

ASSEMBLY BILL 447 (LRB -2083)

An Act to amend 101.02 (20) (a), 101.02 (21) (a), 101.19 (1) (b), 101.82 (1) and 101.86 (1) (a); and to create 15.157 (13), 101.19 (1) (k) and subchapter VII of chapter 101 [precedes 101.981] of the statutes; relating to: regulating elevators, escalators, and other similar conveyances, granting rule-making authority, and providing a penalty. (FE)

2005

- 03-01. A. Introduced by Representatives **Honadel, Sheridan, Albers, J. Fitzgerald, Hines, Lamb, Lehman, Lothian, Nischke, Ott, Rhoades, Suder, Towns, Van Roy, Vos, Vrakas, Wood and Zepnick**; cosponsored by Senators **Stepp, Plale, Kanavas** and **Olsen**.
- 06-01. A. Read first time and referred to committee on State Affairs 260
- 06-30. A. Fiscal estimate received.
- 11-03. A. Public hearing held.

2006

- 01-24. A. Assembly substitute amendment 1 offered by Representative Honadel (**LRB s0427**) 737
- 01-31. A. Executive action taken.
- 02-07. A. Report Assembly Substitute Amendment 1 adoption recommended by committee on State Affairs, Ayes 9, Noes 0 795
- 02-07. A. Report passage as amended recommended by committee on State Affairs, Ayes 8, Noes 1 795
- 02-07. A. Referred to joint committee on Finance 795
- 02-14. A. Executive action taken.
- 02-14. A. Assembly amendment 1 to Assembly substitute amendment 1 offered by committee on Finance (**LRB a2329**) 812
- 02-16. A. Report Assembly Amendment 1 to Assembly Substitute Amendment 1 adoption recommended by joint committee on Finance, Ayes 16, Noes 0 813
- 02-16. A. Report Assembly Substitute Amendment 1 adoption recommended by joint committee on Finance, Ayes 16, Noes 0 813
- 02-16. A. Report passage as amended recommended by joint committee on Finance, Ayes 16, Noes 0 813
- 02-16. A. Referred to committee on Rules 813
- 02-23. A. Placed on calendar 2-28-2006 by committee on Rules.
- 02-28. A. Read a second time 863
- 02-28. A. Assembly amendment 1 to Assembly substitute amendment 1 **adopted** 863
- 02-28. A. Assembly substitute amendment 1 **adopted** 863
- 02-28. A. Ordered to a third reading 863
- 02-28. A. Rules suspended 863
- 02-28. A. Read a third time and **passed**, Ayes 94, Noes 0, Paired 2 863
- 02-28. A. Ordered immediately messaged 864
- 03-01. S. Received from Assembly 653
- 03-01. S. Read first time and referred to committee on Housing and Financial Institutions 653
- 03-03. S. Withdrawn from committee on Housing and Financial Institutions and rereferred to committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform, pursuant to Senate Rule 46 (2)(c) 679
- 03-06. S. Public hearing held.
- 03-06. S. Executive action taken.
- 03-08. S. Report concurrence recommended by committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform, Ayes 5, Noes 0 719
- 03-08. S. Available for scheduling.
- 03-08. S. Placed on calendar 3-9-2006 by committee on Senate Organization.
- 03-09. S. Read a second time 731
- 03-09. S. Senate amendment 1 offered by Senator Brown (**LRB a2812**) 731
- 03-09. S. Senate amendment 1 **adopted** 731
- 03-09. S. Ordered to a third reading 731
- 03-09. S. Rules suspended 731
- 03-09. S. Read a third time and **concurred in** as amended, Ayes 31, Noes 2 731
- 03-09. S. Ordered immediately messaged 725
- 03-14. A. Received from Senate amended and concurred in as amended (Senate amendment 1 adopted) 972
- 03-14. A. Referred to committee on Rules 972
- 04-19. A. Placed on calendar 4-25-2006 by committee on Rules.
- 04-25. A. Senate amendment 1 **concurred in**, Ayes 88, Noes 4 1036
- 04-25. A. Action ordered immediately messaged 1036

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2005
ENROLLED BILL

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ADOPTED DOCUMENTS:

Orig Engr

A SubAmdt 1

05 S0427 2

Amendments to above (if none, write "NONE"):

AA1 — a2329/1
SA1 — a2812/1

Corrections - show date (if none, write "NONE"):

None

Topic

Rel

4-27-06

Date

J. R. Miller

Enrolling Drafter

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 447**

January 24, 2006 - Offered by Representative HONADEL.

