

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB447)

Received: 12/22/2005

Received By: **mglass**

Wanted: **Soon**

Identical to LRB:

For: **Mark Honadel (608) 266-0610**

By/Representing: **Chris Reader**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Honadel@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Regulation of elevators, various changes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	mglass 12/30/2005	csicilia 01/03/2006	pgreensl 01/03/2006	_____			
/1	mglass 01/05/2006	csicilia 01/06/2006	pgreensl 01/06/2006	_____	lemery 01/06/2006	lemery 01/06/2006	
/2	mglass 01/19/2006	csicilia 01/23/2006	rschluet 01/23/2006	_____	lnorthro 01/23/2006	lnorthro 01/23/2006	

FE Sent For:

<END>

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Addl. Drafters:

George Klatsch

Subject: Buildings/Safety - misc.

Extra Copies:

283-2587

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FE Sent For:

12 gjs 1/20/06

Handwritten signature and date

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/?	mglass						
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1 cjs 1/3
06 PG 1/6
PG 1/6
PG 1/6

FE Sent For:

<END>

Gibson-Glass, Mary

From: Reader, Chris
Sent: Friday, December 16, 2005 1:00 PM
To: Gibson-Glass, Mary
Cc: 'gklaetsch@pasiinc.com'
Subject: AB 447

Mary,

Please contact George Klaetsch of Public Affairs Strategies to schedule a meeting in the near future regarding Assembly Bill 447. George has some amendments he has been working on with our office and the Department of Commerce, and he will be best able to communicate those changes with you. I understand you would be available next week, Monday, Wednesday or Thursday in the morning. I believe one of these times will work for George.

George can be reached at (608) 283-2587 or by email at gklaetsch@pasiinc.com.

Thanks Mary,

Chris

Chris Reader

*State Representative Mark Honadel
P.O. Box 8952, State Capitol
Madison, WI 53708
(888) 534-0021 toll free
(608) 266-0610*

PUBLIC AFFAIRS STRATEGIES, INC.

CONNECTING BUSINESS AND GOVERNMENT



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mouse for
e-mail*

GREGG ROGERS

ACCR

E1WPF@AOL.COM

Drafting Suggestions

Conveyance Safety Code Council (Page 5, Line 16)

Include WI Builders Association member as # 10.

OK, but need to describe
15.157(3) and (4) on-site

Required Inspection (Page 6, Line 11-14)

Is this current language? What does this language refer to?

Include elevators and add A-10.4 and A-10.5 personal and material hoists. "but not of...
ski towing and lift devices, amusement or thrill rides

? ie
exclude
Ski lifts
& amuse-
ment rides
include
personnel
& material
hoists
DN

Definition of Conveyance (Page 7, Line 24)

Use current language from Comm 18 to be used in order to show that the concerns regarding Ski Lifts and Amusement rides are being addressed. "Conveyance does not include ski towing and lift devices, amusement or thrill rides."

Include A-10.4 and A-10.5 ^{personnel} personal and material hoists within definition.

? will provide

Elevator Mechanic (Page 14, Line 7)

Should read, "...to perform work at a journeyman level relevant to ..." *specific enough*

know what this means

Elevator Inspector (Page 16, Lines 1-12)

Can this be written that Commerce would remedy during the rules process?

wants general rule-making authority - must promulgate?

Continuing Education (Page 17 & 18)

By rule, the Dept. of Commerce shall determine the (CE?) requirement under the license program?

insert Dept. of Labor

Owner Home Addresses (Page 19, Line 15)

Strike "... and the name and residential address of the principal officer of the corporation..." Before that ensure that there is language that includes an additional address to a P.O. Box.

Preemption of local authority (Page 20, Lines 16-23)

Strike all language.

Does this affect language on Page 7, Lines 10-12?

Credentialing & Grandfathering (Page 23, Lines 8-19)

By rule, the Dept. of Commerce shall establish the credentialing and grandfathering provisions for elevator mechanic's licenses.

Effective Dates (Page 23, Line 20)

This act takes effect upon completion and adoption of rules.

Definition of Emergency

Under the definitions section of the draft we can add the definition of Emergency as "Emergency shall be defined as being declared by the governor"



at end take wiped

??

