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Details:

(FORM UPDATED: 07/12/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Commerce, Utilities and Rail (SC-CUR)

COMMITTEE NOTICES ...

- Committee Reports ... CR
- Executive Sessions ... ES
- Public Hearings ... PH
- Record of Comm. Proceedings ... RCP

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... Appt
- Clearinghouse Rules ... CRule
- Hearing Records ... bills and resolutions
(ab = Assembly Bill) (ar = Assembly Resolution) (ajr = Assembly Joint Resolution)
(sb = Senate Bill) (sr = Senate Resolution) (sjr = Senate Joint Resolution)
- Miscellaneous ... Misc

George A. Klaetsch

From: Performance [performelevcons@wi.rr.com]
Sent: Monday, August 04, 2008 6:03 PM
To: 'George A. Klaetsch'
Subject: FW: Final Rules Draft for chapters Comm 2, 5, and 18

FYI.

From: Swaziek, Larry J - COMMERCE [mailto:Larry.Swaziek@Wisconsin.gov]
Sent: Wednesday, July 30, 2008 3:13 PM
To: Performance; jesse_the_k@pobox.com; cking@cityofalaska.com; george.semenak@gapac.com; kkraemer@kraemerbrothers.com; iuec15buck@yahoo.com; andrew.zielke@us.schindler.com
Subject: RE: Final Rules Draft for chapters Comm 2, 5, and 18

Conveyance Safety Code Council members:

Paul is correct in that I did mention at the last council meeting and in subsequent e-mails to him that the department would share the hearing comments, agency responses and changes in the draft that went to hearing before we forwarded them to the legislature. As I mentioned to Paul in my e-mails, it does take time to assemble these documents and route them internally through the department for review and acceptance before we can even have something to share with the council. Well, it was late last week that the documents were deemed acceptable for distribution. In our haste to get this package to the legislature, along with the other code change packages, prior to the September 1, 2008 drop-dead date, we forwarded this package along with the others.

Because of the small number of hearing comments and proposed changes in the rule draft going to the legislature, the department, internally, decided that we would not forward the package to the Conveyance Safety Code Council for comment. We would submit the package to the legislature and inform the council of what was forwarded. I, in error, did not notify Paul of this decision by the department and did not give him a chance to comment on the decision prior to the mailing to the legislature. I am not sure we would have decided to share the package with the council prior to submittal to the legislature but apologize to Paul and the council for not giving you the opportunity to comment as stated in the previous council meeting.

The package has been forwarded to the legislature for assignment to a committee in the House and a committee in the Senate. If you have questions on the rule package, please feel free to contact me.

Sincerely,

Larry Swaziek, P.E.
 Program Manager
 Safety and Buildings Division
 201 West Washington Ave, 4th Floor
 PO Box 2689
 Madison, WI 53701-2689

608/267-7701 voice
 608/264-8795 fax
 Larry.Swaziek@Wisconsin.gov e-mail

From: Performance [mailto:performelevcons@wi.rr.com]
Sent: Tuesday, July 29, 2008 5:40 PM
To: jesse_the_k@pobox.com; cking@cityofalaska.com; george.semenak@gapac.com; kkraemer@kraemerbrothers.com; iuec15buck@yahoo.com; andrew.zielke@us.schindler.com; Holmes, David E - COMMERCE; Meneguini, Dan - COMMERCE; Rausch, Brian - COMMERCE; Swaziek, Larry J - COMMERCE

8/20/2008

Subject: Final Rules Draft for chapters Comm 2, 5, and 18

Hello Council

Attached are direct links to the three Documents for the Comm 18 changes referenced in Todd Taylor's email of yesterday.

Rules in Final Draft Form <http://commerce.wi.gov/SBdocs/SB-CodeDevComm18LegRevDrft0708.pdf>

Public Hearing Comments <http://commerce.wi.gov/SBdocs/SB-CodeDevComm18HrngComs0708.pdf>

Transmittal Documents <http://commerce.wi.gov/SBdocs/SB-CodeDevComm18TransDocs0708.pdf>

For a quick synopsis of the changes made by Commerce from the Hearing Draft Rules document to the Final Draft Rules, look at the summary of Public Hearing Comments document, and especially the Agency Response column for Exhibits #7 and #10. When comparing the 26 pages of Rules against the previous version, the changes in the Final Draft pretty much mirror those two Agency Responses. I didn't see any elevator related comments in the Comm 2 and 5 Public Hearing Comments which can be obtained through Todd Taylor's email links.

My comments:

I did receive a call from Larry Swaziek yesterday advising that the Final Draft Rules were sent to the Legislature and emailed to subscribers of the Safety and Buildings Division conveyance safety / elevators list.

Although not much was changed, the Council never had the opportunity that we had been promised to preview the Public Hearing and written comments (from 2-1/2 months ago), and to provide input before the Final Draft Rules were sent to the Legislature for approval.

I like 95% of the package but still differ on a couple of items that might have been revisited had we scheduled a telephone conference. My issues are the cost to Owners of converting to the FEO-KI key as identified in my written comments (exhibit #2) and not testing all hydraulic elevators annually. Exhibit #9 (b) also identifies the testing issue. Since both were in the written comments they should have been subject to further discussion in a telephone conference at a minimum.

At the last Council meeting of March 13 we were promised the opportunity to weigh in on the Public Hearing and written comments, as I was in three subsequent emails. In the end, we realize that Commerce can accept or reject the Council's recommendations had we been given a chance to provide them, as it is only an advisory Council.

However I request that Larry to respond directly to the Council within the next day or so to provide an explanation to what has just occurred.

Best Regards,

Paul S. Rosenberg

Performance Elevator Consulting, LLC.

Voice/Fax 262-242-3077, Mobile 262-853-1054

✉Email: PerformElevCons@wi.rr.com

8/20/2008



Larry/Bob:

The EIWPF has one question regarding the final draft rule (the question also references ACT 456 as well) that we are hoping Commerce can respond to in a timely manner. I have been visiting with Sen. Plale and Rep. Van Roy about this inquiry as they are the Committee Chairs of the respective committees that currently have jurisdiction of the rule. I indicated to them both that if we are able to get a satisfactory answer we would most likely not object to the final draft rule or seek any hearing on the 2nd rule draft.

Thanks for your attention to this matter. We look forward to your timely response.

From: EIWPFCGR@aol.com [mailto:EIWPFCGR@aol.com]

Sent: Wednesday, August 06, 2008 10:00 AM

To: gklaetsch@pasiinc.com

Subject: Inspectors and mechanic licensing

George,

Per our discussion on the phone yesterday I did some research and came up with the following information and question for the department.

Under the Standard for the Qualification of Elevator Inspectors (ASME QEI-1-2004) Part 2 section 2.1 the first sentence states "An inspector shall meet the definition of "Elevator Personnel" in ASME A 17.1 Section 1.3 and have documented training and at least 1 year of experience performing inspection and performing or witnessing tests specified in ASME A 17.1 and A 18.1." It goes on and list a whole host of other qualifications.

ASME A 17.1 Sec.1.3 includes the definition of elevator personnel and states "Persons who have been trained in the construction, maintenance, repair, inspection, or testing of equipment".

When you look at the qualification for an elevator mechanic license under the Wisconsin Act a person must meet one of the following.

1. Demonstrate to the satisfaction of the department that a person is adequately qualified and able to perform the work of an elevator mechanic.
2. During the 3 years preceding the date of application, was continuously employed in a position requiring the individual to perform work that is at a journeyman level and that is relevant to the erection, construction, alteration, replacement, maintenance, repair, removal, or dismantling of conveyances as verified by the individual's employers.
3. Satisfactorily completes a written examination administered by the department covering the provisions of this subchapter, and rules promulgated under this subchapter, that are relevant to the license applied for or satisfactorily completes an elevator mechanic's examination approved by the department and administered by a nationally recognized training program established by the elevator industry.
4. Satisfactorily completes an elevator mechanic's apprenticeship program that is approved by the U.S. Department of labor or by the department of workforce development.

Then there are the sub paragraph's (am) to (d) that apply.

I do not believe the current inspectors that work for the state would qualify under any of the provisions of the act. It is my understanding that there are currently two inspectors that work for the state and neither one of those has completed any apprenticeship program. They have not been employed in the three previous years performing mechanic level work and therefore should not be allowed to take a test to secure a license.

The question that needs to be asked is under what provision of the act would the department use to allow those they are thinking of licensing to use that would allow them to qualify as a mechanic? They should not be grandfathered as mechanics just because they are currently state inspectors. If the state issues them a mechanic license and then at a later date they leave the employment of the state they could go into the private sector and start working as mechanics even though they were not qualified which would totally undermine the safety that is established by the act itself.

Gregg A. Rogers
National Coordinator, EIWPF
28030 Prospect Ave
Adel, IA 50003
(515) 993-4902 Phone
(515) 993-3669 Fax

8/20/2008

George A. Klaetsch

From: Paul Rosenberg [prosenberg@wi.rr.com]
Sent: Thursday, August 07, 2008 10:27 PM
To: 'George A. Klaetsch'; 'Swaziek, Larry J - COMMERCE'; 'DuPont, Robert - COMMERCE'
Cc: iuec15buck@yahoo.com; 'Gregg Rogers'
Subject: Inspectors and mechanic licensing

Gregg has raised a valid concern on eligibility of the Elevator Mechanic license. Personally I think that there needs to be a clarification on the minimum qualifications of Elevator Mechanic and Elevator Mechanic-Restricted for consideration, and determine how to verify that the 'witness' signing the form is providing a factual work related reference.

For the record, what is currently in COMM 5.992(1)(c) is different from the earlier Wisconsin Act that Gregg cites below, and changed the requirement to "Having been employed for at least 1000 yours per year for 5 years preceding the date of license application and the employment includes elevator mechanic level work experience in each year of the 5 years". So it is no longer the 3 years preceding the date, and most of the other more specific requirements were deleted as well.

I don't believe the final language came out exactly as we intended. It was changed to be friendlier to qualified elevator company management that formerly worked in the field. According to COMM 5.992, if a person worked anywhere near an elevator 1000 hours per year for 5 years and changed a relay once each year they are eligible for a mechanic license! If some minimum experience level isn't identified, just about anyone - including all Apprentices and Helpers who have been around 5 years - will be eligible for a grandfathered MECHANIC license. And maybe a few elevator company truck drivers that helped on an occasional repair might be eligible too. So we didn't do a great job in crafting this language.

Another correction - the State employs six Elevator Inspectors, and there are many more private contractor inspectors. Some clearly possess the work experience to earn a Mechanic license, for others it isn't so clear. The Inspectors are probably more qualified than the helpers and apprentices, sales people, truck drivers, and supervisors without field experience that might be considered qualified by the Final Draft Rules.

I think we need to consider the Final Draft language in COMM 5.992 and COMM 5.993 and see if there are options to tighten the eligibility. All Elevator Mechanic and Elevator Mechanic-Restricted license applications should be held up at the present time and not processed. Better to do it right rather than issue licenses to unqualified personnel, which would defeat the intent of the legislation.

My other point is that you can get someone to sign the application form and attest to alleged qualifications, but who is checking the experience claimed? If I turn in a form that someone has signed stating I worked 20 years as a qualification, is the State just going to accept the signed statement without verification? Otherwise the greater the exaggerated experience claimed on the form might result in a greater the chance of obtaining the license.

