

COMMITTEE SUBSTITUTE

FOR

## **Senate Bill No. 231**

(By Senator Foster)

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[Originating in the Committee on Labor;  
reported February 28, 2011.]

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A BILL to amend and reenact §21-3C-10a of the Code of West Virginia, 1931, as amended, relating to elevator workers' licensure exemptions.

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

That §21-3C-10a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 3C. ELEVATOR SAFETY.**

**§21-3C-10a. License requirements for elevator mechanics; limited technician license requirements; supervision of elevator apprentices requirements.**

- 1 (a) A person may not engage or offer to engage in the  
2 business of erecting, constructing, installing, altering,

3 servicing, repairing or maintaining elevators or related  
4 conveyances covered by this article in this state, unless he or  
5 she has a license issued by the Commissioner of Labor in  
6 accordance with this article.

7 (b) A person licensed under this article must:

8 ~~(1) He~~ have in his or her possession a copy of the license  
9 issued pursuant to this article on any job on which he or she  
10 is performing elevator mechanic work, ~~and~~

11 ~~(2) Be, or be employed by, a contractor licensed pursuant~~  
12 ~~to the provisions of article eleven, chapter twenty-one of this~~  
13 ~~code unless the work is performed by a historic resort hotel's~~  
14 ~~regular employees, for which the employees are paid regular~~  
15 ~~wages and not a contract price, on property owned or leased~~  
16 ~~by the historic resort hotel which is not intended for specula-~~  
17 ~~tive sale or lease;~~

18 (c) To obtain a license a person must:

19 (1) Complete a four-year apprenticeship program, regis-  
20 tered by the United States Department of Labor, qualifying  
21 for a commercial license;

22 (2) Complete a two-year apprenticeship program, regis-  
23 tered by the United States Department of Labor, qualifying  
24 for an accessibility license. A person holding an accessibility

25 license may only perform work on accessibility equipment;

26 ~~or~~

27 (3) Complete a certified apprenticeship program, registered  
28 by the United States Department of Labor established at a  
29 historic resort hotel, qualifying for a limited technician  
30 license. A person holding a limited technician license may  
31 only perform work at a historic resort hotel;

32 (4) Submit documentation to the Commissioner of Labor of  
33 training as an elevator mechanic and not less than three  
34 years of experience as an elevator mechanic for an employer:  
35 Provided, That a person licensed under this subdivision may  
36 perform work only at his or her employer's place of business  
37 for which the employee is paid regular wages and not a  
38 contract price, on property owned or leased by the employer  
39 that is not intended for speculative sale or lease; or

40 (5) Submit documentation as specified by the Commis-  
41 sioner of Labor that demonstrates sufficient training and  
42 experience to entitle such person to receive a license,  
43 accessibility license or limited technician license.

44 (d) For the purposes of section, "historic resort hotel" has  
45 the same meaning ascribed to it in section two, article  
46 twenty-five, chapter twenty-nine of this code.

47 (e) An elevator apprentice who is enrolled in a four-year  
48 apprenticeship program approved by the commissioner, and  
49 who is in good standing in the program, may work under the  
50 supervision of a licensed elevator mechanic, as follows:

51 (1) An apprentice who has not successfully completed the  
52 equivalent of at least one year of the program may work only  
53 under the direct supervision of a licensed elevator mechanic  
54 who is present on the premises and available to the appren-  
55 tice at all times.

56 (2) An apprentice who has successfully completed the  
57 equivalent of at least one year of the program may:

58 (A) Work under the direct supervision of a licensed  
59 elevator mechanic as set forth in subdivision (1) of this  
60 subsection; and

61 (B) Perform the tasks set forth in this paragraph, only if  
62 delegated by and performed under the general supervision of  
63 a licensed elevator mechanic, who must, at a minimum, meet  
64 the apprentice on the job at the beginning of each day to  
65 delegate the specific tasks, and who remains responsible for  
66 the delegated tasks:

67 (i) Oiling, cleaning, greasing and painting;

68 (ii) Replacing of comb plate teeth;

- 69 (iii) Reclamping and fixture maintenance;
- 70 (iv) Inspection, cleaning and lubricating of hoistway doors,
- 71 car tops, bottoms and pits; and
- 72 (v) Observing operation of equipment.

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(NOTE: The purpose of this bill is to remove the requirement that a licensed elevator mechanic be or work under a licensed contractor and to permit a limited license for elevator mechanics who only work on elevators that are owned or leased by their employer.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)