

SENATE BILL NO. 337—SENATORS CARE, TITUS, CARLTON,  
SCHNEIDER, WIENER, MATHEWS AND NEAL

MARCH 13, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Provides for regulation of boilers, elevators, pressure vessels, boiler inspectors and elevator mechanics. (BDR 40-1033)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: Yes.

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

AN ACT relating to public safety; requiring an owner of a boiler, elevator or pressure vessel to obtain a permit from the division of industrial relations of the department of business and industry before the boiler, elevator or pressure vessel may be operated; requiring boiler operators and elevator mechanics to be certified by the division; requiring the division to adopt regulations governing the construction, maintenance and operation of boilers, elevators and pressure vessels and the certification of boiler inspectors and elevator mechanics; authorizing the division to impose certain fees; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     **Section 1.** Title 40 of NRS is hereby amended by adding thereto a  
2     new chapter to consist of the provisions set forth as sections 2 to 16,  
3     inclusive, of this act.

4     **Sec. 2.** *As used in this chapter, unless the context otherwise*  
5     *requires, the words and terms defined in sections 3 to 9, inclusive, of this*  
6     *act have the meanings ascribed to them in those sections.*

7     **Sec. 3.** *“Boiler” means a closed vessel in which water is heated,*  
8     *steam is generated, steam is superheated, or any combination thereof,*  
9     *under pressure or vacuum, for use external to the boiler by the direct*  
10    *application of heat. The term includes a fired unit for heating or*  
11    *vaporizing liquids other than water if the unit is separate from the*  
12    *processing system and is complete within itself.*

13    **Sec. 4.** *“Boiler inspector” means a person who inspects boilers and*  
14    *pressure vessels and who:*

15    1. *Has been issued a certificate which authorizes him to inspect*  
16    *boilers or pressure vessels;*



- 1     2. *Has been issued a commission by the National Board of Boiler*
- 2     *and Pressure Vessel Inspectors; and*
- 3     3. *Is employed by:*
- 4         (a) *The division;*
- 5         (b) *An insurance company that is licensed in this state to write*
- 6         *insurance for a boiler or pressure vessel; or*
- 7         (c) *An owner of boilers or pressure vessels who maintains an*
- 8         *inspection program that includes inspection procedures which comply*
- 9         *with the National Board Inspection Code and have been approved by the*
- 10        *division.*
- 11     Sec. 5. *"Certificate" means a certificate issued pursuant to the*
- 12     *provisions of section 11 of this act.*
- 13     Sec. 6. *"Division" means the division of industrial relations of the*
- 14     *department of business and industry.*
- 15     Sec. 7. *"Elevator" includes, without limitation, an elevator,*
- 16     *dumbwaiter, escalator, moving walk, stage lift, wheelchair lift or related*
- 17     *equipment.*
- 18     Sec. 8. *"Elevator mechanic" means a person who constructs,*
- 19     *installs, maintains, relocates, improves, alters or repairs elevators.*
- 20     Sec. 9. *"Pressure vessel" means a vessel in which pressure is*
- 21     *obtained from an external source or by the application of heat from a*
- 22     *direct or indirect source.*
- 23     Sec. 10. *The owner of a boiler, elevator or pressure vessel must*
- 24     *obtain a permit issued by the division before the boiler, elevator or*
- 25     *pressure vessel may be operated.*
- 26     Sec. 11. *The division shall adopt regulations that establish:*
- 27         1. *Standards and procedures relating to the construction,*
- 28         *installation, inspection, operation, maintenance, relocation,*
- 29         *improvement, alteration and repair of boilers, elevators and pressure*
- 30         *vessels, including, without limitation, regulations:*
- 31             (a) *Providing an exemption from those standards and procedures in*
- 32             *the case of an emergency; and*
- 33             (b) *Establishing requirements for the inspection of boilers, elevators*
- 34             *and pressure vessels.*
- 35         2. *The requirements for the issuance and renewal of a certificate as:*
- 36             (a) *A boiler inspector; and*
- 37             (b) *An elevator mechanic.*
- 38         3. *The grounds for initiating disciplinary action against a holder of a*
- 39         *certificate, including, without limitation, the grounds for:*
- 40             (a) *The suspension or revocation of a certificate; and*
- 41             (b) *Requiring the holder of a certificate to pay an administrative fine.*
- 42         4. *The methods of enforcement the division will use to ensure*
- 43         *compliance with section 10 of this act and the regulations adopted*
- 44         *pursuant to subsection 1, including, without limitation:*
- 45             (a) *Notifying an owner of a boiler, elevator or pressure vessel that he*
- 46             *has violated a provision of the regulations adopted pursuant to*



1 *subsection 1 and establishing a period within which he must correct the*  
2 *violation;*

3 *(b) Requiring the owner to pay an administrative fine; and*  
4 *(c) Suspending or revoking a permit issued by the division pursuant to*  
5 *section 10 of this act.*

6 **Sec. 12.** *1. The cost of carrying out the provisions of this chapter*  
7 *must be paid from assessments payable by each insurer based upon the*  
8 *estimated annual expenditures for claims. The division shall adopt*  
9 *regulations that establish formulas of assessment which result in an*  
10 *equitable distribution of costs among the insurers.*

11 *2. The division shall, by regulation, prescribe any fee that is*  
12 *necessary to carry out the provisions of this chapter, including, without*  
13 *limitation, fees for:*

