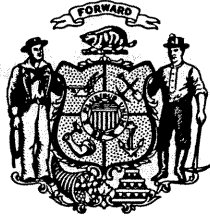


WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2

**RULES CLEARINGHOUSE**

**Ronald Sklansky**  
Director  
(608) 266-1946



**Terry C. Anderson, Director**  
Legislative Council Staff  
(608) 266-1304

**Richard Sweet**  
Assistant Director  
(608) 266-2982

One E. Main St., Ste. 401  
P.O. Box 2536  
Madison, WI 53701-2536  
FAX: (608) 266-3830

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**CLEARINGHOUSE REPORT TO AGENCY**

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[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 00-086**

AN ORDER to repeal Comm 18.08 (1); to renumber Comm 18.08 (2) (a), (b) and (c) and 18.12 (2) and (3); to amend Comm 18.48 (2) (d) and (4) (a) 1.; to repeal and recreate Comm 18.12 (1) and 18.48 (2) (a); and to create Comm 18.03, relating to inspection of and permits to operate elevators and other mechanical lifting devices.

Submitted by **DEPARTMENT OF COMMERCE**

05-09-00 RECEIVED BY LEGISLATIVE COUNCIL.

06-02-00 REPORT SENT TO AGENCY.

RNS:DF:jal;wu

**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)]

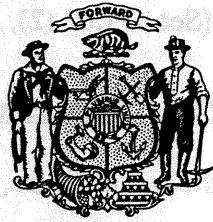
Comment Attached YES  NO

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 00-086

### 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 September 1998.]**

#### 2. Form, Style and Placement in Administrative Code

a. In s. Comm 18.03, in the first sentence, "enforce and interpret" should be substituted for "have the authority and responsibility for enforcing and interpreting," and "shall grant" should be substituted for "granting." [See s. 1.01 (1), Manual.]

Also, what is the "formal interpretation" that is referred to in the second sentence, and where may this "formal interpretation" be found? Will any "formal interpretation" be promulgated as part of the administrative code? See ss. 227.01 (13) and 227.10 (1), Stats.

b. The treatment clause to SECTION 2 should state "Comm 18.08 (title) and (1) are repealed." Also, the treatment clause to SECTION 3 should state "Comm 18.08 (2) (title), (a), (b) and (c) are renumbered Comm 18.11 (title), (1), (2) and (3)," assuming that "Accident Reporting" will be the title of s. Comm 18.11.

c. SECTIONS 4 and 5 should be divided into three SECTIONS--one that repeals and recreates s. Comm 18.12 (1), one that renumbers s. Comm 18.12 (2) and (3), and one that creates s. Comm 18.12 (2).

d. In s. Comm 18.12 (1) (b), "premises" should be substituted for "premise." Also, in sub. (2), in the last sentence, "with ch. Comm 18" is unnecessary and should be deleted.

e. In the treatment clause to SECTION 8, "(4)" should be inserted before "(a)."

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

In s. Comm 18.48 (2) (a) 2. b., "subd." should be substituted for "subdiv.;" and "s." should be inserted before "Comm 2.15." [See s. 1.07 (2), Manual.]

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

In s. Comm 18.48 (2) (a) 2. a., in the last sentence, "on" should be changed to "in."



State of Wisconsin \ Department of Commerce

# HEARING DRAFT of PROPOSED RULES

**Rule No.:** Chapter Comm 18

**Relating to:** Inspection of elevators and other mechanical lifting devices

The Department of Commerce proposes an order to repeal Comm 18.08 (1); to renumber Comm 18.08 (2) (a), (b) and (c); Comm 18.12 (2) and (3); to amend Comm 18.48 (2) (d) and Comm 18.48 (4) (a) 1.; to repeal and recreate Comm 18.12 (1) and Comm 18.48 (2) (a); and to create Comm 18.03, relating to inspection and permits to operate for elevators and other mechanical lifting devices.

\*\*\*\*\*

### ANALYSIS OF PROPOSED RULES

Statutory Authority: ss. 101.02 (1) and (15), 101.13 and 101.17, Stats.

Statute Interpreted: s. 101.17, Stats.

The Department of Commerce is responsible for adopting standards to protect the safety and health of employes and frequenters in places of employment and public buildings who use elevators and other mechanical lifting devices.

