

OCT 24 2001

LCRC
FORM 2



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

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 01-111

AN ORDER to repeal Comm 18.18 (1) (b) to (e), 18.23, 18.295, 18.35, 18.361 to 18.415, 18.74, 18.755, 18.85 Note and 18.88; to renumber Comm 18.18 (1) (f) to (h), 18.43 (1) to (3) and 62.3006 (1) and (2); to amend Comm 18.09 (1) (a) and (e) and (2) (b) 9., 18.18 (2) (b), 18.20 (2), 18.21 (2) (a) 1., 3. and 4., 18.34, 18.68, 18.69 (1) (b) 2. b., (3) and (5) (f) and 18.75 (2) (b) 2. b.; to repeal and recreate Comm 18.14, 18.17, 18.31 (1) Note, 18.36, 18.63 (2), 18.69 (1) (d) and (2) and 62.3004 (2); and to create Comm 18.43 (1), 62.3002 and 62.3006 (1), relating to elevators and mechanical lifting devices.

Submitted by **DEPARTMENT OF COMMERCE**

09-24-01 RECEIVED BY LEGISLATIVE COUNCIL.

10-22-01 REPORT SENT TO AGENCY.

RS:DLS:jal;tlu

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 RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 01-111

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. The definition of “building code” does not appear until s. Comm 18.18 (2) (b) (SECTION 5 in the rule), but the term “building code” is used a number of times before the definition occurs. The definition of “building code” should appear at the beginning of ch. Comm 18 so that it can be easily referenced whenever it is used in that chapter.

b. In s. Comm 18.14, delete “hereby.”

c. In SECTION 3, s. Comm 18.17 is repealed and recreated as s. Comm 18.17 (1). If there are no additional subsections in the new section, the “(1)” should be deleted and “EQUIPMENT COVERED BY THIS CODE” should be made the title of the new section. Also in this provision, “is a department rule” should be replaced by “This section is.” The same comments applies to SECTION 17.

d. SECTION 4 should be separated into two separate SECTIONS. The repeal should be accomplished in SECTION 4 and the renumbering should be accomplished in SECTION 5. The remaining SECTIONS should be renumbered accordingly.

e. In s. Comm 18.36, delete “all of the” and substitute “The” and substitute “building code” for “this code.”

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

a. The second numbered paragraph refers to s. Comm 18.18 (1) (e). Following promulgation of Clearinghouse Rule 01-111, this provision of the code will no longer exist.

b. In the third numbered paragraph of the analysis, the word "to" should be inserted after the word "relating."



State of Wisconsin \ Department of Commerce

HEARING DRAFT of PROPOSED RULES

Rule No.:

Chapters Comm 18 and 62

Relating to:

Elevators and mechanical lifting devices

The Wisconsin Department of Commerce proposes an order to repeal Comm 18.18 (1) (b) to (e), Comm 18.23, Comm 18.295, Comm 18.35, Comm 18.361 to 18.415, Comm 18.74, Comm 18.755, Comm 18.85 Note, Comm 18.88; to renumber Comm 18.18 (1) (f) to (h), Comm 18.43 (1) to (3), Comm 62.3006 (1) and (2); to amend Comm 18.09 (1) (a) and (e), and (2) (b) 9., Comm 18.18 (2) (b), Comm 18.20 (2), Comm 18.21 (2) (a) 1., 3. and 4., Comm 18.34, Comm 18.68, Comm 18.69 (1) (b) 2. b., Comm 18.69 (3) and (5) (f), and Comm 18.75 (2) (b) 2. b.; to repeal and recreate Comm 18.14, Comm 18.17, Comm 18.31 (1) Note, Comm 18.36, Comm 18.63 (2), Comm 18.69 (1) (d) and (2), Comm 62.3004 (2); to create Comm 18.43 (1), Comm 62.3002, and Comm 62.3006 (1), relating to elevators and mechanical lifting devices.

Analysis of Proposed Rules

Statutory Authority and Statutes Interpreted

Statutory Authority: Sections 101.02 (1), 101.12 and 101.13, and 101.17.
Statutes Interpreted: Sections 101.12, 101.13 and 101.17

227.11

The purpose of chapter Comm 18, Elevator Code, is to protect the safety of the general public and employees using elevators and other mechanical lifting devices in public buildings and places of employment.

The Department is in the process of repealing the requirements in chapters Comm 50 to 64 and promulgating rules in chapter Comm 61 to 66 (Clearinghouse Rule number 00-179) as the state Commercial Building Code. These changes include the adoption by reference of the 2000 edition of the *International Building Code*® (IBC), the *International Energy Conservation Code*™ (IECC), the *International Mechanical Code*® (IMC) and the *International Fuel Gas Code*® (IFGC). Comm 14, Fire Prevention Code, has been modified for fire code issues. The primary reason for revising the requirements in chapter Comm 18, Elevator Code, is to update cross-references to the Commercial Building Code, chapters Comm 61 to 65, including specific references to the adopted international codes. Changes are also proposed to eliminate duplicative and conflicting requirements and use terminology consistent with the IBC.