14 *(a) An application for a certificate;*  
15 *(b) The issuance of a certificate;*  
16 *(c) The renewal of a certificate;*  
17 *(d) Any examination the division may require for obtaining a*  
18 *certificate; and*  
19 *(e) Inspections of boilers, elevators or pressure vessels.*

20 *3. Any fees collected pursuant to this section must be used to reduce*  
21 *the assessments established pursuant to subsection 1.*

22 *4. As used in this section, "insurer" has the meaning ascribed to it in*  
23 *NRS 232.550.*

24 **Sec. 13.** *1. An applicant for the issuance or renewal of a certificate*  
25 *must submit to the division the statement prescribed by the welfare*  
26 *division of the department of human resources pursuant to NRS 425.520.*  
27 *The statement must be completed and signed by the applicant.*

28 *2. The division shall include the statement required pursuant to*  
29 *subsection 1 in:*

30 *(a) The application or any other forms that must be submitted for the*  
31 *issuance or renewal of the certificate; or*  
32 *(b) A separate form prescribed by the division.*

33 *3. A certificate may not be issued or renewed by the division if the*  
34 *applicant:*

35 *(a) Fails to submit the statement required pursuant to subsection 1; or*  
36 *(b) Indicates on the statement submitted pursuant to subsection 1 that*  
37 *he is subject to a court order for the support of a child and is not in*  
38 *compliance with the order or a plan approved by the district attorney or*  
39 *other public agency enforcing the order for the repayment of the amount*  
40 *owed pursuant to the order.*

41 *4. If an applicant indicates on the statement submitted pursuant to*  
42 *subsection 1 that he is subject to a court order for the support of a child*  
43 *and is not in compliance with the order or a plan approved by the district*  
44 *attorney or other public agency enforcing the order for the repayment of*  
45 *the amount owed pursuant to the order, the division shall advise the*  
46 *applicant to contact the district attorney or other public agency enforcing*



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1 *the order to determine the actions that the applicant may take to satisfy*  
2 *the arrearage.*

3 **Sec. 14.** *An application for the issuance of a certificate must include*  
4 *the social security number of the applicant.*

5 **Sec. 15.** *1. If the division receives a copy of a court order issued*  
6 *pursuant to NRS 425.540 that provides for the suspension of all*  
7 *professional, occupational and recreational licenses, certificates and*  
8 *permits issued to the holder of a certificate, the division shall deem the*  
9 *certificate to be suspended at the end of the 30th day after the date on*  
10 *which the court order was issued unless the division receives a letter*  
11 *issued to the holder of the certificate by the district attorney or other*  
12 *public agency pursuant to NRS 425.550 stating that the holder of the*  
13 *certificate has complied with the subpoena or warrant or has satisfied the*  
14 *arrears pursuant to NRS 425.560.*

15 *2. The division shall reinstate a certificate that has been suspended*  
16 *by a district court pursuant to NRS 425.540 if the division receives a*  
17 *letter issued by the district attorney or other public agency pursuant to*  
18 *NRS 425.550 to the person whose certificate was suspended stating that*  
19 *the person whose certificate was suspended has complied with the*  
20 *subpoena or warrant or has satisfied the arrears pursuant to NRS*  
21 *425.560.*

22 **Sec. 16.** *1. It is unlawful for any person to construct, install,*  
23 *maintain, relocate, improve, alter or repair:*

24 *(a) A boiler or pressure vessel within this state unless he is certified as*  
25 *a boiler inspector pursuant to section 11 of this act; or*

26 *(b) An elevator within this state unless he is certified as an elevator*  
27 *mechanic pursuant to section 11 of this act.*

28 *2. A person who violates subsection 1 is guilty of a misdemeanor.*

29 **Sec. 17.** Notwithstanding the provisions of section 16 of this act, a  
30 person who holds a contractor's license issued pursuant to chapter 624 of  
31 NRS on October 1, 2001, and is authorized to perform any of the functions  
32 of:

33 *1. A boiler inspector, is not required to be certified as a boiler*  
34 *inspector pursuant to the provisions of this act before March 1, 2002; and*

35 *2. An elevator mechanic, is not required to be certified as an elevator*  
36 *mechanic pursuant to the provisions of this act before March 1, 2002.*

37 **Sec. 18.** The provisions of this act do not apply to offenses committed  
38 before October 1, 2001.

39 **Sec. 19.** *1. This section and sections 11 and 12 of this act become*  
40 *effective upon passage and approval.*

41 *2. Sections 1 to 10, inclusive, and 13 to 18, inclusive, of this act*  
42 *become effective on October 1, 2001.*

43 *3. Sections 13, 14 and 15 of this act expire by limitation on the date on*  
44 *which the provisions of 42 U.S.C. § 666 requiring each state to establish*  
45 *procedures under which the state has authority to withhold or suspend, or*  
46 *to restrict the use of professional, occupational and recreational licenses of*  
47 *persons who:*



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- 1 (a) Have failed to comply with a subpoena or warrant relating to a
- 2 proceeding to determine the paternity of a child or to establish or enforce
- 3 an obligation for the support of a child; or
- 4 (b) Are in arrears in the payment for the support of one or more
- 5 children,
- 6 are repealed by the Congress of the United States.