The purpose of chapter Comm 18, Elevator Code, is to establish safety requirements for elevators and other mechanical lifting devices installed in or at public buildings and places of employment. Chapter Comm 18 is being revised to address inspection and permit to operate issues. The following changes are being proposed:

- Clarify that it is the owner's responsibility to maintain a valid permit to operate for any equipment covered by Comm 18.
- Clarify that routine and periodic inspections may be performed by individuals holding a valid credential as a certified elevator inspector as specified in chapter Comm 5, Credential Code or they may be performed by the Department.
- Identify timeframes for reporting inspections performed by certified elevator inspectors.

\*\*\*\*\*

Chapter Comm 18  
 Relating to  
 inspection of elevators and other mechanical lifting  
 devices

SECTION 1. Comm 18.03 is created to read:

*shall grant*

*enforce and interpret*

**Comm 18.03 Authority.** The department shall ~~have the authority and responsibility for enforcing and interpreting this chapter and the American National Standard Safety Code for Elevators and Escalators, ASME A17.1, and granting special permission as specified in this chapter.~~ A formal interpretation of this chapter shall remain in effect until rescinded or changed or until the edition of the ASME A17.1 Safety Code for Elevators and Escalators is changed in s. Comm 18.14. Requests for interpretations shall be in writing to the department.

*rule*

SECTION 2. Comm 18.08 (1) is repealed.

*rep. title?*

*check*

SECTION 3. Comm 18.08 (2) (a), (b) and (c) are renumbered Comm 18.11 (1), (2) and (3):

SECTION 4. Comm 18.12 (2) and (3) are renumbered Comm 18.12 (3) and (4). *ADD*

SECTION 5. Comm 18.12 (1) is repealed and recreated to read:

**Comm 18.12 Permit to operate. (1) RESPONSIBILITY.** (a) The owner of any equipment covered by this chapter shall be responsible for obtaining and maintaining a valid permit to operate.

(b) The permit to operate shall be kept on the premise.

**(2) ISSUANCE.** After each acceptance or routine inspection of equipment covered by this chapter and found to be in compliance with this chapter, a permit to operate shall be issued by the department or municipality. The department or municipality shall issue a permit to operate within 10 business days from receipt of an inspection report showing compliance with ch. Comm 18. *this chapter*

*creat*

SECTION 6. Comm 18.48 (2) (a) is repealed and recreated to read:

**Comm 18.48 (2) (a) Inspection.** 1. The department or a certified elevator inspector shall perform routine inspections.

2. a. A certified elevator inspector shall report to the department not later than 30 calendar days after inspection service on equipment covered by this chapter is started or discontinued. The reason for discontinuing the service shall be given on the report.

b. Where the inspections specified in subdv. 1. are performed by a certified elevator inspector other than a department inspector, the inspection report shall be filed with the department within 30 calendar days from the expiration date of the permit to operate. If the report is not filed within the 30-day period, the department may perform the inspection and bill the owner in accordance with the fees established in Comm 2.15.

SECTION 7: Comm 18.48 (2) (d) is amended to read:

**Comm 18.48 (2) (d) Compliance with orders.** If a certified elevator inspector is unable to obtain compliance with this chapter, the inspector shall notify the department. If it becomes necessary for the department to conduct inspections, a fee in accordance with s. Comm 2.15 will be charged for each inspection.

SECTION 8. Comm 18.48 (a) 1. is amended to read:

**Comm 18.48 (4) (a) 1.** New installations shall be tested and inspected by a ~~staff person~~ of the department or an authorized representative of the department or municipality who has received a letter of authorization from the department to determine whether or not the installations comply with the conditionally approved plans and the provisions of this chapter. The installation shall not be placed in service until authorized by the department or municipality.

(END)

\*\*\*\*\*

EFFECTIVE DATE

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

\*\*\*\*\*

h:ch 18 code\9914 inspec draft.doc



SEP 08 2000

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



Tommy G. Thompson, Governor  
Brenda J. Blanchard, Secretary

September 8, 2000

Senate Chief Clerk  
Room 501  
119 Martin Luther King Blvd  
Madison, Wisconsin 53703

Assembly Chief Clerk  
Room 402  
1 East Main Street  
Madison, Wisconsin 53703

Dear Chief Clerks:

**TRANSMITTAL IN FINAL DRAFT FORM OF ADMINISTRATIVE  
RULES AND REPORT**

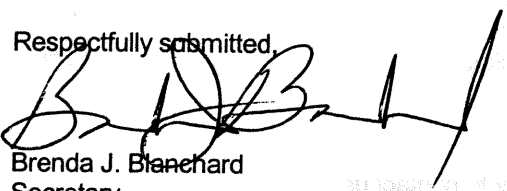
CLEARINGHOUSE RULE NO.: 00-086

RULE NO.: Chapter Comm 18

RELATING TO: Inspection of elevators and other mechanical lifting devices

Pursuant to section 227.19, Stats., agencies are required to submit, in triplicate, copies of the proposed administrative rules in final draft form together with a rule report and an analysis. The recommendations received from the Legislative Council are also to be submitted.