??

look at D.M.

EMERGENCY LANGUAGE

Whenever an emergency exists in the state due to disaster, act of God or work stoppage and that the number of persons in the state holding licenses granted by the department is insufficient to cope with the emergency, the licensed Elevator Contractor shall respond as necessary to assure the safety of the public. Any person certified by a licensed Elevator Contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an Emergency Elevator Mechanic license from the Director of Licenses within five business days after commencing work requiring a license. The administrator shall issue Emergency Elevator Mechanic licenses. The licensed Elevator Contractor shall furnish proof of competency as the administrator may require. Each such license shall recite that it is valid for a period of thirty days from the date thereof and for such particular elevators or geographical areas as the administrator may designate and otherwise shall entitle the licensee to the rights and privileges of a Elevator Mechanic license issued in this chapter. The administrator shall renew an emergency Elevator Mechanic license during the existence of an emergency. No fee shall be charged for any emergency Elevator Mechanic license or renewal thereof.

*as declared
as an
emergency*

Gibson-Glass, Mary

From: Gibson-Glass, Mary
Sent: Thursday, December 29, 2005 10:35 AM
To: 'EIWPFACGR@aol.com'
Cc: gklaetsch@pasiinc.com
Subject: RE: Definition for the ASSE A10/4 Standard

I think I also need the ASSE A10/4 standard for the definition of material hoists.

Thanks,

Mary Gibson-Glass
Senior Legislative Attorney
Legislative Reference Bureau
608 267 3215

From: EIWPFACGR@aol.com [mailto:EIWPFACGR@aol.com]
Sent: Friday, December 23, 2005 3:14 PM
To: Gibson-Glass, Mary
Cc: gklaetsch@pasiinc.com
Subject: Definition for the ASSE A10/4 Standard

Mary,
I located the Scope or definition of the A10.4 standard. As we discussed
Gregg Rogers
National Coordinator, EIWPF
(515) 993-4902 Phone
(5150 993-3669 Fax

ANSI/ASSE A10.4-2004 - Safety Requirements for Personnel Hoists and Employee Elevators

Scope

This standard applies to the design, construction, installation, operation, inspection, testing, maintenance, alterations and repair of hoists and elevators that (1) are not an integral part of buildings, (2) are installed inside or outside buildings or structures during construction, alteration, demolition operations and (3) are used to raise and lower workers and other personnel connected with or related to the structure. These personnel hoists and employee elevators may also be used for transporting materials under specific circumstances defined in this standard.

This standard does not apply to the following:

1. Permanent elevators that are temporarily installed in the hoist ways during the construction of buildings, and which incorporate a part of the permanent elevator that will be installed later.
2. Hoists for raising and lowering materials that have no provision for carrying personnel.
3. Man lifts of the counterbalanced and endless-belt types
4. Mine hoists.
5. Wire-rope-guided or non guided hoists.

Purpose

The purpose of this standard is to set forth minimum requirements intended to provide for the safety of life, limb and property of those engaged in occupations requiring the use of personnel hoists or employee elevators. The requirements of this standard are the minimum for that purpose.

Exceptions

In cases of practical difficulties, unnecessary hardships or new developments, the enforcing authority may grant exceptions to literal requirements of this standard. These exceptions may permit use of other devices or methods, but only when it is clearly indicated that equivalent safety and permanent installation are thereby secured.

Gibson-Glass, Mary

From: EIWPACGR@aol.com
Sent: Friday, December 30, 2005 10:46 AM
To: Gibson-Glass, Mary
Subject: Re: Definition for the ASSE A10/4 Standard

The A10.4 definition is as follows;

1.1 Scope - This standard applies to material hoists used to raise or lower materials during construction, alteration or demolition.