Best Regards,

Paul S. Rosenberg

Performance Elevator Consulting, LLC.
 Voice/Fax 262-242-3077, Mobile 262-853-1054
 ✉Email: PerformElevCons@wi.rr.com

From: George A. Klaetsch [mailto:gklaetsch@pasiinc.com]
Sent: Thursday, August 07, 2008 9:58 AM
To: 'Swaziek, Larry J - COMMERCE'; 'DuPont, Robert - COMMERCE'
Cc: 'Paul Rosenberg'
Subject: FW: Inspectors and mechanic licensing

8/20/2008





SENATOR JEFF PLALE
SEVENTH SENATE DISTRICT

CHAIR
COMMITTEE ON COMMERCE, UTILITIES, AND RAIL

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ATTN:
Bob Dutoit

August 21, 2008

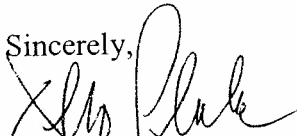
Aaron Olver
Deputy Secretary
Wisconsin Department of Commerce
201 West Washington Avenue
Madison, WI 53701

Dear Deputy Secretary Olver:

I am writing to request a meeting with you and or your staff regarding a recent clearinghouse rule your department submitted to the Legislature for review. As Chair of the Senate Commerce, Utilities, and Rail Committee, I would like to meet with the Department of Commerce regarding Clearinghouse Rule 08-030, relating to the technical requirements for conveyances and affecting small businesses. This request extends the legislative review period for this rule to September 28, 2008.

Please contact Megan Stritchko in my office at 608-266-7505 to arrange this meeting. Thank you and I look forward to meeting with you.

Sincerely,


JEFF PLALE
State Senator
7th Senate District

cc: Jeff Renk, Assistant Chief Clerk, Wisconsin Senate
Rep. Karl Van Roy







Correspondence Memorandum

Date: Thursday, September 11, 2008

To: Senator Jeff Plale

From: George Klaetsch

Re: Commerce Rule Draft – Chapters 2, 5, 18

The proposed final draft Commerce Rule (specifically Comm 5.992) fails to comply with legislative intent and also potentially imposes an undue hardship on elevator workers who are qualified to receive an elevator mechanics license in WI.

Background – Requirements For Elevator Mechanic License

- The National Elevator Industry Education Program (NEIEP) education program has been a mandatory part of the training to become an elevator mechanic since 1979 and has produced over 95 percent of all elevator mechanics in the USA.
- It is the model used by all elevator education programs that exist today.
- It not only requires a 70 percent passing grade but it requires a 70 percent attendance record in the classroom, where the student must complete 1700 hours of on the job training in order to sit for the mechanics test.
- The elevator industry (Union and Companies) worked together to develop the curriculum using the latest technology available.

Comm Rule 5.992 Fails to Comply With Legislative Intent

- The legislative intent of 2005Act 456 was to permit any program registered with the US Department of Labor, Bureau of Apprenticeship and Training (USDOL-BAT) to qualify a person as an elevator mechanic.
- In its current form, Comm. 5.992 would not allow aspiring WI elevator mechanics to become licensed because the rule will not recognize experienced mechanics that completed the NEIEP test prior to 2002. *Recognizing previous, NEIEP,*

* Comm Rule 5.992 Imposes An Undue Hardship

- The proposed rules will impose restrictions on qualified elevator mechanics whether they are union or non-union employees. There are mechanics that have passed the most intense mechanics exam prior to the US Department of Labor, Bureau of Apprenticeship and Training (USDOL-BAT) recognized the National Elevator Industry Education Program (NEIEP) as meeting the requirements established to qualify as a registered program.
- For the workers who do not participate in the NEIEP program the rules would be even more restrictive since most of the workers who do not work for a signatory contractor would not necessarily have access to an apprenticeship program.

- By the department only going back to the time the DOL-BAT recognized the NEIEP program denies those who completed the NEIEP program and thus creates a barrier to the most qualified persons.

Recommendation

- Discuss and propose Final Draft Rule changes to Comm 5.992 with Commerce and Senator Plale
 - Commerce will provide revisions by September 19
- Legislative fix in 2009



Current Language

Existing language for COMM 5.992(1)(c) from "Having been employed for at least 1000 hours per year for 5 years preceding the date of license application and the employment includes elevator mechanic level work experience in each year of the 5 years"

Suggested change to COMM 5.992(1)(c)

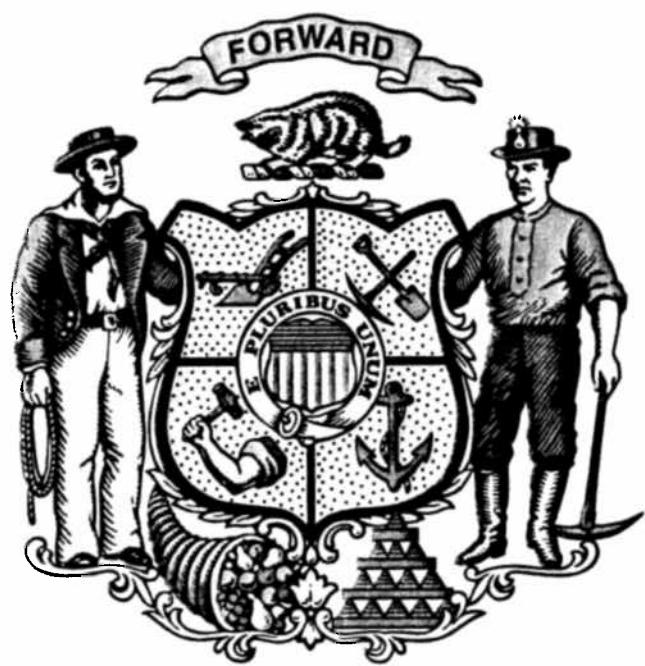
"Having been employed for at least 1000 hours per year for 5 years preceding the date of license application and the employment includes elevator mechanic level work experience for a minimum of 500 hours in each year of the 5 years"

Current Language

Existing language for COMM 5.993(1)(c) from "Having been employed for at least 1000 yours per year for 3 years preceding the date of license application and employment includes elevator mechanic-restricted level work experience in each year of the 3 years"

Suggested change to COMM 5.993(1)(c)

"Having been employed for at least 1000 yours per year for 3 years preceding the date of license application and employment includes elevator mechanic-restricted level work experience for a minimum of 500 hours in each year of the 3 years"



RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 08-030

Rule No.: Chapters Comm 5, 18 and 21

Relating to: Conveyance Safety Code

Contact person for substantive questions:

Contact person for internal processing:

Name Larry Swaziek

Name Larry Swaziek

Title Program Manager

Title Program Manager

Telephone Number 267-7701

Telephone Number 267-7701

1. **Basis and purpose of the proposed rule.**

The purpose of the proposed rule includes all of the following:

- Adoption of the most current edition of the ASME A17.1, Safety Code for Elevators and Escalators and ASME A18.1, Safety Standards for Platform Lifts and Stairway Chairlifts and modification to these standards where necessary to reflect any Wisconsin statutes or to improve clarity and usability of the code.
- Modification of chapter Comm 18 to require elevators and dumbwaiters serving dwelling units to comply with the technical requirements specified under this chapter.
- Modification of chapter Comm 5 to include licensing requirements for individuals installing, maintaining or repairing elevators and dumbwaiters serving dwelling units.
- Modification of chapter Comm 5 to permit the installation, maintenance or repair of private residence elevators, dumbwaiters, platform lifts and stairway chairlifts by individuals holding credentials as a lift mechanic, lift apprentice or a lift helper.

2. **How the proposed rule advances relevant statutory goals or purposes.**

The proposed changes are consistent with recent legislation under s. 101.981 to 101.988, Stats., which will require plan review and inspection of elevators and dumbwaiters serving dwelling units and will require installers of these units to be licensed in accordance with chapter Comm 5.

3. **Changes to the rule analysis or fiscal estimate that was prepared for public hearing.**

No changes were necessary to the fiscal estimate prepared for public hearing.





State of Wisconsin \ Department of Commerce

HEARING DRAFT of PROPOSED RULES

Rule No.: Chapter 5, 18 and 21
Relating to: Conveyance Safety Code

The Department of Commerce proposes an order to:

- repeal ss. Comm 18.1702 (3), Comm 18.1705 (3), Comm 18.1802 (7) (d), Comm 18.1802 (8) (b), Comm 18.1803 (2) (b), Comm 18.1803 (4);
- renumber ss. Comm 18.1002 (1) (a) to (p), Comm 18.1004 (6) and (7), Comm 18.1004 (9), Table Comm 18.1013-1 lines 10. to 13., Comm 18.1702 (4) to (8), Comm 18.1702 (10) (b), Comm 18.1705 (4) to (6), Comm 18.1802 (8) (c) and (d), Comm 18.1803 (2) (a) 1. and 2.;
- renumber and amend s. Comm 18.1004 (8), Comm 18.1702 (5) Note;
- amend ss. Comm 5.003 (10g), Comm 5.991 (1) (c), Comm 5.998 (1) (b), Comm 5.999 (1) (b), Comm 18.1001, Comm 18.1002 (1) (intro.), Comm 18.1003 (1) (a) and (b) 2., Comm 18.1004 (5), Comm 18.1005, Comm 18.1007 (1) (b), Comm 18.1009 (1), Comm 18.1013 (1) and (2) (intro.), (2) (b) 1. to 3. and 5. and 6., Comm 18.1013 93) (a) 1. and 2., Comm 18.1014 (1), (2) and (4) (b), Comm 18.1015 (1), (2) (c), (3) and (4) (a) and (b), Comm 18.1701 Note 2, Comm 18.1702 (2) (c) (intro.), Comm 18.1702 (5) Note, Comm 18.1705 (1), Comm 18.1707 (3) Note, Comm 18.1709, Comm 18.1800, Comm 18.1802 (7) (a), Comm 18.1803 (1) (b) (intro.), Comm 18.1803 (3) (b), Comm 18.1804 (2), Comm 18.1808 (1);
- repeal and recreate ss. Comm 18.1008, Comm 18.1015 (4) (c), Comm 18.1705 (2), Comm 18.1708, Comm 18.1801 (3), Comm 18.1802 (1) and (2), Comm 18.1802 (8) (a) Note, Comm 18.1810 (2); and
- create ss. Comm 18.1002 (1) (a) 17., Comm 18.1002 (1) (b), Comm 18.1004 (6), Comm 18.1004 (10), Comm 18.1007 (2) (a) Note, Table Comm 18.1013-1, line 10., Comm 18.1702 (8), Comm 18.1702 (10) (b), Comm 18.1820 and Comm 21.115, relating to the technical requirements for conveyances and affecting small businesses.

Analysis of Proposed Rules

1. Statutes Interpreted.

Sections 101.02 (15) (h) to (j), 101.17, 101.63 (1), and 101.981 to 101.985, Stats.

2. Statutory Authority.

Sections 101.02 (15) (h) to (j), 101.17, 101.63 (1), and 101.981 to 101.985, Stats.

3. Related Statute or Rule.

Chapters Comm 60 to 66, Wisconsin Commercial Building Code
Chapters Comm 20 to 25, Wisconsin Uniform Dwelling Code

4. Explanation of Agency Authority.

Under the authority of ss. 101.17, 101.63 and 101.982, Stats., the Department has the authority to promulgate rules for the safe installation and operation of conveyances (elevators, escalators and lift devices). Under the authority of ss. 101.17, 101.983 and 101.988, Stats., the Department has the authority to promulgate rules for required permits, inspection and enforcement of the technical standards. Under the authority of ss. 101.984 and 101.985, Stats., the Department has the authority to develop licensing and permitting requirements related to the installation of conveyances.

