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**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.**

(a) A person may not engage or offer to engage in the business of erecting, constructing, installing, altering, servicing, repairing or maintaining elevators or related conveyances covered by this article in this state, unless he or she has a license

1 issued by the Commissioner of Labor in accordance with this  
2 article.

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

4 (1) Have in his or her possession a copy of the license issued  
5 pursuant to this article on any job on which he or she is  
6 performing elevator mechanic work; and

7 (2) Be, or be employed by: A contractor licensed pursuant to  
8 the provisions of article eleven, chapter twenty-one of this code;  
9 ~~unless the work is performed by a historic resort hotel's regular~~  
10 ~~employees, for which the employees are paid regular wages and not~~  
11 ~~a contract price, on property owned or leased by the historic~~  
12 ~~resort hotel which is not intended for speculative sale or lease.~~

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

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

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

24 (3) Complete a certified apprenticeship program, registered by  
25 the United States Department of Labor established at a historic

1 resort hotel, qualifying for a limited technician license. A  
2 person holding a limited technician license may only perform work  
3 at a historic resort hotel.

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

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

11 (1) An apprentice who has not successfully completed the  
12 equivalent of at least one year of the program may work only under  
13 the direct supervision of a licensed elevator mechanic who is  
14 present on the premises and available to the apprentice at all  
15 times.

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

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

20 (B) Perform the tasks set forth in this paragraph, only if  
21 delegated by and performed under the general supervision of a  
22 licensed elevator mechanic, who must, at a minimum, meet the  
23 apprentice on the job at the beginning of each day to delegate the  
24 specific tasks, and who remains responsible for the delegated  
25 tasks:

- 1 (I) Oiling, cleaning, greasing and painting;
- 2 (ii) Replacing of complete teeth;
- 3 (iii) Reclamping and fixture maintenance;
- 4 (iv) Inspection, cleaning and lubricating of hoistway doors,
- 5 car tops, bottoms and pits; and
- 6 (v) Observing operation of equipment.
- 7 (f) The licensure requirements imposed by this section do not
- 8 apply to:
- 9 (1) A historic resort hotel's regular employees, for which the
- 10 employees are paid regular wages and not a contract price, on
- 11 property owned or leased by the historic resort hotel which is not
- 12 intended for speculative sale or lease; or
- 13 (2) Employees of the federal government.