Gregg Rogers
National Coordinator, EIWPF

1 temporary use of permanently installed personnel elevators as material
2 (~~hoist[s]~~) hoists;

3 (18) "Material lift" means a lift that (a) is permanently
4 installed, (b) is comprised of a car or platform that moves in guides,
5 (c) serves two or more floors or landings, (d) travels in a vertical or
6 inclined position, (e) is an isolated, self-contained lift, (f) is not
7 part of a conveying system, and (g) is installed in a commercial or
8 industrial area not accessible to the general public or intended to be
9 operated by the general public;

10 (19) "Casket lift" means a lift that (a) is installed at a
11 mortuary, (b) is designed exclusively for carrying of caskets, (c)
12 moves in guides in a basically vertical direction, and (d) serves two
13 or more floors or landings;

14 (20) "Wheelchair lift" means a lift that travels in a vertical or
15 inclined direction and is designed for use by physically handicapped
16 persons;

17 (21) "Stairway chair lift" means a lift that travels in a basically
18 inclined direction and is designed for use by physically handicapped
19 persons;

20 (22) "Personnel hoist" means a hoist that is not a part of a
21 permanent structure, is installed inside or outside buildings during
22 construction, alteration, or demolition, and used to raise or lower
23 workers and other persons connected with, or related to, the building
24 project. The hoist may also be used for transportation of materials;

25 (23) "Advisory committee" means the elevator advisory committee as
26 described in this chapter;

27 (24) "Elevator helper/apprentice" means a person who works under
28 the general direction of a licensed elevator mechanic. A license is
29 not required to be an elevator helper/apprentice;

30 (25) "Elevator mechanic" means any person who possesses an elevator
31 mechanic license in accordance with this chapter and who is engaged in
32 erecting, constructing, installing, altering, serving, repairing, or
33 maintaining elevators or related conveyances covered by this chapter;

34 (26) "License" means a written license, duly issued by the
35 department, authorizing a person, firm, or company to carry on the
36 business of erecting, constructing, installing, altering, servicing,
37 repairing, or maintaining elevators or related conveyances covered by
38 this chapter;

In this test, the safety shall bring the car to rest promptly. In the case of Type B and rack-and-pinion safeties, the stopping distance is not required to conform to 19.2. In the case of Type A and Type C safeties employing rollers or dogs for application of the safety, the rollers or dogs are not required to operate over their full travel (see note to 26.4.6.2).

26.4.9 Periodic Tests of Car Oil Buffers. Periodic tests of oil buffers shall be performed as specified in 26.3.

26.5 Re-inspection of Installation When Travel is Increased. When the travel of the hoist is increased, the installation shall be re-inspected, tested in accordance with the requirements given in 26.1. However a full-load safety test is not required, and approved by the enforcing authority before it is again placed in normal service.

26.6 Operation. Hoists shall be operated in compliance with the manufacturing specifications, rules and recommendations, and the same of the governing authority. This shall consist of items, functions and criteria pertaining to the hoist use and shall be a part of an operational maintenance and inspection log.

26.6.1 Hoists shall be operated by automatic controls located inside the car and at each landing or operated by a competent qualified and authorized operator either in the car or authorized personnel using an operator station in the car or on the floors.

26.6.2 During adverse weather conditions, when winds reach such a point as to make operation hazardous to persons or equipment, the hoist shall be shut down. No hoist shall be operated during any winds of 35 mph or more unless use in higher wind speeds is permitted and specified by the manufacturer.

26.6.3 The user shall be responsible for insuring that the operators are knowledgeable and capable of performing the duties outlined in the maintenance, operating and inspection manuals and are capable of recording such activity in their log.

26.7 Inspection of Tower Structure Components. Prior to each tower erection, the

owner or installer of the hoist tower shall have the tower structural components inspected for excessive corrosion, bent or dented components, broken welds, rewelding beyond original factory weld locations or other defects.

26.8 Hoist Operations Log. An inspection and maintenance activity log shall be maintained by the hoist operator. The log shall document initial, daily, and periodic inspections. It shall also contain a record of all maintenance activities, a list of component replacements and associated test results.

No elevator shall be in operation without a current log on site. The log shall be available for inspection by the governing authority.

27. MAINTENANCE

Hoists, hoistways, enclosures and power supplies shall be maintained by the user in accordance with manufacturer recommendations or this standard.

27.1 Lubrication. All parts of the machinery and equipment that require lubrication shall be lubricated by the user at regular intervals as recommended by manufacturer. A log shall be maintained at the installation site of the dates lubrication is performed and have it available for inspection.

