

HB568 ENGROSSED



1 HB568
2 2JZB6SI-2
3 By Representative Sells
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A BILL
TO BE ENTITLED
AN ACT

Relating to the Department of Workforce; to amend Sections 25-5-316, 25-8-45, 25-8-59, 25-12-7, 25-12-18, 25-13-6, 25-13-12, and 25-13-15, Code of Alabama 1975, to increase the fee for the child labor certificates; to provide for the distribution of penalty fees collected for violating child labor laws; to further provide for boiler and pressure vessel exceptions; to further provide for the fee for pressure vessel certificates of inspection and its distribution; to further provide for the duties of the Elevator Safety Review Board and elevator safety standards; to extend the renewal period for certain licenses; and to prohibit certain persons from altering conveyances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 25-5-316, 25-8-45, 25-8-59, 25-12-7, 25-12-18, 25-13-6, 25-13-12, and 25-13-15, Code of Alabama 1975, are amended to read as follows:

"§25-5-316

(a) There is established in the State Treasury a fund entitled the Workers' Compensation Administrative Trust Fund, into which ~~shall be deposited~~ certain assessments collected by



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29 the Department of Workforce, as provided for under Chapter 5
30 ~~(commencing with Section 25-5-1)~~ of Title 25, shall be
31 deposited. ~~collected by the Department of Labor.~~ The fund
32 shall constitute a separate fund to be disbursed by the ~~state~~
33 Comptroller on order of the Secretary of the ~~Department of~~
34 ~~Labor~~ Department of Workforce. All expenses incurred by the
35 department under the Workers' Compensation Law, including the
36 salaries of all employees, ~~travel cost~~ costs, and any other
37 cost of administration and enforcement as may become
38 necessary, either within or without the state, shall be paid
39 from the separate fund in the State Treasury upon warrants of
40 the ~~state~~ Comptroller drawn upon the State Treasury from time
41 to time when vouchers therefor are approved by the secretary.
42 The State Treasurer shall pay ~~moneys~~ monies from the separate
43 fund upon the order of the secretary. ~~The total expense for~~
44 ~~every purpose incurred shall not exceed the total assessment~~
45 ~~collected and paid into the fund.~~ The total expense for every
46 purpose incurred in implementing this article shall not exceed
47 the amount appropriated by the Legislature in the general fund
48 appropriation act. No funds shall be withdrawn or expended
49 except those budgeted and allocated in accordance with Article
50 4 ~~(commencing with Section 41-4-80)~~ of Chapter 4 of Title 41.
51 All ~~moneys~~ monies remaining unexpended in the separate fund at
52 the end of the fiscal year shall remain in the State Treasury
53 to be expended ~~as herein provided~~ at the discretion of the
54 secretary to cover the operational costs of administering the
55 workers' compensation program which are not otherwise covered
56 by this subsection, provided that those unexpended monies



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57 shall not be used in any manner that results in an additional
58 assessment, fee, surcharge, levy, or other charge against any
59 insurance carrier, self-insured employer, or group
60 self-insurance fund. Included in the budget shall be an amount
61 of money allocated for the specific and exclusive purpose of
62 paying only benefits to the claimants who have qualified to
63 receive benefits from the Second Injury Trust Fund on May 19,
64 1992. Payments of these benefits shall be made weekly. The
65 secretary shall each week make requisitions to the ~~state~~
66 Comptroller who shall draw warrants on the State Treasurer for
67 the weekly compensation amount. The warrants shall be drawn
68 only if there are sufficient ~~moneys~~moneys in the State
69 Treasury for immediate payment. Claims shall take priority in
70 an ascending numerical order according to the time of the
71 accident, and the time shown in the settlement between the
72 employer and employee shall be prima facie evidence of the
73 time of the accident. No funds allocated for the payment of
74 benefits from the fund shall be used to pay lump-sum
75 ~~attorney's~~attorney fees. Payment shall resume at the end of
76 the first week of the fiscal year in which the Legislature
77 approves the requested budget for the Workers' Compensation
78 Administrative Trust Fund. The claimants who were receiving
79 weekly benefits from the Second Injury Trust Fund as of August
80 31, 1991, shall be paid all weekly benefits due to date and
81 the benefits shall be continued for the duration of claim.
82 Those amounts shall be paid from the ~~moneys~~moneys as
83 allocated.