The following major changes are being proposed to the current chapter Comm 18:

1. The IBC sections 1108.6 and 1108.7 do not recognize the use of an ASME A17.1 Part 5 residential style elevator for use in a public building or place of employment. This will eliminate the rule permitting residential style elevators to be installed in existing churches and numerous rules within Comm 18 that modified the technical requirements for residential elevators. [Comm 18.17 (1) (b) is repealed, and Comm 18, subchapter V (ss. Comm 18.36 through Comm 18.415, are repealed.)

to ↓)

2. Currently, Comm 18 requires stretcher-sized elevators in any building 4 or more stories in height and in hospitals, nursing homes, and medical clinics, regardless of the number of stories. The IBC section 3002.4 only requires a stretcher-sized elevator to be installed in any building 4 or more stories in height but not in hospitals, nursing homes, and medical clinics that are less than 4 stories in height. A Wisconsin-based requirement will be included to retain the requirement that a stretcher-sized elevator be provided in hospitals, nursing homes, and medical clinics, regardless of the number of stories. [Comm 18.18 (1) (d) and (e) definitions and Comm 18.295] (d) doesn't exist
3. The requirement^{ch} that a drain or sump must be provided in all elevator pits is eliminated from Comm 18 and is included in IBC chapter 30 relating the construction requirements for elevators. [Comm 18.23 and Comm 62.3004 (2)] _{to}
4. Eliminate duplicative construction related accessibility requirements and cross-reference IBC chapter 11 and ICC/ANSI A117.1 standard for consistency. [Comm 18.295 (2), Comm 18.35, Comm 18.74, Comm 18.755 and Comm 18.88 are repealed; See Comm 18.69 (1) (d), (2), and (3) for cross-references]
5. Eliminate the plan review and inspection functions and the technical requirements for hand dumbwaiters. [Comm 18.43 (1)] ?

The proposed rules have been developed with the assistance of the Elevator Code Council. The members of that citizen advisory are as follows:

Names	Representing
Warren Bauer	American Institute of Architects, WI Society
Ken Bavery	WI State Fire Chiefs' Association
David Koch	National Association of Elevator Contractors
Bruce Lammi	WI Society of Professional Engineers
Steve Lex	WI AFL-CIO
Jeff Lund	Waupaca Elevator
William Page	Accessibility Equipment Manufacturers Association
David Rakowski	Public
John Zalewski	City of Milwaukee
Andrew Zielke	National Elevator Industry, Inc.

CHAPTER Comm 18
ELEVATOR CODE

SECTION 1. Comm 18.09 (1) (a) and (e) and (2) (b) 9. are amended to read:

Comm 18.09 (1) (a) A plan of the car, hoistway and machine room for showing all clearances, including all inside car dimensions specified in this chapter and ~~ch. Comm 69~~ the building code.

(e) Sufficient data and information to determine if the elevator, mechanical lifting device and machine room comply with the requirements of this chapter, and the building code and ~~ch. Comm 69.~~

(2) (b) 9. Changes to comply with the accessibility requirements specified in ch. Comm 69, ADAAG 4.10.6 the building code.

defer @ beginning

X

SECTION 2. Comm 18.14 is repealed and recreated to read:

Comm 18.14 Adoption of standards by reference. The American Society of Mechanical Engineers Safety Code for Elevators and Escalators, ASME A17.1-1996, subject to the modifications specified in subch. III, is hereby incorporated by reference into this chapter.

X

Note: A copy of the ASME A17.1, Safety Code for Elevators and Escalators is on file in the offices of the department, the secretary of state, and the revisor of statutes.

Note: Copies of the ASME A17.1-1996 standard may be purchased from the ASME Order Department, 22 Law Drive, Box 2300, Fairfield, NJ 07007-2300, or at telephone (800) THE ASME.

SECTION 3. Comm 18.17 is repealed and recreated to read:

Comm 18.17 (1) EQUIPMENT COVERED BY THIS CODE. This ^{sub.} ~~is a department rule~~ provision is in addition to the requirements in A17.1 section 1.1: Stage and orchestra lifts shall comply with this chapter.

X

SECTION 4. Comm 18.18 (1) (b) to (e) are repealed, ^{sep. SEC.} and Comm 18.18 (1) (f) to (h) are renumbered Comm 18.18 (1) (b) to (d).

SECTION 5. Comm 18.18 (2) (b) is amended to read:

Comm 18.18 (2) (b) "Building code" means chs. Comm 50 to 64, ~~66 and 70~~ 61 to 65, the Wisconsin Commercial Building Code.

just in case

Note: The Wisconsin Commercial Building Code, chs Comm 61 to 65, 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).

