

Sixty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2336

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-

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

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

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

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

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

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

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

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

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

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

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

Conveyance permit revocation or suspension.

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

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

SECTION 6. A new section to chapter 43-09 of the North Dakota Century Code is created 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.

- 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.