



HOUSE BILL 619: Weston's Law.

2021-2022 General Assembly

Committee:	House Floor	Date:	June 22, 2022
Introduced by:	Reps. Moffitt, Richardson, Setzer, Winslow	Prepared by:	Bill Patterson
Analysis of:	Fourth Edition		Staff Attorney

OVERVIEW: *House Bill 619 would impose new safety requirements for elevators in private residences, cottages, and similar accommodations that are rented for 15 days or more in any calendar year, and would direct the Building Code Council to adopt amendments to the North Carolina Building Code consistent with these requirements.*

CURRENT LAW:

The Elevator Safety Act, Article 14A of the General Statutes, which is enforced by the Department of Labor, does not apply to elevators in single family residences.

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 the 2013 edition of ASME A17.1.¹

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 (Accommodation rentals).

BILL ANALYSIS: Section 1 of House Bill 619 would enact a new G.S. 143-143.7 providing that notwithstanding the requirements of G.S. 143-139(d),² the following requirements apply to elevators in private residences, cottages, or similar accommodations that are rented for 15 days or more in a calendar year:

- 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.

If any elevator in a property subject to this section does not comply with these requirements, the landlord would be required to prevent operation of the elevator until it has been brought into compliance by meeting the following requirements:

- If there is a gap between the landing door and the car door greater than four inches, the landlord would be required to install a nonremovable hoistway door space guard, full height door baffle, or

¹ The 2013 version of these ASME standards prescribed a maximum gap of five inches between the residential elevator car door and hoistway door, and did not contain 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.

² G.S. 143-139(d) grants to Department of Labor general supervision of the administration and enforcement of elevator-related sections of the North Carolina Building Code.

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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.

- If the elevator door or gate does not meet the rigidity requirements, the landlord would be required to replace it with a door or gate meeting these requirements.

The landlord would be required to provide the Commissioner of Insurance with documentation showing any action taken to bring a non-compliant elevator into compliance with these requirements.

A person violating this section's requirement to prevent operation of a noncompliant elevator would be guilty of a Class 2 misdemeanor.

Sections 3 and 4 would amend the statutes governing residential and vacation rentals to provide that landlords subject to those laws must comply with all applicable elevator safety requirements in G.S. 143-143.7.

Section 5 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 consistent with Section 1 of the bill.

EFFECTIVE DATE: Sections 1, 2, and 3 of the act would become effective October 1, 2022. The remainder of the act would be effective when it becomes law.

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.

The 2016 ASME standards are reflected in the requirements set forth in Section 1 of the bill.