

**INFORMATIONAL STATEMENT OF ADOPTED REGULATIONS**  
**AS REQUIRED BY NRS 233B.066**

The following informational statement as required by NRS 233B.066 is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 618 as follows:

**1. EXPLANATION OF THE NEED FOR THE ADOPTED REGULATION**

The proposed regulations, LCB File No. R034-21, are needed to update and bring current certain requirements in Nevada Administrative Code (“NAC”) Chapter 455C. For instance, Section 4 and 22 adopt certain publications by reference as standards for boilers, elevators, and pressure vessels. The regulations update the years of the publications, as well as the costs and addresses from which members of the public may obtain the publications.

Additionally, the Division, after hearing concerns by regulated industry, eliminated provisions setting forth a process by which revisions to certain publications were automatically adopted and incorporated by reference.

The Division further updated the requirements for the issuance of a certificate to work as a special instructor and for the issuance and renewal of a certificate to work as an elevator mechanic, a certificate of competency as a special inspector and a work card to comport with existing law (NRS 455C.130.)

Other provisions in this regulation were included to update current regulations in furtherance of the Division’s mission to uphold the highest standards of health and safety services, which include further safeguards, such as prohibiting installation of boilers and pressure vessels that are not constructed to conform with standards, requiring certain inspections be performed by inspectors, revises requirements relating to safety relief valves for certain boilers, as well as enforcement tools afforded to the Division for violations of NAC 455C by owners of boilers, elevators, or pressure vessels.

To that end, the proposed regulations relate to the safety of certain mechanical equipment; revise certain requirements for boilers and pressure vessels; revise certain definitions; revise the adoption by reference of certain manuals, codes and standards governing boilers, elevators and pressure vessels; revise procedures to obtain an exemption from certain requirements for boilers, elevators and pressure vessels; revise requirements for the issuance and renewal of certain certificates and work cards; authorize an elevator mechanic to be assisted by a licensed contractor in the performance of certain work; revise requirements for the operation of certain elevators and personnel hoists; authorize an inspector to enter a premises that contains an elevator for the purposes of performing an inspection; authorize the Mechanical Compliance Section of the Division of Industrial Relations of the Department of Business and Industry to place a lockout device on the energy isolating device that services an elevator, boiler or pressure vessel under certain circumstances; revise provisions relating to methods of enforcement used by the Division to ensure compliance with legal requirements; authorize the Mechanical Compliance Section to personally deliver certain notices through an inspector; and provide other matters properly relating thereto.

**2. DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, A SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION OF HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.**

Copies of the proposed regulation, notices of workshop, and notice of intent to act upon the regulation were sent by e-mail and U.S. Mail to persons who were known to have an interest as well as any persons who had specifically requested such notice, if any. These documents were also made available at the Division's website, <http://dir.nv.gov/Meetings/Meetings>, with the notices also posted at the following locations:

The State of Nevada Website ([www.notice.nv.gov](http://www.notice.nv.gov))

The Nevada State Legislature Website (<http://leg.state.nv.us/App/Notice/A/>)

The Division of Industrial Relations Website (<http://dir.nv.gov/Meetings/Meetings>)

A Workshop was held to solicit comments on the proposed regulation on January 13, 2022. At the conclusion of the January 13, 2022 Workshop, the Division invited members of the public wishing to submit written public comment. After the January 13, 2022 Workshop, the Division received the following written public comments:

1. Jennifer Gaynor, Esq., on behalf of the National Elevator Industry, Inc. ("NEII") – "We were looking to get some clarification/information on intent and proposed implementation of Section 14, 23, 24, and 25-27 (having to do with how notice of administrative fines, penalties or suspensions of permits/certificates or work cards)." With regards to Section 14 of the regulation, Ms. Gaynor further stated, "It is NEII's understanding that this section is intended to put A17.3 into the NAC regarding bringing older equipment up to the current standards upon alteration or an accident where the MCS issues an emergency order to upgrade the equipment for safety reasons. Our members and other industry stakeholders share concerns that, as written, this change could trigger a requirement for upgrades to elevators that have a purely cosmetic upgrade (like new carpeting). Clarification from the Mechanical Compliance Section (MCS) as to how this will be applied would be appreciated. In addition we note that A17.3 doesn't apply to new elevators, which are governed by the stricter standards of A17.1. Therefore, for clarify we suggest amending the new subsection 6 to remove the term 'A new elevator.'" With regards to Section 21, Ms. Gaynor provided, "This revision appears to allow for non-elevator-mechanic licensed contractors, such as plumbers or electricians, to do work in a hoistway or pit if they are provided access to that secure area by a licensed elevator mechanic." NEII further requested the removal of the phrase "machine room" from the requirement for access to be solely provided by a licensed mechanic because of concern that the language in the section is applicable to several different physical areas. They recommended that the regulations align more closely with the national model elevator code, ASME A17.1/CSA B44 Safety Code for Elevators and Escalators. With regard to Section 23, NEII stated that this language "should not be used to facilitate unplanned inspections where a test or activation/de-activation of elevator equipment that requires the presence of a licensed elevator mechanic is required, because not all properties have licensed