1 **AN ACT to amend** 101.02 (20) (a), 101.02 (21) (a) and 101.19 (1) (b); and **to create**
2 15.157 (14), 101.19 (1) (k) and subchapter VII of chapter 101 [precedes 101.981]
3 of the statutes; **relating to:** regulating elevators, escalators, and other similar
4 conveyances, providing an exemption from rule-making procedures, granting
5 rule-making authority, requiring the exercise of rule-making authority, and
6 providing a penalty.

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

7 **SECTION 1.** 15.157 (14) of the statutes is created to read:

8 15.157 (14) CONVEYANCE SAFETY CODE COUNCIL. (a) There is created in the
9 department of commerce a conveyance safety code council consisting of the following
10 members appointed for 3-year terms:

- 11 1. One member representing a manufacturer of elevators.
- 12 2. One member representing an elevator servicing business.

1 3. One member representing an architectural design or elevator consulting
2 profession.

3 4. One member representing a labor organization whose members are involved
4 in the installation, maintenance, and repair of elevators.

5 5. One member representing a city, village, town, or county in this state.

6 6. One member representing an owner or manager of a building in this state
7 containing an elevator.

8 7. One member representing the public.

9 8. A building contractor involved in commercial construction that includes the
10 construction or installation of conveyances, as defined in s. 101.981 (1) (c).

11 9. The secretary of commerce, or his or her designee.

12 10. An employee of the department of commerce, designated by the secretary
13 of commerce, who is familiar with commercial building inspections.

14 (b) The council shall meet at least twice a year. The employee of the department
15 of commerce designated by the secretary of commerce under par. (a) 10. shall serve
16 as nonvoting secretary of the council.

17 **SECTION 2.** 101.02 (20) (a) of the statutes is amended to read:

18 101.02 (20) (a) For purposes of this subsection, “license” means a license,
19 permit or certificate of certification or registration issued by the department under
20 ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a),
21 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87,
22 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045,
23 145.15, 145.16, 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

24 **SECTION 3.** 101.02 (21) (a) of the statutes is amended to read:

1 (b) "Belt manlift" means a power-driven, looped belt equipped with steps or
2 platforms and a hand hold for the transportation of people from one floor of a building
3 or structure to another.

4 (c) "Conveyance" means an elevator, an escalator, a dumbwaiter, a belt manlift,
5 a moving walkway, a platform lift, a personnel hoist, a material hoist and a stairway
6 chair lift, and any other similar device, such as an automated people mover, used to
7 elevate or move people or things, as provided in the rules of the department.
8 "Conveyance" does not include a grain elevator a ski lift or towing device, or an
9 amusement or thrill ride.

10 (d) "Dumbwaiter" means a hoisting and lowering mechanism that satisfies all
11 of the following conditions:

12 1. Is equipped with a compartment that moves in guides in a substantially
13 vertical direction and has a floor area of not more than 9 square feet.

14 2. Has a maximum lifting and lowering capacity of not more than 500 pounds.

15 3. Is used exclusively for carrying materials

16 (e) "Elevator" means a hoisting or lowering machine, other than a dumbwaiter,
17 equipped with a compartment or platform that moves in guides and serves 2 or more
18 floors or landings of a building or structure.

19 (f) "Escalator" means a power-driven, moving stairway used for raising and
20 lowering people.

21 (g) "Material hoist" means a hoist, other than a personnel hoist, that is used
22 to raise or lower materials during construction, alteration, or demolition of a building
23 or structure.

24 (h) "Personnel hoist" means a hoist that is installed inside or outside a building
25 or structure during the construction, alteration, or demolition of the building or

1 structure and that is used to raise and lower workers, other personnel, and materials
2 which the hoist is designed to carry.

3 (2) The department shall promulgate rules establishing additional definitions
4 to the extent the department deems necessary for the proper administration and
5 enforcement of this subchapter. The department, by rule, may modify definitions
6 established under sub. (1). To the extent practicable, the department shall ensure
7 that any definitions or modifications promulgated under this subsection are
8 consistent with national, industry-wide safety standards governing matters
9 regulated by this subchapter.