SECTION 6. Comm 18.20 (2) is amended to read:

Comm 18.20 (2) VENTILATION FOR MACHINERY AND CONTROL EQUIPMENT.
This is a department informational note ~~in addition the requirements of to be used under A17.1 101.5b:~~

Note: See s. ~~Comm 64.18 (1) (b)~~ the building code for requirements prohibiting the transfer of contaminated air.

SECTION 7. Comm 18.21 (2) (a) 1., 3. and 4. are amended to read:

Comm 18.21 (2) (a) 1. Sprinklers shall comply with the requirements of NFPA 13 as adopted in s. ~~Comm 51.25~~ the building code.

3. Smoke detectors used to initiate fire fighters' service shall comply with the requirements of NFPA 72, as adopted in s. ~~Comm 51.25~~ the building code.

4. The means provided to automatically disconnect the main line power supply shall comply with NFPA 72 as adopted in s. ~~Comm 51.25~~ the building code.

SECTION 8. Comm 18.23 is repealed.

7 SECTION 9. Comm 18.295 is repealed.

SECTION 10. Comm 18.31 (1) Note is repealed and recreated to read:

Comm 18.31 (1) Note: See ch. Comm 16 and the building code for special emergency standby power requirements for elevators in healthcare facilities and high-rise buildings.

SECTION 11. Comm 18.34 is amended to read:

Comm 18.34 Anti-creep operation [A17.1 306.3a]. Substitute the following wording for A17.1 306.3a (2): It shall maintain the car within ½ inch of the landing irrespective of the position of the hoistway door ~~and shall comply with ch. Comm 69 and ADAAG 4.10.2.~~

SECTION 12. Comm 18.35 is repealed.

analysis?
accessibility

SECTION 13. Comm 18.36 is repealed and recreated to read:

Comm 18.36 Private residence elevators. All of the requirements in A17.1 Part V, private residence elevators, are not included in this code. *the building*

SECTION 14. Comm 18.361 to Comm 18.415 are repealed.

SECTION 15. Comm 18.43 (1) to (3) are renumbered Comm 18.43 (2) to (4). *respectively*

SECTION 16. Comm 18.43 (1) is created to read:

Comm 18.43 (1) SCOPE. Substitute the following wording for the requirements in A17.1 Part 7, scope: This part applies to power dumbwaiters.

SECTION 17. Comm 18.63 (2) is repealed and recreated to read:

Comm 18.63 (2) ADDITION OF EMERGENCY RECALL AND EMERGENCY IN-CAR OPERATION. This is a department rule in addition to the requirements of A17.1 1202.13 and 1203.8h: Phase I and phase II operations, when installed, shall conform to the requirements of A17.1 211.3. *PROVISION*

SECTION 18. Comm 18.68 is amended to read:

Comm 18.68 Scope [A17.1 Part 20 Scope]. Substitute the following wording for A17.1 Part 20 Scope: This part applies to vertical wheelchair lifts, inclined wheelchair lifts and stairway chairlifts. Vertical wheelchair lifts, and inclined wheelchair lifts and stairway chairlifts may only be used to provide accessibility between floors as part of an accessible route as permitted in eh-Comm 69 the building code.

SECTION 19. Comm 18.69 (1) (b) 2. b. is amended to read:

Comm 18.69 (1) (b) 2. b. If glass is used in a rated hoistway door, the glass shall comply with s-Comm 51.048 the building code.

SECTION 20. Comm 18.69 (1) (d) and (2) are repealed and recreated to read:

Comm 18.69 (1) (d) Handrail [A17.1 2000.1a (7)]. Substitute the following wording for A17.1 2000.1a (7) the 3rd sentence: A grab rail extending the full length of either side guard shall be provided at a height in conformance with the building code.

(2) RUNWAY ENCLOSURE NOT PROVIDED [A17.1 2000.1b]. Substitute the following wording for A17.1 2000.1b (7) the 3rd sentence: A grab rail extending the full length of either side guard shall be provided at a height in conformance with the building code.

SECTION 21. Comm 18.69 (3) and (5) (f) are amended to read:

Comm 18.69 (3) LOWER LEVEL ACCESS RAMPS AND PITS [A17.1 2000.1e]. Substitute the following wording for A17.1 2000.1e: Pits are not required. If a pit is not provided, any difference in elevation between the floor of the platform lift and the floor level of the building shall be overcome by ramps complying with ~~eh. Comm 69, ADAAG 4.8~~ the building code.

(5) (f) Floor penetration. A vertical platform lift may penetrate one floor providing the design and construction of the hoistway complies with ~~ehs. Comm 50 to 64~~ the building code for vertical shaft requirements. To eliminate shear and pinch points, the lift shall be enclosed in a shaft that is continuous from the lowest landing to a minimum height of 42 inches above the upper landing. The lift shall comply with A17.1 2000.1a.

SECTION 22. Comm 18.74 is repealed.

