

**ENROLLED
H. B. 3066**

(By Delegates Morgan, Stephens, Martin, Talbott,

Butcher, Argento and D. Poling)

[Passed April 7, 2009; in effect ninety days from passage.]

AN ACT to amend and reenact §21-3C-10a of the Code of West Virginia, 1931, as amended, relating to elevator safety; and clarifying the supervision requirements for elevator apprentices.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3C. ELEVATOR SAFETY.

§21-3C-10a. License requirements for elevator mechanics; contractor license required; supervision of elevator apprentices required.

(a) On and after January 1, 2010, a person may not engage or offer to engage in the business of erecting, constructing, installing, altering, servicing, repairing or maintaining elevators or related conveyances covered by this article in this state, unless he or she has a license issued by the Commissioner of Labor in accordance with the provisions of this article.

(b) A person licensed under this article must:

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

(2) Be, or be employed by, a contractor licensed pursuant to the provisions of article eleven, chapter twenty-one of this code.

(c) An elevator apprentice who is enrolled in a four year apprenticeship program approved by the Commissioner, and who is in good standing in the program, may work under the supervision of a licensed elevator mechanic, as follows:

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

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

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

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

(i) Oiling, cleaning, greasing and painting;

(ii) Replacing of combplate teeth;

(iii) Reclamping and fixture maintenance;

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

(v) Observing operation of equipment.