10 **101.982 Conveyance safety code.** The department shall promulgate rules
11 establishing standards for the safe installation and operation of conveyances. In
12 promulgating rules under this section the department shall consider the
13 recommendations of the conveyance safety code council under s. 101.986. The rules
14 shall be consistent, to the extent practicable, with national, industry-wide safety
15 standards applicable to conveyances. The rules shall require any testing of
16 conveyances or related equipment required under the rules to be performed by an
17 elevator mechanic licensed under s. 101.985 (2). The rules shall require any person
18 who installs a new conveyance to give the owner of the building in which the
19 conveyance is installed, before the conveyance is placed in operation, a written
20 certification indicating that the installation complies with the rules promulgated
21 under this section. The rules shall include an enforcement procedure and a
22 procedure pursuant to which the department may grant a variance from the rules
23 if the variance would not jeopardize public safety.

24 **101.983 Conveyance permits required.** (1) CONSTRUCTION, INSTALLATION,
25 AND ALTERATION. (a) *Permit required.* No person may construct, install, or alter a

1 conveyance in this state unless an elevator contractor licensed by the department
2 under s. 101.985 (1) has received a permit for the construction, installation, or
3 alteration from the department.

4 (b) *Application.* A person applying for a permit under par. (a) shall include,
5 along with the application, copies of specifications and accurately scaled and fully
6 dimensioned plans showing the location of the construction, installation, or
7 alteration in relation to the plans and elevation of the building; the location of the
8 applicable machinery room, if any, and the equipment to be constructed, installed,
9 or altered; and all structural supporting members relevant to the construction,
10 installation, or alteration, including foundations. The specifications and plans shall
11 be sufficiently complete to illustrate all details of design and construction,
12 installation, or alteration. The application shall specify all materials to be used and
13 all loads to be supported or conveyed. The department may authorize a person to
14 include the application and other information required under this paragraph with
15 any submission required under s. 101.12 (1) to avoid duplicative filing of information.

16 (c) *Revocation.* The department may revoke a permit issued under this
17 subsection if the department finds any of the following:

18 1. That information submitted under par. (b) by the person obtaining the
19 permit contains false statements or misrepresentations of material fact.

20 2. That the permit was issued in error.

21 3. That the work performed under the permit is not consistent with information
22 submitted under par. (b) by the person obtaining the permit or is in violation of this
23 subchapter or rules promulgated under this subchapter.

24 (d) *Expiration.* A permit issued under this subsection expires under any of the
25 following circumstances:

1 1. If the work authorized under the permit is not commenced within 6 months
2 after the date on which the permit is issued, or within a shorter period of time as
3 specified by the department at the time the permit is issued.

4 2. If the work authorized under the permit is suspended or abandoned for 60
5 consecutive days at any time following the commencement of the work, or for a
6 shorter period of time as specified by the department at the time the permit is issued.

7 **(2) OPERATION.** (a) *Permit required.* No person may allow a conveyance to be
8 operated on property owned by the person unless the person has received a permit
9 for the operation from the department. The department may not issue a permit
10 required under this paragraph until all inspections required under par. (c) are
11 completed.

12 (b) *Application.* For a newly installed conveyance, the elevator contractor that
13 contracted to perform the installation shall apply for the initial permit required
14 under par. (a) on behalf of the owner of the building in which the conveyance is
15 located. Applications for renewal of the permit shall be made by the owner.

16 (c) *Inspections.* The department may not issue or renew a permit under this
17 subsection unless the department has received an inspection report for the
18 conveyance issued by an elevator inspector licensed under s. 101.985 (3) indicating
19 that the conveyance complies with this subchapter and any applicable rules
20 promulgated under this subchapter. Upon request of the owner of a private residence
21 containing a newly installed platform lift, stairway chair lift, or residential lift or of
22 the new owner of a private residence containing a previously installed platform lift,
23 stairway chair lift, or residential lift, the department shall inspect the lift or
24 equipment for compliance with this subchapter and any applicable rules
25 promulgated under this subchapter. This inspection by the department does not

1 exempt the owner from the requirement to ensure that the department receives an
2 inspection report from a licensed elevator inspector. Upon performing this
3 inspection, the department shall give the owner notice of relevant conveyance safety
4 requirements and shall instruct the owner as to the procedure for obtaining periodic
5 inspections and renewing the permit under which the lift or equipment is operated.

