

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 230

SENATOR MAYNARD, *original sponsor*

[Passed March 10, 2018; in effect from passage]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2018 MAR 21 P 4: 41

FILED

SB230

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FILED

1 AN ACT to amend and reenact §64-10-1, §64-10-2, §64-10-3, and §64-10-4 of the Code of West
2 Virginia, 1931, as amended, relating generally to the Department of Commerce;
3 authorizing certain agencies to promulgate rules as filed, modified, and amended by the
4 Legislature; repealing a rule; authorizing the Division of Natural Resources to promulgate
5 a legislative rule relating to controlling the public land corporation's sale, lease, exchange,
6 or transfer of land or minerals; authorizing the Division of Natural Resources to promulgate
7 a legislative rule relating to hunting, fishing, and other outfitters and guides; authorizing
8 the Division of Natural Resources to promulgate a legislative rule relating to general
9 hunting; authorizing the Division of Natural Resources to promulgate a legislative rule
10 relating to special migratory game bird hunting; authorizing the Division of Natural
11 Resources to promulgate a legislative rule relating to miscellaneous permits and licenses;
12 authorizing the Division of Labor to promulgate a legislative rule relating to Zipline and
13 Canopy Tour Responsibility Act; authorizing the Division of Labor to promulgate a
14 legislative rule relating to bedding and upholstered furniture; authorizing the Division of
15 Labor to promulgate a legislative rule relating to Amusement Rides and Amusement
16 Attractions Safety Act; authorizing the Division of Labor to promulgate a legislative rule
17 relating to Elevator Safety Act; authorizing the Division of Labor to promulgate a legislative
18 rule relating to employer wage bonds; authorizing the Division of Labor to promulgate a
19 legislative rule relating to registration of service persons and service agencies; authorizing
20 the Division of Labor to promulgate a legislative rule relating to registration of weighing
21 and measuring devices used by businesses in commercial transactions; authorizing the
22 Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to
23 operating diesel equipment in underground mines in West Virginia; and repealing the
24 Division of Energy legislative rule relating to community development assessment and
25 real property valuation procedures for Office of Coalfield Community Development.

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 Natural Resources.

1 (a) The legislative rule filed in the State Register on July 28, 2017, authorized under the
2 authority of §20-1A-1 of this code, relating to the Division of Natural Resources (controlling the
3 public land corporation's sale, lease, exchange, or transfer of land or minerals, 58 CSR 2), is
4 authorized.

5 (b) The legislative rule filed in the State Register on July 28, 2017, authorized under the
6 authority of §20-1-7 of this code, modified by the Division of Natural Resources to meet the
7 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
8 December 18, 2017, relating to the Division of Natural Resources (hunting, fishing, and other
9 outfitters and guides, 58 CSR 11), is authorized.

10 (c) The legislative rule filed in the State Register on July 28, 2017, authorized under the
11 authority of §20-1-7 of this code, relating to the Division of Natural Resources (general hunting,
12 58 CSR 49), is authorized.

13 (d) The legislative rule filed in the State Register on July 28, 2017, authorized under the
14 authority of §20-1-7 of this code, relating to the Division of Natural Resources (special migratory
15 game bird hunting, 58 CSR 56), is authorized.

16 (e) The legislative rule filed in the State Register on July 28, 2017, authorized under the
17 authority of §20-1-7 of this code, relating to the Division of Natural Resources (miscellaneous
18 permits and licenses, 58 CSR 64), is authorized.

§64-10-2. Division of Labor.

1 (a) The legislative rule filed in the State Register on July 27, 2017, authorized under the
2 authority of §21-15-6 of this code, relating to the Division of Labor (Zipline and Canopy Tour
3 Responsibility Act, 42 CSR 10), is authorized.

4 (b) The legislative rule filed in the State Register on July 27, 2017, authorized under the
5 authority of §47-1A-15 of this code, relating to the Division of Labor (bedding and upholstered
6 furniture, 42 CSR 12), is authorized.

7 (c) The legislative rule filed in the State Register on July 27, 2017, authorized under the
8 authority of §21-10-3 of this code, relating to the Division of Labor (Amusement Rides and
9 Amusement Attractions Safety Act, 42 CSR 17), is authorized.

10 (d) The legislative rule filed in the State Register on July 27, 2017, authorized under the
11 authority of §21-3C-11 of this code, relating to the Division of Labor (Elevator Safety Act, 42 CSR
12 21), is authorized, with the amendments set forth below:

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

14 ~~7.3.a.~~ 8.1. The fee for ~~the~~ an inspection of each an elevator by ~~the~~ a Division inspector is
15 shall be \$100.00.

16 ~~7.3.b.~~ 8.2. The Division's fee for the inspection of more than one elevator in a building is
17 \$100.00 for the first elevator inspected and \$25.00 for each additional elevator inspected.

18 ~~7.3.c.~~ 8.3. If changes or repairs are required prior to the issuance of a certificate of
19 operation, the Division shall not charge an inspection fee ~~will not be charged by the Division~~ for
20 the first follow-up inspection.

21 ~~7.3.d.~~ 8.4. If subsequent follow-up inspections are required because of the owner's or
22 operator's failure to make the required repairs or changes, the Division's inspection fees shall be
23 charged at the same rates as set forth in subdivisions subsections ~~7.3.a.~~ 8.1 and ~~7.3.b.~~ 8.2 of this
24 rule for each subsequent follow-up inspection.

