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
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.
(a) A county or municipality may hire a private 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. A private inspector may inspect any elevator in the state. A division inspector may inspect any elevator in the state for the purpose of monitoring whether private inspectors are in compliance with the provisions of this article.

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


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

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

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

(b) The rules proposed for promulgation pursuant to subsection (a) of this section shall establish the amount of any fee authorized pursuant to the provisions of this article:
Provided, That in no event may the fees established for the issuance of permits exceed fifty dollars.

(c) All fees collected pursuant to the provisions of this article shall be deposited in an appropriated special revenue account hereby created in the State Treasury known as the “Elevator Safety Fund” and expended for the implementation and enforcement of this article: Provided, That amounts collected which are found from time to time to exceed funds needed for the purposes set forth in this article may be transferred to other accounts or funds and redesignated for other purposes by appropriation of the Legislature.

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