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

13 **101.984 Licenses and supervision required. (1) ELEVATOR CONTRACTOR.**
14 No person may engage in the business of constructing, installing, altering, servicing,
15 replacing, or maintaining conveyances in this state unless the person is licensed as
16 an elevator contractor under s. 101.985 (1).

17 (2) ELEVATOR MECHANIC. (a) *Generally.* Except as provided in par. (c), no
18 individual may erect, construct, alter, replace, maintain, repair, remove, or
19 dismantle any conveyance in this state unless the individual is licensed as an
20 elevator mechanic under s. 101.985 (2) ~~and is~~ or is under the direct supervision of a
21 person licensed as an elevator contractor under s. 101.985 (1).

22 (b) *Electrical construction.* Except as provided in par. (c), no individual may
23 wire any conveyance in this state from the mainline feeder terminals on the
24 controller unless the individual is licensed as an elevator mechanic under s. 101.985

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~~and is~~ or is under the direct supervision of a person licensed as an elevator contractor under s. 101.985 (1).

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(c) *Exceptions.* 1. Paragraph (a) does not apply to an individual who removes or dismantles a conveyance that is destroyed as a result of a complete demolition of a building or where the hoistway or wellway is demolished back to the basic support structure such that the hoistway or wellway is inaccessible.

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2. Paragraphs (a) and (b) do not apply to any of the following:

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a. An individual who is enrolled in and performing tasks that are within the scope of an elevator mechanic's apprenticeship program that is approved by the U.S. department of labor.

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b. An individual performing tasks under the direct supervision of and as a helper to an individual licensed as an elevator mechanic under s. 101.985 (2).

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c. An individual who performs work described under par. (a) or (b) during the 5-day period preceding the date on which the individual is issued an emergency elevator mechanic's license under s. 101.985 (2) (c).

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(3) **ELEVATOR INSPECTOR.** No individual may perform an elevator inspection in this state unless the individual is licensed as an elevator inspector under s. 101.985 (3) and holds a certification as an elevator inspector issued by a person approved by the American Society of Mechanical Engineers.

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101.985 Licensing qualifications and procedure. (1) ELEVATOR

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CONTRACTOR. Except as otherwise provided in this subsection, the department shall issue an elevator contractor's license to each person who demonstrates to the satisfaction of the department that the person is adequately qualified and able to engage in business as an elevator contractor. The department may summarily issue an elevator contractor's license to a person who is licensed as an elevator contractor

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1 under the laws of another state, if, in the opinion of the department, that state's
2 regulation of elevator contractors is substantially the same as this state's. Every
3 person who applies for a license under this subsection shall provide the department
4 with a certificate of insurance issued by one or more insurers authorized to do
5 business in this state, indicating that the person is insured in the amount of at least
6 \$1,000,000 per occurrence because of bodily injury to or death of others, is insured
7 in the amount of at least \$500,000 per occurrence because of damage to the property
8 of others, and is insured to the extent required under ch. 102. A person who is issued
9 a license under this subsection shall notify the department in writing of any material
10 change in these insurance coverages at least 10 days before the change takes effect.

11 (2) ELEVATOR MECHANIC. (a) *General licensing.* Except as provided in pars. (am)
12 to (d), the department shall issue an elevator mechanic's license to each individual
13 who satisfies all of the following:

14 1. Demonstrates to the satisfaction of the department that the person is
15 adequately qualified and able to perform the work of an elevator mechanic.

16 2. During the 3 years preceding the date of application, was continuously
17 employed in a position requiring the individual to perform work that is at a
18 journeyman level and that is relevant to the erection, construction, alteration,
19 replacement, maintenance, repair, removal, or dismantling of conveyances, as
20 verified by the individual's employers.

21 3. Satisfactorily completes a written examination administered by the
22 department covering the provisions of this subchapter, and rules promulgated under
23 this subchapter, that are relevant to the license applied for or satisfactorily
24 completes an elevator mechanic's examination approved by the department and

1 administered by a nationally recognized training program established by the
2 elevator industry.