SECTION 23. Comm 18.75 (2) (b) 2. b. is amended to read:

Comm 18.75 (2) (b) 2. b. Substitute the following wording for A17.1 2000.1.6c (2), second paragraph: A retractable metal guard at least 6 inches high shall be provided on the upper access end for units complying with A17.1 2001.6c (1) and (2). When in use, the incline of the ramp shall comply with ~~eh. Comm 69, ADAAG 4.5 and ADAAG 4.8~~ the building code.

SECTION 24. Comm 18.755 is repealed.

SECTION 25. Comm 18.85 Note is repealed.

SECTION 26. Comm 18.88 is repealed.

SECTION 27. Comm 62.3002 is created to read:

Comm 62.3002 Elevator car to accommodate ambulance stretcher. Substitute the following wording for the requirements in IBC section 3002.4: At least one elevator shall be provided for fire department emergency access to all floors in all buildings four stories in height or more, and, regardless of the number of stories, in all outpatient clinics specified in IBC section 304.1 and in all nursing homes and hospitals as specified in IBC section 308.3. Such elevator car shall be of such a size and arrangement to accommodate a 24-inch by 76-inch ambulance stretcher in the horizontal, open position and shall be identified by the international symbol for emergency medical services, which is the star of life. The symbol shall not be less than 3 inches high and shall be placed inside on both sides of the hoistway doorframe.

SECTION 28. Comm 62.3004 (2) is repealed and recreated to read:

Comm 62.3004 (2) PLUMBING SYSTEMS. Substitute the following wording for the requirements in IBC section 3004.5: (a) *General.* Except as specified in par. (b), plumbing and mechanical systems shall not be located in an elevator shaft.

(b) *Elevator pits.* Drains or sumps complying with ss. Comm 82.33 and 82.36 shall be provided in elevator pits. Connection of these drains and sumps to a sanitary system is prohibited.

SECTION 29. Comm 62.3006 (1) and (2) are renumbered Comm 62.3006 (2) and (3).

*Repeat
only*

SECTION 30. Comm 62.3006 (1) is created to read:

Comm 62.3006 (1) PRESSURIZATION. This is a department informational note to be used under IBC section 3006.1:

Note: See ch. Comm 18 for additional machine room access requirements.

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (b), Stats., these rules shall take effect on July 1, 2002.



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Madison, Wisconsin 53707
(608) 266-1018
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www.commerce.state.wi.us

Scott McCallum, Governor
Philip Edw. Albert, Secretary

January 24, 2002

Donald J. Schneider
Senate Chief Clerk
Room 501
119 Martin Luther King Blvd
Madison, Wisconsin 53703

John A. Scocos
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.: 01-111

RULE NO.: Chapters Comm 18 and 62

RELATING TO: Elevators and 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,

A handwritten signature in black ink, appearing to read 'Philip Edw. Albert', written over a horizontal line.

Philip Edw. Albert
Secretary



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Madison, Wisconsin 53707
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Scott McCallum, Governor
Philip Edw. Albert, Secretary

January 24, 2002

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.: 01-111

RULE NO.: Chapters Comm 18 and 62

RELATING TO: Elevators and 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,

A handwritten signature in black ink, appearing to read 'Philip Edw. Albert', written over a horizontal line.

Philip Edw. Albert
Secretary

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

CLEARINGHOUSE RULE NO.: 01-111

RULE NO.: Chapters Comm 18 and 62

RELATING TO: Elevators and 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.

No special reporting or operational requirements are specified.

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.

The comment raised by small business was to maintain the list of applicable sections in the ASME A17.1 code that would apply to orchestra and stage lifts. The requirement was inadvertently eliminated when the section was modified. The requirement will be maintained.

(Continued on reverse side)

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

None know

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.

Not applicable

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

Not applicable

RULE REPORT

Department of Commerce

Rule No.: Chapters Comm 18 and 62

Relating to: Elevators and mechanical lifting devices

Agency contact person for substantive questions:

Name Joe Hertel

Title Program Manager

Telephone Number 266-5649

Agency contact person for internal processing:

Name Diane Meredith

Title Code Consultant

Telephone Number 266-8982

1. Agency statutory authority under which the agency intends to promulgate the rule(s).
Sections. 101.02 (1) and (15), 101.12, and 101.17, Stats.
2. Citation of federal regulations which require adoption or which are relevant to the proposed rule(s).
28 CFR Part 36 Americans with Disabilities Act Accessibility Guidelines
3. Citation of court decisions which are applicable to the proposed rule(s).
None known

4. Description of the proposed rule(s).

The main purpose of the rule changes is to update building code cross-references to chapters Comm 61 to 65, which adopts by reference the International Building Code (IBC). The rule changes will also include the elimination and modification of the building construction related requirements that are included in chapter Comm 18. The following are the major changes relating to construction and types of mechanical units acceptable for use in public buildings:

- The IBC sections 1108.6 and 1108.7 do not recognize the use of a residential style elevator for use in a public building or place of employment. This will eliminate the rule permitting Part 5 residential elevators to be installed in existing churches and numerous rules that modified the Part 5 residential technical requirements.
- Currently, Comm 18 requires stretcher-sized elevators in any building 4 or more stories in height and in all hospitals, nursing homes, and medical clinics, regardless of the number of stories. The IBC section 3002.4 only requires a stretcher-sized elevator to be installed in any building 4 or more stories in height but not in hospitals, nursing homes and medical clinics that are less than 4 stories in height. A Wisconsin-based requirement will be included to retain the requirement that a stretcher-sized elevator be provided in hospitals, nursing homes, and medical clinics, regardless of the number of stories.

5. Reason for the proposed rule(s).

The primary reason for the proposed rule changes is to update the cross-references to the Wisconsin Commercial Building Code, which are chapters Comm 61 to 65 and to ensure consistency with the IBC elevator construction requirements.

FISCAL ESTIMATE
DOA-2048 (R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
Chapters Comm 18 and 62
Amendment No. if Applicable

Subject

Elevators and 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

None

Assumptions Used in Arriving at Fiscal Estimate

The Safety and Buildings Division is responsible for administering and enforcing chapters Comm 18 and 62. The proposed rules do not contain any changes in the Division's fees charged for administering and enforcing chapters Comm 18 and 62. The proposed rule changes will not generate any additional workload costs and do not propose any changes in fees paid to the Department. Therefore, the proposed rules will not have any fiscal effect on the Division.

Long-Range Fiscal Implications

None known

Agency/Prepared by: (Name & Phone No.)
Commerce/Diane Meredith 266-8982

Authorized Signature/Telephone No.

Date

9/24/01

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

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. Amendment No.
Chapters Comm 18 & 62

Subject
Elevators and 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
A. State Costs By Category		
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		-
TOTAL State Costs By Category	\$ 0	\$ -0
B. State Costs By Source of Funds		
GPR	\$	\$
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
TOTAL State Revenues	\$ 0	\$ -0

NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 0	\$ 0

Agency/Prepared by: (Name & Phone No.)

Commerce/Diane Meredith 266-8982

Authorized Signature/Telephone No.



Date

9/24/01

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 01-111		Hearing Location: Written	
Rule Number: Comm 18 and 62		Hearing Date:	
Relating to: Elevators and mechanical lifting devices			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
1	Paul S. Rosenberg, President Performance Elevator Consulting, LLC Post Office Box 464 Mequon, WI 53092-0464	Comm 18.17 (1): Suggestion the Department maintains the current rule, which clarifies the applicable rules of ASME A17.1 Parts 1, 2, and 3 are to be used to determine the safe operation of stage and orchestra lifts. Feels that inspectors may apply requirements beyond the scope of Parts 1, 2 and 3 and fees for consistency this requirement should be maintained.	The proposed hearing draft was to modify only s. Comm 18.17 (1) and the rule specifying the applicable rules for the safe operation of stage and orchestra lifts found in s. Comm 18.17 (2) was not being changed. The proposed rules have been modified to clarify the change is in par. (1) only.

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

CLEARINGHOUSE RULE NO.: 01-111

RULE NO.: Chapters Comm 18 and 62

RELATING TO: Elevators and 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)

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

Response to Legislative Council Rules Clearinghouse Comments

Clearinghouse Rule 01-111: Comm 18 and 62 relating to elevators and mechanical lifting devices.

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

2. a. The purpose of the proposed changes is to update cross-references to chapters Comm 61 to 65, which is the new Wisconsin Commercial Building Code. The definition of "building code" as used in the adopted American Society of Mechanical Engineers (ASME) A17.1 Safety Code Elevators and Escalators will be changed to cross-reference chapters Comm 61 to 65. The Department is in the process of revising the entire chapter Comm 18 to incorporate the 2000 edition of the ASME A17.1 code, and when this rule package is submitted, a definition section will be created at the beginning of the chapter, as suggested.

2.c. When a model code or standard is incorporated into a code administered and enforced by this Department, a treatment clause has been developed to give direction to the code users as to how the Wisconsin-based requirement relates to the requirement in the incorporated model code or standard. For consistency with the remaining code sections within chapter Comm 18, the language "This is a department rule" will be maintained in lieu of changing it to "This section is" as suggested.

2.e. Chapter Comm 18 is an elevator code and the proposed revision in this section was to prohibit Part V elevators from being installed in public buildings. The rule is being revised to clarify the intent.



