WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Enrolled
Committee Substitute
for
Senate Bill 230

SENATOR MAYNARD, original sponsor

[Passed March 10, 2018; in effect from passage]
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[Passed March 10, 2018; in effect from passage]
AN ACT to amend and reenact §64-10-1, §64-10-2, §64-10-3, and §64-10-4 of the Code of West Virginia, 1931, as amended, relating generally to the Department of Commerce; authorizing certain agencies to promulgate rules as filed, modified, and amended by the Legislature; repealing a rule; authorizing the Division of Natural Resources to promulgate a legislative rule relating to controlling the public land corporation’s sale, lease, exchange, or transfer of land or minerals; authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, fishing, and other outfitters and guides; authorizing the Division of Natural Resources to promulgate a legislative rule relating to general hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special migratory game bird hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to miscellaneous permits and licenses; authorizing the Division of Labor to promulgate a legislative rule relating to Zipline and Canopy Tour Responsibility Act; authorizing the Division of Labor to promulgate a legislative rule relating to bedding and upholstered furniture; authorizing the Division of Labor to promulgate a legislative rule relating to Amusement Rides and Amusement Attractions Safety Act; authorizing the Division of Labor to promulgate a legislative rule relating to Elevator Safety Act; authorizing the Division of Labor to promulgate a legislative rule relating to employer wage bonds; authorizing the Division of Labor to promulgate a legislative rule relating to registration of service persons and service agencies; authorizing the Division of Labor to promulgate a legislative rule relating to registration of weighing and measuring devices used by businesses in commercial transactions; authorizing the Office of Miners’ Health, Safety and Training to promulgate a legislative rule relating to operating diesel equipment in underground mines in West Virginia; and repealing the Division of Energy legislative rule relating to community development assessment and real property valuation procedures for Office of Coalfield Community Development.

Be it enacted by the Legislature of West Virginia:
ARTICLE 10. AUTHORIZATION FOR DEPARTMENT OF COMMERCE TO PROMULGATE LEGISLATIVE RULES.

§64-10-1. Division of Natural Resources.

(a) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §20-1A-1 of this code, relating to the Division of Natural Resources (controlling the public land corporation's sale, lease, exchange, or transfer of land or minerals, 58 CSR 2), is authorized.

(b) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §20-1-7 of this code, modified by the Division of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 18, 2017, relating to the Division of Natural Resources (hunting, fishing, and other outfitters and guides, 58 CSR 11), is authorized.

(c) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §20-1-7 of this code, relating to the Division of Natural Resources (general hunting, 58 CSR 49), is authorized.

(d) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §20-1-7 of this code, relating to the Division of Natural Resources (special migratory game bird hunting, 58 CSR 56), is authorized.

(e) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §20-1-7 of this code, relating to the Division of Natural Resources (miscellaneous permits and licenses, 58 CSR 64), is authorized.

§64-10-2. Division of Labor.

(a) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §21-15-6 of this code, relating to the Division of Labor (Zipline and Canopy Tour Responsibility Act, 42 CSR 10), is authorized.
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(b) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §47-1A-15 of this code, relating to the Division of Labor (bedding and upholstered furniture, 42 CSR 12), is authorized.

(c) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §21-10-3 of this code, relating to the Division of Labor (Amusement Rides and Amusement Attractions Safety Act, 42 CSR 17), is authorized.

(d) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §21-3C-11 of this code, relating to the Division of Labor (Elevator Safety Act, 42 CSR 21), is authorized, with the amendments set forth below:

On page 5, subsection 8 to read as follows:

7.3.a. 8.1. The fee for the inspection of each elevator by the Division inspector is $100.00.

7.3.b. 8.2. The Division’s fee for the inspection of more than one elevator in a building is $100.00 for the first elevator inspected and $25.00 for each additional elevator inspected.

7.3.c. 8.3. If changes or repairs are required prior to the issuance of a certificate of operation, the Division shall not charge an inspection fee. The Division shall not charge an inspection fee will not be charged by the Division for the first follow-up inspection.

7.3.d. 8.4. If subsequent follow-up inspections are required because of the owner’s or operator’s failure to make the required repairs or changes, the Division’s inspection fees shall be charged at the same rates as set forth in subsections 7.3.a. 8.1 and 7.3.b. 8.2 of this rule for each subsequent follow-up inspection.

7.3.e. 8.5. If an owner or operator fails to pay the required inspection fees, the failure to pay the required inspection fees, is sufficient grounds for the Division Commissioner shall to withhold the issuance of a certificate of operation until the fee is paid.

(e) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §21-5-13 of this code, relating to the Division of Labor (employer wage bonds, 42 CSR 33), is authorized.
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(f) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §47-1-3 of this code, relating to the Division of Labor (registration of service persons and service agencies, 42 CSR 35), is authorized, with the amendments set forth below:

On page one, subsection 1.1 to read as follows:

1.1. Scope. — This rule governs the voluntary registration of service persons and service agencies, and the issuance of certificates of registration.;

On page one, subsection 3.2 to read as follows:

3.2. “Certificate of registration” means the document issued by the Division of Labor upon receipt of a complete application from a service person or service agency.;

On page four, subsection 6.1. to read as follows:

6.1. A service person desiring to register with the Division shall submit a written application requesting that he or she be registered, and shall provide all information as the Commissioner may require on a form supplied by the Division, and shall include the documentation required in section 7 of this rule.;

On page four, subsection 6.2. to read as follows:

6.2. A service agency desiring to register with the Division shall submit a written application requesting that the agency be registered, and shall provide all information as the Commissioner may require on a form supplied by the Division, including the documentation required in section 7 of this rule, and a sample security seal required in section 8 of this rule.;

On page four, striking subsection 6.3. in its entirety, and renumbering the remaining subsections.;

And,

On page five, striking section 7 in its entirety, and renumbering the remaining sections.

(g) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §47-1-3 of this code, modified by the Division of Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 8,
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2017, relating to the Division of Labor (registration of weighing and measuring devices used by businesses in commercial transactions, 42 CSR 36), is authorized, with the amendments set forth below:

On page 1, subsection 1.1. to read as follows:

1.1. Scope. — This rule governs the registration of weighing and measuring devices used by businesses in commercial transactions, and the issuance of certificates of device registration.;

On page 1, subsection 3.1., striking the words “and payment of the required fee for each weighing or measuring device used in commercial transactions”;

On page 2, subsection 5.1., striking the words “and shall pay the applicable registration fee as prescribed in section 6 of this rule”;

On page 2, striking subsection 5.3. in its entirety, and renumbering the remaining subsections.;

On page 2, striking section 6 in its entirety, and renumbering the remaining section.;

On page 3, striking Appendix A in its entirety.;

And,

On page 4, striking Appendix B in its entirety.


The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §22A-2A-308 of this code, relating to the Office of Miners’ Health, Safety, and Training (operating diesel equipment in underground mines in West Virginia, 56 CSR 23), is authorized.

§64-10-4. Division of Energy.

The legislative rule effective on July 1, 2010, authorized under the authority of §5B-2A-12 of this code, relating to the Division of Energy (community development assessment and real property valuation procedures for office of coalfield community development, 207 CSR 1), is repealed.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, Senate Committee

Vice-Chairman, House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within ............... this the ............... Day of ............... 2018.

Governor
PRESENTED TO THE GOVERNOR

MAR 21 2018

Time 11:57am