84 (b) The State Treasurer shall determine if the money in



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85 the trust fund shall be kept in cash or invested. The
86 ~~moneysmonies~~ in the fund may be invested by the State
87 Treasurer and all ~~moneysmonies~~ and interest remaining
88 unexpended in the separate fund provided at the end of the
89 fiscal year shall remain in the State Treasury to be expended
90 as herein provided.

91 (c) The secretary is designated as trustee of the fund
92 and the State Treasurer is designated as custodian of the
93 fund, and both shall furnish bonds in amounts deemed
94 appropriate. The cost of bonds for the trustee, custodian, and
95 other employees or officials required to post bond in
96 connection with the program shall be paid out of the fund.

97 (d) Each insurance carrier, self-insured employer, and
98 group fund shall be assessed ~~-\$250.00~~ two hundred fifty dollars
99 (\$250). The gross claims for compensation and medical payments
100 paid by the carriers, self-insured employers, and group funds
101 are the basis for computing the amount to be assessed. The
102 amount of assessment shall be based upon the proportion that
103 the total gross claims for compensation and medical payments
104 paid by the carrier, self-insured employer, or group fund
105 during the preceding calendar year bore to the total gross
106 claims for compensation and medical payments paid by all
107 carriers, self-insured employers, and group funds during that
108 period. The total assessment shall not exceed ~~-\$5,000,000.00~~
109 five million dollars (\$5,000,000) per year. The secretary
110 shall determine if the assessment shall be a specific amount
111 or shall be a percentage of gross claims for compensation and
112 medical payments paid by the insurance carriers, self-insured



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113 employers, and group funds. An assessment shall not exceed an
114 amount reasonably necessary to defray the necessary
115 administration expense.

116 (e) The department shall provide by regulation for the
117 collection of the amounts assessed against each insurance
118 carrier, self-insured employer, and group fund. The amounts
119 shall be paid within 30 days from the date that the notice is
120 served upon the insurance carrier, self-insured employer, and
121 group fund. If the amounts are not paid within that period,
122 there may be assessed, for each 30 days that the amount ~~se~~
123 assessed remains unpaid, a civil penalty equal to 10 percent
124 of the amount unpaid. The amount of the civil penalty shall be
125 collected at the same time the amount assessed is collected.

126 (f) If an insurance carrier, self-insured employer, or
127 group fund fails to pay the amounts assessed against it within
128 60 days from the time the notice is served, the department may
129 suspend or revoke the authorization to the self-insurer and
130 may request that the Department of Insurance revoke the
131 authority of the insurance company to insure workers'
132 compensation.

133 (g) The department may require from each insurance
134 carrier, self-insured employer, and group fund reports with
135 respect to all payments of compensation and medical payments
136 by the insurance carriers, self-insured employers, or group
137 funds during each calendar year, and may determine the amounts
138 paid by each insurance carrier, self-insured employer, and
139 group fund and may determine the amounts paid by all insurance
140 carriers, self-insured employers, and group funds during the



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141 period.

142 (h) On or before ~~the first day of March~~ 1 of each year,
143 every insurance carrier, self-insured employer, and group fund
144 shall file with the department a statement on the prescribed
145 forms showing the gross claims for compensation and medical
146 payments paid by the insurance carrier, self-insured employer,
147 or group fund during the preceding one-year period ending on
148 ~~the 31st day of December~~ 31. Any insurance carrier,
149 self-insured employer, or group fund ~~which~~ that neglects to
150 file its annual written statement within the time provided in
151 this manner shall pay to the Workers' Compensation
152 Administrative Trust Fund a penalty for each day's neglect in
153 an amount prescribed by rule of the secretary.