State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM

Rule No.: Chapters Comm 18 and 62

Relating to: Elevators and mechanical lifting devices

Clearinghouse Rule No.: 01-111

The Wisconsin Department of Commerce proposes an order to repeal Comm 18.18 (1) (b) to (e), Comm 18.23, Comm 18.295, Comm 18.35, Comm 18.361 to 18.415, Comm 18.74, Comm 18.755, Comm 18.85 Note, Comm 18.88; to renumber Comm 18.18 (1) (f) to (h), Comm 18.43 (1) to (3), Comm 62.3006 (1) and (2); to amend Comm 18.09 (1) (a) and (e), and (2) (b) 9., Comm 18.18 (2) (b), Comm 18.20 (2), Comm 18.21 (2) (a) 1., 3. and 4., Comm 18.34, Comm 18.68, Comm 18.69 (1) (b) 2. b., Comm 18.69 (3) and (5) (f), and Comm 18.75 (2) (b) 2. b.; to repeal and recreate Comm 18.14, Comm 18.17, Comm 18.31 (1) Note, Comm 18.36, Comm 18.49 (1), Comm 18.63 (2), Comm 18.69 (1) (d) and (2), Comm 62.3004 (2); to create Comm 18.43 (1), Comm 62.3002, and Comm 62.3006 (1), relating to elevators and mechanical lifting devices.

Analysis of Proposed Rules

Statutory Authority and Statutes Interpreted

Statutory Authority: Sections 101.02 (1), 101.12 and 101.13, and 101.17

Statutes Interpreted: Sections 101.12, 101.13 and 101.17

The purpose of chapter Comm 18, Elevator Code, is to protect the safety of the general public and employees using elevators and other mechanical lifting devices in public buildings and places of employment.

The Department is in the process of repealing the requirements in chapters Comm 50 to 64 and promulgating rules in chapter Comm 61 to 66 (Clearinghouse Rule number 00-179) as the state Commercial Building Code. These changes include the adoption by reference of the 2000 edition of the *International Building Code*® (IBC), the *International Energy Conservation Code*™ (IECC), the *International Mechanical Code*® (IMC) and the *International Fuel Gas Code*® (IFGC). Comm 14, Fire Prevention Code, has been modified for fire code issues. The primary reason for revising the requirements in chapter Comm 18, Elevator Code, is to update cross-references to the Commercial Building Code, chapters Comm 61 to 65, including specific references to the adopted international codes. Changes are also proposed to eliminate duplicative and conflicting requirements and use terminology consistent with the IBC.

The following major changes are being proposed to the current chapter Comm 18:

1. The IBC sections 1108.6 and 1108.7 do not recognize the use of an ASME A17.1 Part 5 residential style elevator for use in a public building or place of employment. This will eliminate the rule permitting residential style elevators to be installed in existing churches and numerous rules within Comm 18 that modified the technical requirements for residential elevators. [Comm 18.17 (1) is repealed and recreated, and Comm 18, subchapter V (ss. Comm 18.36 through Comm 18.415 are repealed.)]

2. Currently, Comm 18 requires stretcher-sized elevators in any building 4 or more stories in height and in hospitals, nursing homes, and medical clinics, regardless of the number of stories. However, construction related requirements for elevators are found in chapter 30 of the IBC. Specifically, IBC section 3002.4 requires a stretcher-sized elevator to be installed in any building 4 or more stories in height but not in hospitals, nursing homes, and medical clinics that are less than 4 stories in height. A Wisconsin-based requirement will be included under chapter Comm 62 to retain the requirement that a stretcher-sized elevator be provided in hospitals, nursing homes, and medical clinics, regardless of the number of stories. The construction-related requirements for elevators will be eliminated from chapter Comm 18. [Comm 18.295 and Comm 62.3002]
3. The requirement that a drain or sump must be provided in all elevator pits is eliminated from Comm 18 and is included in IBC chapter 30 relating the construction requirements for elevators. [Comm 18.23 and Comm 62.3004 (2)]
4. Eliminate duplicative construction related accessibility requirements and cross-reference IBC chapter 11 and ICC/ANSI A117.1 standard for consistency. [Comm 18.295 (2), Comm 18.35, Comm 18.74, Comm 18.755 and Comm 18.88 are repealed; See Comm 18.69 (1) (d), (2), and (3) for cross-references]
5. Eliminate the plan review and inspection functions and the technical requirements for hand dumbwaiters. [Comm 18.43 (1)]

The proposed rules have been developed with the assistance of the Elevator Code Council. The members of that citizen advisory are as follows:

Names	Representing
Warren Bauer	American Institute of Architects, WI Society
Ken Bavery	WI State Fire Chiefs' Association
David Koch	National Association of Elevator Contractors
Bruce Lammi	WI Society of Professional Engineers
Steve Lex	WI AFL-CIO
Jeff Lund	Waupaca Elevator
William Page	Accessibility Equipment Manufacturers Association
David Rakowski	Public
John Zalewski	City of Milwaukee
Andrew Zielke	National Elevator Industry, Inc.