27.2 Making Safety Devices Inoperative. No person shall at any time make any required safety device or electrical protective device inoperative except when necessary during tests, inspections and maintenance.

Immediately upon completion of the tests, inspections and maintenance, such devices shall be restored to their normal operating condition in conformance with the applicable requirements of this standard (see 24.6).

28. USE OF HOISTS FOR CARRYING MATERIALS

Personnel hoists may be used for carrying personnel and materials provided the hoists are designed to accommodate the type of load to be carried.

28.1 Carrying Rolling Equipment. When wheelbarrows or other rolling equipment is

ANSI A10.4-2004

transported, it shall be held securely in place on the hoist platform. The platform shall be level with the landing when rolling equipment is loaded or unloaded. Power-operated equipment shall not be driven onto the platform at any floor. Power-operated equipment may be loaded at any floor if it is manually pushed onto and off of the platform with the power shut off. The wheels must be adequately blocked in front and in back of at least two wheels.

28.2 Hoisting of Passengers and Materials. Materials and passengers shall not be transported together, except two workers may be

transported with the material they are assigned to load and unload. The operator of the hoist is responsible for ensuring that material carried in the hoist is appropriately secured to prevent it from shifting and the maximum load rating is not exceeded.

29. POSTING OF OPERATING PERMITS

Permits, or duplicates, shall be posted in a conspicuous location in the car.

2005 ASSEMBLY BILL 447

June 1, 2005 – 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. Referred to Committee on State Affairs.

1 AN ACT *to amend* 101.02 (20) (a), 101.02 (21) (a), 101.19 (1) (b), 101.82 (1) and
2 101.86 (1) (a); and *to create* 15.157 (13), 101.19 (1) (k) and subchapter VII of
3 chapter 101 [precedes 101.981] of the statutes; **relating to:** regulating
4 elevators, escalators, and other similar conveyances, granting rule-making
5 authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

With certain exceptions, current law requires the Department of Commerce (department) to establish reasonable standards or rules for the construction, repair, and maintenance of places of employment and public buildings so as to render them safe. Current law also requires all machines and mechanical devices installed in places of employment and public buildings to be in conformity with the orders of the department. In addition, with certain exceptions, the department must approve the essential drawings, calculations, and specifications (building plans) for the construction of places of employment and public buildings, including building plans related to elevators, escalators, ski lift and towing devices, and power dumbwaiters. Pursuant to these requirements, the department has promulgated a chapter of rules governing, among other things, the installation, inspection, maintenance, and repair of elevators and other conveyances.

This bill creates a subchapter of the statutes specifically governing elevators and other conveyances. Major provisions of this bill include:

Conveyance safety code

ASSEMBLY BILL 447*mechanic's*

of 30 days and may be renewed by the department in the case of a continuing emergency. Second, if there are no licensed elevator mechanics available to provide services contracted for by a licensed elevator contractor, the elevator contractor may notify the department and request the issuance of a temporary elevator mechanic's license to any individual who is certified by the elevator contractor as adequately qualified and able to perform the work of an elevator mechanic without direct and immediate supervision and who applies for a temporary elevator mechanic's license on a form prescribed by the department. A temporary elevator contractor's license has a term of 30 days and may be renewed by the department in the case of a continuing shortage of licensed elevator mechanics. Third, the department may summarily issue an elevator mechanic's license to an individual who is licensed as an elevator mechanic under the laws of another state, if, in the opinion of the department, that state's regulation of elevator mechanics is substantially the same as this state's.

The bill also contains a grandfather provision applicable to any individual who, during the three-year period before the effective date of the subchapter created in the bill, performed primarily the work of an elevator mechanic, within the scope of his or her employment. Such an individual may apply to the department for an elevator mechanic's license during the 12-month period beginning on the effective date of the subchapter created in the bill. The department must issue an elevator mechanic's license to any such individual who, in the opinion of the department, is adequately qualified and able to perform the work of an elevator mechanic. The term of each such license is two years.

Other provisions

Under the bill, no city, village, town, or county may enact an ordinance or adopt a resolution regulating a matter specifically governed by the subchapter created in the bill or by a rule promulgated under that subchapter. The bill also invalidates any such ordinance that is in effect on the effective date of the new subchapter.