154 (i) All money collected under this section shall be
155 deposited in the Workers' Compensation Administrative Trust
156 Fund."

157 "§25-8-45

158 (a) No individual, entity, franchise, corporation, or
159 division of a corporation shall employ, permit, or ~~suffer~~
160 allow to work any minor 14 or 15 years of age in any
161 occupation, except in agricultural service, unless the
162 individual, entity, franchise, corporation, or division of a
163 corporation procures and keeps on file, for the inspection by
164 the officials charged with the enforcement of this chapter, a
165 complete list of those individuals 14 or 15 years of age
166 employed by the employer.

167 (b) Any individual, entity, franchise, corporation, or
168 division of a corporation that wishes to employ, permit, or



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169 ~~suffer~~allow to work any minor 14 or 15 years of age in any
170 occupation, except in agricultural service, shall obtain a
171 Class I Child Labor Certificate from the department for each
172 location where an individual, entity, franchise, corporation,
173 or division of a corporation wishes to employ a minor 14 or 15
174 years of age. The employment shall be in accordance with this
175 chapter.

176 (c) The certificate shall allow the employment of
177 minors 14 or 15 years of age to work only outside of school
178 hours or during vacation periods and only in occupations not
179 prohibited by this chapter for individuals of these ages.

180 (d) The employment of a minor 14 or 15 years of age
181 shall be revoked or suspended by the department if the minor's
182 regular school attendance and performance record is not
183 satisfactory to the head administrator, or, if home schooled,
184 an instructor of the school that the minor attends. The
185 revocation or suspension shall be processed by the department
186 upon notification by the school.

187 (e) Any individual, entity, franchise, corporation, or
188 division of a corporation that wishes to employ, permit, or
189 ~~suffer~~allow to work any minor 16 or 17 years of age in any
190 occupation, except in agricultural service, shall obtain a
191 Class II Child Labor Certificate from the department for each
192 location where an individual, entity, franchise, corporation,
193 or division of a corporation wishes to employ a minor 16 or 17
194 years of age. The employment shall be in accordance with this
195 chapter.

196 (f) The department shall issue Class I and Class II



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197 Child Labor Certificates to any individual, entity, franchise,
198 corporation, or division of a corporation that applies to the
199 department. The fee for a Class I or Class II Child Labor
200 Certificate shall be fifteen dollars (\$15). The certificates
201 shall be issued annually.

202 (g) (1) The application for the child labor certificate
203 shall contain all of the following information specific to the
204 location of the minor's employment:

205 a. The name, address, and telephone number of the
206 individual, entity, franchise, corporation, or division of a
207 corporation that wishes to employ, permit, or ~~suffer~~ allow to
208 work any minor.

209 b. The type of business or entity, the federal employer
210 identification number, the names of all incorporators, owners,
211 members, or partners of the business or entity.

212 c. Any other information as required by department
213 rule.

214 (2) The Class I and Class II Child Labor Certificates
215 shall contain all of the following information:

216 a. The name of the employer.

217 b. The type of business the employer maintains.

218 c. Any other information as required by department
219 rule.

220 (3) If an individual, entity, franchise, corporation,
221 or division of a corporation employs a minor between 14 and 17
222 years of age without a proper child labor certificate, the
223 individual, entity, franchise, corporation, or division of a
224 corporation shall pay a penalty of fifty dollars (\$50) per



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225 minor and then shall obtain a certificate in the proper
226 manner.

227 (4) The parent or guardian of a minor who is 14 or 15
228 years of age and employed by an individual, entity, franchise,
229 corporation, or division of a corporation shall notify the
230 minor's head administrator, counselor, or, if home schooled,
231 an instructor of the school ~~which~~ that the minor attends, of
232 the name, address, and telephone number of the
233 ~~person~~ individual, entity, franchise, corporation, or division
234 of a corporation employing the minor."