CHAPTER Comm 18
ELEVATOR CODE

SECTION 1. Comm 18.09 (1) (a) and (e) and (2) (b) 9. are amended to read:

Comm 18.09 (1) (a) A plan of the car, hoistway and machine room for showing all clearances, including all inside car dimensions specified in this chapter and ~~ch. Comm 69~~ the building code.

(e) Sufficient data and information to determine if the elevator, mechanical lifting device and machine room comply with the requirements of this chapter; and the building code and ~~ch. Comm 69~~.

(2) (b) 9. Changes to comply with the accessibility requirements specified in ~~ch. Comm 69, ADAAG 4.10.6~~ the building code.

SECTION 2. Comm 18.14 is repealed and recreated to read:

Comm 18.14 Adoption of standards by reference. The American Society of Mechanical Engineers Safety Code for Elevators and Escalators, ASME A17.1-1996, subject to the modifications specified in subch. III, is incorporated by reference into this chapter.

Note: A copy of the ASME A17.1, Safety Code for Elevators and Escalators is on file in the offices of the department, the secretary of state, and the revisor of statutes.

Note: Copies of the ASME A17.1-1996 standard may be purchased from the ASME Order Department, 22 Law Drive, Box 2300, Fairfield, NJ 07007-2300, or at telephone (800) THE ASME.

SECTION 3. Comm 18.17 (1) is repealed and recreated to read:

Comm 18.17 (1) EQUIPMENT COVERED BY THIS CODE. This is a department rule in addition to the requirements in A17.1 section 1.1: Stage and orchestra lifts shall comply with this chapter.

SECTION 4. Comm 18.18 (1) (b) to (e) are repealed.

SECTION 5. Comm 18.18 (1) (f) to (h) are renumbered Comm 18.18 (1) (b) to (d).

SECTION 6. Comm 18.18 (2) (b) is amended to read:

Comm 18.18 (2) (b) "Building code" means chs. ~~Comm 50 to 64, 66 and 70~~ 61 to 65, the Wisconsin Commercial Building Code.

Note: The Wisconsin Commercial Building Code, chs Comm 61 to 65, 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).

SECTION 7. Comm 18.20 (2) is amended to read:

Comm 18.20 (2) VENTILATION FOR MACHINERY AND CONTROL EQUIPMENT.
This is a department informational note ~~in addition the requirements of~~ to be used under A17.1 101.5b:

Note: See s. ~~Comm 64.18 (1) (b)~~ the building code for requirements prohibiting the transfer of contaminated air.

SECTION 8. Comm 18.21 (2) (a) 1., 3. and 4. are amended to read:

Comm 18.21 (2) (a) 1. Sprinklers shall comply with the requirements of NFPA 13 as adopted in ~~s. Comm 51.25~~ the building code.

3. Smoke detectors used to initiate fire fighters' service shall comply with the requirements of NFPA 72; as adopted in ~~s. Comm 51.25~~ the building code.

4. The means provided to automatically disconnect the main line power supply shall comply with NFPA 72 as adopted in ~~s. Comm 51.25~~ the building code.

SECTION 9. Comm 18.23 is repealed.

SECTION 10. Comm 18.295 is repealed.

SECTION 11. Comm 18.31 (1) Note is repealed and recreated to read:

Comm 18.31 (1) Note: See ch. Comm 16 and the building code for special emergency standby power requirements for elevators in healthcare facilities and high-rise buildings.

SECTION 12. Comm 18.34 is amended to read:

Comm 18.34 Anti-creep operation [A17.1 306.3a]. Substitute the following wording for A17.1 306.3a (2): It shall maintain the car within ½ inch of the landing irrespective of the position of the hoistway door ~~and shall comply with ch. Comm 69 and ADAAG 4.10.2.~~

SECTION 13. Comm 18.35 is repealed.

SECTION 14. Comm 18.36 is repealed and recreated to read:

Comm 18.36 Private residence elevators. The requirements in A17.1 Part V, private residence elevators, do not apply since these elevators may not be installed in public buildings or places of employment.

SECTION 15. Comm 18.361 to Comm 18.415 are repealed.

SECTION 16. Comm 18.43 (1) to (3) are renumbered Comm 18.43 (2) to (4).

SECTION 17. Comm 18.43 (1) is created to read:

Comm 18.43 (1) SCOPE. Substitute the following wording for the requirements in A17.1 Part 7, scope: This part applies to power dumbwaiters.

SECTION 18. Comm 18.49 (1) is repealed and recreated to read.

Comm 18.49 (1) NEW AND EXISTING INSTALLATIONS. Substitute the following wording for the requirements in A17.1 1000.2 (a) and (b): (a) *General Requirements.* Except as specified in par. (b), all new and existing installations and alterations shall comply with the provisions of ch. Comm 18 in effect on the contract date.

(b) *Exception.* Handrails installed in elevators prior to July 1, 2002 may be removed by the owner.

