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
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 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 Society of Mechanical Engineers Safety Code for Elevators and Escalators (ASME) A17.1-3, “Safety Code for Elevators” and ASME A18.1, “Safety Code for Platform Lifts and Stairway Chairlifts.”

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

12 (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.

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

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

20 (6) "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.

30 (7) "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.
(8) "Inspector" means both a division inspector and a private inspector.

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

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

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

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

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

(1) Meets the specifications as set forth in the American Society of Mechanical Engineers (ASME) Safety Code for Elevators and Escalators A17.1-5.3 “Safety Code for Elevators”;

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

(3) Is operated automatically.

(b) A limited use/limited access elevator which is in use on the first day of July, two thousand seven, may continue in use so long as the elevator is inspected annually in accordance with the legislative rule of the division, and is issued a certificate of operation by the division.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within bill approved this the ___ day of _____, 2007.

[Signature]
Governor
PRESENTED TO THE GOVERNOR

MAR 15 2007

Time 3:50pm