



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBs0096/1
MGG:wj:rs

ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 ASSEMBLY BILL 358

June 7, 2007 – Offered by Representative KLEEFISCH.

1 **AN ACT** *to renumber and amend* 101.981 (1) (c); *to amend* 101.19 (1) (k),
2 101.983 (2) (c), 101.983 (2) (d) and 101.988 (3); *to create* 101.981 (1) (c) 4.,
3 101.981 (1) (c) 5. and 101.9815 of the statutes; and *to affect* 2005 Wisconsin Act
4 456, section 7 (2), 2005 Wisconsin Act 456, section 7 (3) and 2005 Wisconsin Act
5 456, section 7 (5); **relating to:** exempting lifts from the statutes regulating the
6 installation and operation of elevators and similar conveyances, rules
7 implementing the statutes regulating the installation and operation of
8 elevators and similar conveyances, and delaying the effective date for statutes
9 regulating the installation and operation of elevators and similar conveyances.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

10 **SECTION 1.** 101.19 (1) (k) of the statutes, as created by 2005 Wisconsin Act 456,
11 is amended to read:

1 101.19 (1) (k) Administering subch. VII, except that the department may not
2 charge a fee for an emergency elevator mechanic's license under s. 101.985 (2) (c) or
3 a conveyance operation permit under s. 101.983 (2) for a platform lift, stairway chair
4 lift, or any other lift in a private residence. This paragraph applies beginning on
5 June 1, 2008.

6 **SECTION 2.** 101.981 (1) (c) of the statutes is renumbered 101.981 (1) (c) (intro.)
7 and amended to read:

8 101.981 (1) (c) (intro.) “Conveyance” means an elevator, an escalator, a
9 dumbwaiter, a belt manlift, a moving walkway, a platform lift, a personnel hoist, a
10 material hoist and a stairway chair lift, and any other similar device, such as an
11 automated people mover, used to elevate or move people or things, as provided in the
12 rules of the department. “Conveyance” does not include ~~a~~ any of the following:

13 1. A grain elevator ~~a~~.

14 2. A ski lift or towing device, ~~or an~~.

15 3. An amusement or thrill ride.

16 **SECTION 3.** 101.981 (1) (c) 4. of the statutes is created to read:

17 101.981 (1) (c) 4. An elevator, a dumbwaiter, a platform lift, or a stairway chair
18 lift that is located in an individual residential dwelling unit or any other type of lift
19 that moves people and that is located in such a unit.

20 **SECTION 4.** 101.981 (1) (c) 5. of the statutes is created to read:

21 101.981 (1) (c) 5. A personnel hoist or a material hoist.

22 **SECTION 5.** 101.9815 of the statutes is created to read:

23 **101.9815 Applicability.** Sections 101.983, 101.984, 101.985, and 101.988
24 apply beginning on June 1, 2008.

1 **SECTION 6.** 101.983 (2) (c) of the statutes, as created by 2005 Wisconsin Act 456,
2 is amended to read:

3 101.983 **(2)** (c) *Inspections.* The department may not issue or renew a permit
4 under this subsection unless the department has received an inspection report for
5 the conveyance issued by an elevator inspector licensed under s. 101.985 (3)
6 indicating that the conveyance complies with this subchapter and any applicable
7 rules promulgated under this subchapter. ~~Upon request of the owner of a private~~
8 ~~residence containing a newly installed platform lift, stairway chair lift, or residential~~
9 ~~lift or of the new owner of a private residence containing a previously installed~~
10 ~~platform lift, stairway chair lift, or residential lift, the department shall inspect the~~
11 ~~lift or equipment for compliance with this subchapter and any applicable rules~~
12 ~~promulgated under this subchapter. This inspection by the department does not~~
13 ~~exempt the owner from the requirement to ensure that the department receives an~~
14 ~~inspection report from a licensed elevator inspector. Upon performing this~~
15 ~~inspection, the department shall give the owner notice of relevant conveyance safety~~
16 ~~requirements and shall instruct the owner as to the procedure for obtaining periodic~~
17 ~~inspections and renewing the permit under which the lift or equipment is operated.~~

