inspector issued before the effective date of section 13 of this regulation until the earlier of:

1. The date the certificate of competency expires; or
2. The date the person renews the certificate of competency.

Sec. 76. 1. This section and sections 1 to 10, inclusive, 13 to 32, inclusive, 35, 37 and 39 to 75, inclusive, of this regulation become effective upon filing with the Secretary of State.

2. Section 12 of this regulation becomes effective on July 1, 2015.

3. Section 11 of this regulation becomes effective on July 1, 2016.

4. Section 33 of this regulation becomes effective on the date 2 years after the filing of this regulation with the Secretary of State.

5. Section 34 of this regulation becomes effective on the date 3 years after the filing of this regulation with the Secretary of State.

6. Sections 36 and 38 of this regulation become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

7. Sections 43 and 44 of this regulation expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

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.