elevator mechanics on-staff and on premises at all times.” With regards to Section 24, NEII stated, “This new language allows for a ‘lockout device’ to be installed with the Chief of the MCS issues an emergency order regarding a dangerous condition. Clarification as to the intent and proposed application of this section, including the logistics of how such a lockout would work in practice, would be appreciated.” With regards to Sections 25-27, NEII stated, “The amendments to these sections appear to add that the MCS will be able to deliver notice of a violation or permit suspension via an inspector personally in addition to via certified mail. Section 25 also adds that the notice of violation can be sent to the permit holder or the elevator contractor. NEII has concern that proper notice of fines or violations may not be provided via personal delivery by an inspector, especially where it is not clear how that personal delivery will be made, if it will be in writing, and if records of such delivery will be kept. We also have concern that such delivery may not be made to the proper individual at the licensed contractor or elevator contractor. We understand that this section has been added because some violation recipients did not pick up their certified mail and suggest that these alternative delivery methods should be used in tandem with certified mail rather than as an alternative.”

2. Amanda Moss, Senior Director of Government Affairs, Southern Nevada Home Builders Association – “We wanted to again circulate traffic re: NAC 455C.114(2), outlining that single-family residences (including townhomes) will not be affected by the current regulations as proposed or by any future revisions as you all work through the process together.” Ms. Moss continued, “We would like to be sure that it is the Department’s intent to leave those exemptions in place for water heaters and wondered if it is possible to have that mentioned on the record at the workshop and/or at the Legislative Commission level. If this is the case, SNHBA will remain neutral on these regulations.”

The Division also held a Second Public Workshop to solicit comments on the proposed regulation was held on September 13, 2022. At the conclusion of the September 13, 2022 Workshop, the Division welcomed members of the public to submit written public comment. The Division received the following written public comment:

1. Michael Boyle, FQE Codes & Standards Officer, Schindler Elevator Corp. – “Schindler Elevator Corporation estimates the following costs per elevator for adding devices the Division is now requiring on existing elevators with their enforcement of ASME A17.3-2020: 1. Door lock monitoring system - \$35,000.00, if the existing controller can accommodate the new functions. Controller replacement may be required at a substantially higher cost. 2. Doors, restricted opening - \$5,000.00. 3. Ascending car overspeed and unintended movement - \$80,000.00 if the rope gripper device can be installed without additional engineering, raising the machine, or installing the device in the overhead. Machine replacement may be required at a substantially higher cost.” Schindler further stated, “Schindler Elevator Corporation contends that the public will be adversely affected by the number of elevators that must be taken out of service and the duration of the work required.” Regarding Section 14, Schindler stated, “Schindler Elevator Corporation believes that one year is not enough time to complete the required

alterations due to the number of affected units, the work involved in surveying each unit, the time it takes to procure material, the time it takes to perform the work, and the limited manpower available in IUEC Locals 8 and 18. We request that the time to comply be extended to at least three years. Third party inspectors are writing requirements from ASME A17.3-2017 now on inspection reports, and we are being told that we will need to request an extension on each elevator if we cannot comply by the specified date.”

2. Michael Feldman, Samson Equities Corporation – Mr. Feldman opposed “the provisions appearing at page 18-19 of the attached ‘Notice of Public Workshop...’, which destroy the traditional and time-honored principle of ‘grandfathering’ safe, properly maintained elevators constructed under prior Code. Under traditional principles of building codes, structures and improvements built under prior Code are not required to be reconstructed to comply with current Code, as long as they are safe and properly maintained. The reason for this time-honored principle is that, under any other rule, changes in Code would impose unexpected, huge construction costs on the vast number of safe existing structures that met code when they were built, and continue to be safe and well-maintained. The proposed regulation superficially appears to honor this principle at page 18: ‘An existing installation may be used without being reconstructed to comply . . . [but] must be maintained in a safe operating condition and must comply with the [Code] in effect at the time the elevator was installed and the safety code for existing elevators...’ That’s the very essence of traditional ‘grandfathering’. But the top of page 19 creates a back door for taking away ‘grandfathering’: ‘A[n] ... existing installation is not required to receive any upgrade [under the new Code] until ... one year after the adoption by reference ... of the [new Code].’ It is both unjustified and unjust to strip away ‘grandfathering’ of safe, well-maintained existing elevators. Our elevator is inspected, tested and serviced monthly by a licensed elevator contractor. Each year the elevator is again inspected and tested, by both an independent state elevator inspector, in conjunction with our licensed elevator contractor. Our elevator has never had an accident or mishap. According to a licensed elevator contractor, a state elevator inspector, and an elevator vendor with whom I have consulted, the cost of reconstructing our elevator to meet the current Code would be very high, and would not make our elevator any safer than it already is. I was therefore encouraged by them to write you to express my opposition to this costly and senseless Code change being applied to safe, properly-maintained, existing elevators. The Code should make clear that ‘grandfathering’ of existing elevators that meet the Code of the year of construction, and continue to be safe, well-maintained, and trouble-free will not be taken away by administrative caprice.”
3. Ginger Bredemeier, Associate General Counsel, The Venetian – “Foremost, under Section 14 of the proposed amendment, upgrade requirements pursuant to Section A17.3 will become automatically adopted by reference, with an effective enforcement date one year after the adoption by reference. It should be noted that Section A17.3 was

