



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

FILED

2017 SEP 21 A 9

Jared Wyrick, Director
SECRETARY OF STATE

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

September 20, 2017

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register
To: Elizabeth Farber, elizabeth.g.farber@wv.gov
Labor
WV Division of Labor
1900 Kanawha Blvd East
Charleston, WV 25305
From: Legislative Rule-Making Review Committee
Proposed Rule: Elevator Safety Act, 42CSR21

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

- 1. Authorize the agency to promulgate the Legislative rule:
 - (A) as originally filed _____
 - (B) as modified by the agency _____
- 2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. **X** _____
- 3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
- 4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. _____
- 5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. _____

Committee Amendment

Elevator Safety Act

42 CSR 21

On Wednesday, September 20, 2017, the Legislative Rule-Making Review Committee moved to amend the Division of Labor's proposed Elevator Safety Act Rule, 42 CSR 21 as follows:

On page 5, subsection 8 to read as follows:

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

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

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

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

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

Statement of Reason

The committee amendment retains the current subsection regarding the fees that the Division may charge for inspections of buildings with more than one elevator. Specifically, the Division's fee for inspections of buildings that have more than one elevator is \$100.00 for the first elevator inspected and \$25.00 for each additional elevator inspected.