

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

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

7           **SECTION 4.** 101.19 (1) (b) of the statutes is amended to read:

8           101.19 **(1)** (b) The required inspection of boilers, pressure vessels, refrigeration  
9 plants, liquefied petroleum gas vessels, anhydrous ammonia tanks and containers,  
10 elevators, ~~ski towing and lift~~ lift and towing devices, escalators, dumbwaiters, and  
11 amusement or thrill rides but not of amusement attractions.

12           **SECTION 5.** 101.19 (1) (k) of the statutes is created to read:

13           101.19 **(1)** (k) Administering subch. VII, except that the department may not  
14 charge a fee for an emergency elevator mechanic’s license under s. 101.985 (2) (c) or  
15 a conveyance operation permit under s. 101.983 (2) for a platform lift, stairway chair  
16 lift, or any other lift in a private residence.

17           **SECTION 6.** Subchapter VII of chapter 101 [precedes 101.981] of the statutes  
18 is created to read:

19   **CHAPTER 101**

20   SUBCHAPTER VII

21   ELEVATORS, ESCALATORS,

22   AND OTHER CONVEYANCES

23           **101.981 Definitions; modification by rule. (1)** Except as provided in sub.  
24 (2), in this subchapter:

25           (a) “Amusement or thrill ride” has the meaning given s. 101.19 (3) (b).

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) or is under the direct supervision of a person  
21 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



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

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

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

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

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

13 c. An individual who performs work described under par. (a) or (b) during the  
14 5-day period preceding the date on which the individual is issued an emergency  
15 elevator mechanic's license under s. 101.985 (2) (c).

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

20 **101.985 Licensing qualifications and procedure. (1) ELEVATOR**  
21 **CONTRACTOR.** Except as otherwise provided in this subsection, the department shall  
22 issue an elevator contractor's license to each person who demonstrates to the  
23 satisfaction of the department that the person is adequately qualified and able to  
24 engage in business as an elevator contractor. The department may summarily issue  
25 an elevator contractor's license to a person who is licensed as an elevator contractor

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 or by the department of workforce  
5 development.

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

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

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

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

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

1           **(3) ELEVATOR INSPECTOR.** The department shall issue an elevator inspector  
2 license to each individual who demonstrates to the satisfaction of the department  
3 that the individual is adequately qualified and able to provide elevator inspection  
4 services. The department shall promulgate rules that establish the qualifications  
5 required for issuance of an elevator inspector license.

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

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

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

1 education requirements were satisfactorily met by an individual who, as of the date  
2 of the application, is an agent of the applicant.

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

5 a. Standards for certification of specific programs.

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

7 c. Criteria for receiving a waiver from the department of the education  
8 requirements.

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

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

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

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

17 (d) That the licensee violated this subchapter or any rule promulgated under  
18 this subchapter.

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

22 1. If the applicant is an individual, the applicant's name and residential  
23 address.

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

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

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

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

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

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

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

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

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

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

23           **101.986 Conveyance safety code council duties.** The conveyance safety  
24 code council shall review this subchapter and rules promulgated under this  
25 subchapter and recommend a statewide conveyance safety code for promulgation by

1 the department. The council shall consider and make recommendations to the  
2 department pertaining to rules for the enforcement of this subchapter, the granting  
3 of variances, administrative appeal procedures, fees, and any other matter under  
4 this subchapter.

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

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

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

23 **(3) PENALTIES.** Any person who violates this subchapter or rules promulgated  
24 under this subchapter may be fined not more than \$1,500 or imprisoned for not more  
25 than 30 days or both, except that, notwithstanding s. 939.61 (1), the owner of a



1 private residence in which a conveyance is located may not be fined or required to  
2 pay a forfeiture to this state as a result of any violation involving that conveyance.

3 **SECTION 7. Nonstatutory provisions.**

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

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

1 rules promulgated under this subsection. The department of commerce shall  
2 promulgate the rules required under this subsection no later than the first day of the  
3 9th month beginning after the effective date of this subsection.

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

12 (4) INITIAL MEMBERS OF CONVEYANCE SAFETY CODE COUNCIL. Notwithstanding the  
13 length of terms specified for the conveyance safety code council under section 15.157  
14 (14) (a) of the statutes, as created by this act, the initial members appointed under  
15 section 15.157 (14) (a) 1. to 3. of the statutes, as created by this act, shall be appointed  
16 for terms that expire on July 1, 2008, the initial members appointed under section  
17 15.157 (14) (a) 4. and 5. of the statutes, as created by this act, shall be appointed for  
18 terms that expire on July 1, 2009, and the initial members appointed under section  
19 15.157 (14) (a) 6. to 8., as created by this act, shall be appointed for terms that expire  
20 on July 1, 2010.

21 (5) GRACE PERIOD FOR OBTAINING PERMIT TO OPERATE EXISTING CONVEYANCES.  
22 Notwithstanding section 101.983 (2) of the statutes, as created by this act, the owner  
23 or lessee of any conveyance, as defined in section 101.981 (1) (c) of the statutes, as  
24 created by this act, in operation on the effective date of this subsection shall obtain  
25 the permit required under section 101.983 (2) of the statutes, as created by this act,

1 no later than the first day of the 6th month beginning after the effective date of this  
2 subsection. This subsection does not apply to any person required to obtain a permit  
3 under rules of the department of commerce that are in effect before the effective date  
4 of this subsection.

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

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

10 (END)