issued in 2020 and adopted by reference by the Division on August 16, 2021, making the effective enforcement of the upgrade requirements immediately enforceable. Such immediate enforcement without further clarification creates a burden on businesses, such as The Venetian, which seek to comply with the provisions of NAC.” Ms. Bredemeier continued, “First, the provisions of Section A17.3 include several upgrade requirements, and the proposed changes to NAC are not specific as to enforcement of all items. To date, the Division has not offered a comprehensive list of required elevator upgrades to the public, and thus, businesses, such as The Venetian and other similarly situated establishments, have been forced to surmise the new elevator upgrade requirements through notices of violation during periodic inspections of our elevators. The Venetian has received notices that hoist-way restriction and ascending car overspeed mechanisms are required pursuant to Safety Code Section A17.3. However, we are aware that other requirements may also be forthcoming. As you can imagine, a constant cycle of continual upgrades would have a detrimental effect on business operations for an integrated casino resort whose guests, patrons, and employees require use of property elevators. Even if hoist-way restrictors and ascending car overspeed mechanisms are the only required upgrades under Section A17.3 the Division intends to enforce, then at the least comment, clarification, and guidance from the Division is necessary regarding whether compliance with the instant elevator upgrades will indeed be considered a modernization of the elevator, thus requiring an alteration permit in order to put an upgraded elevator back into operation. As you are aware, a modernization of the elevator would require it to comply with new installation features and standards. If that is the case, each elevator requiring upgrade(s) will certainly require additional modification and upgrades in order to be permitted as operable.” She continued, “Additionally, clarification is also necessary regarding the effect of the amendment and automatic adoption of Section A17.3 on existing exemptions, or compliance memoranda issued by the Division of Industrial Relations, Mechanical Compliance Section. One such memorandum released on April 18, 2017, exempted businesses from installing door restrictors on elevators that were previously approved prior to May 31, 2017. Businesses continue to rely on that exemption. How does the Division intend to administratively track the prior exemption to ensure a business is not faced with violations from elevator inspectors who do not have access to all correspondence between the Division and private businesses? Moreover, in light of the compliance difficulties noted earlier in this letter, we respectfully request that the Division be amenable to businesses providing proposals to accomplish the required work establishment-wide (once, of course, the requirements are clearly explained). Currently, the Division has offered extensions and temporary exemptions without clear guidance as to the criteria considered. Businesses with competing resources and strict budget cycles would benefit from the opportunity to create a plan for compliance with a graduated implementation schedule that would span the course of several years. For example, Chief Administrative Officer Brennan Paterson contacted our Chief Engineer, Dan Johnson, before the public meeting, to discuss with Mr. Johnson the possibility of future extensions of time, if Mr. Johnson gets to the end of his current

extension without being able to complete all upgrades. This proposed process makes for difficult planning, budgeting, and assigning internal and external staff to the project and makes management of the elevator upgrades unpredictable, as there is no guarantee that the Division will ultimately grant additional extensions. However, if the Division is able to offer clarification that reasonable extension requests will likely be granted, it would improve measurably The Venetian’s ability to plan the required work on our elevators.”

Notably, between the two public workshops as well as the subsequent adoption hearing held on March 15, 2023, the Division also held informal stakeholder meetings to discuss concerns from regulated industry. The Division took note of those concerns and addressed them in subsequent drafts of the regulation.

Further, a Public Hearing was held on March 15, 2023, to solicit comments from the public on the adoption of the regulation. At the conclusion of the March 15, 2023 Public Hearing, members of the public were again invited to submit additional written comments. The Division received the following comments:

1. Shannon Chambers, Executive Director of Compliance, Norther Nevada Operating Engineers – With regard to Section 25, she requested clarification of this section and whether the proposed language limits certain construction work by a licensed contractor to only the construction work listed. She believed that the “without limitation” language in the regulation would allow for other construction work, not just construction work necessary to complete the construction work on the elevator. She requested that the document be clarified and establish that other construction work include the operation of equipment/operating equipment, so long as the construction work by a licensed contractor met the other requirements.

