

1 HB108  
2 180799-1  
3 By Representatives Patterson and Sanderford  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 07-FEB-17

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8 SYNOPSIS: Under existing law, termination dates are  
9 established for enumerated state agencies. The  
10 agencies are periodically reviewed by the Alabama  
11 Sunset Committee. After the review process is  
12 completed, the committee prepares its  
13 recommendations for the agencies to the Legislature  
14 in the form of sunset bills which either continue,  
15 terminate, or continue with modification each  
16 agency reviewed.

17 This bill would provide for the continuance  
18 of the Elevator Safety Review Board until October  
19 1, 2018, with the following change: To delete  
20 references to the discontinued American Society of  
21 Mechanical Engineers (ASME) QEI certification.

22  
23 A BILL  
24 TO BE ENTITLED  
25 AN ACT  
26

1           Relating to the Alabama Sunset Law; to continue the  
2 existence and functioning of the Elevator Safety Review Board  
3 until October 1, 2018, with certain modifications; to amend  
4 Sections 25-13-2, 25-13-6, and 25-13-9, Code of Alabama 1975,  
5 so as to delete references to the discontinued American  
6 Society of Mechanical Engineers (ASME) QEI certification.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8           Section 1. Pursuant to the Alabama Sunset Law, the  
9 Sunset Committee recommends the continuance of the Elevator  
10 Safety Review Board until October 1, 2018, with the additional  
11 recommendation for statutory change as set out in Section 3.

12           Section 2. The existence and functioning of the  
13 Elevator Safety Review Board, created and functioning pursuant  
14 to Sections 25-13-1 to 25-13-25, inclusive, Code of Alabama  
15 1975, is continued, and those code sections are expressly  
16 preserved.

17           Section 3. Sections 25-13-2, 25-13-6, and 25-13-9 of  
18 the Code of Alabama 1975, are amended to read as follows:

19           "§25-13-2.

20           "(a) As used in this chapter, the following terms  
21 shall have the following meanings:

22           "(1) ADMINISTRATOR. The State ~~Commissioner~~ Secretary  
23 of the Department of Labor or his or her designee.

24           "(2) ASCE 21. American Society of Civil Engineers  
25 Automated People Mover Standards.

26           "(3) ASME A17.1. The Safety Code for Elevators and  
27 Escalators, an American National Standard.

1           "(4) ASME A17.3. The Safety Code for Existing  
2 Elevators and Escalators, an American National Standard.

3           "(5) ASME A18.1. The Safety Standard for Platform  
4 Lifts and Stairway Chairlifts, an American National Standard.

5           "(6) AUTOMATED PEOPLE MOVER. An installation as  
6 defined as an "automated people mover" in ASCE 21.

7           "(7) BOARD. The Elevator Safety Review Board.

8           "(8) CERTIFICATE OF OPERATION. A document issued by  
9 the administrator that indicates that the conveyance has had  
10 the required safety inspection and tests, and fees have been  
11 paid as set forth in this chapter.

12           "(9) CERTIFICATE OF OPERATION; TEMPORARY. A document  
13 issued by the administrator which permits the temporary use of  
14 a non-complaint conveyance by the general public for a limited  
15 time while minor repairs are being completed.

16           "(10) CONVEYANCE. Any elevator, dumbwaiter,  
17 escalator, moving sidewalk, platform lifts, stairway  
18 chairlifts, and automated people movers.

19           "(11) DORMANT ELEVATOR, DUMBWAITER, OR ESCALATOR. An  
20 installation placed out of service as specified in ASME A17.1  
21 and ASME A18.1.

22           "(12) ELEVATOR. An installation as defined as an  
23 "elevator" in ASME A17.1.

24           "(13) ELEVATOR CONTRACTOR. Any sole proprietor,  
25 firm, or corporation who possesses an elevator contractor's  
26 license in accordance with ~~the provisions of~~ Sections 25-13-7  
27 and 25-13-8 and who is engaged in the business of erecting,

1 constructing, installing, altering, servicing, repairing, or  
2 maintaining elevators or related conveyances covered by this  
3 chapter.

