

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 certain owners of boilers, elevators or pressure vessels 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 elevator mechanics to be certified by the division; requiring the division to adopt regulations governing the maintenance and operation of certain 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.*

15 **Sec. 5.** *“Certificate” means a certificate issued pursuant to the*
16 *provisions of section 11 of this act.*



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1 **Sec. 6.** *"Division" means the division of industrial relations of the*
2 *department of business and industry.*

3 **Sec. 7.** *"Elevator" includes, without limitation, an elevator,*
4 *dumbwaiter, escalator, moving walk, wheelchair lift or related*
5 *equipment.*

6 **Sec. 8.** *"Elevator mechanic" means a person who installs,*
7 *maintains, relocates, improves, alters or repairs elevators.*

8 **Sec. 9.** *"Pressure vessel" means a vessel in which pressure is*
9 *obtained from an external source or by the application of heat from a*
10 *direct or indirect source.*

11 **Sec. 10.** *The owner of a boiler, elevator or pressure vessel must*
12 *obtain a permit issued by the division before the boiler, elevator or*
13 *pressure vessel may be operated unless the division has provided an*
14 *exemption for the boiler, elevator or pressure vessel pursuant to section*
15 *11 of this act.*

16 **Sec. 11.** *The division shall adopt regulations that establish:*

17 1. *Standards and procedures relating to the installation, inspection,*
18 *operation, maintenance, relocation, improvement, alteration and repair*
19 *of boilers, elevators and pressure vessels, including, without limitation,*
20 *regulations:*

21 (a) *Providing an exemption from those standards and procedures:*

22 (1) *In the case of an emergency; or*

23 (2) *If the division determines that it is in the best interests of the*
24 *general public; and*

25 (b) *Establishing requirements for the inspection of boilers, elevators*
26 *and pressure vessels.*

27 2. *The requirements for the issuance and renewal of a certificate as:*

28 (a) *A boiler inspector; and*

29 (b) *An elevator mechanic.*

30 3. *The grounds for initiating disciplinary action against a holder of a*
31 *certificate, including, without limitation, the grounds for:*

32 (a) *The suspension or revocation of a certificate; and*

33 (b) *Requiring the holder of a certificate to pay an administrative fine.*

34 4. *The methods of enforcement the division will use to ensure*
35 *compliance with section 10 of this act and the regulations adopted*
36 *pursuant to subsection 1, including, without limitation:*

37 (a) *Notifying an owner of a boiler, elevator or pressure vessel that he*
38 *has violated a provision of the regulations adopted pursuant to*
39 *subsection 1 and establishing a period within which he must correct the*
40 *violation;*

41 (b) *Requiring the owner to pay an administrative fine; and*

42 (c) *Suspending or revoking a permit issued by the division pursuant to*
43 *section 10 of this act.*

44 **Sec. 12.** 1. *The division shall, by regulation, prescribe any fee that*
45 *is necessary to carry out the provisions of this chapter, including, without*
46 *limitation, fees for:*

47 (a) *An application for a certificate;*

48 (b) *The issuance of a certificate;*

49 (c) *The renewal of a certificate;*



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1 (d) Any examination the division may require for obtaining a
2 certificate; and

3 (e) Inspections of boilers, elevators or pressure vessels.

4 2. Any fee prescribed by the division pursuant to subsection 1 must
5 be based on the actual cost necessary to carry out the provisions of this
6 chapter.

7 3. The fees collected pursuant to this section must be used to reduce
8 the assessments established pursuant to NRS 232.680.

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

13 2. The division shall include the statement required pursuant to
14 subsection 1 in:

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

17 (b) A separate form prescribed by the division.

18 3. A certificate may not be issued or renewed by the division if the
19 applicant:

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

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

26 4. If an applicant indicates on the statement submitted pursuant to
27 subsection 1 that he is subject to a court order for the support of a child
28 and is not in compliance with the order or a plan approved by the district
29 attorney or other public agency enforcing the order for the repayment of
30 the amount owed pursuant to the order, the division shall advise the
31 applicant to contact the district attorney or other public agency enforcing
32 the order to determine the actions that the applicant may take to satisfy
33 the arrearage.

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

36 **Sec. 15.** 1. If the division receives a copy of a court order issued
37 pursuant to NRS 425.540 that provides for the suspension of all
38 professional, occupational and recreational licenses, certificates and
39 permits issued to the holder of a certificate, the division shall deem the
40 certificate to be suspended at the end of the 30th day after the date on
41 which the court order was issued unless the division receives a letter
42 issued to the holder of the certificate by the district attorney or other
43 public agency pursuant to NRS 425.550 stating that the holder of the
44 certificate has complied with the subpoena or warrant or has satisfied the
45 arrearage pursuant to NRS 425.560.

46 2. The division shall reinstate a certificate that has been suspended
47 by a district court pursuant to NRS 425.540 if the division receives a
48 letter issued by the district attorney or other public agency pursuant to
49 NRS 425.550 to the person whose certificate was suspended stating that



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1 *the person whose certificate was suspended has complied with the*
2 *subpoena or warrant or has satisfied the arrearage pursuant to NRS*
3 *425.560.*

4 **Sec. 16.** 1. *Except as otherwise provided in subsection 3, it is*
5 *unlawful for any person to install, maintain, relocate, improve, alter or*
6 *repair an elevator within this state unless he is certified as an elevator*
7 *mechanic pursuant to section 11 of this act.*

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

9 3. *The division may exempt a person who performs certain*
10 *categories of acts relating to elevators from the requirement of obtaining*
11 *a certificate if the division determines it would be in the best interests of*
12 *the general public.*

13 **Sec. 17.** Notwithstanding the provisions of section 16 of this act, a
14 person who holds a contractor's license issued pursuant to chapter 624 of
15 NRS on October 1, 2001, and is authorized to perform any of the functions
16 of an elevator mechanic is not required to be certified as an elevator
17 mechanic pursuant to the provisions of this act before March 1, 2002.

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

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

22 2. Sections 1 to 10, inclusive, and 13 to 18, inclusive, of this act
23 become effective on October 1, 2001.

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

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

32 (b) Are in arrears in the payment for the support of one or more
33 children,
34 are repealed by the Congress of the United States.