235 "§25-8-59

236 (a) Any employer who violates this chapter, or who
237 fails or refuses to obey within a reasonable time any lawful
238 order or direction given by the state officials charged with
239 the enforcement of this chapter, and any parent, guardian, or
240 custodian who ~~suffers~~ allows or permits an individual under
241 his or her care or control who is under 19 years of age to
242 work in violation of this chapter, shall be subject to civil
243 penalties in addition to other penalties provided in this
244 chapter.

245 (b) The department may impose a civil penalty of not
246 less than three hundred dollars (\$300) upon a determination
247 that an employer has violated a statutory provision of Section
248 25-8-35(a)(17), 25-8-36, 25-8-37, 25-8-38, 25-8-39, 25-8-40,
249 ~~25-8-41~~, 25-8-44(a), 25-8-44(b), 25-8-45, 25-8-54, 25-8-57,
250 25-8-60, or 25-8-61.

251 (c) The department shall impose a civil penalty of five
252 thousand dollars (\$5,000) to ten thousand dollars (\$10,000)



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253 upon a determination that an employer has violated a statutory
254 provision of Section 25-8-33, 25-8-35(a)(1) through
255 25-8-35(a)(16), 25-8-43(a), or 25-8-44(d).

256 (d) In determining the number of violations committed
257 by an employer, the department may assess a separate civil
258 penalty for each individual employee affected by the
259 employer's violation.

260 (e) In addition, the department may assess more than
261 one civil penalty against an employer with respect to the same
262 adversely affected employee if the employer has violated more
263 than one statutory provision of this chapter.

264 (f) The employer shall be notified of a civil penalty
265 assessment by the Notice of Violation and Opportunity to Show
266 Cause which shall be sent to the employer.

267 (g) The Notice of Violation and Opportunity to Show
268 Cause shall provide all of the following:

269 (1) The total civil penalty assessed.

270 (2) The right of the employer to request in writing a
271 hearing to show cause why the civil penalty should not be
272 assessed.

273 (3) An advisement that no hearing shall be granted
274 unless a written request for a hearing is received by the
275 department within 30 days from the date of issue of the
276 notice.

277 (4) The right of the employer to waive the right to
278 request a hearing and to respond in writing to the notice
279 within 30 days of the issue date of the notice.

280 (h) Any employer who seeks to contest a civil penalty



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281 assessment shall file, within 30 days from the date the Notice
282 of Violation and Opportunity to Show Cause was issued, a
283 written request for an opportunity to be heard which shall
284 clearly state the reasons for the request, including facts to
285 demonstrate that no violation has occurred.

286 (i) If the secretary or his or her designee determines
287 that the employer has stated adequate facts or legal grounds
288 to warrant a hearing, the secretary or his or her designee
289 shall provide written notice of the hearing to show cause why
290 a civil penalty should not be assessed and shall mail written
291 notice to the employer of the date, time, and place of the
292 hearing. The determination shall be within the discretion of
293 the secretary or his or her designee. The notice shall inform
294 the employer of the employer's rights in the hearing including
295 the following:

296 (1) The right to be represented by any
297 ~~person~~individual, including an attorney.

298 (2) The right to present documentary evidence and a
299 written argument in support of the employer's position.

300 (j) A request for postponement of a scheduled hearing
301 shall only be granted where the rights of an employer would be
302 substantially prejudiced by the denial of the request or in a
303 medical emergency. Only the secretary or his or her designee
304 has discretion to grant such requests.

305 (k) Following a hearing or after the employer has
306 waived the right to request a hearing, the secretary or his or
307 her designee may uphold or modify the civil penalty
308 assessment. This determination shall be within the sole



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309 discretion of the secretary or his or her designee.

310 (l) If the employer requests a hearing but the
311 secretary or his or her designee denies the request for a
312 hearing, the total civil penalty assessed in the notice shall
313 be the final civil penalty.

314 (m) If the employer does not request a hearing or
315 respond in writing to the notice, the total civil penalty
316 assessed in the notice shall be the final civil penalty unless
317 otherwise modified by the secretary or his or her designee.