The bill requires the owner or lessee of any conveyance in operation on the effective date of the new subchapter to obtain any required operating permit no later than the first day of the 6th month beginning after the effective date of the new subchapter. This requirement does not apply to any person required to obtain a permit under rules of the department of commerce that are in effect before the effective date of the new subchapter.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

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

ASSEMBLY BILL 447

1 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045,
2 145.15, 145.16, 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

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

4 101.02 (21) (a) In this subsection, “license” means a license, permit or
5 certificate of certification or registration issued by the department under s. 101.09
6 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178
7 (2) or (3) (a), 101.63 (2), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87, 101.935, 101.95,
8 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16,
9 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

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

11 101.19 (1) (b) The required inspection of boilers, pressure vessels, refrigeration ^{establishing} fees
12 plants, liquefied petroleum gas vessels, anhydrous ammonia tanks and containers, ^{that}
13 elevators, ski towing and lift devices, escalators, dumbwaiters, and amusement or ^{equal}
14 thrill rides but not of amusement attractions. ^{costs}

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

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

20 **SECTION 6.** 101.82 (1) of the statutes is amended to read:

21 101.82 (1) Adopt rules for the construction and inspection of electrical
22 construction of public buildings and places of employment and for the inspection of
23 electrical construction of places where farming, as defined in s. 101.01 (11), is
24 conducted. Where feasible, the standards used shall be those nationally recognized.
25 No rule may be ~~adopted~~ promulgated under this subsection which does not take into

ASSEMBLY BILL 447

1 **SECTION 1.** 15.157 (13) of the statutes is created to read:

2 15.157 **(13)** CONVEYANCE SAFETY CODE COUNCIL. (a) There is created in the
3 department of commerce a conveyance safety code council consisting of the following
4 members appointed for 3-year terms:

5 1. One member representing a manufacturer of elevators.

6 2. One member representing an elevator servicing business.

7 3. One member representing an architectural design or elevator consulting
8 profession.

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

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

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

14 7. One member representing the public.

15 8. The secretary of commerce, or his or her designee.

16 9. An employee of the department of commerce, designated by the secretary of
17 commerce, who is familiar with commercial building inspections.

18 10. Contractor involved in commercial construction that
19 (b) The council shall meet at least twice a year. ^{(The} An employee of the department ^{includes}
20 of commerce designated by the secretary of commerce shall serve as nonvoting ^{convey-}
21 secretary of the council. ^{ance}

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

22 101.02 **(20)** (a) For purposes of this subsection, "license" means a license,
23 permit or certificate of certification or registration issued by the department under
24 ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a),
25 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87,

ASSEMBLY BILL 447

1 account the conservation of energy in construction and maintenance of buildings. No
2 rule may be promulgated under this subsection governing the wiring of any
3 conveyance, as defined under s. 101.981 (1) (b), from the mainline feeder terminals
4 on the controller.

5 **SECTION 7.** 101.86 (1) (a) of the statutes is amended to read:

6 ~~101.86 (1) (a) Exercise jurisdiction over electrical construction and inspection~~
7 ~~of electrical construction in public buildings and places of employment by passage~~
8 ~~of ordinances, providing such ordinances meet the minimum requirements of the~~
9 ~~department's rules adopted under this subchapter. A county ordinance shall apply~~
10 ~~in any city, village or town which has not enacted such an ordinance. No municipality~~
11 ~~may exercise jurisdiction over the wiring of any conveyance, as defined under s.~~
12 ~~101.981 (1) (b), from the mainline feeder terminals on the controller.~~

look
for
this
other
places

13 **SECTION 8.** Subchapter VII of chapter 101 [precedes 101.981] of the statutes
14 is created to read:

CHAPTER 101

SUBCHAPTER VII

ELEVATORS, ESCALATORS,

AND OTHER CONVEYANCES

19 **101.981 Definitions; modification by rule. (1)** Except as provided in sub.
20 (2), in this subchapter:

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

24 (b) "Conveyance" means an elevator, escalator, dumbwaiter, belt manlift,
25 moving walkway, platform lift, and stairway chair lift, and any other similar device,

ASSEMBLY BILL 447

1 such as an automated people mover, used to elevate or move people or things, as
2 provided in the rules of the department. "Conveyance" does not include a grain

3 elevator, *or ski tows or an amusement or thrill ride see 101.19(1)(b)*

4 (c) "Dumbwaiter" means a hoisting and lowering mechanism that satisfies all
5 of the following conditions:

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

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

9 3. Is used exclusively for carrying materials

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

13 (e) "Escalator" means a power-driven, moving stairway used for raising and
14 lowering people.