4 "(14) ELEVATOR HELPER/APPRENTICE. Any person who  
5 works under the general direction of a licensed elevator  
6 mechanic. A license is not required.

7 "(15) ELEVATOR INSPECTOR. Any person, ~~as defined in~~  
8 ~~ASME OEI as an inspector,~~ who possesses an elevator  
9 inspector's license in accordance with ~~the provisions of this~~  
10 chapter.

11 "(16) ELEVATOR MECHANIC. Any person who possesses an  
12 elevator mechanic's license in accordance with ~~the provisions~~  
13 ~~of~~ Sections 25-13-7 and 25-13-8 and who is engaged in  
14 erecting, constructing, installing, altering, servicing,  
15 repairing, or maintaining elevators or related conveyances  
16 covered by this chapter.

17 "(17) ESCALATOR. An installation as defined as an  
18 "escalator" in ASME A17.1.

19 "(18) EXISTING INSTALLATION. An installation as  
20 defined as an "installation, existing" in ASME A17.1.

21 "(19) LICENSE. A written license, duly issued by the  
22 administrator, authorizing a sole proprietor, firm, or company  
23 to carry on the business of erecting, constructing,  
24 installing, altering, servicing, repairing, or maintaining or  
25 performing inspections of elevators or related conveyances  
26 covered by this chapter.

1           "(20) LICENSE, ELEVATOR CONTRACTOR'S. A license  
2 which is issued to an elevator contractor who has proven his  
3 or her qualifications and ability and has been authorized by  
4 the board to possess this type of license. It shall entitle  
5 the holder thereof to engage in the business of erecting,  
6 constructing, installing, altering, servicing, testing,  
7 repairing, or maintaining elevators or related conveyances  
8 covered by this chapter.

9           "(21) LICENSE, ELEVATOR MECHANIC. A license which is  
10 issued to a person who has proven his or her qualifications  
11 and ability and has been authorized by the board to work on  
12 conveyance equipment. It shall entitle the holder thereof to  
13 install, construct, alter, service, repair, test, maintain,  
14 and perform electrical work on elevators or related  
15 conveyances covered by this chapter.

16           "(22) LICENSE, LIMITED ELEVATOR MECHANIC. A license  
17 which is issued to a person who has proven his or her  
18 qualifications and ability, and has been authorized by the  
19 board to work on platform lifts and stairway chairlifts.

20           "(23) LICENSE, INSPECTOR. A license which is issued  
21 to ~~an ASME QEI certified elevator inspector~~ any person who has  
22 proven his or her qualifications and ability and has been  
23 authorized by the board to possess this type of license. It  
24 shall entitle the holder thereof to engage in the business of  
25 inspecting elevators or related conveyances covered by this  
26 chapter.

1           "(24) LICENSE, LIMITED ELEVATOR CONTRACTOR'S. A  
2 license which is issued by the administrator, authorizing a  
3 sole proprietor, firm, or company who employs individuals to  
4 carry on a business of erecting, constructing, installing,  
5 altering, servicing, repairing, or maintaining platform lifts  
6 and stairway chairlifts within any building or structure,  
7 including, but not limited to, private residences.

8           "(25) LICENSEE. An elevator mechanic, elevator  
9 contractor, or elevator inspector.

10           "(26) MATERIAL ALTERATION. An "alteration" as  
11 defined in the referenced standards.

12           "(27) MOVING WALK OR SIDEWALK. An installation as  
13 defined as a "moving walk" in ASME A17.1.

14           "(28) PRIVATE RESIDENCE. A separate dwelling or a  
15 separate apartment in a multiple dwelling which is occupied by  
16 members of a single-family unit.

17           "(29) REPAIR. A "repair" as defined in the  
18 referenced standards and which does not require a permit.