3 4. Satisfactorily completes an elevator mechanic's apprenticeship program
4 that is approved by the U.S. department of labor.

5 (am) *Requirements for individuals with prior experience.* The department shall
6 promulgate rules that establish requirements for issuing elevator mechanic's
7 licenses to individuals who have performed work described under s. 101.984 (2) (a)
8 or (b) within the scope of their employment before the effective date of this paragraph
9 [revisor inserts date], but who do not satisfy all of the criteria specified in par. (a)
10 1. to 4. The rules may contain a deadline before which an individual must apply for
11 a license issued under this paragraph.

12 (b) *Licensing out-of-state mechanics.* The requirements under par. (a) 1. to 4.
13 do not apply to an individual who is licensed as an elevator mechanic under the laws
14 of another state, if, in the opinion of the department, that state's regulation of
15 elevator mechanics is substantially the same as this state's. The department may
16 summarily issue an elevator mechanic's license to such an individual.

17 (c) *Emergency licensing.* If the governor declares that a state of emergency
18 exists in this state under s. 166.03 (1) (b) 1. and the department determines that the
19 number of individuals in the state who hold elevator mechanic's licenses issued by
20 the department under this section on the date of the declaration is insufficient to cope
21 with the emergency, the department shall summarily issue an emergency elevator
22 mechanic's license to any individual who is certified by an elevator contractor
23 licensed under this subchapter as adequately qualified and able to perform the work
24 of an elevator mechanic without direct and immediate supervision, who the
25 department determines is so qualified and able, and who applies for an emergency

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1 elevator mechanic's license on a form prescribed by the department. An individual
2 certified by a contractor under this subdivision may perform work as an elevator
3 mechanic for up to a total of 5 days preceding the date the individual is issued the
4 license. An emergency elevator mechanic's license has a term of 30 days and may be
5 renewed by the department in the case of a continuing emergency. The department
6 shall specify on an emergency elevator mechanic's license the geographic area in
7 which the licensee may provide services under the license. The requirements under
8 par. (a) 1. to 4. do not apply to an individual who applies for an emergency elevator
9 mechanic's license.

10 (d) *Temporary licensing.* If there are no elevator mechanics licensed under this
11 subchapter available to provide services contracted for by an elevator contractor
12 licensed under this subchapter, the elevator contractor may notify the department
13 and request the issuance of a temporary elevator mechanic's license to any individual
14 who is certified by the elevator contractor as adequately qualified and able to perform
15 the work of an elevator mechanic without direct and immediate supervision and who
16 applies for a temporary elevator mechanic's license on a form prescribed by the
17 department. A temporary elevator mechanic's license has a term of 30 days and may
18 be renewed by the department in the case of a continuing shortage of licensed
19 elevator mechanics. The department shall specify on a temporary elevator
20 mechanic's license the elevator contractor in whose employ the licensee must remain
21 to provide services under the temporary elevator mechanic's license. The
22 requirements under par. (a) 1. to 4. do not apply to an individual who applies for a
23 temporary elevator mechanic's license.

24 (3) **ELEVATOR INSPECTOR.** The department shall issue an elevator inspector
25 license to each individual who demonstrates to the satisfaction of the department

1 that the individual is adequately qualified and able to provide elevator inspection
2 services. The department shall promulgate rules that establish the qualifications
3 required for issuance of an elevator inspector license.

4 (4) CRIMINAL BACKGROUND CHECK. Upon receipt of an application for a license
5 under sub. (1), (2) (a), or (3), the department, with the assistance of the department
6 of justice, shall conduct a background investigation of the applicant to determine if
7 the information provided by the applicant under sub. (7) (a) 10. is true and if
8 applicant has any arrests or convictions tending to indicate that the applicant is not
9 adequately qualified and able to provide services authorized under the license
10 applied for.

11 (5) ISSUANCE, TERM, RENEWAL, AND CONTINUING EDUCATION. (a) *Issuance and term.*
12 Except as provided under s. 101.02 (20) (b) and (21) (b), the department shall issue
13 a license to any applicant who satisfies the applicable requirements of subs. (1) to (3)
14 and any rules promulgated under subs. (1) to (3) and who pays any applicable fee
15 required by rule of the department under s. 101.19 (1) (k). Except as provided under
16 sub. (2) (c) and (d), the term of each license is 2 years.