318 (n) The department may file an action for the
319 collection of civil penalties imposed pursuant to this section
320 against an employer in the county where the violation
321 occurred.

322 ~~(o) All monies received from the assessment of any~~
323 ~~penalty pursuant to this section shall accrue to the State~~
324 ~~General Fund.~~

325 ~~(p)~~ (o) In addition to the civil penalties provided for
326 in subsection (b), an employer who violates this chapter may
327 be deemed guilty of a Class B or Class C misdemeanor. A first
328 conviction shall be deemed a Class C misdemeanor. A second or
329 subsequent conviction shall be deemed a Class B misdemeanor.

330 ~~(q)~~ (p) In addition to civil penalties provided for in
331 subsection (c), an employer who is found in violation of
332 subsection (c) involving serious physical injury to or death
333 of a minor may be deemed guilty of a Class B felony or Class C
334 felony. A first conviction shall be deemed a Class C felony. A
335 second or subsequent conviction shall be deemed a Class B
336 felony."



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337 "§25-12-7

338 (a) This chapter shall not apply to the following
339 boilers and pressure vessels:

340 (1) Boilers and pressure vessels under federal control
341 or under regulations of Title 49 of the Code of Federal
342 Regulations, Parts 192 and 193.

343 (2) Pressure vessels used for transportation and
344 storage of compressed or liquefied gases when constructed in
345 compliance with specifications of the United States Department
346 of Transportation and when charged with gas or liquid, marked,
347 maintained, and periodically requalified for use, as required
348 by appropriate regulations of the United States Department of
349 Transportation.

350 (3) Pressure vessels located on vehicles operating
351 under the rules of other state or federal authorities and used
352 for carrying passengers or freight.

353 (4) Air tanks installed on the ~~right-of-way~~
354 right-of-way of railroads and used directly in the operation
355 of trains.

356 (5) Pressure vessels that do not exceed any of the
357 following weights and measures:

358 a. Five cubic feet in volume and 250 psig pressure.

359 b. One and one-half cubic feet in volume and 600 psig
360 pressure.

361 c. An inside diameter of six inches with no limitation
362 on pressure.

363 (6) Pressure vessels having an internal or external
364 working pressure not exceeding 15 psig with no limit on size.



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365 (7) Pressure vessels with a nominal ~~water-containing~~
366 water-containing capacity of 120 gallons or less for
367 containing water under pressure, including those containing
368 air, the compression of which serves only as a cushion.

369 (8) Pressure vessels containing water heated by steam
370 or any other indirect means when none of the following
371 limitations are exceeded:

- 372 a. A heat input of 200,000 BTU per hour.
- 373 b. A water temperature of 210 degrees Fahrenheit.
- 374 c. A nominal ~~water-containing~~ water-containing capacity
375 of 120 gallons.

376 (9) Hot water supply boilers, equipped with
377 ASME-National ~~Board-approved~~ Board-approved safety relief
378 valves, which are directly fired with oil, gas, or electricity
379 when none of the following limitations are exceeded:

- 380 a. Heat input of 200,000 BTU per hour.
- 381 b. Water temperature of 210 degrees Fahrenheit.
- 382 c. Nominal ~~water-containing~~ water-containing capacity
383 of 120 gallons.

384 (10) Pressure vessels in the care, custody, and control
385 of research facilities and used solely for research purposes
386 which require one or more details of noncode construction or
387 which involve destruction or reduced life expectancy of those
388 vessels.

389 (11) Pressure vessels or other structures or components
390 that are not considered to be within the scope of ASME Code,
391 Section VIII.

392 (12) Boilers and pressure vessels operated and



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393 maintained for the production and generation of electricity. A
394 person, firm, partnership, or corporation operating such a
395 boiler or pressure vessel shall have insurance or shall be
396 self-insured. The boiler or pressure vessel shall be regularly
397 inspected in accordance with the minimum requirements for
398 safety as defined in the ASME Code by an inspector who has
399 been issued a certificate of competency by the secretary in
400 accordance with Section 25-12-10.

