

COMMITTEE SUBSTITUTE

FOR

H. B. 4006

(BY DELEGATE MANCHIN)

[Originating in the Committee on Government Organization]
(January 17, 2012)

A BILL to amend and reenact §21-3C-10a of the Code of West Virginia, 1931, as amended, relating to elevator workers; providing licensure requirements; and providing 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; contractors 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) 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
12 pursuant to the provisions of article eleven, chapter twenty-
13 one of this code; ~~unless the work is performed by a historic~~
14 ~~resort hotel's regular employees, for which the employees~~
15 ~~are paid regular wages and not a contract price, on property~~
16 ~~owned or leased by the historic resort hotel which is not~~
17 ~~intended for speculative sale or lease.~~

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

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

22 (2) ~~Complete a two-year apprenticeship program;~~
23 ~~registered by the United States Department of Labor;~~
24 ~~qualifying for an accessibility license. A person holding an~~
25 ~~accessibility license may only perform work on accessibility~~
26 ~~equipment~~ Complete a two year certification program by the
27 National Association of Elevator Contractors, or equivalent.
28 A person holding an accessibility license may only perform
29 work on accessibility equipment; or

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

35 (d) For the purposes of section, “historic resort hotel” has
36 the same meaning ascribed to it in section two, article
37 twenty-five, chapter twenty-nine of this code.

38 (e) An elevator apprentice who is enrolled in a four-year
39 apprenticeship program approved by the commissioner, and

40 who is in good standing in the program, may work under the
41 supervision of a licensed elevator mechanic, as follows:

42 (1) An apprentice who has not successfully completed
43 the equivalent of at least one year of the program may work
44 only under the direct supervision of a licensed elevator
45 mechanic who is present on the premises and available to the
46 apprentice at all times.

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

49 (A) Work under the direct supervision of a licensed
50 elevator mechanic as set forth in subdivision (1) of this
51 subsection; and

52 (B) Perform the tasks set forth in this paragraph, only if
53 delegated by and performed under the general supervision of
54 a licensed elevator mechanic, who must, at a minimum, meet
55 the apprentice on the job at the beginning of each day to
56 delegate the specific tasks, and who remains responsible for
57 the delegated tasks:

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

59 (ii) Replacing of complete teeth;

60 (iii) Reclamping and fixture maintenance;

61 (iv) Inspection, cleaning and lubricating of hoistway

62 doors, car tops, bottoms and pits; and

63 (v) Observing operation of equipment.

64 (f) The licensure requirements imposed by this section do

65 not apply to:

66 (1) A historic resort hotel's regular employees, for which

67 the employees are paid regular wages and not a contract

68 price, on property owned or leased by the historic resort hotel

69 which is not intended for speculative sale or lease; or

70 (2) Employees of the federal government.