

1 SB458  
2 130502-3  
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

1 SB458

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4 ENROLLED, An Act,

5 To amend Section 25-13-18 of the Code of Alabama  
6 1975, relating to the Elevator Safety Review Board, to further  
7 provide for the regulation of elevators and other conveyances;  
8 to provide for the inspection of elevators installed in  
9 private residences after the effective date of this act; to  
10 require the inspection to note compliance with the code  
11 relating to hoistway openings; to provide for the  
12 administration of this chapter when elevators or conveyances  
13 are out of compliance; and to provide for the preemption of  
14 local regulation.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 25-13-18 of the Code of Alabama  
17 1975, is amended to read as follows:

18 "§25-13-18.

19 "(a) All new conveyance installations shall be  
20 performed by a sole proprietor, firm, or corporation to which  
21 a license to install or service conveyances has been issued.  
22 Subsequent to installation, the licensed sole proprietor,  
23 firm, or corporation must certify compliance with the  
24 applicable sections of this chapter. Prior to any conveyance  
25 being used, the property owner or lessee must obtain a

1 certificate of operation from the administrator. A fee as set  
2 forth in this chapter shall be paid for the certificate of  
3 operation. It shall be the responsibility of the licensed  
4 elevator contractor to complete and submit first-time  
5 registrations for new installations. The certificate of  
6 operation fee for newly installed elevators, platform lifts,  
7 and stairway chairlifts for private residences shall be  
8 subsequent to an inspection by a licensed third party  
9 inspection firm.

10 "(b) The certificate of operation fee for all new  
11 and existing stairway chairlifts for private residences and  
12 any renewal fees shall be waived. The administrator, or his or  
13 her designee, shall inspect, in accordance with the  
14 requirements set forth in this chapter, all newly installed  
15 elevators, platform lifts, and stairway chairlifts for private  
16 residences. For newly installed residential elevators and  
17 residential elevators in locations other than private  
18 residences, the inspector shall note on the inspection report  
19 compliance with the applicable codes governing protection of  
20 hoistway openings, commonly known as the 3x5 rule.

21 "(c) A certificate of operation is renewable  
22 annually. The administrator may require any conveyance out of  
23 compliance with this chapter to be placed out of service until  
24 it is reinspected and found to be in compliance. In addition,  
25 a private residence owner may request an annual inspection at

1 his or her discretion. Certificates of operation must be  
2 clearly displayed on or in each conveyance.

3 "(d) No county, municipality, or other political  
4 subdivision shall have the power to make any laws, ordinances,  
5 or resolutions providing for the construction, installation,  
6 inspection, maintenance, and repair of elevators and  
7 conveyances within the limits of the county, municipality, or  
8 other political subdivision."

9 Section 2. This bill shall be known and cited as the  
10 Hagen Act.

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

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB458

Senate 05-MAY-11

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris  
Secretary

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House of Representatives  
Passed: 09-JUN-11

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By: Senator Blackwell