

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 619
Committee Substitute Favorable 6/24/21
PROPOSED SENATE COMMITTEE SUBSTITUTE H619-PCS40801-TG-48

Short Title: Weston's Law.

(Public)

Sponsors:

Referred to:

April 21, 2021

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.

6 The General Assembly of North Carolina enacts:

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

8 "**§ 95-110.2. Scope.**

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

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

13 (2) Personnel ~~hoists~~hoists.

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

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

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

17 (6) Special equipment.

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

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

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

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

30 "**§ 95-110.8. Operation of unsafe device or equipment.**

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



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1 (b) The following requirements shall apply to any elevator in a private residence, cottage,
2 or similar accommodation subject to taxation under G.S. 105-164.4F:

3 (1) The gap between the hoistway face of the landing door and the hoistway face
4 of the car door shall not exceed 4 inches.

5 (2) Elevator doors or gates shall meet the following requirements:

6 a. Horizontal sliding car doors and gates shall be designed and installed
7 to withstand a force of 75 pounds applied horizontally on an area 4
8 inches by 4 inches at right angles to and at any location on the car door
9 when fully closed without permanent deformation, without exceeding
10 a deflection of three-quarters of an inch, and without displacing the
11 door or gate from its guides or tracks.

12 b. Folding car doors shall be designed and installed to withstand a force
13 of 75 pounds applied horizontally using a 4-inch diameter sphere at
14 any location within the folds of the door without permanent
15 deformation, without exceeding a deflection of three-quarters of an
16 inch, and without displacing the door from its guides or tracks.

17 (3) If an elevator does not comply with the requirements of subdivision (1) or (2)
18 of this subsection, then to protect the public safety the property owner shall
19 disconnect the power supply to the elevator to prevent it from being operated
20 until the owner has complied with all of the following requirements:

21 a. If the elevator does not comply with subdivision (1) of this subsection,
22 then the property owner shall install a hoistway door space guard, a
23 full height door baffle, or a door baffle that is at least 31.75 inches in
24 height, each of which shall be nonremovable and shall be designed and
25 installed to withstand a force of 75 pounds applied horizontally using
26 a 4-inch diameter sphere at any location without permanent
27 deformation.

28 b. If the elevator door or gate does not comply with subdivision (2) of
29 this subsection, then the property owner shall replace it with a door or
30 gate that complies with subdivision (2) of this subsection.

31 c. The property owner shall provide the Commissioner with
32 documentation in one of the following forms verifying compliance
33 with this subdivision, which documentation shall be maintained by the
34 Elevator and Amusement Device Division:

35 1. A statement signed by a professional elevator installer
36 certifying installation of a door baffle, door space guard, door,
37 or gate meeting the requirements of this subdivision.

38 2. A receipt for purchase of the item or items installed in
39 compliance with the requirements of this subdivision, together
40 with photographs deemed sufficient by the Commissioner to
41 verify compliance."

42 **SECTION 3.** The North Carolina Building Code Council shall adopt rules to amend
43 Section R321 of the North Carolina State Building Code that are consistent with 2016 ASME
44 A17.1 sections 5.3.1.8.2 and 5.3.1.8.3 and substantively identical to the provisions of
45 G.S. 95-110.8(b), as enacted by Section 2 of this act.

46 **SECTION 4.** This act becomes effective October 1, 2022.