19           "(30) TEMPORALLY DORMANT ELEVATOR, DUMBWAITER, OR  
20 ESCALATOR. An installation whose power supply has been  
21 disconnected by removing fuses and placing a padlock on the  
22 mainline disconnect switch in the "OFF" position. The car is  
23 parked and the hoistway doors are in the closed and latched  
24 position. A wire seal shall be installed on the mainline  
25 disconnect switch by a licensed elevator inspector. This  
26 installation shall not be used again until it has been put in  
27 safe running order and is in condition for use. Annual

1 inspections shall continue for the duration of the temporally  
2 dormant status by a licensed elevator inspector. "Temporally  
3 dormant" status shall be renewable on an annual basis and  
4 shall not exceed a five-year period. The elevator inspector  
5 shall file a report with the chief elevator inspector  
6 describing the current conditions. The wire seal and padlock  
7 shall not be removed for any purpose without permission from  
8 the elevator inspector.

9 "(b) All other building transportation terms are as  
10 defined in the latest edition of ASME A17.1 and ASME A18.1.

11 "§25-13-6.

12 "(a) The board may consult with engineering  
13 authorities and organizations concerned with standard safety  
14 codes, rules, and regulations governing the operation,  
15 maintenance, servicing, construction, alteration,  
16 installation, and inspection of elevators, dumbwaiters,  
17 escalators, and the qualifications which are adequate,  
18 reasonable, and necessary for an elevator mechanic,  
19 contractor, and inspector. Therefore, the board may recommend  
20 the amendments of applicable legislation, when appropriate, to  
21 legislators.

22 "(b) The board shall establish regulations for the  
23 equipment regulated by this chapter. The regulations shall  
24 include the Safety Code for Elevators and Escalators, ASME  
25 A17.1; the Safety Code for Existing Elevators and Escalators,  
26 ASME A17.3; the Safety Standards for Platform Lifts and  
27 Stairway Chairlifts, ASME A18.1; ~~Standard for the~~



1 ~~Qualification of Elevator Inspectors, ASME QEI-1,~~ and  
2 Automated People Mover Standards, ASCE 21. The board shall  
3 adopt the latest editions of the standards within six months  
4 of their effective date. Any modifications to the standards  
5 that the administrator deems necessary shall be justified in  
6 writing by the board.

7 "(c) The board may grant exceptions and variances  
8 from the literal requirements of applicable code and  
9 standards, regulations, or local legislation, or any  
10 combination of these, in cases where such variances would not  
11 jeopardize the public safety and welfare. The board may hear  
12 appeals, hold hearings, and decide upon appeals within 30 days  
13 of the appeal.

14 "(d) The board shall establish fee schedules for  
15 licenses, permits, certificates, and inspections. The fees  
16 shall reflect the actual costs and expenses to conduct the  
17 duties as described in this chapter. All fees collected by the  
18 administrator pursuant to this chapter shall be remitted to  
19 the Elevator Safety Review Board Operational Fund in the State  
20 Treasury to the credit of the board for its operation and for  
21 the operation of the Department of Labor. Any funds  
22 appropriated for the operation of the board that are not  
23 needed for current operations as determined by the director of  
24 the department and within the appropriation ceiling of the  
25 board may be used for operation of the department. All fees  
26 collected in the Elevator Safety Review Board Operational Fund  
27 above the appropriated amount shall be transferred to the

1 State General Fund within one quarter after the end of each  
2 fiscal year.

3 "In addition, the director of the department may  
4 transfer unused funds in the Elevator Safety Review Board  
5 Operational Fund to the State General Fund.

6 "(e) The board shall be subject to the Alabama  
7 Sunset Law, Chapter 20, Title 41, as an enumerated agency as  
8 provided in Section 41-20-3, and shall have a termination date  
9 of October 1, 2005, and every four years thereafter, unless  
10 continued pursuant to the Alabama Sunset Law.

11 "§25-13-9.

12 "No inspector's license shall be granted to any  
13 person unless he or she demonstrates to the satisfaction of  
14 the administrator or other officer designated by the board  
15 that he or she meets the ~~current ASME QEI-1, Standards for the~~  
16 ~~Qualifications of Elevator Inspectors~~ qualifications  
17 established by rule of the Department of Labor for an elevator  
18 inspector."

19 Section 4. The Legislature concurs in the  
20 recommendations of the Sunset Committee as provided in  
21 Sections 1, 2, and 3.

22 Section 5. This act shall become effective  
23 immediately upon its passage and approval by the Governor, or  
24 its otherwise becoming law.