

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **House Bill 4116**

BY DELEGATES SOBONYA AND FRICH

[Introduced January 15, 2018; Referred  
to the Committee on Industry and Labor then the  
Judiciary.]

1 A BILL to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating  
 2 to authorizing the Division of Labor to promulgate a legislative rule relating to elevator  
 3 safety act.

*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 Labor.**

1 The legislative rule filed in the State Register on July 27, 2017, authorized under the  
 2 authority of §21-3C-11 of this code, relating to the Division of Labor (elevator safety act, [42 CSR](#)  
 3 [21](#)), is authorized with the amendments set forth below:

4 On page 5, subsection 8 to read as follows:

5 ~~7.3.a.~~ 8.1. The fee for ~~the an~~ inspection of ~~each an~~ elevator by ~~the a~~ Division inspector is  
 6 shall be \$100.00.

7 ~~7.3.b.~~ 8.2. The Division's fee for the inspection of more than one elevator in a building is  
 8 \$100.00 for the first elevator inspected and \$25.00 for each additional elevator inspected.

9 ~~7.3.c.~~ 8.3. If changes or repairs are required prior to the issuance of a certificate of  
 10 operation, the Division shall not charge an inspection fee ~~will not be charged by the Division~~ for  
 11 the first follow-up inspection.

12 ~~7.3.d.~~ 8.4. If subsequent follow-up inspections are required because of the owner's or  
 13 operator's failure to make the required repairs or changes, the Division's inspection fees shall be  
 14 ~~charged at the same rates as~~ set forth in ~~subdivisions~~ subsections ~~7.3.a. 8.1 and 7.3.b. 8.2~~ of this  
 15 rule for each subsequent follow-up inspection.

16 ~~7.3.3.~~ 8.5. If an owner or operator fails ~~The failure~~ to pay the required inspection fee, is  
 17 ~~sufficient grounds for the Division~~ Commissioner shall ~~to~~ withhold the issuance of a certificate of  
 18 operation until the fee is paid.

NOTE: The purpose of this bill is to authorize the Division of Labor to promulgate a legislative rule relating to elevator safety act.