5. Summary of Proposed Rules.

The primary revisions to chapter Comm 18 are to adopt the most current editions of the ASME A17.1, Safety Code for Elevators and Escalators and the ASME A18.1, Safety Standard for Platform Lifts and Stairway Chairlifts relating to the regulation of conveyances. The rules under this chapter are also being updated to require elevators and dumbwaiters serving dwelling units to comply with the technical requirements established in chapter Comm 18, as authorized by recent legislation. The proposed rules contain a number of modifications to the technical requirements within these standards, reorganization of current requirements and editorial changes. The following is a summary of the major rule changes to these chapters:

- (a) The definition of “conveyance” is included under chapters Comm 5 and 18 and the definition excludes platform lifts and stairway chairlifts from regulations when they serve private dwelling units. A definition of “dwelling unit” has also been included under Comm 18. [See Comm 5.003 (10g) and Comm 18.1004 (6) and (10)]
- (b) The licensing requirements for conveyance contractors and installers in chapter Comm 5 are being updated to require such licensure for the installation of elevators and dumbwaiters serving dwelling units. [See Comm 5.003 (10g), 5.991, 5.998 and 5.999]
- (c) The rules have been modified to differentiate between conveyances installed in public buildings and places of employment and to specifically identify those conveyances that will be included for code application when they are installed in dwelling units. [See Comm 18.1002 (1) (b)]
- (d) Chapter Comm 18 has been modified in numerous places to use the term “conveyances” in place of the terms “elevators, escalators and lift devices.” [See Comm 18.1008, 18.1009, 18.1013, 18.1014 and 18.1015]

- (e) A requirement will be created to indicate that ASME A17.1 section 5.3 applies to elevators serving dwelling units, except for those private residence elevators installed in public buildings and places of employment prior to July 1, 2002. The requirements for private residence inclined elevators as specified under ASME A17.1 section 5.4 will now apply to dwelling units and the current requirement indicating that ASME A17.1 section 5.4 requirements do not apply will be repealed. [See Comm 18.1705 (2) and 18.1705 (3)]
- (f) The plan review requirements will be the same for elevators or dumbwaiters installed in public buildings, places of employment or serving dwelling units, except plans submitted for elevators or dumbwaiters serving dwelling units will not be required to contain the stamp of the supervising building designer. [See Comm 18.1013 (2) (b) 6.]
- (g) Periodic inspection intervals will be the same for elevators or dumbwaiters installed in public buildings, places of employment or serving dwelling units, which will require an annual routine inspection and an annual permit to operate. [See Comm 18.1014 and 18.1708]
- (h) The wording under ASME A17.1 section 2.27.3 relating to Phase I emergency recall operation has been clarified to require only those elevators serving a specific lobby to be recalled when the fire alarm initiating device serving that lobby is activated. [See Comm 18.1702 (10)]
- (i) The 2007 edition of the ASME A17.1 Safety Code for Elevators and Escalators and the 2005 edition of the ASME 18.1 Safety Standard for Platform Lifts and Stairway Chairlifts will be adopted by reference. [See Comm 18.1005]
- (j) The periodic inspection and tests of hydraulic elevators, specifically, the relief valve setting and system pressure test and the hydraulic cylinders and pressure piping tests will apply to hydraulic elevators installed prior to January 1, 1994 and that have below ground cylinders. [See Comm 18.1708 (3) and (11) (a)]
- (k) In accordance with the 2005 Wisconsin Act 456, routine inspections and tests of stairway chairlifts installed in public buildings, places of employment will be made at intervals not longer than one year. [See Comm 18.1810 (2)]
- (l) A number of Wisconsin modifications relating to the height of grab rails in platform lifts have been eliminated since the ASME A18.1 Standard now covers this requirement. [See Comm 18.1802 (1) (c) and (e) 2.]
- (m) Create rules to cover special platform lifts for use in courtrooms. [See Comm 18.1801 and 18.1820]

- (n) Create a requirement under the Uniform Dwelling Code (UDC) that will reference chapter Comm 18 when an elevator or dumbwaiter is installed that will serve a dwelling unit covered under the UDC. [See Comm 21.115]

6. Summary of, and Comparison with, Existing or Proposed Federal Regulations.

There are no existing or proposed federal regulations that address or impact the activities to be regulated by this rule.

7. Comparison with Rules in Adjacent States.

An Internet-based search found that all of the adjacent states adopt by reference certain editions of the ASME A17.1, Safety Code for Elevators and Escalators and the ASME A18.1, Safety Standard for Platform Lifts and Stairway Chairlifts. The adjacent states also create amendments to the adopted standard similar to Wisconsin's administrative rules relating to elevators, escalators and lift devices.

The following are the adjacent states and the edition of the ASME coded they adopt and enforce:

- (a) The Illinois Office of the State Fire Marshal, Division of Elevator Safety is responsible for implementing the Elevator Safety and Regulation Acts. The 2004 edition of the ASME A17.1, Safety Code for Elevators and Escalators, the 2005 A17.1a, Addenda and the 2005 edition of the ASME A18.1, Safety Standard for Platform Lifts and Stairway Chairlifts are both adopted by reference.
- (b) The Iowa Department of Workforce Development, Division of Labor Services, Elevator and Escalators oversees that all elevators, escalators, dumbwaiters and related equipment must comply with all rules and statutes. The 2004 edition of the ASME A17.1, Safety Code for Elevators and Escalators, the 2003 edition of the ASME A18.1, Safety Standard for Platform Lifts and Stairway Chairlifts are both adopted by reference.
- (c) The Minnesota Department of Labor and Industry is responsible for enforcing minimum requirements relating to building codes, including elevators and related devices. The requirements include the design, construction, installation, alteration, repair, removal and operation and maintenance of passenger elevators. The 2004 edition of the ASME A17.1, Safety Code for Elevators and Escalators and the 2005 edition of the ASME A18.1, Safety Standard for Platform Lifts and Stairway Chairlifts are both adopted by reference.

- (d) The Michigan Department of Labor and Economic Growth is responsible for issuing permits, the examination and licensing of elevator journeypersons and contractors, inspecting of elevators, escalators and dumbwaiters, complaint investigations and reporting elevator accidents. The state rules establish, for the protection of the general public, minimum safety requirements for inspection, construction, installation, alteration, maintenance, repair and operation of elevators. The 2004 edition of the ASME A17.1, Safety Code for Elevators and Escalators and the 2003 edition of the ASME A18.1, Safety Standard for Platform Lifts and Stairway Chairlifts are both adopted by reference.

8. Summary of Factual Data and Analytical Methodologies.

The primary methodology for updating the Wisconsin Administrative Code, chapter Comm 18 relating to conveyances has been a review and assessment of the latest editions of the national technical standards for the design and construction of conveyances, which serves as the basis for chapter Comm 18. The review and enforcement requirements for elevators and dumbwaiters serving private dwelling units were also included under chapter Comm 18 to be consistent with recent legislation. Staff prepared a comprehensive comparison of the changes in the latest editions of the ASME standards to the editions currently adopted under Comm 18. The Department's review and assessment process involved the participation of the Conveyance Safety Code Council. The members of that Council represent many stakeholders involved in the conveyance industry, including manufacturers, inspectors, building contractors and the general public as users of the conveyances. (A listing of the Conveyance Safety Code Council is provided at the end of this analysis.)

The Department believes that the national model codes reflect current societal values with respect to protecting public health, safety and welfare in the design, construction, use, operation and maintenance of conveyances in commercial and residential buildings. The ASME standard setting committees use a process open to all parties in the development of their codes. More information on the development of these standards may be obtained from the ASME web site at: www.asme.org

9. Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of Economic Impact Report.

The Department used the Conveyance Safety Code Council to gather and analyze information on potential impacts in complying with both the technical and administrative requirements of the codes. As authorized in recent legislation, elevators and dumbwaiters that serve dwelling units will be required to comply with the inspection and permit requirements similar to those for elevators and dumbwaiters installed in commercial buildings. Small businesses that install elevators and dumbwaiters in commercial facilities will be familiar with the inspection and permit processes that will now be required for installations serving dwelling units.

In addition to posting rule development and council activities on the department's web site, the department offers an Email subscription service, which is available to all small businesses. This service provides Email notification of council meetings, meeting, agendas and council meeting progress reports so small businesses can follow proposed code changes.

Adopting the most current edition of the 2007 edition of the ASME A17.1 and 2005 edition of the ASME A18.1 national standards will not impose a significant impact on small businesses selling conveyances or providing services for conveyances.

It is anticipated this requirement will not have a significant impact on small businesses installing elevators and dumbwaiters.

10. Effect on Small Business

The Department believes the rules will not increase the effect on small businesses from what the current rules impose on them. An economic impact report has not been required pursuant to s. 227.137, Stats.

11. Agency Contact

Larry Swaziek, Program Manager, Larry.swaziek@wisconsin.gov, (608) 267-7701.

12. Public Hearing Comments.

A public hearing has been scheduled for Thursday, May 15, 2008. The hearing record on this proposed rulemaking will remain open until May 29, 2008, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to Larry Swaziek, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at Larry.swaziek@wisconsin.gov.

Council Members and Representation

Conveyance Safety Code Council

Jesse Kaysen	Public Member
Calvin King	Building Inspection
Kevin Kraemer	Building Contractors
Kelvin Nord	Labor
Paul Rosenberg	Architectural Design or Elevator Consulting Profession
George Semenak	Building Owners/Managers
Andrew Zielke	Elevator Manufacturers
Larry Swaziek	Secretary of Commerce Designee
Dan Meneguín	Employee of Commerce/Inspection

SECTION 1. As created by CR 07-089, Comm 5.003 (10g) is amended to read:

Comm 5.003 (10g) “Conveyance” has the meaning as given in s. 101.981 (1) (c), except it does not include any of the following:

(a) ~~An elevator, a dumbwaiter, a~~ A platform lift, stairway chair lift and any other similar device serving an individual residential dwelling unit.

(b) A personnel hoist.

(c) A material hoist.

Note: Section 101.981 (1) (c), Stats., reads: “Conveyance” means an elevator, an escalator, a dumbwaiter, a belt manlift, a moving walkway, a platform lift, a personnel hoist, a material hoist and a stairway chair lift, and any other similar device, such as an automated people mover, used to elevate or move people or things, as provided in the rules of the department. “Conveyance” does not include a grain elevator a ski lift or towing device, or an amusement or thrill ride.

Note: Section 101.981 (2), Stats., allows the department to modify the definitions under s. 101.981 (1), Stats.

SECTION 2. As created by CR 07-089, Comm 5.991 (1) (c) is amended to read:

Comm 5.991 Elevator installers. (1) (c) The activities under par. (a) (intro.) that may be undertaken by a person who holds a license or registration as a licensed lift mechanic, a registered lift apprentice, or a registered lift helper shall be limited to the erection, construction, alteration, replacement, maintenance, repair, removal or dismantling of conveyances covered under ASME A18.1 and ASME A17.1 ~~section 5.2~~ sections 5.2, 5.3, 5.4, 7.1, 7.2, 7.3 and 7.8.

