

Introduced by

Senators Kessel, Barta, Klein

Representatives Kempenich, Warrey

1 A BILL for an Act to create and enact eight new sections to chapter 43-09 of the North Dakota  
2 Century Code, relating to the regulation of conveyances and elevator contractors, mechanics,  
3 and inspectors; to amend and reenact sections 43-09-01 and 43-09-02 of the North Dakota  
4 Century Code, relating to definitions applicable to conveyance regulation and the membership  
5 of the state electrical board; to provide a penalty; and to provide for application.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 43-09-01 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **43-09-01. Definitions.**

10 In this chapter, unless the context or subject matter otherwise requires:

- 11 1. "Alteration" means any substantial change to a conveyance and any part, component,  
12 or subsystem of the conveyance, but does not include routine maintenance of a  
13 conveyance.
- 14 2. "Apprentice electrician" means an individual who is learning the trade under the  
15 personal supervision of a state-licensed electrician.
- 16 ~~2-3.~~ "Board" means the state electrical board.
- 17 ~~3-4.~~ "Class B electrician" means an individual who has the necessary qualifications,  
18 training, and technical knowledge to wire, install, and repair electrical apparatus and  
19 equipment in accordance with the standard rules and regulations governing such  
20 work, who has eighteen months' experience in farmstead or residential wiring, and  
21 passed an examination before the state electrical board based upon the national  
22 electrical code as it applies to farmstead or residential wiring.
- 23 5. "Conveyance" means an elevator, escalator, stairway chairlift, platform lift, stage lift,  
24 orchestra lift, hoist, dumbwaiter, moving walk, automated people mover, automated-

1           type parking structure, wind turbine elevator, or other device used for moving  
2           individuals, materials, equipment, or other objects from one landing or location to  
3           another.

4           6. "Elevator contractor" means any person engaged in the business of constructing,  
5           installing, altering, replacing, decommissioning, dismantling, demolishing, removing  
6           from service, repairing, servicing, inspecting, or testing a conveyance.

7           7. "Elevator inspector" means an individual, approved by the board, to inspect and  
8           witness a test of a conveyance.

9           8. "Elevator mechanic" means an individual engaged in elevator contracting.

10          4.9. "Journeyman electrician" means an individual who has the necessary qualifications,  
11           training, and technical knowledge to wire, install, and repair electrical apparatus and  
12           equipment and power limited systems in accordance with the standard rules and  
13           regulations governing such work.

14          5.10. "Licensee" means an individual who holds a valid license issued by the board.

15          6.11. "Master electrician" means an individual who has the necessary qualifications,  
16           training, experience, and technical knowledge to plan, lay out, and supervise the  
17           installation and repair of electrical wiring apparatus, and equipment for electric light,  
18           heat, power, and power limited systems, in accordance with the standard rules and  
19           regulations governing such work.

20          7.12. "Nonelectrical system" means a system as defined by the articles contained in  
21           chapter 8 and other articles which contains class II or class III circuits and systems as  
22           defined by the national electrical code, as adopted by the board. Although the board  
23           may expand this definition, the board may not narrow this definition. The term does not  
24           include a circuit or system that is installed:

- 25           a. Within an area of special occupancies, as defined under articles 500 through 517  
26           of the national electrical code.
- 27           b. For heat, light, or power.
- 28           c. For the control of heat, light, or power, unless the circuit or system employs  
29           digital communication.

1     ~~8-13.~~ "Power limited electrician" means an individual who has the necessary qualifications,  
2             training, experience, and technical knowledge to plan, layout, and supervise the  
3             installation and repair of a power limited system.

4     ~~9-14.~~ "Power limited system" means a system as defined by the articles contained in  
5             chapter 8 and other articles which contains class II or class III circuits and systems as  
6             defined by the national electrical code, as adopted by the board. Although the board  
7             may expand this definition, the term does not include a nonelectrical system.

8             **SECTION 2. AMENDMENT.** Section 43-09-02 of the North Dakota Century Code is  
9     amended and reenacted as follows:

10            **43-09-02. State electrical board - Members - Terms of office - Vacancies.**

11            The state electrical board must consist of ~~five~~six members appointed by the governor for a  
12            term of five years ~~with their terms of office so arranged that one term and only one term expires~~  
13            ~~on June thirtieth of each year.~~ One member of the board shall represent the public and may not  
14            be directly associated with the electrical industry. The board must include a master electrician  
15            who is a contractor, a journeyman electrician, a consumer member of a rural electric  
16            cooperative, an elevator mechanic, and a person associated with an investor-owned utility. A  
17            member of the board shall qualify by taking the oath of office required of civil officers and shall  
18            hold office until that member's successor is appointed and qualified. The governor shall fill any  
19            vacancy by appointment for the unexpired term of office.

