

FILED

2005 MAY -4 A 9 20

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 3068

(By Mr. Speaker, Mr. Kiss, and Delegates Amores,
DeLong, Varner, Pethel, Cann and Pino)



Passed April 9, 2005

In Effect Ninety Days from Passage

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H. B. 3068

(BY MR. SPEAKER, MR. KISS, AND DELEGATES AMORES,
DELONG, VARNER, PETHTEL, CANN AND PINO)

[Passed April 9, 2005; in effect ninety days from passage]

AN ACT to amend and reenact §21-3C-5 and §21-3C-11 of the Code of West Virginia, 1931, as amended, all relating to elevator inspections; authorizing private inspectors to conduct annual inspections of elevators; authorizing the Division of Labor to perform compliance inspections; and increasing fees for elevator permits.

Be it enacted by the Legislature of West Virginia:

That §21-3C-5 and §21-3C-11 of the Code of West Virginia, 1931, as amended, all be amended and reenacted to read as follows:

ARTICLE 3C. ELEVATOR SAFETY.

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

1 (a) A county or municipality may hire a private inspector or
2 contract with any person who possesses a West Virginia
3 elevator inspector's certificate of competency issued by the
4 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. A private inspector may inspect any
8 elevator in the state. A division inspector may inspect any
9 elevator in the state for the purpose of monitoring whether
10 private inspectors are in compliance with the provisions of this
11 article.

12 (c)(1) The county or municipality shall ensure that each
13 newly installed elevator within its jurisdiction is inspected and
14 issued a certificate of acceptance by the Division prior to being
15 placed in service.

16 (2) A certificate of acceptance shall only be issued if the
17 elevator was installed in compliance with the safety standards
18 set forth in the American Society of Mechanical Engineers
19 Safety Code for Elevators and Escalators (ASME) A17.1-3,
20 "Safety Code for Elevators" and ASME A18.1, "Safety Code
21 for Platform Lifts and Stairway Chairlifts".

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

§21-3C-11. Disposition of fees; legislative rules.


1 (a) The Division shall propose for promulgation legislative
2 rules pursuant to article three, chapter twenty-nine-a of this
3 code in order to implement the provisions of this article.

4 (b) The rules proposed for promulgation pursuant to
5 subsection (a) of this section shall establish the amount of any
6 fee authorized pursuant to the provisions of this article:

7 *Provided*, That in no event may the fees established for the
8 issuance of permits exceed fifty dollars.

9 (c) All fees collected pursuant to the provisions of this
10 article shall be deposited in an appropriated special revenue
11 account hereby created in the State Treasury known as the
12 "Elevator Safety Fund" and expended for the the implementa-
13 tion and enforcement of this article: *Provided*, That amounts
14 collected which are found from time to time to exceed funds
15 needed for the purposes set forth in this article may be trans-
16 ferred to other accounts or funds and redesignated for other
17 purposes by appropriation of the Legislature.

18 (d) The Division may enter into agreements with counties
19 and municipalities whereby such counties and municipalities be
20 permitted to retain the inspection fees collected to support the
21 enforcement activities at the local level.

A handwritten signature in black ink, appearing to be "John M. ...", is located at the bottom of the page. The signature is stylized and somewhat illegible due to the quality of the scan.

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



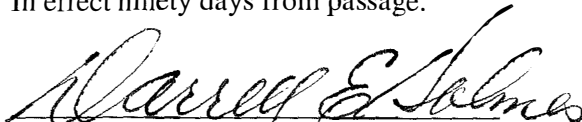
 Chairman Senate Committee



 Chairman House Committee

Originating in the House.

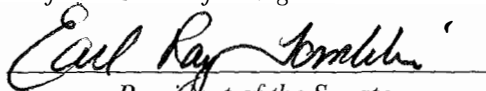
In effect ninety days from passage.



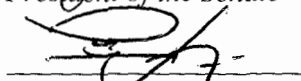
 Clerk of the Senate



 Clerk of the House of Delegates

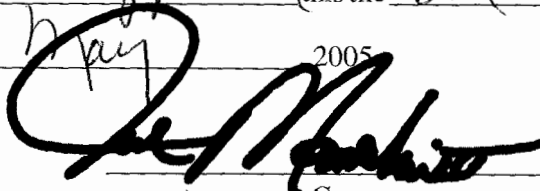


 President of the Senate



 Speaker of the House of Delegates

The within is approved this the 3rd
 day of May 2005



 Governor

PRESENTED TO THE
GOVERNOR

MAY 2 2005

Time 4:10 pm