

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL DRS15382-LRa-135

Short Title: Weston's Law.

(Public)

Sponsors: Senator Johnson (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE ELEVATOR SAFETY ACT OF NORTH CAROLINA
3 RELATING TO ELEVATOR DEVICES AND EQUIPMENT USED IN A PRIVATE
4 RESIDENCE, COTTAGE, OR SIMILAR ACCOMMODATION SUBJECT TO
5 TAXATION UNDER G.S. 105-164.4F AND APPROPRIATING FUNDS FOR THAT
6 PURPOSE.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 95-110.2 reads as rewritten:

9 "§ 95-110.2. Scope.

10 (a) This Article shall govern the design, construction, installation, plans review, testing,
11 inspection, certification, operation, use, maintenance, alteration, relocation and investigation of
12 accidents ~~involving~~involving any of the following:

13 (1) Elevators, dumbwaiters, escalators, and moving ~~walks~~walks.

14 (2) Personnel ~~hoists~~hoists.

15 (3) Inclined stairway chair ~~lifts~~lifts.

16 (4) Inclined and vertical wheelchair ~~lifts~~lifts.

17 (5) ~~Manlifts; and~~Manlifts.

18 (6) Special equipment.

19 (b) This Article shall not apply to ~~devices~~any of the following:

20 (1) ~~Devices~~ and equipment located and operated in a single family ~~residence, to~~
21 ~~conveyors~~residence. For the purposes of this section, the term "single family
22 residence" does not include an existing private residence, cottage, or similar
23 accommodation subject to taxation under G.S. 105-164.4F.

24 (2) Conveyors and related equipment within the scope of the American National
25 Standard Safety Standard for Conveyors and Related Equipment
26 (ANSI/ASME B20.1) constructed, installed and used exclusively for the
27 movement of materials, or to mining equipment specifically covered by the
28 Federal Mine Safety and Health Act or the Mine Safety and Health Act of
29 North Carolina or the rules and regulations adopted pursuant thereto."

30 SECTION 2. G.S. 95-110.8 reads as rewritten:

31 "§ 95-110.8. Operation of unsafe device or equipment.

32 (a) No person shall operate, permit to be operated or use any device or equipment subject
33 to the provisions of this Article if such person knows or reasonably should know that such
34 operation or use will expose the public to an unsafe condition which is likely to result in personal
35 injury or property damage.



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1 (b) If an existing private residence, cottage, or similar accommodation subject to taxation
2 under G.S. 105-164.4F is inspected and found to have a gap in an elevator inconsistent with North
3 Carolina Residential Code Section R321.1 (Elevators), then the property owner shall install a
4 baffle or a space guard to fill the space in order to protect the public safety. For the purposes of
5 this subsection, a "baffle" or "space guard" means a permanent, nonremovable instrument that is
6 designed and installed to withstand a force of 75 pounds applied horizontally using a 4-inch
7 diameter sphere at any location of the space guard without permanent deformation while allowing
8 no more than three-quarters of an inch sill, as required by North Carolina Residential Code
9 Section R321.1, (Elevators)."

10 **SECTION 3.** There is appropriated from the General Fund to the Department of
11 Labor the sum of ten thousand dollars (\$10,000) for the 2022-2023 fiscal year to implement the
12 elevator safety amendments enacted by this act.

13 **SECTION 4.** This act becomes effective July 1, 2022.