20            **SECTION 3.** A new section to chapter 43-09 of the North Dakota Century Code is created  
21     and enacted as follows:

22            **Powers and duties of the board - Regulation of conveyances - Exceptions.**

23            1. The board shall adopt rules to regulate the inspection and testing of conveyances and  
24            to implement applicable standards published by the American society of mechanical  
25            engineers. The board shall publish testing and inspection forms based on the rules  
26            and standards adopted by the board.

27            2. The board shall establish procedures for monitoring compliance with this chapter and  
28            receiving and investigating complaints.

29            3. The board may grant an exception or variance from the requirements of board rules if  
30            the exception or variance will not jeopardize the public safety and welfare.

- 1       4. The board shall hold hearings and hear appeals on disciplinary matters under  
2       sections 4 through 10 of this Act.
- 3       5. The board shall establish fee schedules for permits, certificates, inspections, and  
4       tests. The fees must reflect the actual costs and expenses to conduct the duties of the  
5       board.
- 6       6. The rules adopted by the board may not apply to an elevator located in a single-family  
7       private residence, a facility used for the purpose of energy generation, an industrial  
8       conveyance the primary purpose of which is not the movement of individuals, or a  
9       conveyance used in an agricultural facility.

10       **SECTION 4.** A new section to chapter 43-09 of the North Dakota Century Code is created  
11 and enacted as follows:

12       **Conveyance permit required.**

- 13       1. a. Within six months from the effective date of this Act, the owner of a conveyance  
14       shall register the conveyance with the board.
- 15       b. The owner of a new elevator or other conveyance must register the conveyance  
16       with the board within thirty days after the conveyance has been inspected and  
17       approved.
- 18       c. When registering a conveyance, the owner shall provide to the board the type of  
19       the conveyance, the rated load, the number of landings and speed of the  
20       conveyance, the name of the manufacturer of the conveyance, the location of the  
21       conveyance, the purpose for which the conveyance is used, and any additional  
22       information the board may require.
- 23       d. When a conveyance subject to this chapter is decommissioned or otherwise  
24       taken out of service, the owner responsible for the equipment shall notify the  
25       board within six months to request the conveyance be removed from the  
26       registration list.
- 27       2. Before an installation or alteration may be commenced on a conveyance, an elevator  
28       contractor shall apply to the board for a permit.
- 29       3. An application for a permit must include:

- 1           a. A copy of the specifications for the conveyance and must be accurately scaled
- 2                     and include fully dimensional plans showing the location of the installation in
- 3                     relation to the plans and elevation of the building.
- 4           b. An illustration of each detail of construction and design, including electrical
- 5                     drawings.
- 6           c. The location of the machinery space, machine room, control space, or control
- 7                     room and the equipment to be installed, relocated, or altered.
- 8           d. All structural supporting members of the conveyance, including foundations.
- 9           e. A description of the materials to be employed and all loads to be supported or
- 10                    conveyed.
- 11           f. A copy of the written maintenance control program for the conveyance.
- 12       4. The elevator contractor shall post the permit at the site of the conveyance while work
- 13                    is in progress. The elevator contractor obtaining the permit shall be responsible for the
- 14                    complete scope of work covered by the permit and ensure any alteration is performed
- 15                    only by a licensed elevator mechanic and performed in accordance the requirements
- 16                    of this chapter and any rules adopted by the board.

17       **SECTION 5.** A new section to chapter 43-09 of the North Dakota Century Code is created  
18 and enacted as follows:

19       **Conveyance permit revocation or suspension.**

20       The board may revoke or suspend a permit upon a finding:

- 21       1. Of a false statement, omission, or misrepresentation of material fact in the permit
- 22                    application or the plans or specifications on which the permit was based.
- 23       2. The work detailed under the permit has not been performed in accordance with the
- 24                    application, plans, specifications, or conditions of the permit.
- 25       3. The elevator contractor failed or refused to comply with a stop work order from the
- 26                    board.
- 27       4. The board determines revocation is necessary to ensure the proper enforcement of
- 28                    this chapter or to protect public or worker safety.