A summary may be obtained by contacting Rosalind Jenkins, Legal Secretary II, Division of Industrial Relations, (702) 486-9014, or by writing to the Division of Industrial Relations, 3360 W. Sahara Ave., Ste. 250, Las Vegas, Nevada 89102.

**3. THE NUMBER OF PERSONS WHO:**

a.	ATTENDED JANUARY 13, 2022 WORKSHOP:	12
b.	ATTENDED SEPTEMBER 13, 2022, WORKSHOP:	140
c.	ATTENDED MARCH 15, 2023 PUBLIC HEARING:	52
d.	TESTIFIED AT JANUARY 13, 2022 WORKSHOP:	4
e.	TESTIFIED AT SEPTEMBER 13, 2022, WORKSHOP:	8
f.	TESTIFIED AT MARCH 15, 2023, PUBLIC HEARING:	5
g.	SUBMITTED WRITTEN COMMENTS RELATED TO JANUARY 13, 2022, WORKSHOP:	2
h.	SUBMITTED WRITTEN COMMENTS RELATED TO SEPTEMBER 13, 2022, WORKSHOP:	3
i.	SUBMITTED WRITTEN COMMENTS RELATED TO MARCH 15, 2023 PUBLIC HEARING:	1

**4. FOR EACH PERSON IDENTIFIED IN PARAGRAPHS (d), (e), and (f) OF NUMBER 3 ABOVE, THE FOLLOWING INFORMATION, IF PROVIDED TO THE AGENCY CONDUCTING THE HEARING:**

<b>January 13, 2022, Workshop</b>	
1	<p><b>Name:</b> Jennifer Gaynor  <b>Telephone number:</b> None received  <b>Business address:</b> None received  <b>Business telephone number:</b> None received  <b>Electronic mail address:</b> None received  <b>Name or organization represented:</b> National Elevator Industry, Inc.  <b>Summary of comment:</b> As to Section 14, they had spoken to others in the industry and share their concerns that as written, this might trigger a requirement for elevator upgrades for something that is purely cosmetic (carpeting, vinyl wrap).  As to Section 21, the proposed language moves us in a direction addressing concerns out in the field. We might ask for further clarification at some point but we are supportive of this language. The one caveat is the mention of section 1 of R045-20 and wanted section parsed out.  As to Section 23, we are generally fine with the provision but want clarification on what the purpose is. We are concerned about inspections that weren't planned for when the premises might not have an elevator mechanic there.  As to Section 24, we are in theory fine with the regulation but wants clarification on how it would operate.  As to Sections 25 through 27, we want clarification on how notification process would work.</p>
2	<p><b>Name:</b> William Stanley  <b>Telephone number:</b> None received  <b>Business address:</b> None received  <b>Business telephone number:</b> None received  <b>Electronic mail address:</b> None received  <b>Name of entity or organization represented:</b> International Union of Elevator Constructors and the Southern Nevada Building Trades Union  <b>Summary of comment:</b> As to Section 14, subsection 6, with the elimination of A.17.3. This code has been part of the regulatory scheme and has been amended several times. There may be some individuals opposed to the amendment for fear of what may be required to existing elevators. We should carve out some portions of A17.3 but not the whole code. Experts on code committees are far more knowledgeable. They are opposed.  As to Section 23, wants clarification on who is an "inspector" – is it a State inspector and not a "special inspector" or third-party inspector.  As to Section, 24, they have similar concerns.</p>
3	<p><b>Name:</b> Virginia Valentine  <b>Telephone number:</b> None received  <b>Business address:</b> None received  <b>Business telephone number:</b> None received</p>

	<p><b>Electronic mail address:</b> None received</p> <p><b>Name of entity or organization represented:</b> Nevada Resort Association</p> <p><b>Summary of comment:</b> As to Section 14, subparagraph 6, it is possible to do vinyl wraps and there may be some disagreement as to what constitutes an alteration. We want to continue to work with MCS to come up with other possible language.</p>
4	<p><b>Name:</b> Joe Boswell</p> <p><b>Telephone number:</b> None received</p> <p><b>Business address:</b> None received</p> <p><b>Business telephone number:</b> None received</p> <p><b>Electronic mail address:</b> None received</p> <p><b>Name of entity or organization represented:</b> International Union of Elevator Constructors Local 18</p> <p><b>Summary of comment:</b> Carpeting and vinyl wraps – best professional opinion is the best way to install this is the elevator constructors, as we are the most knowledgeable and having them do the work is the safest. As to section 13, subsection 6, his professional opinion is for Nevada to adopt A17.3 to be adopted. As to Section 21, an elevator equipment room is a hazardous location and we want to limit who has access.</p>

