

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

HOUSE BILL 608
RATIFIED BILL

AN ACT TO CHANGE ELEVATOR SAFETY REQUIREMENTS FOR CERTAIN RESIDENTIAL RENTAL ACCOMMODATIONS AND TO AMEND THE NORTH CAROLINA STATE BUILDING CODE ACCORDINGLY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-143.7 reads as rewritten:

"§ 143-143.7. **Elevator safety requirements for certain residential rental accommodations.**

(a) Notwithstanding the requirements of G.S. 143-139(d), any elevator in a private residence, cottage, or similar accommodation subject to taxation under G.S. 105-164.4F shall meet the following requirements:

(1) The gap between the hoistway face of the landing door or door, the door space guard, or the door baffle and the hoistway face of the car door shall not exceed 4 inches, as well as the door of the car or gate itself must meet the following requirements:

a. Horizontal sliding car doors and gates shall be designed and installed such that the total of the gap between the hoistway face of the landing door, the door space guard, or the door baffle and the hoistway face of the car door or gate, after the car door or gate has been subject to a force of 75 pounds applied horizontally on an area four inches by four inches at right angles to and at any location on the car door or gate when fully closed, shall be no more than four and three-quarters inches.

b. Folding car doors shall be designed and installed such that the total of the gap between the hoistway face of landing door, the door space guard, or the door baffle and the hoistway face of the car door, after the car door has been subject to a force of 75 pounds applied horizontally using a four-inch diameter sphere at any location within the folds of the door when fully closed, shall be no more than four and three-quarters inches.

c. When the same 75-pound force is applied in the same manner to the horizontal sliding car door or gate or to the folding car door, there shall be no permanent deformation of the door or gate and the door or gate shall not be displaced from its guides or tracks.

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

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



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

(b) If any property subject to this section has an elevator that does not comply with subsection (a) of this section, the landlord shall prevent the operation of the elevator until the elevator has been brought into compliance by meeting the following requirements:

(1) If the elevator does not comply with sub-subdivision a. or b. of subdivision (1) of subsection (a) of this section, then the landlord shall install a hoistway door space guard, a full height door baffle, or a door baffle that is at least 31.75 inches in height, each of which shall be nonremovable and shall be designed and installed to withstand a force of 75 pounds applied horizontally using a 4-inch four-inch diameter sphere at any location without permanent deformation. location, until the maximum gap is in compliance with sub-subdivision a. or b. of subdivision (1) of subsection (a) of this section.

(2) If the elevator door or gate does not comply with sub-subdivision c. of subdivision (2)-(1) of subsection (a) of this section, then the landlord shall replace it with a door or gate that complies with sub-subdivision c. of subdivision (2)-(1) of subsection (a) of this section.

(c) Upon installation of a door baffle, door space guard, door, or gate meeting the requirements of subdivision (1) or (2) of subsection (b) of this section, the landlord shall provide the Commissioner of Insurance with one of the following:

(1) A statement signed by a professional elevator installer certifying installation of the door baffle, door space guard, door, or gate meeting the requirements of subsection (b) of this section.

(2) A receipt for purchase of the door baffle, door space guard, door, or gate meeting the requirements of subsection (b) of this section, a signed statement by the landlord stating the date of installation, and photographs depicting the door baffle, door space guard, door, or gate as installed.

(d) For purposes of this section, "elevator" means a hoisting and lowering mechanism equipped with a car or platform which moves in guides, and which serves two or more floors of a building or structure.

(e) Any person who violates subsection (b) of this section by permitting the continued operation of an elevator that does not comply with subsection (a) of this section shall be guilty of a Class 2 misdemeanor."

SECTION 2.(a) Definitions. – As used in this section, "Council" means the North Carolina Building Code Council, and "Code" means the current North Carolina State Building Code collection, and amendments to the Code, as adopted by the Council.

SECTION 2.(b) Code Amendment. – Until the effective date of the Code amendments that the Council is required to adopt pursuant to this section, the Council and Code enforcement officials enforcing the Code shall follow the provisions of subsection (c) of this section as it relates to elevators and platform lifts under Section R321 of the 2018 North Carolina Residential Code.

SECTION 2.(c) Implementation. – Notwithstanding any provision of the Code or law to the contrary, for the purposes of the elevators and platform lifts requirements under Section R321 of the 2018 North Carolina Residential Code, the Council and Code enforcement officials shall follow rules consistent with 2016 ASME A17.1 sections 5.3.1.8.2 and 5.3.1.8.3, except where those sections are superseded by G.S. 143-143.7, as amended by this act.

SECTION 2.(d) Additional Rulemaking Authority. – The Council shall adopt a rule to amend Section R321 of the 2018 North Carolina Residential Code consistent with subsection

(c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Council pursuant to this subsection shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 2.(e) Sunset. – This section expires on the date that rules adopted pursuant to subsection (d) of this section become effective.

SECTION 3. Section 1 of this act becomes effective June 30, 2024. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 22nd day of June, 2023.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2023