SECTION 3. As created by CR 07-089, Comm 5.998 (1) (b) is amended to read:

Comm 5.998 Lift apprentice. (1) (b) The activities of an individual, who holds a registration issued by the department as a registered lift apprentice to maintain and repair conveyances under the scope of ASME A18.1 and ASME A17.1 ~~section 5.2~~ sections 5.2, 5.3, 5.4, 7.1, 7.2, 7.3 and 7.8, shall be performed under the general supervision of a person who is a licensed lift mechanic, a licensed elevator mechanic, or a licensed elevator mechanic-restricted.

Note: The department of workforce development, bureau of apprenticeship standards may have additional supervision standards for apprentices for the purpose of training and education.

SECTION 4. As created by CR 07-089, Comm 5.999 (1) (b) is amended to read:

Comm 5.999 Lift helpers. (1) (b) The activities of an individual, who holds a registration issued by the department as a registered lift helper to maintain and repair conveyances under the scope of ASME A18.1 and ASME A17.1 ~~section 5.2~~ sections 5.2, 5.3, 5.4, 7.1, 7.2, 7.3, and 7.8, shall be performed under the general supervision of a person who is licensed lift mechanic, a licensed elevator mechanic, or a licensed elevator mechanic-restricted.

SECTION 5. Comm 18.1001 is amended to read:

Comm 18.1001 Purpose. The purpose of this chapter is to ~~protect the health, safety and welfare of the public and employees by establishing~~ establish minimum safety standards for the design, construction, installation, operation, inspection, testing, maintenance, alteration and repair of ~~elevators, escalators and lift devices installed in or at a public building and a place of employment~~ conveyances.

SECTION 6. Comm 18.1002 (1) (intro.) is amended to read:

Comm 18.1002 Scope. (1) COVERED EQUIPMENT. (a) Public buildings and places of employment. This chapter applies to any of the following ~~equipment~~ conveyances ~~installed in or at~~ serving a public building and or a place of employment:

SECTION 7. Comm 18.1002 (1) (a) to (p) are renumbered 1. to 16.

SECTION 8. Comm 18.1002 (1) (a) 17. is created to read:

Comm 18.1002 (1) (a) 17. Courtroom lift as specified in s. Comm 18.1820.

SECTION 9. Comm 18.1002 (1) (b) is created to read:

Comm 18.1002 (1) (b) Dwelling units. This chapter applies to any of the following conveyances serving a dwelling unit on or after the effective date of this chapter (date to be inserted by the code editor):

1. Passenger elevators.
2. Freight elevators.
3. Limited-use/limited-application elevators.
4. Inclined elevators.
5. Private residence elevators.

6. Private residence inclined elevators.

7. Power dumbwaiters.

SECTION 10. Comm 18.1003 (1) (a) and (b) 2. are amended to read:

Comm 18.1003 (1) (a) Code application. Except as specified in par. (b), all new and existing ~~installations conveyances~~ and alterations of ~~equipment existing conveyances~~ covered by this chapter shall conform to the provisions in this chapter in effect on the contract date.

(b) 2. Oil return pumps for hydraulic elevators ~~contracted prior to the effective date of this code~~ may be removed and replaced as allowed by ASME A17.1 section 3.18.3.7. Written permission shall be obtained from the owner for the removal of the oil return pump and it shall be recorded in the maintenance ~~log~~ record as specified in s. Comm ~~18.1008 (3)~~ 18.1007 (1) (b).

SECTION 11. Comm 18.1004 (5) is amended to read:

Comm 18.1004 (5) “Building code” means chs. Comm ~~61 to 65~~ 60 to 66, which is the Wisconsin Commercial Building Code.

Note: The Wisconsin Commercial Building Code, chs. Comm ~~61 to 65~~ 60 to 66, adopts by reference the *International Building Code*[®] (IBC), the *International Energy Conservation Code*[®] (IECC), the *International Mechanical Code*[®] (IMC), ~~and~~ the *International Fuel Gas Code*[®] (IFGC) ~~and the~~ *International Existing Building Code*[®] (IEBC). Comm 14, Fire Prevention Code, may have rules that may affect the maintenance and use of an existing building.

SECTION 12. Comm 18.1004 (6) and (7) are renumbered (7) and (8).

SECTION 13. Comm 18.1004 (6) is created to read:

Comm 18.1004 (6) “Conveyance” has the meaning as given in s. 101.981 (1) (c), except it does not include any of the following:

(a) A platform lift, stairway chair lift and any other similar device serving an individual dwelling unit.

(b) A personnel hoist.

(c) A material hoist.

Note: Section 101.981 (1) (c), Stats., reads: “Conveyance” means an elevator, an escalator, a dumbwaiter, a belt manlift, a moving walkway, a platform lift, a personnel hoist, a material hoist and a stairway chair lift, and any other similar device, such as an automated people mover, used to elevate or move people or things, as provided in the rules of the department. “Conveyance” does not include a grain elevator a ski lift or towing device, or an amusement or thrill ride.

SECTION 14. Comm 18.1004 (8) as renumbered is amended to read:

(8) "Municipality" means a city employing an elevator inspector ~~certified~~ licensed by the department.

Note: See ch. Comm 5 for elevator inspector ~~certification~~ licensing requirements.

SECTION 15. Comm 18.1004 (9) is renumbered (11).

SECTION 16. Comm 18.1004 (10) is created to read:

Comm 18.1004 (10) "Dwelling unit" means a structure or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

SECTION 17. Comm 18.1005 is amended to read:

Comm 18.1005 Adoption of standards. (1) ASME A17.1 Safety Code. The Safety Code for Elevators and Escalators, ASME A17.1-~~2000~~ 2007, subject to the modifications specified in subch. V is incorporated by reference into this chapter. If a requirement in the ASME A17.1 contains cross-references to another ASME A17.1 requirement ~~that has been~~ modified by this chapter, that modification shall apply to the cross-reference also, unless specifically stated otherwise.

(2) ASME ~~A18.1a~~ A18.1 Safety Standard. The Safety Standard for Platform Lifts and Stairway Chairlifts, ASME ~~A18.1a-2004~~ A18.1-2005, subject to the modifications specified in subch. VI is hereby incorporated by reference into this code. If a requirement in the ASME ~~A18.1a~~ A18.1 contains a cross-reference to another ASME ~~A18.1a~~ A18.1 requirement ~~that has been~~ modified by this chapter, that modification shall apply to the cross-reference also, unless specifically stated otherwise.

Note: A copy of the ASME A17.1 and ASME ~~A18.1a~~ A18.1 standards is on file in the offices of the department, ~~the secretary of state, and the revisor of statutes~~ and the Legislative Reference Bureau. Copies of these standards may be purchased from the ASME, 22 Law Drive, Box 2900, Fairfield, ~~N.J.~~ NJ 07007-2900, or telephone (800) 843-2763.

SECTION 18. As affected by CR 07-089, Comm 18.1007 (1) (b) is amended to read:

Comm 18.1007 (1) (b) Maintenance record. A maintenance record as specified in ASME A17.1 section ~~8.6.1.4~~ 8.6.1.4.1 and s. Comm 18.1708 (2) (a) shall be made available to the inspector upon request.

SECTION 19. As affected by CR 07-089, Comm 18.1007 (2) (a) Note is created to read:

Note: See the licensing requirements for elevator contractors as specified under ch. Comm 5.

SECTION 20. As affected by CR 07-089, Comm 18.1008 is repealed and recreated to read:

Comm 18.1008 Accident reporting. If a conveyance malfunctions resulting in bodily injury requiring more than first aid treatment, the owner or owner's agent shall do all of the following:

(1) Remove the conveyance from service immediately.

(2) Notify the department immediately.

Note: The department may be contacted at phone: (608) 266-7548 during normal business hours. The State Division of Emergency Management can be contacted at (800) 943-0008 during non-business hours. A copy of the elevator/escalator accident report form SBD-10782 is available on the Safety and Buildings' web site at www.commerce.wi.gov/SB.

(3) Submit an accident report to the department within 48 hours.

Note: Accident reports are to be submitted to the Department of Commerce, Safety and Buildings Division, Integrated Services Bureau, Elevator Safety Program, P. O. Box 7302, Madison, WI 53707-7302 or fax at (608) 283-7411.

(4) Prohibit repairs, adjustments or removal of parts from the premises until authorized by the department.

(5) Verify the department's investigation and inspection has been completed. The conveyance shall not be returned to service until authorized by the department.

SECTION 21. As affected by CR 07-089, Comm 18.1009 (1) is amended to read:

Comm 18.1009 Appeals. (1) APPEAL OF DEPARTMENT ORDER. Pursuant to s. 101.02 (6) (e), Stats., any person who owns or operates ~~an elevator, escalator or lift device~~ a conveyance that is affected by an order of the department may petition the department for a hearing on the reasonableness of any order.

SECTION 22. As affected by CR 07-089, Comm 18.1013 (1) and (2) (intro.), (2) (b) 1. to 3. and 5. and 6. are amended to read:

Comm 18.1013 Plan review. (1) GENERAL REQUIREMENTS. An elevator contractor shall submit plans and permit applications for the installation of any new or altered ~~elevator, escalator or lift device~~ conveyance to the department or agent municipality for approval. No work shall commence before the plans and permit application ~~for elevators, escalators or lift devices~~ are approved by the department or agent municipality. The approval letter issued by the department or agent municipality shall be posted prior to construction at or near the equipment space at the construction site and shall remain posted until the final inspection determines compliance with the code. The approval letter shall be considered the permit specified under s. 101.983 (1) (a), Stats.

(2) NEW INSTALLATIONS. (a) *Number of plans.* An elevator contractor shall submit all of the following to the department or agent municipality for plan review and approval for the proposed installation of any ~~new elevator, escalator or lift device~~ conveyance:

(b) *Information on equipment plans or specifications.* Information on equipment plans or specifications shall conform to the applicable sections in ASME A17.1 and ASME ~~A18.1a~~ A18.1 and include all of the following:

1. A plan of the car, hoistway and machine room, control room or control space showing all clearances, including all inside car or platform dimensions specified in this chapter and the building code.

2. A cross-section drawing through the hoistway, ~~machine room, pit and car pit, car and machine room, control room or control space~~ that shows all applicable dimensions. Landings shall be shown, indicating types of hoistway doors or gates.

3. A complete dimensioned layout of the machine room, control room or control space showing working clearances around machine, controller and disconnecting means.

5. Sufficient data and information to determine if the ~~elevator, lift device~~ conveyance and machine room, control room or control space comply with the requirements of this chapter.

6. ~~At~~ For conveyances serving public buildings and places of employment, at least one copy of the equipment plans and specifications containing the original shop drawing stamp of the supervising building designer.

SECTION 23. As affected by CR 07-089, Table Comm 18.1013-1, lines 10. to 13. are renumbered lines 11. to 14.

SECTION 24. As affected by CR 07-089, Table Comm 18.1013-1, lines 10. is created to read:

Partial Table
Comm 18.1013-1
Alterations to Elevators
Submittal of Plans and Application Required

	Type of Alteration	General Requirements	
		Electric Elevators	Hydraulic Elevators
10.	Installation of a device to prevent unintended movement or ascending car overspeed	ASME A17.1 – 8.7.2.20	ASME A17.1 – 8.7.3.23.7

SECTION 25. As affected by CR 07-089, Comm 18.1013 (3) (a) 1. and 2. are amended to read:

Comm 18.1013 (3) (a) 1. A department permit-application form SBD-22 and at least 3 copies of equipment plans and specifications complying with sub. (2) shall be submitted for examination and approval to the department or agent municipality for the proposed alteration of ~~elevators, escalators or lift devices~~ conveyances as specified in Tables Comm 18.1013-1 to 18.1013-3.

