

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 240

BY SENATORS JEFFRIES, HAMILTON, AND LINDSAY

[Introduced January 9, 2020; referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §16-6-22b; and to amend and reenact §16-6-23 of said code, all relating to
 3 food service establishments securing covers of grease traps; and increasing the civil
 4 penalty for noncompliance with the requirements of the article.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. HOTELS AND RESTAURANTS.

§16-6-22b. Food service establishments to secure covers of grease traps.

1 (a) This section shall apply to restaurants and other commercial food service
 2 establishments that utilize grease traps that are outdoors or are in areas that are accessible to
 3 members of the general public.

4 (b)(1) Grease traps with manholes shall be designed to withstand expected loads and
 5 prevent access by children.

6 (A) The manhole cover shall be secured by a bolt or locking mechanism or be constructed
 7 of round cast iron or similar construction rated for heavy road traffic with sufficient weight to
 8 prevent unauthorized access.

9 (B) The commissioner may specify either manner of manhole access exclusively, provided
 10 it conforms to this section and prevents unauthorized access.

11 (2) A restaurant or other commercial food service establishment shall ensure that a
 12 grease trap manhole is secured or locked, if applicable, at all times.

13 (c) In accordance with §16-1-4(b)(4) of this code, the secretary shall propose rules for the
 14 implementation and administration of this section.

15 (d) All restaurant and other commercial food service establishments utilizing grease traps
 16 must comply with subsection (b) no later than August 1, 2020.

§16-6-23. Offenses.

1 Any person, firm, or corporation who shall operate a hotel or a restaurant in this state, or
 2 who shall let a building to be used for such purposes, without first having complied with the

- 3 provisions of this article, shall be guilty of a misdemeanor and, upon conviction thereof, shall be
- 4 fined ~~five dollars~~ \$50 for each day such failure to comply shall continue.

NOTE: The purpose of this bill is to require restaurants and other commercial food service establishments that use grease traps that are outdoors or are in areas that are accessible to members of the general public to be designed to withstand expected loads and prevent access by children.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.