SECTION 19. Comm 18.63 (2) is repealed and recreated to read:

Comm 18.63 (2) ADDITION OF EMERGENCY RECALL AND EMERGENCY IN-CAR OPERATION. This is a department rule in addition to the requirements of A17.1 1202.13 and 1203.8h: Phase I and phase II operations, when installed, shall conform to the requirements of A17.1 211.3.

SECTION 20. Comm 18.68 is amended to read:

Comm 18.68 Scope [A17.1 Part 20 Scope]. Substitute the following wording for A17.1 Part 20 Scope: This part applies to vertical wheelchair lifts, inclined wheelchair lifts and stairway chairlifts. Vertical wheelchair lifts, and inclined wheelchair lifts and stairway chairlifts may only be used to provide accessibility between floors as part of an accessible route as permitted in ~~eh. Comm 69~~ the building code.

SECTION 21. Comm 18.69 (1) (b) 2. b. is amended to read:

Comm 18.69 (1) (b) 2. b. If glass is used in a rated hoistway door, the glass shall comply with ~~s. Comm 51.048~~ the building code.

SECTION 22. Comm 18.69 (1) (d) and (2) are repealed and recreated to read:

Comm 18.69 (1) (d) Handrail [A17.1 2000.1a (7)]. Substitute the following wording for A17.1 2000.1a (7) the 3rd sentence: A grab rail extending the full length of either side guard shall be provided at a height in conformance with the building code.

(2) RUNWAY ENCLOSURE NOT PROVIDED [A17.1 2000.1b]. Substitute the following wording for A17.1 2000.1b (7) the 3rd sentence: A grab rail extending the full length of either side guard shall be provided at a height in conformance with the building code.

SECTION 23. Comm 18.69 (3) and (5) (f) are amended to read:

Comm 18.69 (3) LOWER LEVEL ACCESS RAMPS AND PITS [A17.1 2000.1e]. Substitute the following wording for A17.1 2000.1e: Pits are not required. If a pit is not provided, any difference in elevation between the floor of the platform lift and the floor level of the building shall be overcome by ramps complying with ~~eh. Comm 69, ADAAG 4.8~~ the building code.

(5) (f) Floor penetration. A vertical platform lift may penetrate one floor providing the design and construction of the hoistway complies with ~~ehs. Comm 50 to 64~~ the building code for vertical shaft requirements. To eliminate shear and pinch points, the lift shall be enclosed in a shaft that is continuous from the lowest landing to a minimum height of 42 inches above the upper landing. The lift shall comply with A17.1 2000.1a.

SECTION 24. Comm 18.74 is repealed.

SECTION 25. Comm 18.75 (2) (b) 2. b. is amended to read:

Comm 18.75 (2) (b) 2. b. Substitute the following wording for A17.1 20001.6c (2), second paragraph: A retractable metal guard at least 6 inches high shall be provided on the upper access end for units complying with A17.1 2001.6c (1) and (2). When in use, the incline of the ramp shall comply with ~~eh. Comm 69, ADAAG 4.5 and ADAAG 4.8~~ the building code.

SECTION 26. Comm 18.755 is repealed.

SECTION 27. Comm 18.85 Note is repealed.

SECTION 28. Comm 18.88 is repealed.

SECTION 29. Comm 62.3002 is created to read:

Comm 62.3002 Elevator car to accommodate ambulance stretcher. Substitute the following wording for the requirements in IBC section 3002.4: At least one elevator shall be provided for fire department emergency access to all floors in all buildings four stories in height or more, and, regardless of the number of stories, in all outpatient clinics specified in IBC section 304.1 and in all nursing homes and hospitals as specified in IBC section 308.3. Such elevator car shall be of such a size and arrangement to accommodate a 24-inch by 76-inch ambulance stretcher in the horizontal, open position and shall be identified by the international symbol for emergency medical services, which is the star of life. The symbol shall not be less than 3 inches high and shall be placed inside on both sides of the hoistway doorframe.

SECTION 30. Comm 62.3004 (2) is repealed and recreated to read:

Comm 62.3004 (2) PLUMBING SYSTEMS. Substitute the following wording for the requirements in IBC section 3004.5: (a) *General.* Except as specified in par. (b), plumbing and mechanical systems shall not be located in an elevator shaft.

(b) *Elevator pits.* Drains or sumps complying with ss. Comm 82.33 and 82.36 shall be provided in elevator pits. Connection of these drains and sumps to a sanitary system is prohibited.

SECTION 31. Comm 62.3006 (1) and (2) are renumbered Comm 62.3006 (2) and (3).

SECTION 32. Comm 62.3006 (1) is created to read:

Comm 62.3006 (1) PRESSURIZATION. This is a department informational note to be used under IBC section 3006.1:

Note: See ch. Comm 18 for additional machine room access requirements.

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (b), Stats., these rules shall take effect on July 1, 2002.

h:/IBC-elevators/Comm 18 leg review draft.doc