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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2007



**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 2145**

(By Delegate Yost)



Passed March 9, 2007

In Effect Ninety Days from Passage

FILED

2007 MAR 19 PM 2: 34

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

COMMITTEE SUBSTITUTE

FOR

# **H. B. 2145**

(BY DELEGATE YOST)

[Passed March 9, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §21-3C-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21-3C-2a, all relating to limited use/limited access elevators; prohibiting installation of certain elevators after a certain date; exemptions; and establishing requirements for the installation of limited use/limited access elevators.

*Be it enacted by the Legislature of West Virginia:*

That §21-3C-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §21-3C-2a, all to read as follows:

**ARTICLE 3C. ELEVATOR SAFETY.**

**§21-3C-1. Definitions.**

1 (1) "Certificate of acceptance" means a certificate issued  
2 by the Division of Labor certifying that a newly installed  
3 elevator has been inspected and was found to be installed in  
4 compliance with the safety standards set forth in the  
5 American Society of Mechanical Engineers Safety Code for  
6 Elevators and Escalators (ASME) A17.1-3, "Safety Code for  
7 Elevators" and ASME A18.1, "Safety Code for Platform  
8 Lifts and Stairway Chairlifts."

9 (2) "Certificate of competency" means a certificate issued  
10 by the Division of Labor certifying that an individual is  
11 qualified to inspect elevators.

12 (3) "Certificate of operation" means a certificate issued  
13 by the Division of Labor certifying that an elevator has been  
14 inspected and is safe for operation.

15 (4) "Division" means the Division of Labor.

16 (5) "Division inspector" means an employee or contractor  
17 of the division who has been examined and issued a  
18 certificate of competency and who only inspects elevators in  
19 state owned buildings.

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

30 (7) "Freight elevator" means an elevator used for carrying  
31 freight and on which only the operator, by the permission of  
32 the employer, is allowed to ride.

33 (8) "Inspector" means both a division inspector and a  
34 private inspector.

35 (9) "Limited use/limited access elevator" means a  
36 passenger elevator of which use is limited by size, capacity,  
37 rise and speed, and access is limited by its location, by the  
38 requirement of a key for its operation or by other restriction.

39 (10) "Passenger elevator" means an elevator that is  
40 designed to carry persons to its contract capacity.

41 (11) "Private inspector" means a person who has been  
42 examined and issued a certificate of competency to inspect  
43 elevators within this state.

**§21-3C-2a. Installation prohibited; exemptions; two-way  
communication required; key required.**

1 (a) On and after the first day of July, two thousand seven,  
2 no limited use/limited access elevator may be installed in  
3 nonresidential settings unless the elevator:

4 (1) Meets the specifications as set forth in the American  
5 Society of Mechanical Engineers (ASME) Safety Code for  
6 Elevators and Escalators A17.1-5.3 "Safety Code for  
7 Elevators";

8 (2) Has a method of two-way communication between  
9 the car and each floor served by the elevator; and

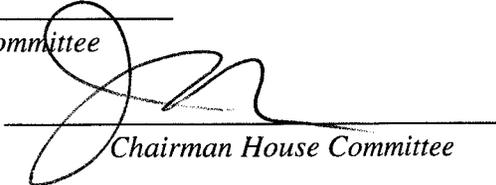
10 (3) Is operated automatically.

11 (b) A limited use/limited access elevator which is in use  
12 on the first day of July, two thousand seven, may continue in  
13 use so long as the elevator is inspected annually in  
14 accordance with the legislative rule of the division, and is  
15 issued a certificate of operation by the division.

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



Chairman Senate Committee



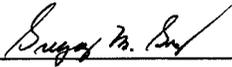
Chairman House Committee

Originating in the House.

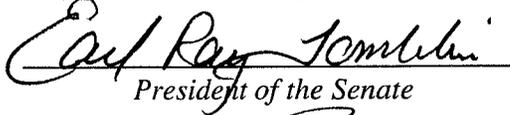
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

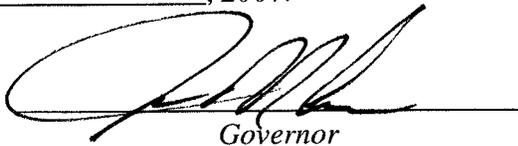


President of the Senate



Speaker of the House of Delegates

The within is approved this the 19<sup>th</sup>  
day of March, 2007.



Governor

PRESENTED TO THE  
GOVERNOR

MAR 15 2007

Time 3:50 pm