At this time, this material, together with cover letters to the President of the Senate and the Speaker of the Assembly, is being transmitted for referral to the standing committees for legislative review.

Respectfully submitted,  
  
Brenda J. Blanchard  
Secretary



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

Tommy G. Thompson, Governor  
Brenda J. Blanchard, Secretary

September 8, 2000

Senator Fred Risser  
President of the Senate  
Room 220 South, State Capitol  
Madison, Wisconsin 53702

Representative Scott Jensen  
Speaker of the Assembly  
Room 211 West, State Capitol  
Madison, Wisconsin 53702

Dear Senator Risser and Representative Jensen:

### NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 00-086

RULE NO.: Chapter Comm 18

RELATING TO: Inspection of elevators and other mechanical lifting devices

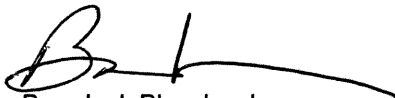
Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the presiding officer of each house for referral to the appropriate legislative standing committees.

The following information, as required by law, is being submitted to you.

1. Rules in final draft form (in triplicate).
2. Report consisting of:
  - a) Rule Report.
  - b) Public Hearing Attendance Record.
  - c) Public Hearing Comment and Agency Response Form.
  - d) Legislative Council Rules Clearinghouse Report.
  - e) Response to Legislative Council Rules Clearinghouse Report.
  - f) Fiscal Estimate.
  - g) Final Regulatory Flexibility Analysis.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

  
Brenda J. Blanchard  
Secretary

# FINAL REGULATORY FLEXIBILITY ANALYSIS

## Department of Commerce

CLEARINGHOUSE RULE NO.: 00-086

RULE NO.: Chapter Comm 18

RELATING TO: Inspection of elevators and other mechanical lifting devices

Final regulatory flexibility analysis not required. (Statement of determination required.)

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.

Certified elevator inspectors will use the same forms and abide by the same deadlines for submission of inspection reports as the Department inspectors use in order for owners to receive a valid permit to operate for elevators and other mechanical lifting devices installed in their buildings.

2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

There was a suggestion that the Department establish a system to monitor inspections performed by independent certified elevator inspectors. This monitoring should ensure inspections performed by independent inspectors are meeting the current levels of review performed by state inspectors and the units are meeting the safety requirements. Currently, the Department monitors inspections performed by National Elevator Inspection Services and will also monitor inspections done by other independent certified elevator inspectors. No changes are necessary in the proposed rules to cover the Department's action to monitor inspections done by others.

*(Continued on reverse side)*

3. Nature and estimated cost of preparation of any reports by small businesses.

None Known

4. Nature and estimated cost of other measures and investments required of small businesses.

None known

5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.

No additional costs are anticipated that cannot be absorbed into the annual budget.

6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

By opening up the inspection process to independent certified elevator inspectors the number of elevators that are not inspected may be reduced. If elevators and other mechanical lifting devices are inspected in a timely manner, the safety of the users of elevators and other mechanical lifting devices may be improved.

# RULE REPORT

## Department of Commerce

Rule No.: Chapter Comm 18

Relating to: Inspection of elevators and other mechanical lifting devices

*Agency contact person for substantive questions:*

Name Joe Hertel

Title Program Manager

Telephone Number (608) 266-5649

*Agency contact person for internal processing:*

Name Diane Meredith

Title Code Consultant

Telephone Number (608) 266-8982

1. Agency statutory authority under which the agency intends to promulgate the rule(s).  
ss. 101.02 (1) and (15), 101.17, Stats.
2. Citation of federal regulations which require adoption or which are relevant to the proposed rule(s).  
None known
3. Citation of court decisions which are applicable to the proposed rule(s).  
None known

4. Description of the proposed rule(s).

The Department of Commerce is responsible for enforcing the safety standards for elevators and other mechanical lifting devices and for issuing permits to operate, which indicate the equipment is in a safe operating condition. The proposed code change is to clarify that it is the owner's responsibility to maintain a valid permit to operate for the elevators and mechanical lifting devices. The rules also clarify that the Department or other private certified elevator inspectors may perform routine and periodic inspections. In the event, the owner does not maintain a valid permit to operate, the Department may perform the inspections and charge fees accordingly.

