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
ENROLLED

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

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

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

(4) “Division” means the division of labor.

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

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

(7) “Inspector” means a person who has successfully completed the required West Virginia state elevator inspector examination and has been issued a certificate of competency by the division.
“Passenger elevator” means an elevator that is designed to carry persons to its contract capacity.

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

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

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

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

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

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

(f) An applicant who fails to successfully complete an initial examination may submit an application for a second
examination ninety days or more after the initial examination and upon payment of the ten dollar examination fee. Should an applicant fail to successfully complete the prescribed examination on the second trial, he or she shall not be permitted to submit an application for another examination for a period of one year after the second failure.

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

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

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

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

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

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

(2) A certificate of acceptance shall only be issued if the elevator was installed in compliance with the safety standards
5 [Enr. Com. Sub. for H. B. 4046


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

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

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