2. Evidence of building plan approval, where applicable, shall be included with the ~~elevator, escalator or lift device~~ conveyance plan submittal.

SECTION 26. As affected by CR 07-089, Comm 18.1014 (1), (2) and (4) (b) are amended to read:

Comm 18.1014 Permit to operate. (1) ISSUANCE. No owner may use or operate ~~an elevator, escalator or lift device~~ a conveyance until an acceptance inspection, periodic inspection, or test of equipment covered by this chapter is performed and the installation is found to be in compliance with the provisions of this chapter. The department or agent municipality shall issue a permit to operate within 10 business days from receipt of an inspection report showing compliance with the provisions of this chapter.

(2) DISPLAY. The owner of a ~~building in which an elevator, escalator or lift device is located~~ conveyance shall display the permit to operate ~~issued under this section~~ applicable to the ~~elevator, escalator or lift device~~ conveyance on or in the ~~elevator, escalator or lift device~~ conveyance, or, if applicable, in the machinery room or space.

(4) (b) Upon performing the inspection, the department shall give the owner notice of ~~relevant elevator, escalator or lift device safety requirements~~ the conveyance safety deficiencies and shall instruct the owner as to the procedure for obtaining periodic inspections and renewing the permit under which the lift or equipment is operated.

SECTION 27. As affected by CR 07-089, Comm 18.1015 (1), (2) (c), (3) and (4) (a) and (b) are amended to read:

Comm 18.1015 Inspection Responsibilities. (1) GENERAL. (a) Licensing. All inspections of ~~elevators, escalators and lift devices~~ conveyances required by this chapter shall be conducted by persons who are licensed in accordance with s. Comm 5.64.

(b) Inspection report. Licensed elevator inspectors shall prepare an inspection report that identifies items of noncompliance. Items listed on the inspection report as being out of compliance with this chapter shall be corrected on or before the compliance date stated on the report.

(2) (c) Agent municipalities. Licensed elevator inspectors providing inspection services for an agent municipality shall comply with ~~s. 18.1016~~ subch. IV.

(3) REGISTRATION NUMBERS. All new ~~elevators, escalators or lift devices~~ conveyances as specified in s. Comm 18.1002 (1), shall be assigned a registration number by the department or agent municipality. The registration number shall be located in an area that is readily visible to inspectors.

(4) TYPES OF INSPECTIONS OR TESTS. (a) *Acceptance inspections and tests.* The department or agent municipality shall conduct acceptance inspections and tests as specified in ASME A17.1 section 8.10, and ASME ~~A18.1a~~ A18.1 section 10.1.3.

(b) *Periodic or routine inspections.* ~~The department, agent municipality or a~~ A licensed elevator inspector shall conduct periodic or routine inspections as specified in ASME A17.1 section 8.11, and ASME ~~A18.1a~~ A18.1 sections 10.2 and 10.3.

SECTION 28. As affected by CR 07-089, Comm 18.1015 (4) (c) is repealed and recreated to read:

Comm 18.1015 (4) (c) *Periodic tests.* 1. Periodic tests as specified in ASME A17.1 section 8.11 and ASME A18.1 section 10.3 shall be conducted by persons licensed or registered as specified in s. Comm 5.991.

2. Reports containing complete information shall be submitted to the department or agent municipality for any of the following tests:

a. Category 1 for tests on hydraulic elevators shall use department form SBD-3.

b. Category 1 for tests on escalators shall use department form SBD-6.

c. Category 5 for tests on safeties or governors shall use department form SBD-2E. All other category 5 tests shall use department form SBD-10872/Cat5-E.

SECTION 29. Comm 18.1701 Note 2 is amended to read:

Comm 18.1701 Note: See ASME ~~A18.1a~~ A18.1 and subch. VI for requirements relating to vertical and inclined platform lifts, and stairway chairlifts in public buildings and places of employment.

SECTION 30. Comm 18.1702 (2) (c) (intro.) is amended to read:

Comm 18.1702 (2)(c) *Temperature and humidity.* This is a department informational note to be used under ASME A17.1 section ~~2.7.5.2~~ 2.7.9.2.

SECTION 31. Comm 18.1702 (3) is repealed.

SECTION 32. Comm 18.1702 (4) to (8) are renumbered (3) to (7).

SECTION 33. Comm 18.1702 (5) Note as renumbered is amended to read:

Comm 18.1702 (5) Note: See ~~s. comm. 62.3002 ch. Comm 62~~ of the building code for stretcher-sized elevator requirements.

SECTION 34. Comm 18.1702 (8) is created to read:

Comm 18.1702 (8) SUSPENSION ROPES AND THEIR CONNECTIONS. These are department rules in addition to the requirements in ASME A17.1 section 2.20:

(a) *Wear and fatigue monitoring.* All electric traction elevators using suspension members other than 9.5 mm (0.375 in.) or larger elevator wire ropes shall be provided with a permanently affixed wear and fatigue monitoring system. A self test or automatic diagnostic indication shall be provided as part of the monitoring system. If the monitoring system becomes inoperative during automatic operation, the elevator shall stop at the next available landing. The elevator shall not be permitted to resume automatic operation.

(b) *Protection against suspension loss.* A device to prevent suspension loss shall be based upon the type of suspension members and application. All electric traction elevators using suspension members other than 9.5 mm (0.375 in.) or larger elevator wire ropes shall be provided with a device to prevent suspension loss due to relative motion between suspension members and traction sheave in accordance with all of the following:

1. Instructions to verify the operation of the device to prevent suspension loss shall be kept in the elevator machine room, machine space, control room or control space.
2. The device to prevent suspension loss shall, when actuated, cause the removal of power from the driving machine motor and brake.
3. Actuation of the device to prevent suspension loss shall require a manual reset. Prior to the elevator being returned to service, the suspension members shall be examined and replaced, if necessary, according to the replacement criteria of the manufacturer. The traction sheave shall also be examined and repaired or replace, if necessary.
4. Where the device to prevent suspension loss is required to be made inoperative or ineffective to perform inspection, testing, maintenance or repair, the instructions shall be kept in the elevator machine room, machine space, control room or control space.

SECTION 35. Comm 18.1702 (10) (b) is renumbered (c).

SECTION 36. Comm 18.1702 (10) (b) is created to read:

Comm 18.1702 (10) (b) Phase I emergency recall operation by fire alarm initiating device. 1. Substitute the following wording for the requirements in ASME A17.1 section 2.27.3.2.1 (a): At each elevator lobby served by the elevator.

2. Substitute the following wording for the requirements in ASME A17.1 section 2.27.3.2.3 (a): The activation of a fire alarm initiating device specified in ASME A17.1 section 2.27.3.2.1 at any elevator lobby, other than at the designated level, shall cause all elevators that serve that lobby, and any associated elevator of a group automatic operation, to be returned nonstop to the designated level.

3. Substitute the following wording for the requirements in ASME A17.1 section 2.27.3.2.4 (a): The activation of a fire alarm initiating device specified in ASME A17.1 section 2.27.3.2.1 (a) that is located at the designated level, shall cause all elevators serving that lobby to be recalled to an alternate level, unless Phase I emergency recall is in effect.

4. Substitute the following wording for the requirements in ASME A17.1 section 2.27.4.2 (first paragraph): Fire alarm initiating devices shall be installed at each elevator lobby served by the elevator, and in the associated machine room, control space, or control room, and elevator hoistway, in compliance with the requirements in NFPA 72.

SECTION 37. Comm 18.1705 (1) is amended to read:

Comm 18.1705 (1) LIMITED-USE/LIMITED-APPLICATION ELEVATORS. This is a department rule in addition to the requirements in ASME A17.1 section 5.2.1.8: Where sprinklers are installed in ~~connection with~~ an elevator machine room or hoistway, the elevator, regardless of the vertical travel distance, shall comply with ASME A17.1 sections 2.27.3.1 and 2.27.3.2 for emergency recall for electric elevators, or ASME A17.1 sections 3.27.1, 3.27.2 and 3.27.3; for emergency recall for hydraulic elevators shall comply with ASME A17.1 section 2.27.8 and s. Comm 18.1702 (10) ~~(b)~~ (c) for switch keys.

SECTION 38. Comm 18.1705 (2) is repealed and recreated to read:

Comm 18.1705 (2) PRIVATE RESIDENCE ELEVATORS. (a) Except as specified in par. (b), the requirements in ASME A17.1 section 5.3 shall apply to private residence elevators serving dwelling units.

(b) Private residence elevators installed in public buildings or places of employment prior to July 1, 2002 shall comply with ASME A17.1 section 5.3 as applicable to any repair, replacement or alteration of the installed equipment.

(c) This is a department rule in addition to the requirements of ASME A17.1 section 5.3: Machinery spaces, machine rooms, control spaces and control rooms where provided shall conform to ASME A17.1 section 5.2.7.1.

SECTION 39. Comm 18.1705 (3) is repealed.

SECTION 40. Comm 18.1705 (4) to (6) are renumbered (3) to (5).

SECTION 41. Comm 18.1707 (3) Note is amended to read:

Comm 18.1707 (3) Note: See ICC/ANSI A117.1 section ~~404.2.11~~ 404.2.10 for vision panels in doors.

SECTION 42. Comm 18.1708 is repealed and recreated to read:

Comm 18.1708 (1) SECURITY. This is a department informational note to be used under ASME A17.1 section 8.1:

Note: Key access as specified in this section will not be verified by the department.

(2) MAINTENANCE, REPAIR AND REPLACEMENT. (a) *Application of ASME A17.1 section 8.6.* Substitute the following wording for the requirements in ASME A17.1 section 8.6 (intro. par.): ASME A17.1 sections 8.6.1 to 8.6.11 and ASME A17.1 sections 8.6.12.1, 8.6.12.3.1.3 and 8.6.12.4.1.2 apply to maintenance, repairs and replacements.

(b) *General requirements.* 1. Substitute the following wording for the requirements in ASME A17.1 section 8.6.1.4.2: The owner or owner's agent shall retain the maintenance records as specified in ASME A17.1 section 8.6.1.4.1 and keep these records at the building site. Any electronic format records of maintenance performed on conveyances shall be transferred to the paper copy of the maintenance record within 3 months of the initial recording of maintenance. Maintenance records are the property of the owner and shall be readily available upon request from elevator personnel.

2. Substitute the following wording for the requirements in ASME A17.1 section 8.6.1.6.5: Class "ABC" fire extinguishers shall be provided in, or adjacent to, elevator electrical machine rooms, control rooms and control spaces outside the hoistway intended for full bodily entry, and walk-in machinery and control rooms for escalators and moving walks; and they shall be located convenient to the access door.

(c) *Maintenance of hydraulic elevators.* 1. This is a department rule in addition to the requirements in ASME A17.1 section 8.6.5.7: An owner shall maintain a written record of oil level and usage on a quarterly basis.

2. Substitute the following wording for the requirements in ASME A17.1 section 8.6.5.8: Elevators installed prior to January 1, 1994 and that have below ground hydraulic cylinders shall be tested in accordance with ASME A17.1 sections 8.11.3.2.1 and 8.11.3.2.2. If these annual tests indicate the cylinder or piping below ground is leaking oil, the hydraulic cylinder or piping shall be replaced.

(d) *Special provisions.* This is a department informational note to be used under ASME A17.1 sections 8.6.11.3 to 8.6.11.8:

Note: Written procedures as specified in these sections will not be evaluated by the department.