17 (b) *Renewal and continuing education.* 1. Except as otherwise provided in this
18 subdivision, an applicant for renewal of a license under sub. (1), (2) (a) or (b), or (3)
19 shall provide to the department a certificate indicating that, during the one-year
20 period before the date on which the applicant's license expires, the applicant has
21 satisfactorily met with the education requirements established by rule under subd.
22 2. If the applicant is not an individual, the certificate shall indicate that the
23 education requirements were satisfactorily met by an individual who, as of the date
24 of the application, is an agent of the applicant.

1 2. The department shall promulgate rules that establish the education
2 requirements for purposes of subd. 1. The rules shall include all of the following:

3 a. Standards for certification of specific programs.

4 b. The number of hours of education required on an annual basis.

5 c. Criteria for receiving a waiver from the department of the education
6 requirements.

7 **(6) REVOCATION AND SUSPENSION.** The department may revoke or suspend a
8 license issued under subs. (1) to (3) if the department finds any of the following:

9 (a) That the licensee made a false statement of material fact in an application
10 submitted to the department.

11 (b) That the license was obtained by fraud, misrepresentation, or bribery.

12 (c) That the licensee failed to notify the department and the owner or lessee of
13 a conveyance that the conveyance failed to meet any of the requirements of this
14 subchapter or of the rules promulgated under this subchapter.

15 (d) That the licensee violated this subchapter or any rule promulgated under
16 this subchapter.

17 **(7) APPLICATION.** (a) Each application for a license under subs. (1), (2) (a), or
18 (3) shall be made on a form prescribed by the department, and each application shall
19 contain at least the following information:

20 1. If the applicant is an individual, the applicant's name and residential
21 address.

22 2. If the applicant is a sole proprietorship, the applicant's name and residential
23 and business addresses.

24 3. If the applicant is a partnership, the name and business address of the
25 partnership and the names and residential addresses of each partner.

1 4. If the applicant is a corporation, the name and principal business address
2 of the corporation and the name and address of the corporation's registered agent for
3 service of process.

4 5. If the applicant is a limited liability company, the name and principal
5 business address of the limited liability company and the name and address of the
6 limited liability company's registered agent for service of process.

7 6. The number of years the applicant has performed work or engaged in the
8 business to be authorized under the license.

9 7. If the application is for an elevator contractor's license, the approximate
10 number of individuals, if any, the applicant will employ upon licensure.

11 8. If the application is for an elevator contractor's license, a certification that
12 all work described in s. 101.984 (2) (a) and (b) that the person will contract to perform
13 under the license will be performed by elevator mechanics licensed under sub. (2).

14 9. Satisfactory evidence that the applicant is or, upon licensure, will be insured
15 to the extent required under sub. (1) or (3).

16 10. A description of each of the applicant's criminal arrests and convictions, if
17 any.

18 (b) Each application for a license under sub. (2) (am) shall be made on a form
19 prescribed by the department, and each application shall contain the relevant
20 information necessary to issue the license, as determined by the department.

21 **101.986 Conveyance safety code council duties.** The conveyance safety
22 code council shall review this subchapter and rules promulgated under this
23 subchapter and recommend a statewide conveyance safety code for promulgation by
24 the department. The council shall consider and make recommendations to the
25 department pertaining to rules for the enforcement of this subchapter, the granting

1 of variances, administrative appeal procedures, fees, and any other matter under
2 this subchapter.

3 **101.988 Enforcement and penalties. (1) INVESTIGATIONS. (a) *Initiated by***
4 *department.* The department may perform investigations to aid in the enforcement
5 of this subchapter and rules promulgated under this subchapter.

6 (b) *Initiated by public.* Any person may file a written notice with the
7 department, requesting the department to investigate an alleged violation of this
8 subchapter or rules promulgated under this subchapter or a dangerous condition
9 involving a conveyance. The notice shall set forth the specific grounds for the request
10 and shall be signed by the person filing the notice. Upon request of the person filing
11 the notice, the department shall keep the person's name confidential and shall
12 withhold the name from public inspection under s. 19.35 (1), except that the
13 department may disclose the name to a law enforcement officer for official purposes.
14 If the department determines that there are reasonable grounds to believe that the
15 alleged violation or dangerous condition exists, the department shall investigate to
16 determine if the alleged violation or dangerous condition exists. If the department
17 determines that there are no such reasonable grounds, the department shall notify
18 the person filing the notice.

