

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4589

BY DELEGATE MANCHIN

[Introduced February 17, 2016; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §64-10-3 of the Code of West Virginia, 1931, as amended, relating
 2 to reauthorizing, with amendment, the legislative rule contained in title twenty-eight, series
 3 two of the Code of State Rules relating to the Contractors Licensing Act (28 CSR 2); and
 4 modifying the definition of remodeling and repair contractor.

Be it enacted by the Legislature of West Virginia:

1 That §64-10-3 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

**ARTICLE 10. AUTHORIZATION FOR BUREAU OF COMMERCE TO PROMULGATE
 LEGISLATIVE RULES.**

§64-10-3. Division of Labor.

1 (a) The legislative rule filed in the State Register on July 30, 2014, authorized under the
 2 authority of section three, article ten, chapter twenty-one of this code, modified by the Division of
 3 Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in the
 4 State Register on December 2, 2014, relating to the Division of Labor (Amusement Rides and
 5 Amusement Attractions Safety Act, 42 CSR 17), is authorized with the amendments set forth
 6 below:

7 On page 2, subsection 3.14, after the word “guardian” by adding “or their spouses”;

8 On page 3, subsection 3.25, by striking the words “at least a 20%” and inserting in lieu
 9 thereof “any percentage”;

10 And,

11 On page 13, after the words “Article 525” by adding the following proviso:

12 ‘*Provided*, That a three phase four wire system that is grounded at the power source and
 13 constructed in accordance with the NFPA70, 2014 National Electrical Code, Article 522 and
 14 Article 525 is approved for any area of the state where a three phase five wire system is
 15 unavailable.”

16 (b) The legislative rule filed in the State Register on July 30, 2014, authorized under the
17 authority of section eleven, article six, chapter twenty-one of this code, modified by the Division
18 of Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in
19 the State Register on December 2, 2014, relating to the Division of Labor (child labor, 42 CSR 9),
20 is authorized.

21 (c) The legislative rule filed in the State Register on July 30, 2014, authorized under the
22 authority of section four, article fourteen, chapter twenty-one of this code, modified by the Division
23 of Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in
24 the State Register on December 2, 2014, relating to the Division of Labor (supervision of plumbing
25 work, 42 CSR 32), is authorized.

26 (d) The legislative rule filed in the State Register on July 30, 2014, authorized under the
27 authority of section three, article one-b, chapter twenty-one of this code, modified by the Division
28 of Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in
29 the State Register on December 29, 2014, relating to the Division of Labor (Verifying the Legal
30 Employment Status of Workers, 42 CSR 31), is authorized with the amendments set forth below:

31 On page two, subsection 3.7, after the word “work” by adding the words “for
32 compensation”;

33 And

34 On page three, subsection 4.2, after the word “not” by inserting the word “knowingly”.

35 (e) The legislative rule filed in the State Register on July 30, 2014, authorized under the
36 authority of section five, article sixteen, chapter twenty-one of this code, modified by the Division
37 of Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in
38 the State Register on December 2, 2014, relating to the Division of Labor (regulation of heating,
39 venting and cooling work, 42 CSR 34), is authorized with the following amendments:

40 ‘On page 2, subsection 3.6. by striking all of subsection 3.6.;

41 And,

42 On page 2, subsection 6.2., after the word “Commissioner”, by striking the word “may”
43 and inserting in lieu thereof the word “shall”;

44 And,

45 On page 2, subdivision 6.2.3.a by inserting a period after the word, “program” and striking
46 the remainder of the sentence and subdivision 6.2.3.b;

47 On page 4, subsection 10.3., after the word “rule” by inserting the following: “that are
48 applicable to the duties and knowledge required by an HVAC technician for the installation, repair
49 and maintenance of HVAC”;

50 And,

51 On page 5, section 11, by striking all of subsections 11.4. and 11.5.;

52 And,

53 On page 6, subsection 13.1., after the word “license” by inserting the following:

54 “ *Provided*, That no fee may be charged for an HVAC technician license for a person who
55 holds an HVAC contractor’s license pursuant to article eleven, chapter twenty-one of the W. Va.
56 Code.”

57 (f) The legislative rule filed in the State Register on July 30, 2014, authorized under the
58 authority of section three, article one, chapter forty-seven of this code, modified by the Division of
59 Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in the
60 State Register on December 2, 2014, relating to the Division of Labor (weights and measures
61 calibration fees, 42 CSR 26), is authorized with the amendment set forth below:

62 On page five, Appendix A, column one, by striking out “Prover - from 5 to 49 gallons” and
63 inserting in lieu thereof “Prover - from 6 to 49 gallons”.

64 (g) The legislative rule contained in title twenty-eight, series two, and filed in the State

65 Register on May 13, 2005, authorized under the authority of section five, article eleven, chapter
66 twenty-one of this code, relating to the Contractor Licensing Board (West Virginia Contractor
67 Licensing Act, 28 CSR 2), is reauthorized with the following amendment:

68 On page seven, subsection 3.29, by striking out \$15,000.00 and inserting in lieu thereof
69 the \$50,000.00.

NOTE: The purpose of this bill is to reauthorize the legislative rule filed in the State Register on May 13, 2005, relating to the Contractor Licensing Board (West Virginia Contractor Licensing Act, 28 CSR 2), with an amendment. The amendment would modify the definition of remodeling and repair contractor.

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