(3) ALTERATIONS. (a) *Alterations to electric elevators.* 1. This is a department rule in addition to the requirements in ASME A17.1 section 8.7.2.8: Where sprinklers are installed in connection with an elevator machine room or hoistway, the elevator, regardless of the vertical travel distance, shall comply with ASME A17.1 sections 2.27.3 to 2.27.8 for emergency recall and emergency in-car operation.

2. This is a department rule in addition to the requirements in ASME A17.1 section 8.7.2.17.1: When an alteration involves an increase in rise and the altered elevator meets ASME A17.1 section 2.27.3 (a), the applicable requirements of ASME A17.1 section 2.27.3.1 to 2.27.8 shall be provided.

3. This is a department rule in addition to the requirements in ASME A17.1 section 8.7.2.28: When emergency recall and emergency in-car operations are installed, the operations shall conform to the requirements of ASME A17.1 section 2.27.3.

4. This is a department rule in addition to the requirements in ASME A17.1 section 8.7.2.22.1: When an alteration involves an increase in rise and the altered elevator meets ASME A17.1 section 2.27.3 (a), the applicable requirements of ASME A17.1 section 2.27.3.1 to 2.27.8 shall be provided.

(b) *Alterations to hydraulic elevators.* 1. This is a department rule in addition to the requirements in ASME A17.1 section 8.7.3: Where a reopening device for power operated car doors or gates is altered, replaced or added, ASME A17.1 section 8.7.2.13 shall apply.

2. This is a department rule in addition to the requirements in ASME A17.1 section 8.7.3.8: Where sprinklers are installed in connection with an elevator machine room or hoistway, the elevator, regardless of the vertical travel distance, shall comply with ASME A17.1 section 2.27.3 to 2.27.8 for emergency recall and emergency in-car operation.

3. This is a department rule in addition to the requirements in ASME A17.1 section 8.7.3.31.8: When emergency recall and emergency in-car operations are installed, the operations shall conform to the requirements of ASME A17.1 section 3.27.

(4) CODE DATA PLATE. Substitute the following wording for the requirements in ASME A17.1 section 8.9 introductory paragraph: ASME A17.1 section 8.9 contains requirements for all new equipment within the scope of this chapter.

(5) ACCEPTANCE INSPECTIONS AND TESTS, GENERAL REQUIREMENTS. Substitute the following wording for the requirements in ASME A17.1 sections 8.10.1.1.1 and 8.10.1.1.3:

(a) *Persons authorized to make acceptance inspections and tests.* Licensed elevator inspectors performing acceptance inspections for new or altered installations shall comply with s. Comm 18.1015 (1), (2) (b) and (c) and (4) (a).

(b) *Persons installing or altering equipment.* This is a department rule in addition to the requirements in ASME A18.1 section 8.10.1.1.2: The installation shall not be placed in service until authorized by the department or agent municipality.

(6) PERIODIC INSPECTIONS AND TESTS. (a) *Persons authorized to make periodic inspections and tests.* Substitute the following wording for the requirements in ASME A17.1 sections 8.11.1.1, 8.11.1.1.1 and 8.11.1.1.2: Licensed elevator inspectors performing periodic inspections and test shall comply with s. Comm 18.1015 (1), (2) (a) and (4) (b) and (c).

(b) *Periodic inspection and test frequency.* Substitute the following wording for the requirements in ASME A17.1 section 8.11.1.3:

1. Periodic inspections shall be made at intervals not longer than one year.
2. Category 1 periodic tests shall be made at intervals not longer than one year.
3. Category 3 periodic tests shall be made at intervals not longer than 3 years.
4. Category 5 periodic tests shall be made at intervals not longer than 5 years.

(c) *Installation placed out of service.* Substitute the following wording for the requirements in ASME A17.1 section 8.11.1.4:

1. A conveyance placed out of service shall require all of the following:
 - a. Removal of power feed lines from the load side terminals of the electrical disconnecting means.
 - b. Sealing of the disconnecting means in the open position.
 - c. For elevators, dumbwaiters and material lifts, securing or locking of hoistway doors and access doors.

Note: See ASME A17.1 section 8.1.3 for requirements relating to Group 2 security.

 - d. The car and counterweights where provided shall be secured to prevent either from falling due to suspension member or equipment failure.
 - f. For escalators or moving walks, barricading of entrances to prevent access. Barricades shall be constructed in accordance with the building code.
 - g. Inspection of subd. 1. a. to d. shall be performed by the department.
 - h. Approval of the building code authority where a conveyance is part of a required accessible route in an occupied building.

2. A conveyance placed out of service shall not require periodic inspections or tests.

3. A conveyance placed out of service shall require applicable periodic inspections and tests before being returned to service.

(7) PERIODIC INSPECTION AND TESTS OF ELECTRIC ELEVATORS. (a) *Periodic test requirements, category 5.* This is a department rule in addition to the requirements in ASME A17.1 section 8.11.2.3: Results of all category 5 tests shall be submitted to the department on department forms as specified in s. Comm 18.1015 (4) (c) 2.

(b) *Car and counterweight safeties.* This is a department rule in addition to the requirements in ASME A17.1 section 8.11.2.3.1: Any damaged section of wood guide rails shall be replaced.

(8) PERIODIC INSPECTION AND TESTS OF HYDRAULIC ELEVATORS. (a) *Relief valve setting and system pressure test and cylinder testing.* 1. These are department rules in addition to the requirements in ASME A17.1 section 8.11.3.2.1:

a. This section applies only to hydraulic elevators installed prior to January 1, 1994 and that have below ground cylinders.

b. Results of the relief valve setting and system pressure test shall be submitted to the department on department forms as specified in s. Comm 18.1015 (4) (c) 2.

(b) *Hydraulic cylinders and pressure piping.* 1. These are department rules in addition to the requirements in ASME A17.1 section 8.11.3.2.2:

a.. This section applies only to hydraulic elevators installed prior to January 1, 1994 and that have below ground cylinders.

b. Results of the hydraulic cylinder and pressure piping tests shall be submitted to the department on department forms as specified in s. Comm 18.1015 (4) (c) 2.

(9) PERIODIC INSPECTION AND TESTS OF ESCALATORS AND MOVING WALKS. (a) *Step/skirt performance index.* This is a department rule in addition to the requirements in ASME A17.1 section 8.11.4.2.19: Results of the step/skirt performance index test shall be submitted to the department on department forms as specified in s. Comm 18.1015 (4) (c) 2.

(b) *Clearance between step and skirt.* This is a department rule in addition to the requirements in ASME A17.1 section 8.11.4.2.20: Results of the clearance between the step and skirt shall be submitted to the department on department forms as specified in s. Comm 18.1015 (4) (c) 2.

SECTION 43. Comm 18.1709 is amended to read:

Comm 18.1709 Reference codes, standards, and specifications. Substitute the following wording for the requirements in ASME A17.1 Table 9.1, entry ANSI/ICC A117.1- (latest edition): Accessibility in public buildings and places of employment shall be provided in accordance with ICC/ANSI A117.1 – ~~1998~~ 2003 as incorporated by reference in ~~s. Comm 61.05~~ the building code.

SECTION 44. Comm 18.1800 is amended to read:

Comm 18.1800 Changes, additions or omissions to ASME ~~A18.1a~~ A18.1. Changes, additions or omissions to the ASME ~~A18.1a-2001~~ A18.1 – 2005 are specified in this subchapter and are rules of the department and are not requirements of the ASME ~~A18.1a~~ A18.1.

SECTION 45. Comm 18.1801 (3) is repealed and recreated to read:

Comm 18.1801 (3) REFERENCE CODES, STANDARDS AND SPECIFICATIONS. Substitute the following wording for the requirements in ASME A18.1 Table 1.5-1, entry ICC/ANSI A117.1 -1998: Accessibility shall be provided in accordance with the ICC/ANSI A117.1- 2003 and the building code.

SECTION 46. Comm 18.1802 (1) and (2) are repealed and recreated to read:

Comm 18.1802 (1) RUNWAY ENCLOSURE PROVIDED. This is a department rule in addition to the requirements in ASME A18.1 section 2.1.1.7: The grab rails shall not project more than 4 inches from the platform side wall.

(2) PARTIAL RUNWAY ENCLOSURE PROVIDED. This is a department rule in addition to the requirements in ASME A18.1 section 2.1.2.8: The grab rails shall not project more than 4 inches from the platform side wall.

SECTION 47. Comm 18.1802 (7) (a) is amended to read:

Comm 18.1802 (7) (a) *Rated load.* The rated load shall ~~be~~ not be less than 750 lbs.

SECTION 48. Comm 18.1802 (7) (d) is repealed.

SECTION 49. Comm 18.1802 (8) (a) and all of the Notes are repealed and recreated to read:

Comm 18.1802 (8) (a) *Operation.* Substitute the following wording for the requirements in ASME A18.1 section 2.10.1: Platform lifts shall comply with all of the following:

1. Operation of the lift from the landing and from the platform shall be controlled by continuous-pressure type switches. The operating devices shall be designed so that both the up and down circuits cannot be operated at the same time.

2. Control switches at the landings shall comply with the requirements under ICC/ANSI A117.1 sections 407.2.1 and 407.2.1.1 to 407.2.1.4.

3. Floor designations shall comply with the requirements under ICC/ANSI A117.1 section 407.2.3.1.

4. Lift control switches on the platform shall comply with the requirements under ICC/ANSI A117.1 section 407.4.6.2 and 407.4.7.1.1 to 407.4.7.1.3.

5. Emergency communications shall comply with the requirements under ICC/ANSI A117.1 section 407.4.10.2.

Note: See IBC chapter 10 for maintaining the minimum means of egress widths for building occupants.

Note: See ICC/ANSI A117.1 section 410 for additional platform lift requirements.

SECTION 50. Comm 18.1802 (8) (b) is repealed.

SECTION 51. Comm 18.1802 (8) (c) and (d) are renumbered (b) and (c).

SECTION 52. Comm 18.1803 (1) (b) (intro.) is amended to read:

Comm 18.1803 (1) (b) Ramps. Substitute the following wording for the requirements in ASME ~~A18.1a section 3.1.4.2~~ A18.1 section 3.1.4:

SECTION 53. Comm 18.1803 (2) (b) is repealed.

SECTION 54. Comm 18.1803 (2) (a) 1. and 2. are renumbered (2) (a) and (b).

SECTION 55. Comm 18.1803 (3) (b) is amended to read:

Comm 18.1803 (3) (b) Capacity plate. This is a department rule in addition to the requirements in ASME ~~A18.1a~~ A18.1 section 3.7.3: A sign stating the capacity of the lift shall be posted at each landing or on the lift in a conspicuous location. Lettering for this sign shall be a minimum of one-inch high and shall comply with ICC/ANSI A117.1 section ~~703.2.2 to 703.2.8~~ 703.3.

SECTION 56. Comm 18.1803 (4) is repealed.

SECTION 57. Comm 18.1804 (2), excluding the Note, is amended to read:

Comm 18.1804 (2) RUNWAYS. Substitute the following wording for the requirements in ASME ~~A18.1a~~ A18.1 section 4.1.1: Inclined stairway chairlifts shall be installed to maintain the minimum means of egress requirements specified in the building code. The minimum means of egress width shall be measured with the lift in its operational position.