19 (2) **ORDERS OF THE DEPARTMENT.** The department may issue orders to enforce
20 this subchapter and rules promulgated under this subchapter.

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

SECTION 7. Nonstatutory provisions.

1 **SECTION 7. Nonstatutory provisions.**
2 (1) SUBMISSION OF PROPOSED RULES. No later than the first day of the 9th month
3 beginning after the effective date of this subsection, the department of commerce
4 shall submit in proposed form the rules being promulgated under subchapter VII of
5 chapter 101 of the statutes, as created by this act, and under section 101.19 (1) (k)
6 of the statutes, as created by this act, to the legislative council staff under section
7 227.15 (1) of the statutes. Notwithstanding section 227.137 (2) of the statutes, the
8 secretary of administration may not require the department of commerce to prepare
9 an economic impact report for the rules being promulgated under subchapter VII of
10 chapter 101 of the statutes, as created by this act, or under section 101.19 (1) (k) of
11 the statutes, as created by this act.

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

1 promulgate the rules required under this subsection no later than the first day of the
2 9th month beginning after the effective date of this subsection.

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

11 (4) INITIAL MEMBERS OF CONVEYANCE SAFETY CODE COUNCIL. Notwithstanding the
12 length of terms specified for the conveyance safety code council under section 15.157
13 (14) (a) of the statutes, as created by this act, the initial members appointed under
14 section 15.157 (14) (a) 1. to 3. of the statutes, as created by this act, shall be appointed
15 for terms that expire on July 1, ~~2007~~, the initial members appointed under section
16 15.157 (14) (a) 4. and 5. of the statutes, as created by this act, shall be appointed for
17 terms that expire on July 1, ~~2008~~, and the initial members appointed under section
18 15.157 (14) (a) 6. to 8., as created by this act, shall be appointed for terms that expire
19 on July 1, ~~2009~~.

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20 (5) GRACE PERIOD FOR OBTAINING PERMIT TO OPERATE EXISTING CONVEYANCES.
21 Notwithstanding section 101.983 (2) of the statutes, as created by this act, the owner
22 or lessee of any conveyance, as defined in section 101.981 (1) (c) of the statutes, as
23 created by this act, in operation on the effective date of this subsection shall obtain
24 the permit required under section 101.983 (2) of the statutes, as created by this act,
25 no later than the first day of the 6th month beginning after the effective date of this

1 subsection. This subsection does not apply to any person required to obtain a permit
2 under rules of the department of commerce that are in effect before the effective date
3 of this subsection.

4 **SECTION 8. Effective dates.** This act takes effect on the first day of the 12th
5 month beginning after publication, except as follows:

6 (1) ~~PROPOSED AND EMERGENCY RULES. SECTION 7 (1) and (2) of this act takes effect~~
7 ~~on the day after publication.~~

8 (END)

INSERT A-6

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 447**

February 14, 2006 - Offered by JOINT COMMITTEE ON FINANCE.

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 8, line 20: delete "and is".

3 2. Page 9, line 1: delete "and is".

4 3. Page 18, line 15: delete "2007" and substitute "2008".

5 4. Page 18, line 17: delete "2008" and substitute "2009".

6 5. Page 18, line 19: delete "2009" and substitute "2010".

7 6. Page 19, line 6: delete lines 6 and 7 and substitute:

8 "(1) The treatment of sections 15.157 (14), 101.981, 101.982, and 101.986 of the
9 statutes and SECTION 7 (1), (2), and (4) of this act take effect on the day after
10 publication."

11

(END)

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**SENATE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 447**

March 9, 2006 – Offered by Senator BROWN.

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 1, as follows:

3 **1.** Page 9, line 10: after “labor” insert “or by the department of workforce
4 development”.

5 **2.** Page 11, line 4: after “labor” insert “or by the department of workforce
6 development”.

7
(END)

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