401 ~~(13) Boilers and pressure vessels operated and~~
402 ~~maintained as a part of a manufacturing process. A person,~~
403 ~~firm, partnership, or corporation operating such a boiler or~~
404 ~~pressure vessel shall have insurance or shall be self-insured.~~

405 ~~(14)~~ (13) Boiler or pressure vessels that are subject to
406 OSHA standards of compliance.

407 ~~(15)~~ (14) Boilers and pressure vessels operated and
408 maintained by a public utility, including, but not limited to,
409 boilers and pressure vessels operated and maintained for the
410 production of electricity.

411 ~~(16)~~ (15) Autoclaves used only for the sterilization of
412 reusable medical or dental implements in the place of business
413 of any professional licensed by the laws of this state.

414 (b) The following boilers and pressure vessels shall be
415 exempt from the requirements of subsections (b), (c), and (d)
416 of Section 25-12-14 and Sections 25-12-15 and 25-12-16:

417 (1) Boilers or pressure vessels located on farms and
418 used solely for agricultural or horticultural purposes.

419 (2) Heating boilers or pressure vessels ~~which~~ that are
420 located in private residences or in apartment houses of less



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421 than six family units.

422 (3) Any pressure vessel used as an external part of an
423 electrical circuit breaker or transformer.

424 (4) Pressure vessels on remote oil or gas-producing
425 lease locations that have fewer than 10 buildings intended for
426 human occupancy per 0.25 square mile and where the closest
427 building is at least 220 yards from any vessel.

428 (5) Pressure vessels used for storage of liquid propane
429 gas under the jurisdiction of the State Fire Marshal, except
430 for pressure vessels used for the storage of liquefied
431 petroleum gas, 2,000 gallons or above, which have been
432 modified or altered.

433 (6) Air storage tanks not exceeding 16 cubic feet, 120
434 gallons, ~~in size,~~ and ~~under~~ 250 psig pressure.

435 (7) This chapter exempts and shall not regulate any and
436 all pressure vessels associated in any way with oil, natural
437 gas, and related by-products, feedstock, and product
438 manufacturing operations, ~~including~~ exploration, production,
439 gas processing, treating refining chemical, pipeline, supply,
440 storage, and transportation. This subdivision shall not apply
441 to buildings or businesses, or both, subject to public
442 utilization."

443 "§25-12-18

444 The owner or user of a boiler or pressure vessel
445 required by this chapter to be inspected by the chief
446 inspector or his or her deputy inspector shall pay directly to
447 the chief inspector, upon completion of inspection, fees as
448 prescribed in rules ~~and regulations promulgated~~ adopted by the



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449 secretary. ~~Pressure vessel certificates of inspection fees~~
450 ~~shall not exceed ten dollars (\$10) annually.~~ The chief
451 inspector shall transfer all fees received to a separate fund
452 in the State Treasury to the credit of the department for its
453 operation. All funds, pursuant to this chapter, deposited in
454 the State Treasury shall be appropriated by the Legislature to
455 the Secretary of ~~Labor~~ Workforce pursuant to the Budget
456 Management Act and Article 4 of Chapter 4 of Title 41. ~~All~~
457 ~~fees collected above the appropriated amount shall be~~
458 ~~transferred to the General Fund at the end of each fiscal~~
459 ~~year."~~

460 "§25-13-6

461 (a) The board may consult with engineering authorities
462 and organizations concerned with standard safety codes and
463 rules governing the operation, maintenance, servicing,
464 construction, alteration, installation, and inspection of
465 elevators, dumbwaiters, escalators, and the qualifications
466 ~~which~~ that are adequate, reasonable, and necessary for an
467 elevator mechanic, contractor, and inspector. Therefore, the
468 board may recommend the amendments of applicable legislation,
469 when appropriate, to legislators.