15 (2) The department shall promulgate rules establishing additional definitions
16 to the extent the department deems necessary for the proper administration and
17 enforcement of this subchapter. The department, by rule, may modify definitions
18 established under sub. (1). To the extent practicable, the department shall ensure
19 that any definitions or modifications promulgated under this subsection are
20 consistent with national, industry-wide safety standards governing matters
21 regulated by this subchapter.

22 **101.982 Conveyance safety code.** The department shall promulgate rules
23 establishing standards for the safe installation and operation of conveyances. In
24 promulgating rules under this section the department shall consider the
25 recommendations of the conveyance safety code council under s. 101.986. The rules

1 **101.984 Licenses and supervision required. (1) ELEVATOR CONTRACTOR.**

2 No person may engage in the business of constructing, installing, altering, servicing,
3 replacing, or maintaining conveyances in this state unless the person is licensed as
4 an elevator contractor under s. 101.985 (1).

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

10 **(b) Electrical construction.** No individual may wire any conveyance in this
11 state from the mainline feeder terminals on the controller unless the individual is
12 licensed as an elevator mechanic under s. 101.985 (2) and is or is under the direct
13 supervision of a person licensed as an elevator contractor under s. 101.985 (1).

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

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

19 a. An individual who is enrolled in and performing tasks that are within the
20 scope of an elevator mechanic's apprenticeship program that is approved by the
21 ~~department of commerce and by the department of workforce development.~~
 U.S. department of Labor

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

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1 c. An individual who performs work described under par. (a) or (b) during the
2 5-day period preceding the date on which the individual applies for and receives an
3 emergency elevator ~~contractor~~^{mechanic}'s license under s. 101.985 (2) (b) 2.

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

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8 **101.985 Licensing qualifications and procedure.** (1) ELEVATOR
9 CONTRACTOR. Except as otherwise provided in this subsection, the department may
10 issue an elevator contractor's license only to a person who demonstrates to the
11 satisfaction of the department that the person is adequately qualified and able to
12 engage in business as an elevator contractor. The department may summarily issue
13 an elevator contractor's license to a person who is licensed as an elevator contractor
14 under the laws of another state, if, in the opinion of the department, that state's
15 regulation of elevator contractors is substantially the same as this state's. Every
16 person who applies for a license under this subsection shall provide the department
17 with a certificate of insurance issued by one or more insurers authorized to do
18 business in this state, indicating that the person is insured in the amount of at least
19 \$1,000,000 per occurrence because of bodily injury to or death of others, is insured
20 in the amount of at least \$500,000 per occurrence because of damage to the property
21 of others, and is insured to the extent required under ch. 102. A person who is issued
22 a license under this subsection shall notify the department in writing of any material
23 change in these insurance coverages at least 10 days before the change takes effect.

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SECTION 8

1 (2) ELEVATOR MECHANIC. (a) Except as provided in par. (b), the department may
2 issue an elevator mechanic's license only to an individual who satisfies all of the
3 following:

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

6 2. During the 3 years preceding the date of application, was continuously
7 employed in a position requiring the individual to perform work relevant to the
8 erection, construction, alteration, replacement, maintenance, repair, removal, or
9 dismantling of conveyances, as verified by the individual's employers.

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10 3. Satisfactorily completes a written examination administered by the
11 department covering the provisions of this subchapter and rules promulgated under
12 this subchapter relevant to the license applied for or satisfactorily completes an
13 elevator mechanic's examination approved by the department and administered by
14 a nationally recognized training program established by the elevator industry.