SECTION 58. Comm 18.1808 (1) is amended to read:

Comm 18.1808 (1) SHUTOFF VALVES. A manually operated shutoff valve shall be provided between the hydraulic machines and the hydraulic cylinder and shall be located outside the hoistway and adjacent to the hydraulic machine on all hydraulic platform lifts with separate machine rooms.

SECTION 59. Comm 18.1810 (2) is repealed and recreated to read:

Comm 18.1810 (2) INSPECTION AND TEST PERIODS. Substitute the following wording for the requirements in ASME A18.1 section 10.2.1: The routine inspections and tests of ASME A18.1 sections 2, 3 and 4 shall be made at intervals not longer than 1 year.

SECTION 60. Comm 18.1820 is created to read:

Comm 18.1820 Courtroom lifts. (1) RUNWAYS. Runways shall be installed in accordance with ASME A18.1 sections. 2.1.1, 2.1.2, 2.1.3 or 2.1.4. Lifts conforming to ASME A18.1 section 2.1.4 shall be located in courtroom areas not open to the public and under the supervision of court officials. Runway construction for lifts that penetrate a floor must comply with ASME A18.1 section 2.1.1 and with the building code.

(2) RUNWAY ENTRANCES. (a) The runway entrance shall be guarded at the uppermost landing by a door of unperforated construction. The door shall be self-closing or power-operated, at a height not less than 900 mm (36 in.), and withstand, without permanent deformation, a force of 125 lbf (550 N) applied on any 100mm (4 in.) by 100mm (4 in.) area. The door shall be located not more than 75 mm (3 in.) from the platform sill.

(b) Intermediate landing entrances shall be guarded in accordance with the requirements of ASME A18.1 sections. 2.1.4.2.1 or 2.1.4.2.2

1. The runway entrance at any intermediate landing entrance shall be guarded by a self closing or power-operated door of unperforated construction not wider than the entrance to the platform plus 25 mm (1 in.). The door shall be a minimum height of 150 mm (6 in.) and extend to the top landing plus 75 mm (3 in.). The lift side of the door and sill shall present a smooth surface located not closer than 10 mm (0.375 in.) nor more than 20 mm (0.75 in.) from the edge of the platform floor.

2. Any intermediate landing entrance shall be guarded by a self closing or power-operated guard of smooth, solid construction not wider than the entrance to the platform plus 25 mm (1 in.) and of a height not less than 150 mm (6 in.). The side of the platform facing the intermediate landing shall be provided with a platform mounted guard of smooth, solid construction, at least the width of the landing entrance and of a height not less than 150 mm (6 in.).

(c) The area under the platform shall be fully enclosed by smooth guards, either telescoping or stationary, on all accessible platform sides. The guards shall withstand, without permanent deformation, a force, of 550 N (125 lbf) applied on any 100 mm (4 in.) by 100 mm (4 in.) area. Shutter-type (telescoping) guards, if provided, shall be securely fastened to the lower landing level and to the platform. Openings necessary for operation of guards shall reject a ball 12 mm (0.5 in.) in diameter.

(d) A vertical fascia shall be provided from the top terminal landing sill and any intermediate landing sill to the level of the bottom terminal landing sill. Openings necessary for operation shall reject a ball 12 mm (0.5 in.) diameter. The fascia shall guard the full width of the platform. The surface shall not be permanently deformed when a force of 550 N (125 lbf) is applied on any 100 mm (4 in.) by 100 mm (4 in.) area. The clearance between the vertical fascia and platform edge shall be not less than 10 mm (0.375 in.) nor more than 20 mm (0.75 in.).

(e) The runway entrance shall be guarded at the lower landing by a door of unperforated construction. The door shall be self-closing or power-operated, at a height not less than 900 mm (36 in.), and withstand, without permanent deformation, a force of 550 N (125 lbf) on a 100 mm (4 in.) by 100mm (4 in.) area. The clearance between the lower landing door and platform edge shall be not less than 10 mm (0.375 in.) nor more than 20 mm (0.75 in.).

(f) The sides of the platform not used for entrance or exit shall be guarded by stationary runway or platform mounted sidewalls of solid construction with no openings, other than those necessary for the operation of the lift. Those openings necessary for operation shall reject a ball 12 mm (0.5 in.) in diameter. Platform mounted sidewalls shall be at a height not less than 900 mm (36 in.). The running clearance between a platform mounted sidewall and stationary surfaces shall be not less than 50 mm (2 in.) nor more than 75 mm (3 in.). Stationary runway sidewalls shall be at a height not less than 900 mm (36 in.) above the lower landing. The clearance between stationary runway sidewalls and the platform shall be not less than 10 mm (0.375 in.) nor more than 20 mm (0.75 in.).

(g) All doors guards shall be provided with a combination mechanical lock and electric contact. Locking devices shall be protected against tampering from the landing side. The locking devices shall permit a door guard to be opened only if the platform floor is within 50 mm (2 in.) of the respective landing. The platform shall be permitted to move away from the landing under control of the normal operating device if the door/guard is closed but not locked, provided that the devices will cause the platform to stop if it moves away from the landing more than 50 mm (2 in.) before the door/guard is locked.

(3) FLOOR AREA. The inside net floor area of lifts conforming to ASME A18.1 sections 2.1.1, 2.1.2, and 2.1.3 shall not exceed 1.7 m² (18 ft²). The inside net floor area of lifts conforming to ASME A18.1 section 2.1.4 shall not exceed 2.3 m² (25 ft²)

(4) LIMITATION OF LOAD, SPEED AND TRAVEL. The rated load shall be not less than 200 kg (450 lb) nor more than 475 kg (1050 lb). Platforms with a floor greater than 1.4 m² (15 ft²) shall have rated load of not less than 340 kg (750 lb). Platforms with a floor greater than 1.7 m (18 ft²) shall have rated load of not less than 475 kg (1050 lb). The lift shall be capable of sustaining and lowering a load as specified in ASME Fig. 9.7. The rated speed shall not exceed 0.15 m/s (30 ft/min). Travel of lifts conforming to ASME A18.1 sections 2.1.1 and 2.1.2 shall not exceed 4250 mm (168 in.). Travel of lifts conforming to ASME A18.1 section 2.1.3 shall not exceed 1500 mm (60 in.). Travel of lifts conforming to ASME A18.1 section 2.1.4 shall not exceed 600 mm (24 in.)

SECTION 61. Under chapter Comm 18, all references to ASME A18.1a that have not been affected by other treatment sections in this rule package shall be changed to ASME A18.1.

SECTION 62. Comm 21.115 is created to read:

Comm 21.115 Installation of elevators or dumbwaiters. Elevators or dumbwaiters serving dwelling units shall comply with the requirements under chapter Comm 18.

END

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.) and (b), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

h: Public hearing draft 2.doc



P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD#: (608) 264-8777

Jim Doyle, Governor
Jack L. Fischer, A.I.A., Secretary

Bruce Hoesly, Code Editor
Legislative Reference Bureau
Suite 200
1 East Main Street
Madison, Wisconsin 53703

Dear Mr. Hoesly:

**TRANSMITTAL OF WRITTEN NOTICE OF HEARING
AND LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapters 5, 18 and 21

RELATING TO: Technical requirements for conveyances and licensing of installers of residential conveyances

AGENCY UNIT RESPONSIBLE: Commerce

PUBLIC HEARING REQUIRED: YES NO

CONTACT PERSON: Larry Swaziek TITLE: Program Manager

TELEPHONE: 267-7701 EMAIL: Larry.swaziek@wisconsin.gov

Pursuant to sections 227.14 (4m) and 227.17, Stats., agencies are required to transmit a written notice of submittal of proposed rules to the Legislative Council and a written notice of hearing to the Legislative Reference Bureau, for publication in the Administrative Register.

On the date on this letter the department is submitting proposed rules to the Legislative Council and is submitting the following material to you:

1. Notice of Public Hearing or 30-Day Notice of Proposed Rulemaking.
2. Fiscal Estimate.
3. Initial Regulatory Flexibility Analysis.
4. Draft of Proposed Rules.

Respectfully submitted,

Jack L. Fischer, A.I.A.
Secretary

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.02 (15) (j), 101.17, 101.63 and 101.981 to 101.986, Stats., the Department of Commerce will hold a public hearing on proposed rules under chapters Comm 5, 18 and 21 relating to the technical requirements for conveyances and licensing of installers of residential conveyances.

The public hearing will be held as follows:

Date and Time:

Thursday, May 15, 2008
10:00 a.m.

Location:

Thompson Commerce Building
Third Floor Conference Room #3B
201 W. Washington Ave.
Madison, Wisconsin

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until May 29, 2008, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to Larry Swaziek, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at lswaziek@wisconsin.gov.

This hearing is held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or (608) 264-8777 (TTY) at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon a request from a person with a disability.

The proposed rules and an analysis of the proposed rules are available on the Internet at the Safety and Buildings Division Web site at www.commerce.wi.gov/SB/. Paper copies may be obtained without cost from Roberta Ward, at the Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, or Email at roberta.ward@wisconsin.gov, or at telephone (608) 266-8741 or (608) 264-8777 (TTY). Copies will also be available at the public hearing.

The small business regulatory coordinator for the Department of Commerce is Carol Dunn, who may be contacted at telephone (608) 267-0297, or Email at carol.dunn@wisconsin.gov.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

RULE NO.: Chapters Comm 5, 18 and 21

RELATING TO: Technical requirements for conveyances and licensing of installers of residential conveyances

1. Types of small businesses that will be affected by the rules.

Small business selling or providing services on conveyance equipment or small businesses that own buildings with conveyances will be affected by the proposed rules. However, based on the minimal costs to provide the safety features of the Firefighters' Emergency Operation (FEO) key switch and to test hydraulic elevators with below ground cylinders, the Department believes there will be no significant impact on small businesses. The following is a summary of the proposed changes:

- a) The proposed rules update chapter Comm 18 by adopting the most current edition of the ASME A17.1, Safety Code for Elevators and Escalators and ASME A18.1, Safety Standard for Platform Lifts and Stairway Chairlifts. It is important for all elevator companies to be designing and providing services to the general public using the most current edition of the national safety standards.
- b) When an elevator is added to a building or an existing elevator has certain alterations, the FEO key will be required. The cost of the key per elevator and per machine room is approximately \$45 and approximately \$60 per hour for installation. The typical installation time is one hour. It is important that elevator companies provide the same key throughout the building to help ensure the safety of firefighters and building occupants should fire or other emergencies occur.
- c) The annual test for hydraulic elevators with below ground cylinders is approximately \$500 per elevator. If oil is leaking from these below ground cylinders and not corrected, the safety of the riding public could be jeopardized.

2. Reporting, bookkeeping and other procedures required for compliance with the rules.

The rules create a new form for reporting of 5-year safety tests on elevators. The new form helps simplify the process for reporting the testing results.

3. Types of professional skills necessary for compliance with the rules.

For any small business installing, repairing or maintaining conveyances, the individuals providing these services must be licensed as specified under chapter Comm 5.

4. Rules have a significant economic impact on small businesses.

No Rules not submitted to Small Business Regulatory Review Board

Yes Rules submitted to Small Business Regulatory Review Board

NOTICE of ENVIRONMENTAL ANALYSIS

Department of Commerce

Rule No.: Chapters Comm 5,18, and 21

Relating to: Technical requirements for conveyances and licensing of installers of residential conveyances

Notice is hereby given that the Department has considered the environmental impact of the proposed rules. In accordance with chapter Comm 1, the proposed rules are a Type III action. A Type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed these rules and finds no reason to believe that any unusual conditions exist. At this time, the Department has issued this notice to serve as a finding of no significant impact.

