

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency: Dept. of Labor

Rule No. 490-2-3

Rule Title: Licensing and Fees

_____ New X Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Stephen McCork

Date 9-19-12

(DATE FILED)
(STAMP)

Department of
Labor

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF LABOR

RULE NO. & TITLE: 490-2-3 Licensing and Fees

INTENDED ACTION: To amend the Licensing and Fees section under the Elevator Safety Rules to reflect a new rule number.

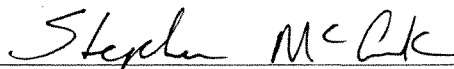
SUBSTANCE OF PROPOSED ACTION: The adoption is necessary to correctly reference the rule after the merger of the Department of Industrial Relations and The Department of Labor.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments in writing to Stephen McCormick, Department of Labor, 649 Monroe Street, Montgomery, Alabama 36131 by mail or in person between the hours of 8:00 am and 4:30 pm, Monday through Friday until and including November 05, 2012. Persons wishing to submit data, views or arguments orally should contact Stephen McCormick by telephone at (334) 242-8274 during this period to arrange an appointment.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: November 05, 2012

CONTACT PERSON AT AGENCY:

Stephen McCormick
Department of Labor
649 Monroe Street
Montgomery, AL 36131
Telephone: (334) 242-8274



Stephen McCormick
Director, Governmental Affairs

ALABAMA DEPARTMENT OF LABOR
ELEVATOR SAFETY RULES
ADMINISTRATIVE CODE

CHAPTER ~~490-2-3~~ 480-8-3
LICENSING AND FEES

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490-2-3-.01	<u>480-8-3-.01</u>	Qualifications To Be Licensed As An Elevator Mechanic.

(1) No License shall be granted to any person who has not proven their qualifications and abilities. Applicants must demonstrate the following qualifications:

(a) An acceptable combination of documented experience and education credits: not less than 3 years work experience in the elevator industry, in construction, maintenance and service/repair, as verified by current and previous employers licensed to do business in the State of Alabama. Satisfactory completion of a written examination administered by the Division on the most recent referenced codes and standards.

(b) Certificates of completion and successfully passing the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or the Canadian Elevator Industry Education Program or

their equivalent, that have been approved by the Department; or certificates of completion of an apprenticeship program for elevator mechanic, having standards substantially equal to those of this chapter, and registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor or the Alabama Department of Labor.

(2) Any person who furnishes the Board with acceptable proof that they have worked as an elevator constructor, maintenance, or repair person shall upon making application and paying the fee shall be entitled to receive a License without an examination. They shall have worked without direct and immediate supervision as a mechanic for an elevator contractor registered to do business in the State of Alabama. This employment shall not be less than 3 years immediately prior to September 1, 2003. The person must make application within one year of September 1, 2003.

(3) A license shall be issued to an individual holding a valid license from a state or province having standards substantially equal to those of this chapter, upon application and payment of the fee but without examination.

(4) A limited elevator mechanic must be certified by the manufacturer of the equipment he or she installs or an approved training program acceptable to the equipment manufacturer. This certification must accompany the application for license.

(5) A temporary elevator mechanic license good for Thirty (30) days may be issued if the following procedures are followed:

(a) On your company letterhead you must request the temporary license and certify that the applicant has 2 years minimum experience and acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision.

(b) The request must be notarized.

(c) There will be a \$50.00 processing fee to be attached to the written request.

(d) The Temporary Mechanic License will recite that it is valid for thirty (30) days from date of issuance and while the person is employed by the licensed elevator contractor who

certified the individual as qualified. The license shall be renewable as needed, for \$50.00 each renewal.

(e) The Temporary Mechanic License must be present while the work is being performed.

(f) The Temporary Mechanic License must be present while the work is being performed.

Author: Ralph P. Pate

Statutory Authority: Code of Ala. 1975, §§25-13-7,-8,-12(2003).

History: New Rule: Filed June 22, 2004; effective July 27, 2004. **Amended:** Filed August 17, 2006; effective September 21, 2006.

~~490-2-3-.02~~ 480-8-3-.02 Qualifications To Be Licensed As An Elevator Contractor.

(1) No license shall be granted to any sole proprietor, firm, or corporation that has not demonstrated the requisite qualifications and abilities. Duly authorized applicants for an elevator contractor's license must have in their employ licensed elevator mechanics who perform the work described herein and have proof of compliance with the insurance requirements as set forth in Code of Ala. 1975, §25-13-1, *et seq.*

(2) No license shall be granted to any sole proprietor, firm, or corporation that has not demonstrated the requisite qualifications and abilities. Duly authorized applicants for a limited elevator contractor's license must have in their employ licensed limited elevator mechanics who perform the work described herein and have proof of compliance with the insurance requirements as set forth in Code of Ala. 1975, §25-13-1, *et seq.*

Authors: Ralph Pate, Andrew Hamilton Smith

Statutory Authority: Code of Ala. 1975, §25-13-10.

History: New Rule: Filed June 22, 2004; effective July 27, 2004. **Amended:** Filed August 17, 2006; effective September 21, 2006.