5. Reason for the proposed rule(s).

1. Clarify that it is the owner's responsibility to maintain a valid permit to operate.
2. Clarify that routine and periodic inspections may be performed by individuals holding a valid credential as a certified elevator inspector as specified in chapter Comm 5, Credential Code or they may be performed by the Department.

**FISCAL ESTIMATE WORKSHEET**  
Detailed Estimate of Annual Fiscal Effect  
DOA-2047(R06/99)

ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.      Amendment No.  
Ch. Comm 18

**Subject**  
Inspection of elevators and other mechanical lifting devices

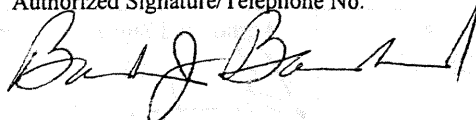
**I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**  
None known

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
<b>A. State Costs By Category</b>		
State Operations - Salaries and Fringes	\$ 0	\$ -0
(FTE Position Changes)	( 0 FTE)	( - 0 FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
<b>TOTAL State Costs By Category</b>	<b>\$ 0</b>	<b>\$ -0</b>
<b>B. State Costs By Source of Funds</b>		
GPR	\$	\$
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
<b>III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		
PRO/PRS	0	-0
SEG/SEG-S		
<b>TOTAL State Revenues</b>	<b>\$ 0</b>	<b>\$ -0</b>

**NET ANNUALIZED FISCAL IMPACT**

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 0	\$ 0

Agency/Prepared by: (Name & Phone No.)  
Commerce, Diane Meredith 6-8982

Authorized Signature/Telephone No.  


Date  
5/4/00

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

FISCAL ESTIMATE  
DOA-2048 (R06/99)

Subject

Inspection of elevators and other mechanical lifting devices

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

Decrease Existing Appropriation

Create New Appropriation

Increase Existing Revenues

Decrease Existing Revenues

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

2.  Decrease Costs

Permissive  Mandatory

3.  Increase Revenues

Permissive  Mandatory

4.  Decrease Revenues

Permissive  Mandatory

5. Types of Local Governmental Units Affected:

Towns  Villages  Cities

Counties  Others \_\_\_\_\_

School Districts  WTCS Districts

Fund Sources Affected

GPR  FED  PRO  PRS  SEG  SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

Currently, the Department performs all inspections for new installations covered by chapter Comm 18, Elevator Code, except for installations in first class cities. The Department has also contracted with an independent inspection company to perform periodic and routine inspections on existing elevators. The proposed rule change will clarify that in accordance with s. 101.17, Stats., it is the owner's responsibility to maintain a valid permit to operate. The rules will also clarify that routine and periodic inspections may be performed by any individual holding a valid credential as a certified elevator inspector as specified in chapter Comm 5, Credential Code.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)  
Commerce/Diane Meredith 608982

Authorized Signature/Telephone No.

Date

5/4/00





**DEPARTMENT OF COMMERCE  
PUBLIC HEARING COMMENT AND AGENCY RESPONSE**

Clearinghouse Rule No.: 00-086		Hearing Location: Madison	
Rule Number: Chapter Comm 18		Hearing Date: June 27, 2000	
Relating to: Inspection of elevators and mechanical lifting devices			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Madison (Oral)	David Rakowski Northwestern/Otis Elevator Company 105 Aztalan #5 Johnson Creek, WI 53038	Indicates he is generally in favor of the rules, however is concerned whether the Department will be monitoring the work of the independent certified inspectors. Feels the general public deserves qualified individuals performing the inspections to ensure the elevator equipment is in safe operating condition. Feels the inspections performed by the Department have provided an acceptable level of safety that should be maintained. Suggests that the Department monitor the inspections being performed by other independent certified elevator inspectors to ensure the same level of safety from inspections is maintained.	The Department currently monitors inspections performed by National Elevator Inspection Services and will also monitor inspections done by other independent certified elevator inspectors. No change is necessary in the proposed rules.

0101-03-0  
0101-03-0  
0101-03-0  
0101-03-0

# RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

## Department of Commerce

CLEARINGHOUSE RULE NO.: 00-086

RULE NO.: Chapter Comm 18

RELATING TO: Inpsctions of elevators and other mechanical lifting devices

Agency contact person for substantive questions.