FISCAL ESTIMATE
DOA-2048 (R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
Chapters Comm 5, 18 and 21
Amendment No. if Applicable

Subject

Technical requirements for conveyances and licensing of installers of residential conveyances

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Increase Costs - May be Possible to Absorb Within Agency's Budget Yes No

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:

Towns Villages Cities

2. Decrease Costs
 Permissive Mandatory

4. Decrease Revenues
 Permissive Mandatory

Counties Others _____

School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations
None

Assumptions Used in Arriving at Fiscal Estimate

The following are anticipated cost impacts of proposed rule changes in Comm 18:

1. **Switch key** – When an elevator is added to a building or an existing elevator has certain alterations or renovations done, the universal Firefighter's Emergency Operation (FEO) key for fire safety purposes would be required on these elevators and on all other elevators in the building. Each switch key or tumbler assembly costs about \$45, and each elevator and each machine room requires a switch key. The estimated cost for labor is about \$60 an hour, and the typical installation time is one hour. The estimated cost to key a single elevator would be about \$150. For a building with six elevators and two machine rooms, the estimated cost to key all the same would be about \$500. This requirement would help ensure the safety of firefighters and building occupants should fire or other emergencies occur.

2. **Annual tests for hydraulic elevators with below ground cylinders** – Currently, the Wisconsin code requires annual relief valve setting and system pressure tests for hydraulic elevators installed before January 1975 with below ground cylinders. The proposed rules would align with the national elevator code and require the testing of below ground cylinders and piping installed between January 1975 and January 1994. The purpose of the tests is to determine if the hydraulic cylinders are operating properly to ensure safety for people using the elevators and if any oil is leaking from the cylinders. The estimated cost to perform a routine relief valve test is about \$500 an elevator.

Between January 1975 and January 1994, there were about 3,700 hydraulic elevators installed in Wisconsin with below ground cylinders. This testing requirement may affect some state of Wisconsin-owned buildings. The estimated cost for expanding the requirement to 1994, however, would be minimal for these state-owned buildings because the annual elevator maintenance contracts include performing this test. Local governments also will be impacted; however, it is most likely that the majority of hydraulic elevators installed in local government buildings in Wisconsin also are covered by annual maintenance contracts.

3. **One- and 2-family dwellings as per WI Act 456** – The proposed rules will require permits, plan reviews and inspections for elevators and dumbwaiters installed in one- and 2-family dwellings. The department believes, however, that the cost impact will not be more than created by the 2005 Wisconsin Act 456.

Long-Range Fiscal Implications
None known

Agency/Prepared by: (Name & Phone No.)
Commerce/Larry Swaziek 267-7701

Authorized Signature/Telephone No.

Date

Category 5 Periodic Tests
(ASME A17.1 Rules 8.11.2.3.3 – 811.2.3.10)

Building Name	Owners Name	Registration Tag No.
Street Address	Address	Regulated Object ID.
City, State, Zip	City, State, Zip	Manufacturer

Personal information you provide may be used for secondary purposes [Privacy Law, s.15.04 (1)(m), Stats.]

1	Type of Elevator	Passenger: <input type="checkbox"/>	Freight: <input type="checkbox"/>	Class:	
2	Rated Capacity:	lbs.	Rated Speed: (up)	Operating Speed: (down)	Leveling Speed:
3	8.11.2.3.3 Oil Buffers: Car:	<input type="checkbox"/>	Counterweight: <input type="checkbox"/>	Is test satisfactory? Yes <input type="checkbox"/> No <input type="checkbox"/>	Date of Test:
3a	Remarks:				
4	8.11.2.3.4 Braking System (with 125% rated load).			Is test satisfactory? Yes <input type="checkbox"/> No <input type="checkbox"/>	Date of Test:
4a	Remarks:				
5	8.11.2.3.5 Emergency and Standby Power Operation (with 125% rated load).			Is test satisfactory? Yes <input type="checkbox"/> No <input type="checkbox"/>	Date of Test:
5a	Remarks:				
6	8.11.2.3.6 Emergency Terminal Stopping and Speed Limiting Devices.			Is test satisfactory? Yes <input type="checkbox"/> No <input type="checkbox"/>	Date of Test:
6a	Remarks:				
7	8.11.2.3.7 Power Opening of Doors.			Is test satisfactory? Yes <input type="checkbox"/> No <input type="checkbox"/>	Date of Test:
7a	Remarks:				
8	8.11.2.3.8 Leveling Zone and Leveling Speed.			Is test satisfactory? Yes <input type="checkbox"/> No <input type="checkbox"/>	Date of Test:
8a	Remarks:				
9	8.11.2.3.9 Inner Landing Zone.			Is test satisfactory? Yes <input type="checkbox"/> No <input type="checkbox"/>	Date of Test:
9a	Remarks:				
10	8.11.2.3.10 Emergency Stopping Distance (with 125% rated load).			Is test satisfactory? Yes <input type="checkbox"/> No <input type="checkbox"/>	Date of Test:
10a	Remarks:				

11 8.11.1.6 Test Tags. A metal tag with the applicable code requirement(s) and date(s) performed, and the name of the person or firm performing the test, shall be installed in the machine room or machine space for all periodic tests.

The Above Tests Were Performed in Compliance With ASME A17.1 Section 8.11.2.3 And Comm. 18			
Firm Performing Tests	Address	City, State, Zip	Date of Test Submission
Name of Person Performing Tests (Print)		Signature of Person Performing Tests	

Reports Shall Be Filed With the Department of Commerce Within 15 (Fifteen) Days of Performing Test.

Copy Distribution: One copy to be retained by firm or person performing test
One copy to be sent to Safety And Buildings Division, P.O. Box 7302, Madison, WI 53707-7302
One copy to be retained by owner or tenant



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **08-030**

AN ORDER to repeal Comm 18.1702 (3), 18.1705 (3), 18.1802 (7) (d), and (8) (b), 18.1803 (2) (b), and (4); to renumber Comm 18.1002 (1) (a) to (p), 18.1004 (6), (7), and (9), Table Comm 18.1013-1 lines 10. to 13., 18.1702 (4) to (8) and (10) (b), 18.1705 (4) to (6), 18.1802 (8) (c) and (d), 18.1803 (2) (a) 1. and 2.; to renumber and amend Comm 18.1004 (8), 18.1702 (5) Note; to amend Comm 5.003 (10g), 5.991 (1) (c), 5.998 (1) (b), 5.999 (1) (b), 18.1001, 18.1002 (1) (intro.), 18.1003 (1) (a) and (b) 2., 18.1004 (5), 18.1005, 18.1007 (1) (b), 18.1009 (1), 18.1013 (1) and (2) (intro.) and (b) 1. to 3. and 5. and 6., 18.1013 (3) (a) 1. and 2., 18.1014 (1), (2) and (4) (b), 18.1015 (1), (2) (c), (3), and (4) (a) and (b), 18.1701 Note 2, 18.1702 (2) (c) (intro.), (5) Note, 18.1705 (1), 18.1707 (3) Note, 18.1709, 18.1800, 18.1802 (7) (a), 18.1803 (1) (b) (intro.), and (3) (b), 18.1804 (2) and 18.1808 (1); to repeal and recreate Comm 18.1008, 18.1015 (4) (c), 18.1705 (2), 18.1708, 18.1801 (3), 18.1802 (1) and (2), and (8) (a) Note, and 18.1810 (2); and to create Comm 18.1002 (1) (a) 17. and (b), 18.1004 (6) and (10), 18.1007 (2) (a) Note, Table Comm 18.1013-1, line 10., 18.1702 (8) and (10) (b), 18.1820, and 21.115, relating to the technical requirements for conveyances and affecting small businesses.

Submitted by **DEPARTMENT OF COMMERCE**

04-15-2008 RECEIVED BY LEGISLATIVE COUNCIL.

05-06-2008 REPORT SENT TO AGENCY.

RNS:SG

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



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CLEARINGHOUSE RULE 08-030

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

1. Statutory Authority

The Legislature granted authority to the department to “modify definitions” established under s. 101.981 (1), Stats., and, under that authority, the department has chosen to limit the definition of the term “conveyance” to exclude certain types of lifts in individual residential dwelling units and to exclude personnel hoists and material hoists. However, it is clear that the Legislature in enacting 2005 Wisconsin Act 456 intended to apply the regulation of elevators, escalators, and other conveyances to an owner of a private residence. [See ss. 101.983 (2) (c) and (d) and 101.988 (3), Stats.] The department should explain how its authority to modify a statutory definition extends to negating substantive provisions of the statutes.

2. Form, Style and Placement in Administrative Code

a. In SECTION 1 of the proposed rule, only par. (a) should be shown since it is the only part of sub. (10g) that is amended. The treatment clause should be revised accordingly.

b. When the department modifies a subsection or paragraph, it is not necessary to include the title to the particular code section. For example, see SECTIONS 2 and 3 of the proposed rule. [See s. 1.05 (3) (c), Manual.]

c. When renumbering a subunit of a rule, the entire citation of the renumbered subunit should be shown. For example, the treatment clause of SECTION 7 should state “Comm 18.1002 (1) (a) to (p) are renumbered Comm 18.1002 (a) 1. to 16.” The entire rule should be reviewed for instances of this error.

d. It appears the department intends to insert, in alphabetical order, two new definitions in s. Comm 18.1004. In order to place the new definitions in alphabetical order, the department should renumber s. Comm 18.1004 (6) to (7), renumber s. Comm 18.1004 (7), (8), and (9) to (9), (10) and (11), and create s. Comm 18.1004 (6) and (8) for the definitions of “conveyance” and “dwelling unit,” respectively. SECTION 14 of the proposed rule then should amend s. Comm 18.1004 (9) as renumbered rather than s. Comm 18.1004 (8) as renumbered. Additionally, do SECTIONS 12 to 16 of the proposed rule properly account for the effect of CR 07-089 on s. Comm 18.1004?

However, a simpler approach to creating new subsections is to leave the current subsections numbered as they are, and to insert the new subsections with a number and a letter. For example, the definition of “conveyance” could become a new sub. (5m) in s. Comm 18.1004. The definition of “dwelling unit” could become a new sub. (6m).

e. The treatment clause of SECTION 22 should refer to s. Comm 18.1013 (1), (2) (a) (intro.), (2) (b) (intro.) and 1. to 3., 5., and 6.

f. In SECTIONS 27, 43 and 44 of the proposed rule, the department should include the notation “(title)” in the introductory and treatment clauses of the rule. [See s. 1.05 (3) (a), Manual.]

g. The department should revise s. Comm 18.1708 (1) and (2) (d) to incorporate the text of the note into the body of the rule.

4. Adequacy of References to Related Statutes, Rules and Forms

a. In item 4. of the rule analysis, the department cites s. 101.988, Stats., as a source of statutory authority. The department also should refer to this section in item 2. of the rule analysis.

b. The department should include the word “Stats.” after the references to s. 101.981 (1) (c) in ss. Comm 5.003 (10g) and 18.1004 (6). [See s. 1.07 (2), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Should the department clarify the meaning of the phrase “to the exclusion of all others” in SECTION 16 of the proposed rule?

b. In s. Comm 18.1802 (7) (a), the department should use the phrase “may not” or consider an alternative expression such as “the rated load shall be at least 750 lbs.” [See s. 1.01 (2), Manual.]