25 ~~7.3.3.~~ 8.5. If an owner or operator fails ~~The failure~~ to pay the required inspection fee, is
26 sufficient grounds for the Division Commissioner shall ~~to~~ withhold the issuance of a certificate of
27 operation until the fee is paid.

28 (e) The legislative rule filed in the State Register on July 27, 2017, authorized under the
29 authority of §21-5-13 of this code, relating to the Division of Labor (employer wage bonds, 42
30 CSR 33), is authorized.

31 (f) The legislative rule filed in the State Register on July 27, 2017, authorized under the
32 authority of §47-1-3 of this code, relating to the Division of Labor (registration of service persons
33 and service agencies, 42 CSR 35), is authorized, with the amendments set forth below:

34 On page one, subsection 1.1 to read as follows:

35 1.1. Scope. – This rule governs the voluntary registration of service persons and service
36 agencies, and the issuance of certificates of registration.;

37 On page one, subsection 3.2 to read as follows:

38 3.2. “Certificate of registration” means the document issued by the Division of Labor upon
39 receipt of a complete application from a service person or service agency.;

40 On page four, subsection 6.1. to read as follows:

41 6.1. A service person desiring to register with the Division shall submit a written application
42 requesting that he or she be registered, and shall provide all information as the Commissioner
43 may require on a form supplied by the Division, and shall include the documentation required in
44 section 7 of this rule.;

45 On page four, subsection 6.2. to read as follows:

46 6.2. A service agency desiring to register with the Division shall submit a written application
47 requesting that the agency be registered, and shall provide all information as the Commissioner
48 may require on a form supplied by the Division, including the documentation required in section
49 7 of this rule, and a sample security seal required in section 8 of this rule.;

50 On page four, striking subsection 6.3. in its entirety, and renumbering the remaining
51 subsections.;

52 And,

53 On page five, striking section 7 in its entirety, and renumbering the remaining sections.

54 (g) The legislative rule filed in the State Register on July 27, 2017, authorized under the
55 authority of §47-1-3 of this code, modified by the Division of Labor to meet the objections of the
56 Legislative Rule-Making Review Committee and refiled in the State Register on December 8,

57 2017, relating to the Division of Labor (registration of weighing and measuring devices used by
58 businesses in commercial transactions, 42 CSR 36), is authorized, with the amendments set forth
59 below:

60 On page 1, subsection 1.1. to read as follows:

61 1.1. Scope. — This rule governs the registration of weighing and measuring devices
62 used by businesses in commercial transactions, and the issuance of certificates of device
63 registration.;

64 On page 1, subsection 3.1., striking the words “and payment of the required fee for each
65 weighing or measuring device used in commercial transactions”;

66 On page 2, subsection 5.1., striking the words “and shall pay the applicable registration
67 fee as prescribed in section 6 of this rule”;

68 On page 2, striking subsection 5.3. in its entirety, and renumbering the remaining
69 subsections.;

70 On page 2, striking section 6 in its entirety, and renumbering the remaining section.;

71 On page 3, striking Appendix A in its entirety.;

72 And,

73 On page 4, striking Appendix B in its entirety.

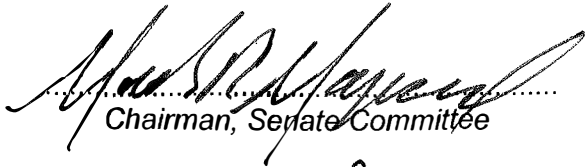
§64-10-3. Office of Miners’ Health, Safety, and Training.

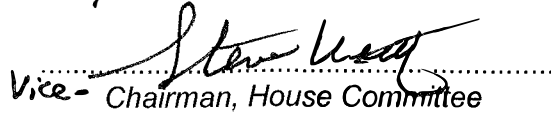
1 The legislative rule filed in the State Register on July 27, 2017, authorized under the
2 authority of §22A-2A-308 of this code, relating to the Office of Miners’ Health, Safety, and Training
3 (operating diesel equipment in underground mines in West Virginia, 56 CSR 23), is authorized.

§64-10-4. Division of Energy.

1 The legislative rule effective on July 1, 2010, authorized under the authority of §5B-2A-12
2 of this code, relating to the Division of Energy (community development assessment and real
3 property valuation procedures for office of coalfield community development, 207 CSR 1), is
4 repealed.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman, Senate Committee

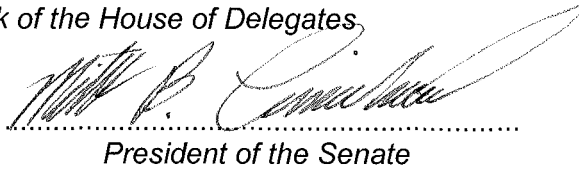

.....
Vice-Chairman, House Committee

Originated in the Senate.

In effect from passage.


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Clerk of the Senate

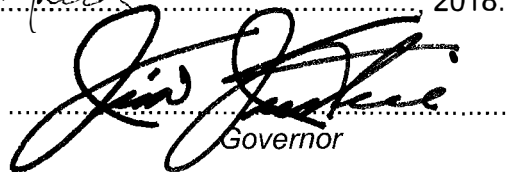

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Clerk of the House of Delegates


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President of the Senate


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Speaker of the House of Delegates

FILED
2018 MAR 21 P 4:41
OFFICE WEST VIRGINIA
SECRETARY OF STATE

The within *is approved* this the *21st*
Day of *March* 2018.


.....
Governor

PRESENTED TO THE GOVERNOR

MAR 21 2018

Time 11:57am