<b>September 13, 2022, Workshop</b>	
1	<p><b>Name:</b> Glen Leavitt</p> <p><b>Telephone number:</b> None received</p> <p><b>Business address:</b> None received</p> <p><b>Business telephone number:</b> None received</p> <p><b>Electronic mail address:</b> None received</p> <p><b>Name or organization represented:</b> Nevada Contractors Association</p> <p><b>Summary of comment:</b> On Section 25, (h) and (i), he requests some clarification per exception 3 under NRS 455C.160 – it is in the best interest that work required in hoistway or machine rooms, an electrician should be wiring lights in machine room, not an elevator mechanic – it is a little vague as to whether there be an elevator mechanic to perform those duties.</p>
2	<p><b>Name:</b> Michael Boyle</p> <p><b>Telephone number:</b> None received</p> <p><b>Business address:</b> None received</p> <p><b>Business telephone number:</b> None received</p> <p><b>Electronic mail address:</b> None received</p> <p><b>Name of entity or organization represented:</b> Schindler Elevator</p> <p><b>Summary of comment:</b> As to Section 13, we were informed that the regulation pertaining to adoption of ASME A17.3 would include adding rope to existing traction elevators.</p> <p>As to Section 14, in having discussion with resort owners, there is a concern with the adoption of A17.3, and seeing how we have a 1-year timeline to adopt – issues with the manpower to survey the jobs, the amount of time to do surveys, procure equipment, to install them, and while extensions will be considered will only be on a case-by-case basis – possibility to change 1 year time period to maybe 3 or 5</p>



	<p>years. Further, to expand on what Mr. Seavey has said – with regards to door lock monitors will cost, in doing that, there are multiple variables involved. The amount of costs on elevators is the concern.</p>
3	<p><b>Name:</b> Philip Grone  <b>Telephone number:</b> None received  <b>Business address:</b> None received  <b>Business telephone number:</b> None received  <b>Electronic mail address:</b> None received  <b>Name of entity or organization represented:</b> National Elevator Industry, Inc. (NEII)  <b>Summary of comment:</b> As to Section 14, take note of modification in section 14 with effective period after auto adoption of the rule – generally agreeable from perspective of industry. To follow on Mr. Boyle’s comments, some of the challenges the industry and customer base with implementation of current A17.3. Consider organization and discussion to allow us to work through implementation issues.  As to Section 21, specifically subsection 8 - access to hoistway or pit would be governed by the state – this is product of extensive discussion between industry and state – we continue to support this provision and encourage the passage of the regulation that we all happily agreed to.</p>
4	<p><b>Name:</b> Charles Clawson  <b>Telephone number:</b> None received  <b>Business address:</b> None received  <b>Business telephone number:</b> None received  <b>Electronic mail address:</b> None received  <b>Name of entity or organization represented:</b> owner of 2-story building with elevator  <b>Summary of comment:</b> As to Section 14, we have a 2-story elevator and up to this year, we have been in compliance with annual inspection. We received a notice of deficiency with not having door restrictors in compliance with A17.1. We never had door restrictors since elevator was constructed in 2009, and that was based on a DIR memo. It’s been approved previously, we want to voice our strong opposition on the rescission on that memo that’s been relied upon. Installing door restrictors is a great expense.</p>
5	<p><b>Name:</b> Jeff Seavey  <b>Telephone number:</b> None received  <b>Business address:</b> None received  <b>Business telephone number:</b> None received  <b>Electronic mail address:</b> None received  <b>Name or organization represented:</b> Caesar’s Entertainment  <b>Summary of comment:</b> As to Section 14, concerns similar to what’s been stated. When talking about global implementation of requirements that have not been in place, establishing all elevators need to be in compliance in the 1-year period, not sufficient infrastructure/resources in Nevada to do so. Concerning to them for a 1-</p>

