

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

Senate Bill 240

SENATORS JEFFRIES, HAMILTON, LINDSAY AND CLINE,

original sponsors

[Originating in the Committee on the Judiciary;

reported on January 30, 2020]

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 requiring hotels and restaurants to secure manhole covers of certain grease traps by a
4 certain date; providing methods for securing the manhole covers; authorizing the
5 commissioner to specify the method of limiting access to the manhole; authorizing the
6 promulgation of rules; and increasing the civil penalty for noncompliance with the
7 requirements of the article.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. HOTELS AND RESTAURANTS.

§16-6-22b. Hotels and restaurants to secure covers of grease traps.

1 (a) This section applies to hotels and restaurants that use grease traps that are outdoors
2 or are in areas that are accessible to members of the general public.

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

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

8 (B) The commissioner may specify either method of limiting access to the manhole, if the
9 method conforms to paragraph (A) of this subdivision and prevents unauthorized access.

10 (2) A hotel or restaurant shall ensure that a grease trap manhole is closed and secured
11 or locked, if applicable, at all times.

12 (c) The secretary shall propose rules for promulgation in accordance with §29A-3-1 et
13 seq. of this code for the implementation and administration of this section.

14 (d) All hotels and restaurants using grease traps shall comply with subsection (b) of this
15 section no later than August 1, 2020.

§16-6-23. Offenses.

1 Any person, firm, or corporation ~~who shall operate~~ operating a hotel or a restaurant in this
2 state, or who shall let a building to be used for such purposes, without first having complied with
3 the provisions of this article, ~~shall be~~ is guilty of a misdemeanor and, upon conviction thereof,
4 shall be fined ~~five dollars~~ \$50 for each day ~~such~~ the failure to comply ~~shall continue~~ continues.