15 4. Satisfactorily completes an elevator mechanic's apprenticeship program
16 that is approved by the ~~department of commerce and the department of workforce~~
17 ~~development.~~ *United States Department of Labor*

18 (b) 1. Paragraph (a) does not apply to an individual who is licensed as an
19 elevator mechanic under the laws of another state, if, in the opinion of the
20 department, that state's regulation of elevator mechanics is substantially the same
21 as this state's. The department may summarily issue an elevator mechanic's license
22 to such an individual.

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23 2. If an emergency exists in this state due to disaster or work stoppage and the
24 number of licensed elevator mechanics working in the area of the emergency is
25 insufficient to cope with the emergency, the department ~~may~~ *shall* summarily issue an

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SECTION 8

1 **(3) ELEVATOR INSPECTOR.** The department may issue an elevator inspector's
2 license only to an individual who demonstrates to the satisfaction of the department
3 that the individual is adequately qualified and able to provide elevator inspection
4 services. Every individual who applies for a license under this subsection shall
5 provide the department with a certificate of insurance issued by one or more insurers
6 authorized to do business in this state, indicating that the individual is insured in
7 the amount of at least \$1,000,000 per occurrence because of bodily injury to or death
8 of others, is insured in the amount of at least \$500,000 per occurrence because of
9 damage to the property of others, and is insured to the extent required under ch. 102.
10 An individual who is issued a license under this subsection shall notify the
11 department in writing of any material change in these insurance coverages at least
12 10 days before the change takes effect.

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

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

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1 (b) *Renewal and continuing education.* 1. Except as otherwise provided in this
 2 subdivision and subd. 3., an applicant for renewal of a license under sub. (1) shall
 3 provide to the department a certificate indicating that, during the one-year period
 4 before the date on which the applicant's license expires, the applicant satisfactorily
 5 completed at least 8 hours of education from a program certified under subd. 4. or
 6 provided instruction for a program certified under subd. 4. If the applicant is not an
 7 individual, the certificate shall indicate that the education was satisfactorily
 8 completed or instruction was provided by an individual who, as of the date of the
 9 application, is an agent of the applicant.

10 2. Except as provided in subd. 3., an applicant for renewal of a license under
 11 sub. (2) (a) or (b) 1. or (3) shall provide to the department a certificate indicating that,
 12 during the one-year period before the date on which the applicant's license expires,
 13 the applicant satisfactorily completed at least 8 hours of education from a program
 14 certified under subd. 4. or provided instruction for a program certified under subd.
 15 4.

16 3. An applicant for renewal of a license under sub. (1), (2) (a) or (b) 1., or (3),
 17 may apply to the department for a waiver of the requirements of subd. 1 or 2., as
 18 appropriate, on the grounds of temporary disability. An applicant applying for a
 19 waiver under this subdivision shall provide the department with a statement signed
 20 by a physician licensed to practice medicine in this state attesting to the temporary
 21 disability. The department shall consider each application for a waiver under this
 22 subdivision individually on its merits and may grant a waiver for any meritorious
 23 application. Any person granted a waiver under this subdivision shall, upon
 24 termination of the disability, provide the department with a statement signed by a
 25 physician licensed to practice medicine in this state attesting to the termination of

The department shall promulgate to establish continuing education requirements under the license program. → Comm 5. does not need Comm 5.058

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1 (d) That the licensee violated this subchapter or any rule promulgated under
2 this subchapter.

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

6 (a) *Names and addresses.*

7 1. If the applicant is an individual, the applicant's name and residential
8 address.

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

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

13 4. If the applicant is a corporation, the name and principal business address
14 of the corporation, ^{and} the name and address of the corporation's registered agent for
15 service of process, ~~and the name and residential address of the principal officer of the~~
16 ~~corporation.~~

17 5. If the applicant is a limited liability company, the name and principal
18 business address of the limited liability company, the name and address of the
19 limited liability company's registered agent for service of process, and the name and
20 residential address of each member of the limited liability company.

21 (b) *Experience.* The number of years the applicant has performed work or
22 engaged in the business to be authorized under the license.

23 (c) *Employment.* If the application is for an elevator contractor's license, the
24 approximate number of individuals, if any, the applicant will employ upon licensure.

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SECTION 8

1 (d) *Use of licensed elevator mechanics.* If the application is for an elevator
2 contractor's license, a certification that all work described in s. 101.984 (2) (a) and
3 (b) that the person will contract to perform under the license will be performed by
4 elevator mechanics licensed under sub. (2).