	<p>year timeline on auto-adopt vs. having a specific trigger for these remedies. Is there some other trigger that warrants the need to make the changes?</p>
6	<p><b>Name:</b> Pete Georgis  <b>Telephone number:</b> None received  <b>Business address:</b> None received  <b>Business telephone number:</b> None received  <b>Electronic mail address:</b> None received  <b>Name of entity or organization represented:</b> owner of a 2-story building  <b>Summary of comment:</b> As to Section 14, similar concerns as stated by Mr. Clawson. Building was built in 1998 and received all permits and have annually maintained permits each year. Recently received a notice similar to Mr. Clawson re: failure to have door restrictors on elevators. Elevator does not have much use. Quote they received was \$5,500 to \$6,000 which is an astronomical cost given office vacancies in their area. To the extent that A17.3 affects that type of asset class, we would ask that they continue to be exempt for any ongoing requirements.</p>
7	<p><b>Name:</b> Dawn Christensen  <b>Telephone number:</b> None received  <b>Business address:</b> None received  <b>Business telephone number:</b> None received  <b>Electronic mail address:</b> None received  <b>Name of entity or organization represented:</b> Nevada Resort Association  <b>Summary of comment:</b> As to Section 14, appreciate comments by NEII and echo those comments. Additional time to comply is appreciated, but we have concern with concerns with ongoing requirements of A17.3 under auto-adopt. Hope there are additional workshops to discuss concerns.</p>
8	<p><b>Name:</b> Wolter Geesink  <b>Telephone number:</b> None received  <b>Business address:</b> None received  <b>Business telephone number:</b> None received  <b>Electronic mail address:</b> None received  <b>Name of entity or organization represented:</b> Otis Elevator  <b>Summary of comment:</b> As to Section 14, as this is being enforced, the requirements being enforced are becoming unclear, A17.3 – what are the requirements regarding new modifications to the elevator. Also concern when A17.3, what will need to be completed for modernization. There’s a concern there is not enough clarification, what are inspectors asking for afterwards? What about former exceptions under the memos stated earlier – are all exceptions no longer valid? Need clarity on that. There’s a concern that the state is not recognizing the ability to source repairs or the product to comply with A17.3. There is a supply issue, and the timeline for compliance needs to be extended. At this time, a year for the extent of the amount of work that needs to be done is not achievable. The Division has been giving 90-day extensions to be able to get an accurate account of the work that needs to be done under the A17.3 – 90 days is asking a lot and is not enough time just to survey the equipment to give their opinion on what the costs would be that would be required under A17.3.</p>

**March 15, 2023, Public Hearing**

1	<p><b>Name:</b> John Wiles <b>Telephone number:</b> None received <b>Business address:</b> None received <b>Business telephone number:</b> None received <b>Electronic mail address:</b> None received <b>Name or organization represented:</b> International Union of Elevator Contractors Local 18 <b>Summary of comment:</b> As to Section 22, under #3, is it the Division's intention to remove auto-adoption provisions?</p>
2	<p><b>Name:</b> Philip Grone <b>Telephone number:</b> None received <b>Business address:</b> None received <b>Business telephone number:</b> None received <b>Electronic mail address:</b> None received <b>Name of entity or organization represented:</b> National Elevator Industry, Inc. <b>Summary of comment:</b> As to Sections 22, 23, and 24, appreciate significant work that's been done by MCS to work with stakeholders to work with implementation of A17.3, but note that Section 22, 23, and 24 provides a vague implementation of A17.3. Auto-adoption is a good and useful thing and would urge MCS to expeditiously to move adoption of codes of any modernized codes. Phased implementation is a reasonable approach here and NEII could support this regulation. As to Section 25, section contains a very important adjustment re: elevator mechanic work cards and ability for other work trades to work alongside elevators. This has been a provision that has been long discussed between stakeholders and MCS and would urge its rapid adoption.</p>
3	<p><b>Name:</b> Niclas Bergengren <b>Telephone number:</b> None received <b>Business address:</b> None received <b>Business telephone number:</b> None received <b>Electronic mail address:</b> None received <b>Name of entity or organization represented:</b> Dal American <b>Summary of comment:</b> As to Section 25, difference between someone with elevator mechanic card working inside elevator and theirs, is nothing. Both do the same thing – they call for help from the elevator company. They do the same preventative work. They have to layoff people. What about operators in the Stratosphere? Do they need an operating workers' card, it's the same thing? He opposes it.</p>
4	<p><b>Name:</b> Danny Thompson <b>Telephone number:</b> None received <b>Business address:</b> None received <b>Business telephone number:</b> None received <b>Electronic mail address:</b> None received</p>

	<p><b>Name of entity or organization represented:</b> Operating Engineers Local Unions Nos. 3 and 12</p> <p><b>Summary of comment:</b> As to Section 25, personnel hoist – Sec. 25 says only can be operated by elevator mechanic. Are you talking about personnel hoists? If you are, we are opposed to this language. We are qualified to do it. Opposed to section 25.</p>
5	<p><b>Name:</b> Nick DiFranco</p> <p><b>Telephone number:</b> None received</p> <p><b>Business address:</b> None received</p> <p><b>Business telephone number:</b> None received</p> <p><b>Electronic mail address:</b> None received</p> <p><b>Name or organization represented:</b> International Union of Operating Engineers Local 12</p> <p><b>Summary of comment:</b> As with Section 25, with Dal American, we represent those guys. When those things break down, we don't try to repair them, we call the company, and they fix the elevator. Wants to follow up on Niclas Bergengren's comments.</p>

**5. DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION OF HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.**

Copies of the proposed regulation, notices of workshop, and notice of intent to act upon the regulation were sent by E-mail to persons who were known to have an interest as well as any persons who had specifically requested such notice, if any. These documents were also made available at the Division's website, <http://dir.nv.gov/Meetings/Meetings>, with the notices also posted at the following locations:

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A Workshop was held to solicit comments on the proposed regulation on January 13, 2022. A Second Public Workshop to solicit comments on the proposed regulation was also held September 13, 2022. Likewise, a Public Hearing was held on March 15, 2023, to solicit comments from the public on the adoption of the regulation.