Name: Joe Hertel

Title: Program Manager

Telephone No. 266-5649

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

*(Continued on reverse side)*

Tommy G. Thompson, Governor  
Brenda J. Blanchard, Secretary

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached



State of Wisconsin \ Department of Commerce

# RULES in FINAL DRAFT FORM

**Rule No.:** Chapter Comm 18

**Relating to:** Inspection of elevators and other mechanical lifting devices

**Clearinghouse Rule No.:** 00-086

The Department of Commerce proposes an order to repeal Comm 18.08 (1); to renumber Comm 18.08 (2) (a), (b) and (c); Comm 18.12 (2) and (3); to amend Comm 18.48 (2) (d) and Comm 18.48 (4) (a) 1.; to repeal and recreate Comm 18.12 (1) and Comm 18.48 (2) (a); and to create Comm 18.03 and Comm 18.12 (2), relating to inspections and permits to operate for elevators and other mechanical lifting devices.

\*\*\*\*\*

### ANALYSIS OF PROPOSED RULES

Statutory Authority: ss. 101.02 (1) and (15), 101.13 and 101.17, Stats.

Statute Interpreted: s. 101.17, Stats.

The Department of Commerce is responsible for adopting standards to protect the safety and health of employes and frequenters in places of employment and public buildings who use elevators and other mechanical lifting devices.

The purpose of chapter Comm 18, Elevator Code, is to establish safety requirements for elevators and other mechanical lifting devices installed in or at public buildings and places of employment. Chapter Comm 18 is being revised to address inspection and permit to operate issues. The following changes are being proposed:

- Clarify that it is the owner's responsibility to maintain a valid permit to operate for any equipment covered by Comm 18.
- Clarify that routine and periodic inspections may be performed by individuals holding a valid credential as a certified elevator inspector as specified in chapter Comm 5, Credential Code or they may be performed by the Department.
- Identify timeframes for reporting inspections performed by certified elevator inspectors.

\*\*\*\*\*

SECTION 1. Comm 18.03 is created to read:

**Comm 18.03 Authority.** The department shall enforce and interpret this chapter and the American National Standard Safety Code for Elevators and Escalators, ASME A17.1, and shall grant special permission as specified in this chapter. A formal interpretation of this chapter shall remain in effect until rescinded or changed or until the edition of the ASME A17.1 Safety Code for Elevators and Escalators is changed in s. Comm 18.14. Requests for interpretations shall be in writing to the department.

SECTION 2. Comm 18.08 (title) (1) is repealed.

SECTION 3. Comm 18.08 (2) (title) (a), (b) and (c) are renumbered Comm 18.11 (title) (1), (2) and (3):

SECTION 4. Comm 18.12 (1) is repealed and recreated to read:

**Comm 18.12 (1) RESPONSIBILITY.** (a) The owner of any equipment covered by this chapter shall be responsible for obtaining and maintaining a valid permit to operate.

(b) The permit to operate shall be kept on the premises.

SECTION 5. Comm 18.12 (2) and (3) are renumbered Comm 18.12 (3) and (4).

SECTION 6. Comm 18.12 (2) is created to read:

**Comm 18.12 (2) ISSUANCE.** After each acceptance or routine inspection of equipment covered by this chapter and found to be in compliance with this chapter, a permit to operate shall be issued by the department or municipality. The department or municipality shall issue a permit to operate within 10 business days from receipt of an inspection report showing compliance.

SECTION 7. Comm 18.48 (2) (a) is repealed and recreated to read:

**Comm 18.48 (2) (a) Inspection.** 1. The department or a certified elevator inspector shall perform routine inspections.

2. a. A certified elevator inspector shall report to the department not later than 30 calendar days after inspection service on equipment covered by this chapter is started or discontinued. The reason for discontinuing the service shall be given in the report.

b. When a routine inspection specified in subd. 1. is performed by a certified elevator inspector other than a department inspector and the inspection report is not filed with the department within 30 calendar days from the expiration date of the permit to operate, the department may perform the inspection and bill the owner in accordance with the fees established in s. Comm 2.15.

SECTION 8. Comm 18.48 (2) (d) is amended to read:

**Comm 18.48 (2) (d) Compliance with orders.** If a certified elevator inspector is unable to obtain compliance with this chapter, the inspector shall notify the department. If it becomes necessary for the department to conduct inspections, a fee in accordance with s. Comm 2.15 will be charged for each inspection.

SECTION 9. Comm 18.48 (4) (a) 1. is amended to read:

**Comm 18.48 (4) (a) 1.** New installations shall be tested and inspected by a ~~staff person~~ of the department or an authorized representative of the department or municipality who has received a letter of authorization from the department to determine whether or not the installations comply with the conditionally approved plans and the provisions of this chapter. The installation shall not be placed in service until authorized by the department or municipality.

(END)

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EFFECTIVE DATE

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

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