470 (b) The board shall adopt rules for the equipment
471 regulated by this chapter. The rules shall include the Safety
472 Code for Elevators and Escalators, American Society of
473 Mechanical Engineers (ASME) A17.1; the Safety Code for
474 Existing Elevators and Escalators, ASME A17.3; the Safety
475 Standards for Platform Lifts and Stairway Chairlifts, ASME
476 A18.1; and Automated People Mover Standards, American Society



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477 of Civil Engineers (ASCE) 21. ~~After the date of publishing of~~
478 ~~the latest editions of the standards by the ASME, which is~~
479 ~~their effective date, the board shall review these editions~~
480 ~~within 12 months and determine whether to adopt the editions~~
481 ~~in part or in whole.~~ The board shall review the latest
482 editions of the standards within 12 months of the effective
483 date and determine whether the board will adopt the latest
484 editions in part, in whole, or not at all. Adoption of the
485 latest editions shall be effective no less than six months
486 from the board's review date. Any modifications to the
487 standards that the administrator deems necessary shall be
488 justified in writing by the board. ~~After adoption by the~~
489 ~~board, the latest editions of the standards by the ASME shall~~
490 ~~be effective on a date determined by the board but in no event~~
491 ~~more than six months after the board's review date.~~

492 (c) The board may grant exceptions and variances from
493 the literal requirements of applicable code and standards,
494 rules, or local legislation, or any combination of these, in
495 cases where the variances would not jeopardize the public
496 safety and welfare. The board may hear appeals, hold hearings,
497 and decide upon appeals within 30 days of the appeal.

498 (d) The board shall establish fee schedules for
499 licenses, permits, certificates, and inspections. The fees
500 shall reflect the actual costs and expenses to conduct the
501 duties as described in this chapter. All fees collected by the
502 administrator pursuant to this chapter shall be remitted to
503 the Elevator Safety Review Board Operational Fund in the State
504 Treasury to the credit of the board for its operation and for



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505 the operation of the ~~Department of Labor~~Department of
506 Workforce. Any funds appropriated for the operation of the
507 board that are not needed for current operations as determined
508 by the administrator and within the appropriation ceiling of
509 the board may be used for operation of the department. ~~All~~
510 ~~fees collected in the Elevator Safety Review Board Operational~~
511 ~~Fund above the appropriated amount shall be transferred to the~~
512 ~~State General Fund within one quarter after the end of each~~
513 ~~fiscal year.~~

514 (e) ~~In addition, the administrator may transfer unused~~
515 ~~funds in the Elevator Safety Review Board Operational Fund to~~
516 ~~the State General Fund.~~ The Elevator Safety Review Board shall
517 do all of the following:

518 (1) Require new elevator installations to comply with
519 the most recent elevator safety codes and standards in effect
520 when the building construction permit was issued or at the
521 time of the final approval by the Division of Construction
522 Management.

523 (2) Require elevator modifications or alterations to
524 comply with the most recent elevator safety codes and
525 standards that are in effect at the time the elevator permit
526 is issued."

527 "§25-13-12

528 (a) Upon approval of an application, the administrator
529 may issue a license ~~which that~~ shall be renewable ~~biennially~~
530 annually. The fee for ~~such the~~ license and for any renewal
531 thereafter shall be set by the board.

532 (b) Whenever an emergency exists in the state due to



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533 disaster, act of God, or work stoppage and the number of
534 persons in the state holding licenses granted by the
535 administrator is insufficient to cope with the emergency, the
536 licensed elevator contractors shall respond as necessary to
537 assure the safety of the public. Any person certified by a
538 licensed elevator contractor to have an acceptable combination
539 of documented experience and education to perform elevator
540 work without direct and immediate supervision shall seek an
541 emergency elevator mechanic license from the administrator
542 within five business days after commencing work requiring a
543 license. The administrator shall issue emergency elevator
544 mechanic licenses. The licensed elevator contractor shall
545 furnish proof of competency as the administrator may require.
546 Each ~~such~~ license shall recite that it is valid for a period
547 of ~~30~~90 days from the date of issuance for particular
548 elevators or geographical areas as the administrator may
549 designate and shall entitle the licensee to the rights and
550 privileges of an elevator mechanic license issued in this
551 chapter. The administrator shall renew an emergency elevator
552 mechanic license during the existence of an emergency. No fee
553 shall be charged for any emergency elevator mechanic license
554 or renewal ~~thereof~~.

