

1                   HB619  
2                   130502-1  
3                   By Representative Hill  
4                   RFD: Boards, Agencies and Commissions  
5                   First Read: 05-MAY-11

8 SYNOPSIS: Under existing law, the Elevator Safety  
9 Review Board regulates elevators. The board is  
10 administratively located within the Department of  
11 Labor.

12 Under existing law, platform lifts and  
13 stairway chairlifts in private residences are  
14 required to have a certificate of operation.

15 Existing law does not specify that an  
16 elevator which is out of compliance may be required  
17 to be placed out of service until found to be in  
18 compliance.

19 This bill would require any newly installed  
20 residential elevator in a private residence and any  
21 residential elevator installed in any other  
22 location to be inspected and receive a certificate  
23 of operation. The bill would authorize the owner of  
24 any private residence to have an elevator in the  
25 residence inspected. The bill would also specify  
26 that the administrator of the board may require a  
27 conveyance which is out of compliance to be placed

1 out of service until reinspected and found to be in  
2 compliance and would specify that the state  
3 regulation of elevators and conveyances would  
4 preempt local regulation.

5  
6 A BILL

7 TO BE ENTITLED

8 AN ACT

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

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23 "§25-13-18.

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

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

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

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

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

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

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

