



2007 ASSEMBLY BILL 358

May 29, 2007 - Introduced by Representatives KLEEFISCH, NASS, ALBERS, DAVIS, GUNDERSON, HAHN, KERKMAN, LEMAHIEU, LOTHIAN, NERISON, SUDER, TOWNSEND and TURNER, cosponsored by Senators PLALE, GROTHMAN, ELLIS, KAPANKE, KEDZIE and OLSEN. Referred to Committee on Small Business.

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. and
3 101.981 (1) (c) 5. of the statutes; and *to affect* 2005 Wisconsin Act 456, section
4 7 (2) and 2005 Wisconsin Act 456, section 8 (intro.); **relating to:** exempting
5 residential lifts from the statutes regulating the installation and operation of
6 elevators and similar conveyances, rules implementing the statutes regulating
7 the installation and operation of elevators and similar conveyances, and
8 delaying the effective date for statutes regulating the installation and
9 operation of elevators and similar conveyances.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Commerce (Commerce) regulates the installation, alteration, and operation of elevators, escalators, and similar conveyances that move people or things. Commerce is required to promulgate a safety code for installing and operating these conveyances. Beginning on June 1, 2007, contractors and mechanics installing, altering, and repairing these conveyances, and inspectors of these conveyances, must be licensed by Commerce, and, beginning on that date, these conveyances may not be installed, altered, or

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operated unless Commerce has issued a permit authorizing the installation, alteration, or operation.

This bill excludes an elevator, dumbwaiter, stairway chair lift, or a similar lift that moves people and that is in a personal residence and a hoist used in construction from the definition of conveyance, thereby exempting these types of conveyances from the safety code and the licensing and permitting requirements described above.

The bill also delays, from June 1, 2007, to June 1, 2008, the date on which the licensing and permitting requirements described above take effect.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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

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

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

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

14 1. A grain elevator ~~a~~.

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

16 3. An amusement or thrill ride.

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

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1 101.981 (1) (c) 4. An elevator, a dumbwaiter, a platform lift, or a stairway chair
2 lift that is located in a private residence or any other type of lift that moves people
3 and that is located in a private residence.

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

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

6 **SECTION 5.** 101.983 (2) (c) of the statutes, as created by 2005 Wisconsin Act 456,
7 is amended to read:

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

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

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1 101.983 **(2)** (d) *Term and posting requirements.* A permit issued under this
2 subsection has a term of one year, ~~except that a permit applicable to a platform lift,~~
3 ~~stairway chair lift, or residential lift in a private residence is valid until ownership~~
4 ~~of the private residence is transferred, at which time the new owner shall apply for~~
5 ~~renewal of the permit under par. (b).~~ The owner of the building or residence in which
6 a conveyance is located shall display the permit under par. (a) applicable to the
7 conveyance on or in the conveyance or, if applicable, in the machinery room.

8 **SECTION 7.** 101.988 (3) of the statutes, as created by 2005 Wisconsin Act 456,
9 is amended to read:

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

16 **SECTION 8.** 2005 Wisconsin Act 456, section 7 (2) is amended to read:

17 [2005 Wisconsin Act 456] Section 7 (2) EMERGENCY RULES. Using the procedure
18 under section 227.24 of the statutes, the department of commerce shall may
19 promulgate as emergency rules the rules required under subchapter VII of chapter
20 101 of the statutes, as created by this act, and under section 101.19 (1) (k) of the
21 statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the
22 statutes, the emergency rules promulgated under this subsection may remain in
23 effect until the date on which the permanent rules required under subchapter VII
24 of chapter 101 of the statutes, as created by this act, and under section 101.19 (1) (k)
25 of the statutes, as created by this act, take effect. Notwithstanding section 227.24

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1 (1) (a) and (3) of the statutes, the department of commerce is not required to provide
2 evidence that promulgating rules under this subsection as emergency rules is
3 necessary for the preservation of the public peace, health, safety, or welfare and is
4 not required to provide a finding of emergency for the rules promulgated under this
5 subsection. ~~The department of commerce shall promulgate the rules required under~~
6 ~~this subsection no later than the first day of the 9th month beginning after the~~
7 ~~effective date of this subsection.~~

8 **SECTION 9.** 2005 Wisconsin Act 456, section 8 (intro.) is amended to read:

9 [2005 Wisconsin Act 456] Section 8. **Effective dates.** (intro.) This act takes
10 effect on the first day of the ~~12th~~ 24th month beginning after publication, except as
11 follows:

12 **SECTION 10. Effective dates.** This act takes effect on the day after publication,
13 except as follows:

14 (1) The treatment of sections 101.19 (1) (k), 101.983 (2) (c) and (d), and 101.988
15 (3) of the statutes takes effect on the first day of the 24th month beginning after
16 publication of 2005 Wisconsin Act 456.

17 (END)