5 (e) *Proof of insurance.* Satisfactory evidence that the applicant is or, upon
6 licensure, will be insured to the extent required under sub. (1) or (3).

7 (f) *Criminal history.* A description of each of the applicant's criminal arrests
8 and convictions, if any.

9 **101.986 Conveyance safety code council duties.** The conveyance safety
10 code council shall review this subchapter and rules promulgated under this
11 subchapter and recommend a statewide conveyance safety code for promulgation by
12 the department. The council shall consider and make recommendations to the
13 department pertaining to rules for the enforcement of this subchapter, the granting
14 of variances, administrative appeal procedures, fees, and any other matter under
15 this subchapter.

16 **101.987 Local government authority. (1) AUTHORITY LIMITED.** No city,
17 village, town, or county may enact an ordinance or adopt a resolution regulating a
18 matter specifically governed by this subchapter or by a rule promulgated under this
19 subchapter.

20 **(2) RETROACTIVE EFFECT.** If a city, village, town, or county has in effect on the
21 effective date of this subsection [revisor inserts date], an ordinance or resolution
22 that is inconsistent with sub. (1) the ordinance or resolution does not apply and may
23 not be enforced. (??)

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1 (1) SUBMISSION OF PROPOSED RULES. No later than the first day of the 9th month
2 beginning after the effective date of this subsection, the department of commerce
3 shall submit in proposed form the rules governing subchapter VII of chapter 101 of
4 the statutes, as created by this act, and the fees permitted under section 101.19 (1)
5 (k) of the statutes, as created by this act, to the legislative council staff under section
6 227.15 (1) of the statutes.

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

15 (3) INITIAL MEMBERS OF CONVEYANCE SAFETY CODE COUNCIL. Notwithstanding the
16 length of terms specified for the conveyance safety code council under section 15.157
17 (13) (a) of the statutes, as created by this act, the initial members appointed under
18 section 15.157 (13) (a) 1. to 3. of the statutes, as created by this act, shall be appointed
19 for terms that expire on July 1, 2007, the initial members appointed under section
20 15.157 (13) (a) 4. and 5. of the statutes, as created by this act, shall be appointed for
21 terms that expire on July 1, 2008, and the initial members appointed under section
22 15.157 (13) (a) 6. and 7., as created by this act, shall be appointed for terms that
23 expire on July 1, 2009.

24 (4) GRACE PERIOD FOR OBTAINING PERMIT TO OPERATE EXISTING CONVEYANCES.
25 Notwithstanding section 101.983 (2) of the statutes, as created by this act, the owner

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1 or lessee of any conveyance, as defined in section 101.981 (1) (b) of the statutes, as
2 created by this act, in operation on the effective date of this subsection shall obtain
3 the permit required under section 101.983 (2) of the statutes, as created by this act,
4 no later than the first day of the 6th month beginning after the effective date of this
5 subsection. This subsection does not apply to any person required to obtain a permit
6 under rules of the department of commerce that are in effect before the effective date
7 of this subsection.

8 (5) GRANDFATHER PROVISION: ELEVATOR MECHANIC'S LICENSE. Any individual who,
9 during the 3-year period before the effective date of this subsection, performed
10 primarily work described under section 101.984 (2) (a) or (b) of the statutes, as
11 created by this act, within the scope of his or her employment, may apply to the
12 department of commerce for an elevator mechanic's license during the 12-month
13 period beginning on the effective date of this subsection. The department shall
14 prescribe an application form for use under this subsection, requiring any
15 information that the department deems relevant. Notwithstanding section 101.985
16 (2) and (5) (a) of the statutes, as created by this act, the department shall issue an
17 elevator mechanic's license to any such individual who, in the opinion of the
18 department, is adequately qualified and able to perform the work of an elevator
19 mechanic. The term of each license issued under this subsection is 2 years.

20 **SECTION 10. Effective dates.** This act takes effect on the first day of the 12th
21 month beginning after publication, except as follows:

22 (1) PROPOSED RULES. SECTION 9 (1) of this act takes effect on the day after
23 publication. *only rules*

24 (END)

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