



HOUSE BILL 619: Weston's Law.

2021-2022 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 14, 2022
Introduced by:	Reps. Moffitt, Richardson, Setzer, Winslow	Prepared by:	Bill Patterson
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: *House Bill 619 would amend the Elevator Safety Act to:*

- *Require elevators in private residences, cottages, and similar accommodations that are rented for 15 days or more in a calendar year to meet safety standards designed to prevent a small child from becoming trapped between the elevator car door and the landing door.*
- *Require the owner of a noncompliant elevator to:*
 - *Disconnect the elevator's power supply to prevent its operation until the owner has brought the elevator into compliance.*
 - *Take remedial action to bring the elevator into compliance and provide the Commissioner of Labor with documentation verifying its completion.*

The bill would also direct the Building Code Council to amend the North Carolina Building Code consistent with safety standards for residential elevators issued in 2016 by the American Society of Mechanical Engineers.

CURRENT LAW: G.S. 95-110.8 of the Elevator Safety Act, Article 14A of the General Statutes, prohibits operation of an elevator that will expose the public to an unsafe condition likely to result in personal injury or property damage. Violation of this prohibition is a Class 2 misdemeanor. Pursuant to G.S. 95-110.2, Article 14A currently does not apply to elevators located and operated in a single family residence. The requirements of Article 14A are enforced by the Elevator and Amusement Device Division of the Department of Labor.

Private residences, cottages, or similar accommodations that are rented for 15 days or more in a calendar year are subject to taxation pursuant to G.S. 105-164.4F.

Section R321 of the North Carolina Building Code, governing elevators in one- and two-family dwellings, currently requires elevators to comply with elevator safety standards established by the American Society of Mechanical Engineers (ASME) in 2013 ASME A17.1.¹

BILL ANALYSIS: **Section 1** of House Bill 619 would amend G.S. 95-110.2 to provide that elevators in private residences, cottages, or similar accommodations subject to taxation under G.S. 105-164F are no longer exempt from the requirements of the Elevator Safety Act.

¹ The 2013 ASME standards prescribed a maximum gap of five inches between the residential elevator car door and hoistway door, and did not prescribe any standard for the rigidity of elevator doors and gates. As discussed more fully in the Background section of this summary, ASME A17.1 was revised in 2016 to reduce the maximum permitted gap to four inches and to establish rigidity standards for elevator doors and gates.

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Section 2 would amend G.S. 95-110.8 to impose the following requirements applicable to elevators in private residences, cottages, or similar accommodations subject to taxation under G.S. 105-164F:

- The gap between the hoistway face of the landing door and the hoistway face of the car door cannot exceed four inches.
- Elevator doors and gates must be rigid enough to withstand a force of 75 pounds applied horizontally without permanent deformation and without causing a deflection in the door greater than three-quarters of an inch or displacing the door or gate from its tracks.

The owner of a noncompliant elevator would be required to disconnect its electrical supply to prevent its operation until completion of the following remedial action:

- If the gap between the landing door and the car door is more than four inches, the owner must install a nonremovable hoistway door space guard, full height door baffle, or door baffle that is at least 31.75 inches in height. The option chosen must be designed and installed to withstand a force of 75 pounds applied horizontally using a four-inch diameter sphere at any location without permanent deformation.
- A door or gate that does not meet the rigidity requirements must be replaced with one that does.
- The owner must provide the Commissioner of Labor with documentation verifying completion of the action required to bring the elevator into compliance, to be maintained by the Elevator and Amusement Device Division.

Section 3 would direct the North Carolina Building Code Council to amend Section R321 of the North Carolina State Building Code to be consistent with 2016 ASME A17.1 standards governing the rigidity of elevator car doors and the maximum gap between the elevator car door and the landing door, and substantively identical to the requirements contained in Section 2 of the bill.

EFFECTIVE DATE: This act becomes effective October 1, 2022.

BACKGROUND: To reduce the risk of child entrapment between the elevator car door and the landing door of a residential elevator, 2016 ASME A17.1 made the following changes to Section 5.3 of the 2013 edition:

- Section 5.3.1.8.2 required elevator doors and gates to be rigid enough to withstand horizontal application of a 75-pound force at any location without deflecting more than .75 inches and without displacing the door from its guide or tracks.
- Section 5.3.1.8.3 reduced the maximum permitted gap between the elevator door and the hoistway door from five inches to four inches.

These revised 2016 ASME standards are reflected in the requirements set forth in Section 2 of the bill.