~~490-2-3-.03~~ 480-8-3-.03 Qualifications To Be Licensed As An Elevator Inspector Or Elevator Inspection Agency.

(1) No inspector's license shall be granted to any person unless he or she demonstrates to the satisfaction of the administrator or other officer designated by the board that he or she meets the current ASME QE11 Standards for the

Qualifications of Elevator Inspectors or State standards as described in subsection (2).

(2) No license shall be granted to any entity that has not demonstrated the requisite qualifications and abilities. Notwithstanding any other provision, cities or municipalities wishing to engage in the safety inspections of existing elevators or related conveyances, the permitting and inspection of new or modernized elevators or related conveyances, may perform inspection programs on behalf of the Board, provided they meet the following requirements:

(a) The inspector shall meet the experience requirements noted in the qualifications for an inspector as set forth in ASME QEI I;

(b) The inspector must submit an application to the Alabama Department of Labor to be a licensed elevator inspector;

(c) Subsequent to inspection, the city or municipal inspector shall supply the property owner or lessee and the Administrator with a written inspection report describing any and all violations;

(d) When a unit is proven to be in safe operating condition, a Certificate of Operation shall be issued through the Alabama Department of Labor and may be issued jointly with the Municipality; and

(e) The applicant or licensee must meet all other statutory requirements and rules and regulations enforced by the Board.

Authors: Ralph Pate, Andrew Hamilton Smith

Statutory Authority: Code of Ala. 1975, §25-13-6,-9(2003).

History: New Rule: Filed June 22, 2004; effective July 27, 2004. **Amended:** Filed August 17, 2006; effective September 21, 2006.

~~490-2-3-.04~~ 480-8-3-.04 Fee Schedule.

(1) Fees shall be established as follows:

(a) Elevator Contractor's license: \$300.00;

(b) Elevator Contractor's license renewal (biennial): \$200.00;

- (c) Limited Elevator Contractor's License: \$300.00;
- (d) Limited Elevator Contractor's License renewal (biennial) \$200.00;
- (e) Elevator Mechanics and Limited License (initial and biennial renewal): \$100.00;
- (f) Elevator Inspectors License (initial) \$100.00; and biennial renewal:
- (g) Installation Permits
Elevators, per unit: \$400.00;
Plus, for each floor: \$ 15.00;
Dumbwaiter and material lifts, per unit \$250.00;
- (h) Escalator, per unit: \$250.00;
- (i) Private residence inclined lifts and elevators: \$250.00;
- (j) Special purpose personnel elevators and wheelchair lifts, per unit: \$250.00.
- (2) Two acceptance inspections and the operating permit fees are included in the installation permit fee. All additional inspections shall be \$260.00 per visit.
- (3) Major Alteration Permits:
 - (a) Each alteration - one item as outlined in Section 1200 and 1201 of the Standard, per unit: \$250.00;
 - (b) Each additional alteration, per unit: \$250.00;
 - (c) Maximum alteration fee, per unit: \$500.00.
 - (d) The acceptance inspection fee is included in the major alteration permit fee. The alterations inspection will not change the normal inspection or the operating permit due date. Additional inspections shall be \$250.00.

- (4) Operating Permits:
 - (a) Oneyear permit: \$ 75.00;
 - (b) Temporary permit: \$260.00.
- (5) Inspections by a licensed inspector per unit: \$ 90.00.

Authors: Ralph Pate

Statutory Authority: Code of Ala. 1975, §25-13-6,-12(2005).

History: New Rule: Filed June 22, 2004; effective July 27, 2004. **Amended:** Filed December 29, 2004; effective February 2, 2005. **Amended:** Filed August 17, 2006; effective September 21, 2006. **Amended:** Filed March 11, 2008; effective April 15, 2008. **Amended:** Filed September 11, 2009; effective October 16, 2009.

~~490-2-3-.05~~ 480-8-3-.05 Renewal Of License.

(1) A license issued by the Board shall be valid for two years. The Board may renew a license, provided the applicant submits a written application for renewal accompanied by the required fee prior to expiration of the license.

(2) Applicants for license renewal shall provide evidence, satisfactory to the Board, of completion of eight hours of instruction approved by the Board, designed to ensure the continued qualifications of the applicant.

(3) If a license is allowed to lapse it may be renewed within one year of its expiration date by the payment of \$25.00 in addition to the renewal fee.

(4) If a license is not renewed within one year of its expiration date the inactive licensee shall make application for a new license and shall follow the appropriate licensing procedure.

Author: Andrew Hamilton Smith

Statutory Authority: Code of Ala. 1975, §25-13-6,-7,-12(2003).

History: New Rule: Filed June 22, 2004; effective July 27, 2004. **Amended:** Filed December 29, 2004; effective February 2, 2005.

~~490-2-3-.06~~ 480-8-3-.06 Emergency And Temporary Mechanics Licenses.