555 (c) A licensed elevator contractor shall notify the
556 administrator when there are no licensed personnel available
557 to perform elevator work. The licensed elevator contractor may
558 request that the administrator issue temporary elevator
559 mechanic licenses to persons certified by the licensed
560 elevator contractor to have an acceptable combination of



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561 documented experience and education to perform elevator work
562 without direct and immediate supervision. Any person certified
563 by the licensed elevator contractor to have an acceptable
564 combination of documented experience and education to perform
565 elevator work without direct and immediate supervision shall
566 immediately seek a temporary elevator mechanic license from
567 the administrator and shall pay ~~such~~ the fee as the board
568 ~~shall determine~~ determines. Each ~~such~~ license shall recite that
569 it is valid for ~~30~~ 180 days from the date of issuance and
570 while the person is employed by the licensed elevator
571 contractor who certified the ~~individual~~ person as qualified.
572 The license shall be renewable as long as the shortage of
573 license holders shall continue.

574 (d) (1) The renewal of all licenses granted under this
575 section shall be conditioned upon the submission of a
576 certificate of completion of a course designed to ensure the
577 continuing education of licensees on new and existing
578 provisions of the regulations of the board. The course shall
579 consist of not less than eight hours of instruction and shall
580 be attended and completed within one year immediately
581 preceding any ~~such~~ license renewal.

582 (2) The course shall be taught by instructors through
583 continuing education providers and may include, but not be
584 limited to, association seminars and labor training programs.
585 The board shall approve the continuing education providers.
586 All instructors shall be approved by the board and exempt from
587 the requirements of the preceding paragraph with regard to
588 application for license renewal, l provided that the applicant



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589 was qualified as an instructor at any time during the year
590 immediately preceding the scheduled date for such renewal.

591 (3) A licensee who is unable to complete the continuing
592 education course required under this section prior to the
593 expiration of his or her license due to a temporary disability
594 may apply for a waiver from the board. This shall be on a form
595 provided by the board which shall be signed under the
596 penalties of perjury and accompanied by a certified statement
597 from a competent physician attesting to the temporary
598 disability. Upon the termination of the temporary disability,
599 the licensee shall submit to the board a certified statement
600 from the same physician, if practicable, attesting to the
601 termination of the temporary disability. At that time a waiver
602 sticker, valid for 90 days, shall be issued to the licensee
603 and affixed to his or her license.

604 (4) Approved training providers shall keep uniform
605 records, for a period of 10 years, of attendance of licensees
606 following a format approved by the board, and the records
607 shall be available for inspection by the board. Approved
608 training providers shall be responsible for the security of
609 all attendance records and certificates of completion⁷,
610 provided, ~~however,~~ that falsifying or knowingly allowing
611 another to falsify ~~such~~ attendance records or certificates of
612 completion shall constitute grounds for suspension or
613 revocation of the approval required under this section."

614 "§25-13-15

615 (a) It shall be the responsibility of individuals,
616 firms, or corporations licensed by this chapter to ensure that



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617 installation and/or service and maintenance of elevators and
618 devices described in Section 25-13-1 are performed in
619 compliance with the provisions contained in the state fire
620 prevention and building codes and with generally accepted
621 standards referenced in the code.

622 (b) (1) No company or individual licensed by this
623 chapter shall make alterations to any conveyance, including
624 software updates, parameter adjustments, programming changes,
625 etc. unless the individual is physically on property to
626 witness and verify that any and all changes result in code
627 compliance and a safe mode of operation.

628 (2) At no time shall any action in subdivision (1) be
629 performed off-site or from a remote location. Remote
630 interaction is not allowed on any conveyance in the State of
631 Alabama."

632 Section 2. This act shall become effective on October
633 1, 2026.