On July 15, 2022, the Division sent out a Small Business Impact Statement Questionnaire to interested parties. The Questionnaire inquired from small businesses whether they believed there would be any economic effects, adverse or beneficial, direct or indirect, on their respective businesses from the proposed regulation. The Division also placed a link on its website to the Questionnaire for interested parties to complete, should they so choose. As of this date, the Division received seventeen (17) responses as follows:

1. Jerry Roark – Leslie's Poolmart – Mr. Roark submitted a response to the Small Business Impact Statement Questionnaire, that provided that his company employed 150 employees or more.
2. David Ostrovsky – TLC Casinos - Mr. Ostrovsky submitted a response to the Small Business Impact Statement Questionnaire, that provided that his company employed 150 employees or more.
3. Anne Murphy – Nellis Cab - Ms. Murphy submitted a response to the Small Business Impact Statement Questionnaire, that provided that her company employed 150 employees or more.
4. Red Rock Country Club indicated that the regulation would have an adverse economic effect on its business stating, "I'm being told it will be over \$20,000 which on top of all wage increases and supply increases it just puts us in a bad situation." Red Rock further indicated that it did not believe that the regulation would have a beneficial effect on its business, nor would the regulation have an indirect adverse or beneficial effect on its business.
5. Ryan Smith – Maximum Security Self Storage, LLC – Mr. Smith indicated that the regulation would have an adverse economic effect on his business stating, "We received a letter from our elevator repair company that states NV OSHA is adopting new elevator code (A173.2020). They estimate the costs for most properties will be between \$15k-\$180k per elevator." Further, Mr. Smith stated that the regulation would not have a beneficial effect on his business and that "our elevators are in excellent shape and a new requirement will only add to our costs which will have to be passed on to our customers." Mr. Smith indicated the regulation would have an indirect adverse effect on his business with no indirect beneficial effects.
6. Paul F. Peppard – Fort Apache Storage Depot, LLC – Mr. Peppard indicated that the regulation would have an adverse economic effect on his business stating, "My elevator maintenance company indicates it will run around \$100,000 to install." He did not believe that the regulation would have a beneficial effect on his business. Mr. Peppard stated, "I will have to increase rental rates to cover the cost. This will adversely affect my present occupants."
7. Jennifer Meads – Samson Equities Corporation – Ms. Meads indicated that the regulation would have an adverse economic effect on her business stating, "We are being told that the cost of the elevator code, A173.2020 will cost us anywhere from \$15,000 to \$180,000 per property. We have 3 properties that will have to be updated and that is a lot of money for a small business like ours." Ms. Meads further indicated that she did not believe that the regulation would have a beneficial effect on the business, nor would the regulation have an indirect adverse or beneficial effect on the business.
8. Wendy Murdock – The New Pioneer, LLC – Ms. Murdock submitted a response that provided that her company employed 150 employees or more.
9. Minister Darnell Allen – Word of Life Christian Center – Mr. Allen indicated that the regulation would have an adverse economic effect on his business stating, "In our 2022 budget & year-to-date we experienced a decrease of \$450,963.00 in income. Because

we are a 501.C3 non-profit organization, our revenue is solely dependant [sic] on volunteer contributions. The revenue has decreased by 12% this year. To include the specific proposed regulatory provision as an expense would cause substantial hardship to the overall organization's financial budget." Mr. Allen further indicated that he did not believe that the regulation would have a beneficial effect on the business. Mr. Allen also noted that the regulation would have an indirect adverse effect on the business while having no beneficial effect.

10. Brandon Palmer – BLC Builders – Mr. Palmer indicated his belief that the regulation would have an adverse economic impact, with no beneficial effects or indirect adverse or beneficial effects.
11. Debbie Moos – Omninet 3300 Sahara LLC – Ms. Moos indicated her belief that the regulation would have an adverse economic effect on her business stating, "Per contracted elevator company the estimated repairs will average approximately \$15,000 to \$180,000 per elevator. We have 8 elevators on property for a total of \$120,000 up to \$1,440,000. All 8 elevators are currently under review for more exact pricing." Ms. Moos further indicated that she did not believe that the regulation would have a beneficial effect on the business, nor would the regulation have an indirect beneficial effect on the business.
12. Pete Georgis – Evrotas Investments, LLC – Mr. Georgis indicated his belief that the regulation would have an adverse economic effect as well as an indirect adverse effect on his business.
13. Marty Mizrahi – LasVegas.Net Hotel – Mr. Mizrahi indicated his belief that the regulation would have an adverse economic effect on his business. He further indicated that the regulation would not have a beneficial effect on the business, nor would the regulation have an indirect adverse or beneficial effect on the business.
14. Victoria Taitel – MEE2, Inc. d/b/a Reno Forklift – Ms. Taitel did not believe that the regulation would have any adverse or beneficial effects, direct or indirect, on her business.
15. Ilan Gorodezki – Thunderbird Hotel and Super 8 Hotel – Mr. Gorodezki believed that the regulation would have a negative adverse economic effect and indirect negative effects on his business.
16. Greg Wells – MAC One, LLC – Mr. Wells believed that the regulation would have a negative adverse economic effect and indirect negative effects on his business.