18 **SECTION 7.** 101.983 (2) (d) of the statutes, as created by 2005 Wisconsin Act 456,
19 is amended to read:

20 101.983 **(2)** (d) *Term and posting requirements.* A permit issued under this
21 subsection has a term of one year, ~~except that a permit applicable to a platform lift,~~
22 ~~stairway chair lift, or residential lift in a private residence is valid until ownership~~
23 ~~of the private residence is transferred, at which time the new owner shall apply for~~
24 ~~renewal of the permit under par. (b).~~ The owner of the building or residence in which

1 a conveyance is located shall display the permit under par. (a) applicable to the
2 conveyance on or in the conveyance or, if applicable, in the machinery room.

3 **SECTION 8.** 101.988 (3) of the statutes, as created by 2005 Wisconsin Act 456,
4 is amended to read:

5 101.988 (3) PENALTIES. Any person who violates this subchapter or rules
6 promulgated under this subchapter may be fined not more than \$1,500 or imprisoned
7 for not more than 30 days or both, ~~except that, notwithstanding s. 939.61 (1), the~~
8 ~~owner of a private residence in which a conveyance is located may not be fined or~~
9 ~~required to pay a forfeiture to this state as a result of any violation involving that~~
10 ~~conveyance.~~

11 **SECTION 9.** 2005 Wisconsin Act 456, section 7 (2) is amended to read:

12 [2005 Wisconsin Act 456] Section 7 (2) EMERGENCY RULES. Using the procedure
13 under section 227.24 of the statutes, the department of commerce ~~shall~~ may
14 promulgate as emergency rules the rules required under subchapter VII of chapter
15 101 of the statutes, as created by this act, and under section 101.19 (1) (k) of the
16 statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the
17 statutes, the emergency rules promulgated under this subsection may remain in
18 effect until the date on which the permanent rules required under subchapter VII
19 of chapter 101 of the statutes, as created by this act, and under section 101.19 (1) (k)
20 of the statutes, as created by this act, take effect. Notwithstanding section 227.24
21 (1) (a) and (3) of the statutes, the department of commerce is not required to provide
22 evidence that promulgating rules under this subsection as emergency rules is
23 necessary for the preservation of the public peace, health, safety, or welfare and is
24 not required to provide a finding of emergency for the rules promulgated under this
25 subsection. ~~The department of commerce shall promulgate the rules required under~~

1 ~~this subsection no later than the first day of the 9th month beginning after the~~
2 ~~effective date of this subsection.~~

3 **SECTION 10.** 2005 Wisconsin Act 456, section 7 (3) is amended to read:

4 [2005 Wisconsin Act 456] Section 7 (3) EFFECT ON COLLECTIVE BARGAINING
5 AGREEMENTS. If a person is affected by a collective bargaining agreement that is in
6 effect on the ~~effective date of this subsection~~ June 1, 2008, and that contains
7 provisions that are inconsistent with subchapter VII of chapter 101 of the statutes,
8 as created by this act, then, notwithstanding subchapter VII of chapter 101 of the
9 statutes, as created by this act, the person may perform its obligations, and exercise
10 its rights, under those provisions of the collective bargaining agreement until the
11 collective bargaining agreement expires or is extended, modified, or renewed,
12 whichever occurs first.

13 **SECTION 11.** 2005 Wisconsin Act 456, section 7 (5) is amended to read:

14 [2005 Wisconsin Act 456] Section 7 (5) GRACE PERIOD FOR OBTAINING PERMIT TO
15 OPERATE EXISTING CONVEYANCES. Notwithstanding section 101.983 (2) of the statutes,
16 as created by this act, the owner or lessee of any conveyance, as defined in section
17 101.981 (1) (c) of the statutes, as created by this act, in operation on the ~~effective date~~
18 ~~of this subsection~~ June 1, 2008, shall obtain the permit required under section
19 101.983 (2) of the statutes, as created by this act, no later than the first day of the
20 6th month beginning after the effective date of this subsection. This subsection does
21 not apply to any person required to obtain a permit under rules of the department
22 of commerce that are in effect before the effective date of this subsection.

23 **(END)**