

1
2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 231**

5 (By Senator Foster)

6 _____
7 [Originating in the Committee on Labor;
8 reported February 28, 2011.]
9 _____

10
11 A BILL to amend and reenact §21-3C-10a of the Code of West
12 Virginia, 1931, as amended, relating to elevator workers'
13 licensure exemptions.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §21-3C-10a of the Code of West Virginia, 1931, as
16 amended, be amended and reenacted to read as follows:

17 **ARTICLE 3C. ELEVATOR SAFETY.**

18 **§21-3C-10a. License requirements for elevator mechanics; limited**
19 **technician license requirements; supervision of elevator**
20 **apprentices requirements.**

21 (a) A person may not engage or offer to engage in the business
22 of erecting, constructing, installing, altering, servicing,
23 repairing or maintaining elevators or related conveyances covered
24 by this article in this state, unless he or she has a license
25 issued by the Commissioner of Labor in accordance with this

1 article.

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

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

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

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

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

16 (2) Complete a two-year apprenticeship program, registered by
17 the United States Department of Labor, qualifying for an
18 accessibility license. A person holding an accessibility license
19 may only perform work on accessibility equipment; ~~or~~

20 (3) Complete a certified apprenticeship program, registered by
21 the United States Department of Labor established at a historic
22 resort hotel, qualifying for a limited technician license. A
23 person holding a limited technician license may only perform work
24 at a historic resort hotel;

25 (4) Submit documentation to the Commissioner of Labor of
26 training as an elevator mechanic and not less than three years of

1 experience as an elevator mechanic for an employer: Provided, That
2 a person licensed under this subdivision may perform work only at
3 his or her employer's place of business for which the employee is
4 paid regular wages and not a contract price, on property owned or
5 leased by the employer that is not intended for speculative sale or
6 lease; or

7 (5) Submit documentation as specified by the Commissioner of
8 Labor that demonstrates sufficient training and experience to
9 entitle such person to receive a license, accessibility license or
10 limited technician license.

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

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

18 (1) An apprentice who has not successfully completed the
19 equivalent of at least one year of the program may work only under
20 the direct supervision of a licensed elevator mechanic who is
21 present on the premises and available to the apprentice at all
22 times.

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

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

1 (B) Perform the tasks set forth in this paragraph, only if
2 delegated by and performed under the general supervision of a
3 licensed elevator mechanic, who must, at a minimum, meet the
4 apprentice on the job at the beginning of each day to delegate the
5 specific tasks, and who remains responsible for the delegated
6 tasks:

7 (i) Oiling, cleaning, greasing and painting;

8 (ii) Replacing of comb plate teeth;

9 (iii) Reclamping and fixture maintenance;

10 (iv) Inspection, cleaning and lubricating of hoistway doors,
11 car tops, bottoms and pits; and

12 (v) Observing operation of equipment.

(NOTE: The purpose of this bill is to remove the requirement that a licensed elevator mechanic be or work under a licensed contractor and to permit a limited license for elevator mechanics who only work on elevators that are owned or leased by their employer.)

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)