A summary may be obtained by contacting Rosalind Jenkins, Legal Secretary II, Division of Industrial Relations, (702) 486-9014, or by writing to the Division of Industrial Relations, 3360 W. Sahara Ave., Ste. 250, Las Vegas, Nevada 89102.

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**6. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.**

Comments received at the public workshops and public hearing and comments received thereafter were considered and incorporated in the second revised proposed regulation adopted by the Division.

Indeed, the Division did change the regulation to address industry concerns. Those changes were incorporated into the second revised proposed regulation dated January 4, 2023, which the Division adopted on March 27, 2023.

Notably, the second revised proposed regulation, at Sec. 38(3)-(4), provides that Sections 23 and 24 of this regulation, which adopt by reference certain section of the *Safety Code for Existing Elevators and Escalators*, A.17.3, 2020 edition, become effective on December 31, 2025 and December 31, 2027, respectively. This change to the regulation addresses industry concerns and provides sufficient time for industry to plan for capital expenditures required to comply with A.17.3, 2020 edition.

Moreover, the Division believes that the regulations, as adopted, were amended and adopted such that those concerns have been fully addressed.

**7. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:**

**A. ADVERSE AND BENEFICIAL EFFECTS**

**i. Effect on Businesses**

*The Division anticipates no adverse effects, either direct or indirect, on regulated businesses as the result of these regulations. The adverse effects, if any, are difficult to determine at this time. There will be no direct or indirect cost to regulated or small businesses.*

*The Division believes that there will be no beneficial effects, either direct or indirect, on regulated or small businesses as the result of these regulations.*

*The Division notes that there is an increase in the costs for various publications adopted by reference. However, these costs are not paid to the Division but are paid to the respective publishers.*

**ii. Effect on the Public**

*The Division anticipates no adverse effects, either direct or indirect, on the public as the result of these regulations. The Division anticipates long-term beneficial effects on the public, as they are anticipated to lead to improved safety for the public.*

**B. IMMEDIATE AND LONG-TERM EFFECTS**

**i. Effect on Businesses**

*The Division does not anticipate any immediate effects, either adverse or beneficial, on regulated or small businesses as a result of these regulations. There may be direct and/or indirect costs to certain regulated or small businesses in order to comply with these regulations, particularly compliance with provisions of the Safety Code for Existing Elevators and Escalators, A.17.3, 2020 edition, effective December 31, 2025 and/or December 31, 2027, respectively.*

*The Division does anticipate some long-term effects, either adverse or beneficial, on regulated or small businesses as a result of these regulations. At state above, if a regulated business is subject to these regulations, there may be direct and/or indirect costs associated with compliance. But, as stated above, the timelines to comply with the Safety Code for Existing Elevators and Escalators, A.17.3, 2020 edition, were extended during the regulation-making process in order for the regulated businesses to plan for any expenditures associated with compliance.*

**ii. Effect on the Public**

*The Division does not anticipate any immediate effects on the public as a result of these regulations. The Division does anticipate that these regulations will result, in the long-term, in increased public safety for everyone who uses the subject equipment. There will be no direct or indirect costs to the public.*

**8. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION**

There will be no additional or special costs incurred by the Division for enforcement of this regulation.

**9. DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATIONS OVERLAPS OR DUPLICATES AND A STATEMENT EXPLAINING WHY THE DUPLICATION OR OVERLAPPING IS NECESSARY. IF THE REGULATION OVERLAPS OR DUPLICATES A FEDERAL REGULATION, THE NAME OF THE REGULATING FEDERAL AGENCY.**

The Division is not aware of any similar regulations of other state or government agencies that which the proposed regulations overlap or duplicate.

**10. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.**

The Division is not aware of any similar federal regulations of the same activity in which the adopted regulations are more stringent.



**11. IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.**

*The proposed regulation does not include a new fee or an increase of an existing fee. The Division notes that there is an increase in the costs for various publications adopted by reference. However, these costs are not paid to the Division but are paid to the respective publishers.*

Dated this 8<sup>th</sup> day of June, 2023.

DIVISION OF INDUSTRIAL RELATIONS

By: Victoria Carreón

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