(1) Whenever an emergency exists in the state due to disaster, act of God, or work stoppage, as declared by the President of the United States or Governor of Alabama, and the number of persons in the state holding licenses granted by the administrator is insufficient to cope with the emergency, the licensed elevator contractors shall respond as necessary to assure the safety of the public. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic license from the administrator within five business days after commencing work requiring a license. The administrator shall issue emergency elevator mechanic licenses. The licensed elevator contractor shall furnish proof of competency as the administrator may require. Each such license shall recite that it is valid for a period of 30 days from the date of issuance for particular elevators or geographical areas as the administrator may designate and shall entitle the licensee to the rights and privileges of an elevator mechanic license issued in this chapter. The administrator shall renew an emergency elevator mechanic license during the existence of an emergency. No fee shall be charged for any emergency elevator mechanic license or renewal thereof.

(2) A licensed elevator contractor shall notify the administrator when there are no licensed personnel available to perform elevator work. The licensed elevator contractor may request that the administrator issue temporary elevator mechanic licenses to person certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately seek a temporary elevator mechanic license from the administrator and shall pay a fee of \$50 per month. Each such license shall recite that it is valid for 30 days from the date of issuance and while the person is employed by the elevator contractor who certified the individual as qualified. The license shall be renewable as long as the shortage of license holders shall continue.

(3) For purposes of this Rule, the phrase "acceptable combination of documented experience and education" shall mean at least two years of experience in performing elevator work and the completion of a least 288 hours of Board-approved education relating to the same.

Author: Andrew Hamilton Smith

Statutory Authority: Code of Ala. 1975, §25-13-12(2003).

History: New Rule: Filed June 22, 2004; effective July 27, 2004. **Amended:** Filed December 29, 2004; effective February 2, 2005.

490-2-3-.07 480-8-3-.07 Continuing Education.

(1) The renewal of all licenses granted under the provisions of this section shall be conditioned upon the submission of a certificate of completion of course(s) designed to ensure the continuing education of the holder of a License on new and existing provisions of the regulations of the Division. Such course(s) shall consist of not less than eight hours of instruction that shall be attended and completed within the year immediately preceding the renewal.

(2) The course(s) shall be taught by instructors through continuing education providers that may include, but shall not be limited to, association seminars, and labor training programs. The Board shall approve the continuing education providers. All instructors shall be approved by the Board and are exempt from the requirements of the preceding paragraph with regard to their application for License renewal provided that such applicant was qualified as an instructor at any time during the year immediately preceding the renewal.

(3) A holder of a License who is unable to complete the continuing education course required under this section prior to the expiration of their License due to a temporary disability may apply for a waiver from the Division. This will be on a form provided by the Division, shall be signed under the pains and penalties of perjury and shall be accompanied by a certified statement from a competent physician attesting to such temporary disability. At that time a waiver sticker, valid for 90 days, shall be Issued to such person and affixed to their License. Upon the termination of such temporary disability, such person shall submit to the Division a certified statement from the same physician, if practicable, attesting to the termination of such temporary disability.

(4) Approved training providers shall keep uniform records, for a period of ten years, of attendance of person holding an License following a format approved by the Division and such records shall be available for Inspection by said Division at its request. Approved training providers shall be responsible for the security of all attendance records and

certificates of completion; provided, however, that falsifying or knowingly allowing another to falsify such attendance records or certificates of completion shall constitute grounds for suspension or revocation of the approval required under this section.

Author: Andrew Hamilton Smith

Statutory Authority: Code of Ala. 1975, §25-13-12(2003).

History: New Rule: Filed June 22, 2004; effective July 27, 2004. **Amended:** Filed December 29, 2004; effective February 2, 2005.

~~490-2-3-.08~~ 480-8-3-.08 Permits.

(1) An application for a permit shall be filed with the department in accordance with Code of Ala. 1975, §25-13-16(d) for all elevator work covered under these rules.

(2) Each application for a permit shall be accompanied by copies of specifications and accurately-scaled and fully-dimensioned plans that clearly indicate location of the elevator in the building; the location of the machinery room and the equipment to be installed, relocated or altered; all structural supporting members, including foundations; and a specification of all materials to be used and all loads to be supported or conveyed. The plans and specifications shall be sufficiently complete to illustrate all details of construction and design.

(3) The applicable fees shall accompany each permit application.

(4) A permit may be revoked for any of the following reasons:

(a) Where any false statements or misrepresentations were made as to the material facts in the application, plans, or specifications on which the permit was based.

(b) Where the permit was issued in error and should not have been issued in accordance with this chapter.

(c) Where the work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with this chapter or conditions of the permit.

(d) Where the elevator contractor to whom the permit

was issued fails or refuses to comply with a STOP WORK order.

(e) If the work authorized by the permit is not commenced within six months after the date of issuance or within a shorter period of time as the administrator, or his or her authorized representative in his or her discretion, may specify at the time the permit is issued.

(f) If the work is suspended or abandoned for 60 days, or shorter time as the administrator may specify at the time the permit is issued, after the work has been started.

(5) The administrator may allow an extension of time at his or her discretion.

Author: Andrew Hamilton Smith

Statutory Authority: Code of Ala. 1975, §25-13-6,-16,-20(2003).

History: New Rule: Filed June 22, 2004; effective July 27, 2004.