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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4046

(By Delegates Kuhn, Hrutkay, Caputo,
Martin, Perdue and Butcher)

Passed March 9, 2002

In Effect Ninety Days from Passage

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FOR

H. B. 4046

(BY DELEGATES KUHN, HRUTKAY, CAPUTO,
MARTIN, PERDUE AND BUTCHER)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact sections one, two, five and eight, article three-c, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to elevator safety; requiring acceptance inspection of newly installed elevators; issuing certificate of acceptance by division of labor.

Be it enacted by the Legislature of West Virginia:

That sections one, two, five and eight, article three-c, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3C. ELEVATOR SAFETY.

§21-3C-1. Definitions.

1 (1) "Certificate of acceptance" means a certificate issued by
2 the division of labor certifying that a newly installed elevator
3 has been inspected and was found to be installed in compliance
4 with the safety standards set forth in the American National
5 Standards Institute (ANSI) Code A17.1-3, "Safety Code for
6 Elevators."

7 (2) "Certificate of competency" means a certificate issued
8 by the division of labor certifying that an individual is qualified
9 to inspect elevators.

10 (3) "Certificate of operation" means a certificate issued by
11 the division of labor certifying that an elevator has been
12 inspected and is safe for operation.

13 (4) "Division" means the division of labor.

14 (5) "Elevator" means all the machinery, construction,
15 apparatus and equipment used in raising and lowering a car,
16 cage or platform vertically between permanent rails or guides
17 and includes all elevators, power dumbwaiters, escalators,
18 gravity elevators and other lifting or lowering apparatus
19 permanently installed between rails or guides, but does not
20 include hand operated dumbwaiters, manlifts of the platform
21 type with a platform area not exceeding nine hundred square
22 inches, construction hoists or other similar temporary lifting or
23 lowering apparatus.

24 (6) "Freight elevator" means an elevator used for carrying
25 freight and on which only the operator, by the permission of the
26 employer, is allowed to ride.

27 (7) "Inspector" means a person who has successfully
28 completed the required West Virginia state elevator inspector
29 examination and has been issued a certificate of competency by
30 the division.

31 (8) "Passenger elevator" means an elevator that is designed
32 to carry persons to its contract capacity.

**§21-3C-2. Inspectors; application; examination; certificates of
competency; reexamination.**

1 (a) No person may serve as an elevator inspector unless he
2 or she successfully completes the examination required by this
3 section and holds a certificate of competency for elevator
4 inspections issued by the division.

5 (b) The application for examination for elevator inspector
6 shall be in writing, accompanied by a fee of ten dollars, upon a
7 form furnished by the division. The applicant shall state his or
8 her social security number, level of education, previous
9 employers, the period of employment, the position held with
10 each employer, and other information required by the division.
11 The applicant shall also submit a letter from one of his or her
12 previous employers concerning his or her character and
13 experience.

14 (c) Applications which contain any willfully submitted false
15 or untrue information shall be rejected.

16 (d) The division shall administer a written examination to
17 a qualified applicant testing the applicant's knowledge of the
18 construction, installation, operation, maintenance and repair of
19 elevators and accessories.

20 (e) The division shall issue a certificate of competency for
21 elevator inspections to any applicant who successfully com-
22 pletes the examination and agrees to comply with requirements
23 established by legislative rules promulgated by the division, as
24 authorized by this article.

25 (f) An applicant who fails to successfully complete an
26 initial examination may submit an application for a second

27 examination ninety days or more after the initial examination
28 and upon payment of the ten dollar examination fee. Should an
29 applicant fail to successfully complete the prescribed examina-
30 tion on the second trial, he or she shall not be permitted to
31 submit an application for another examination for a period of
32 one year after the second failure.

33 (g) Any person hired as an elevator inspector by a county
34 or municipality shall possess a certificate of competency issued
35 by the division.

36 (h) The division may hire certified inspectors or enter into
37 a contract to hire inspectors who are certified by the division.
38 The division shall hire an inspector supervisor who shall
39 supervise the inspection activities under this article.

**§21-3C-5. Powers and duties of counties and municipalities;
annual inspections required; acceptance inspec-
tion.**

1 (a) A county or municipality may hire its own elevator
2 inspector or contract with any person who possesses a West
3 Virginia elevator inspector's certificate of competency issued
4 by the division.

5 (b) The county or municipality shall ensure that every
6 elevator which has been in use for five years or more is
7 inspected annually.

8 (c)(1) Beginning the first day of July, two thousand two, the
9 county or municipality shall ensure that no newly installed
10 elevator shall be placed in service prior to being inspected and
11 a certificate of acceptance issued by the division of labor.

12 (2) A certificate of acceptance shall only be issued if the
13 elevator was installed in compliance with the safety standards

14 set forth in the American National Standards Institute (ANSI)
15 Code A17.1-3, "Safety Code for Elevators."

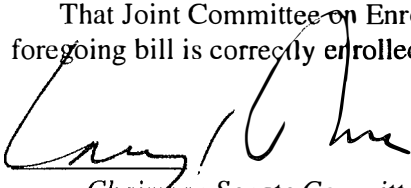
16 (3) The acceptance inspection shall be subject to the same
17 procedures and requirements as any other elevator inspection.

§21-3C-8. Certificate of operation; renewal.

1 A certificate of operation for any elevator may not be
2 issued until the elevator has been inspected for safety and the
3 inspection report filed with the division. With the exception of
4 the acceptance inspection, only elevators which have been
5 installed for five years or more shall be required to be in-
6 spected. The certificate of operation shall list the date of
7 inspection and shall expire one year after the date of inspection.
8 The certificate of operation shall be conspicuously posted in the
9 elevator at all times. An expired certificate of operation shall be
10 renewed in the manner that the prior certificate was obtained.

Enr. Com. Sub. for H. B. 4046] 6

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



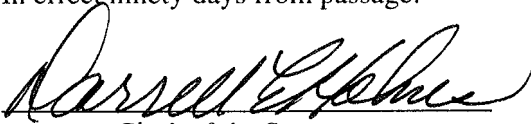
Chairman Senate Committee



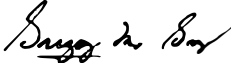
Chairman House Committee

Originating in the House.

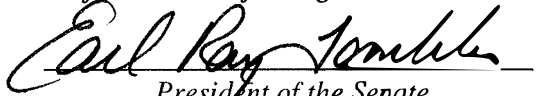
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 3rd
day of April 2002.



Governor

PRESENTED TO THE

GOVERNOR

Date 3/27/02

Time 10:05 AM