

1 SB458
2 130502-2
3 By Senators Blackwell, Whatley, Reed, McGill, Waggoner,
4 Beason, Ward, Fielding, Taylor, Holley, Dial, Keahey, Glover,
5 Marsh, Allen, Sanford, Smith, Bedford, Pittman, Orr, Irons,
6 Beasley, Figures, Singleton and Smitherman
7 RFD: Business and Labor
8 First Read: 27-APR-11

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 25-13-18 of the Code of Alabama
12 1975, relating to the Elevator Safety Review Board, to further
13 provide for the regulation of elevators and other conveyances;
14 to provide for the inspection of elevators installed in
15 private residences after the effective date of this act; to
16 require the inspection to note compliance with the code
17 relating to hoistway openings; to provide for the
18 administration of this chapter when elevators or conveyances
19 are out of compliance; and to provide for the preemption of
20 local regulation.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 25-13-18 of the Code of Alabama
23 1975, is amended to read as follows:

24 "§25-13-18.

25 "(a) All new conveyance installations shall be
26 performed by a sole proprietor, firm, or corporation to which
27 a license to install or service conveyances has been issued.

1 Subsequent to installation, the licensed sole proprietor,
2 firm, or corporation must certify compliance with the
3 applicable sections of this chapter. Prior to any conveyance
4 being used, the property owner or lessee must obtain a
5 certificate of operation from the administrator. A fee as set
6 forth in this chapter shall be paid for the certificate of
7 operation. It shall be the responsibility of the licensed
8 elevator contractor to complete and submit first-time
9 registrations for new installations. The certificate of
10 operation fee for newly installed elevators, platform lifts,
11 and stairway chairlifts for private residences shall be
12 subsequent to an inspection by a licensed third party
13 inspection firm.

14 "(b) The certificate of operation fee for all new
15 and existing stairway chairlifts for private residences and
16 any renewal fees shall be waived. The administrator, or his or
17 her designee, shall inspect, in accordance with the
18 requirements set forth in this chapter, all newly installed
19 ~~and existing~~ elevators, platform lifts, and stairway
20 chairlifts for private residences. ~~subsequent to an inspection~~
21 ~~by a person, firm, or corporation to which a license to~~
22 ~~inspect conveyances has been issued. The administrator shall~~
23 ~~provide notice to the owner of the private residence where the~~
24 ~~conveyance is located with relevant information about~~
25 ~~conveyance safety requirements, including, but not limited to,~~
26 ~~having the owner contact the administrator in order to ensure~~
27 ~~that the conveyance is periodically and timely inspected and~~

1 ~~made safe before the permit for the conveyance expires. The~~
2 ~~inspection shall only be done at the request and consent of~~
3 ~~the private residence owner. All penalty provisions of this~~
4 ~~chapter shall not apply to private residence owners. For newly~~
5 ~~installed residential elevators and residential elevators in~~
6 ~~locations other than private residences, the inspector shall~~
7 ~~note on the inspection report compliance with the applicable~~
8 ~~codes governing protection of hoistway openings, commonly~~
9 ~~known as the 3x5 rule.~~

10 "(c) A certificate of operation is renewable
11 annually. ~~except for certificates issued for platform and~~
12 ~~stairway chairlifts for private residences, which shall be~~
13 ~~valid for a period of three years~~ The administrator may
14 require any conveyance out of compliance with this chapter to
15 be placed out of service until it is reinspected and found to
16 be in compliance. In addition, a private residence owner may
17 request an annual inspection at his or her discretion.

18 Certificates of operation must be clearly displayed on or in
19 each conveyance.

20 "(d) No county, municipality, or other political
21 subdivision shall have the power to make any laws, ordinances,
22 or resolutions providing for the construction, installation,
23 inspection, maintenance, and repair of elevators and
24 conveyances within the limits of the county, municipality, or
25 other political subdivision."

26 Section 2. This bill shall be known and cited as the
27 Hagen Act.

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Business and Labor..... 27-APR-11

Read for the second time and placed on the calen-
dar..... 28-APR-11

Read for the third time and passed as amended 05-MAY-11

Yeas 28
Nays 0

Patrick Harris
Secretary