29       **SECTION 6.** A new section to chapter 43-09 of the North Dakota Century Code is created  
30 and enacted as follows:

1       **Conveyance permit expiration.**

2       1. A permit is deemed expired if:

3           a. The work authorized by the permit is not commenced within six months after the  
4           date on which the permit is issued or within a shorter period as specified on the  
5           permit; or

6           b. After the work has commenced, the work is suspended or abandoned for sixty  
7           days or a shorter time specified on the permit.

8       2. The board may allow an extension under subsection 1.

9       **SECTION 7.** A new section to chapter 43-09 of the North Dakota Century Code is created  
10 and enacted as follows:

11       **Certificate of operation - Penalty.**

12       1. Upon installation of a conveyance, an elevator contractor responsible for the work  
13       shall certify compliance with this chapter, rules of the board, and any applicable  
14       industry code or standard.

15       2. Before a conveyance is placed in operation, the owner of the conveyance shall obtain  
16       a certificate of operation from the board. The board may impose a penalty of not less  
17       than fifty dollars for the failure to obtain a certificate of operation.

18       3. A certificate of operation is valid for one year and must be renewed annually. The  
19       owner of the conveyance shall pay the required fee before the board may issue a  
20       certificate of operation and renewal of a certificate.

21       4. The owner of the conveyance shall clearly display the certificate on or in each  
22       conveyance or in the machine room.

23       **SECTION 8.** A new section to chapter 43-09 of the North Dakota Century Code is created  
24 and enacted as follows:

25       **Reporting of accidents.**

26       If an incident occurs involving an elevator or other conveyance which results in death or  
27       bodily injury to any person which requires hospitalization or other treatment by a medical  
28       professional, the owner of the conveyance shall submit to the board a report, on a form  
29       prescribed by the board, within forty-eight hours. The report must include the date, time, and  
30       place of accident.

1       **SECTION 9.** A new section to chapter 43-09 of the North Dakota Century Code is created  
2 and enacted as follows:

3       **Inspection and testing of conveyances - Removal from service.**

- 4       1. The owner of a conveyance shall ensure each conveyance is inspected and tested as  
5       required by the board.
- 6       2. All work required for inspections and tests of conveyances must be performed by an  
7       elevator mechanic and must be witnessed by an elevator inspector.
- 8       3. Upon completion of an inspection, the elevator inspector shall provide the owner of the  
9       conveyance and the board a written inspection report verifying code compliance or  
10       describing any code violations found. If a conveyance fails an inspection, the owner of  
11       the conveyance shall remove the conveyance from service until the violations are  
12       remedied to the satisfaction of the board.
- 13       4. The board shall develop a schedule for required testing and inspection of elevators  
14       and conveyances in the state.

15       **SECTION 10.** A new section to chapter 43-09 of the North Dakota Century Code is created  
16 and enacted as follows:

17       **Elevator inspector and contractor registration.**

- 18       1. An individual may not inspect any conveyance unless the individual is registered with  
19       the board. An individual may apply for registration by completing an application form  
20       provided by the board, submitting the application fee, and submitting documentation  
21       demonstrating the applicant meets the requirements established by the board by rule.
- 22       2. A person may not perform, contract to perform, or advertise to perform alteration or  
23       maintenance of conveyances unless that person is registered as an elevator  
24       contractor with the board. A registered elevator contractor shall employ at least one  
25       elevator mechanic.
- 26       3. The board shall create and maintain a list of all registered elevator contractors  
27       operating in North Dakota.

28       **SECTION 11. APPLICATION.** The requirements of this Act must be phased in as follows:

- 29       1. After August 1, 2026, each newly installed or altered conveyance must pass an  
30       acceptance test witnessed by an elevator inspector.

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- 1        2.    After August 1, 2026, each traction elevator must pass an acceptance test witnessed  
2            by an elevator inspector.
- 3        3.    After August 1, 2027, each hydraulic elevator, escalator, and moving walk must pass  
4            an annual acceptance test witnessed by an elevator inspector.
- 5        4.    After August 1, 2028, the board shall implement a schedule to meet the five-year full  
6            load safety testing requirement.
- 7        5.    After August 1, 2032, each conveyance must pass a five-year full load safety test  
8            witnessed by an elevator inspector.