

B

50427/1 P

Tues  
p.m

ASA to

~~Full~~  
stays

# 2005 ASSEMBLY BILL 447

bill intro  
SA ✓

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.

Regen  
cut

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**

The bill requires the department to promulgate rules establishing standards for the safe installation and operation of conveyances. The bill defines a conveyance to be an elevator, escalator, dumbwaiter, belt manlift, moving walkway, platform lift, stairway chair lift, or any other similar device used to elevate or move people or things, as provided in the rules of the department. The definition excludes grain elevators. The bill requires the department, in promulgating these rules, to consider the recommendations of the Conveyance Safety Code Council, which is established under the bill. The rules must satisfy all of the following:

1. They must be consistent, to the extent practicable, with national, industry-wide safety standards applicable to conveyances.

2. They must require any testing of conveyances or related equipment required under the rules to be performed by an elevator mechanic licensed by the department under the bill.

3. They must require any person who installs a new conveyance to give the owner of the building in which the conveyance is installed, before the conveyance is placed in operation, a written certification indicating that the installation complies with the rules.

4. They must include an enforcement procedure and a procedure pursuant to which the department may grant a variance from the rules if the variance would not jeopardize public safety.

***Conveyance permits***

Under the bill, no person may construct, install, or alter a conveyance in this state unless an elevator contractor licensed by the department has received a permit for the construction, installation, or alteration from the department. With certain exceptions, such a permit expires if work is not commenced under the permit within six months after the date the permit was issued. The bill also contains provisions relating to applications for and revocations of these permits.

Under the bill, no person may allow a conveyance to be operated on property owned by the person unless the person has received a permit for the operation from the department. The department may not issue a permit for the operation of a conveyance until the conveyance passes an inspection by an elevator inspector licensed by the department. The term of such a permit is one year, except that a permit applicable to a platform lift, stairway chair lift, or residential lift in a private residence is valid until ownership of the private residence is transferred, at which time the new owner must apply for renewal of the permit.

***Licensing of elevator contractors, mechanics, and inspectors***

With certain exceptions, this bill requires any person engaging in the business of constructing, installing, altering, servicing, replacing, or maintaining conveyances in this state to be licensed by the department as an elevator contractor. In addition, with certain exceptions, the bill requires any person who erects, constructs, alters, replaces, maintains, repairs, removes, or dismantles any conveyance in this state to be licensed by the department as an elevator mechanic and to be under the direct supervision of a licensed elevator contractor. Any person who performs elevator inspections in this state must likewise be licensed by the department as an elevator inspector and must hold a certification as an elevator

**ASSEMBLY BILL 447**

inspector issued by a person approved by the American Society of Mechanical Engineers. The bill requires an applicant for any of these licenses to undergo a criminal background check. The term of these licenses under the bill is two years. The bill also contains provisions relating to applications for and revocation and suspension of these licenses. In addition, the bill establishes continuing education requirements and other provisions relating to renewal of these licenses.

The department may issue an elevator contractor's license only to a 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, except that, in certain circumstances, the department may summarily issue an elevator contractor's license to a person who is licensed as an elevator contractor under the laws of another state. Every person who applies for an elevator contractor's license must provide the department with a certificate of insurance issued by one or more insurers authorized to do business in this state, indicating that the person is insured in the amount of at least \$1,000,000 per occurrence because of bodily injury to or death of others, is insured in the amount of at least \$500,000 per occurrence because of damage to the property of others, and is insured to the extent required under the workers compensation laws.

With certain exceptions, the department may issue an elevator mechanic's license only to an individual who satisfies all of the following:

1. Demonstrates to the satisfaction of the department that the person is adequately qualified and able to perform the work of an elevator mechanic.
2. During the three years preceding the date of application, was continuously employed in a position requiring the individual to perform work relevant to the erection, construction, alteration, replacement, maintenance, repair, removal, or dismantling of conveyances, as verified by the individual's employers.
3. Satisfactorily completes a written examination administered by the department covering the provisions of the subchapter created in the bill and rules promulgated under that subchapter relevant to the license applied for or satisfactorily completes an elevator mechanic's examination approved by the department and administered by a nationally recognized training program established by the elevator industry.
4. Satisfactorily completes an elevator mechanic's apprenticeship program that is approved by the Department of Commerce and the Department of Workforce Development.

The bill contains three exceptions relating to an elevator mechanic's license. First, the department may summarily issue an emergency elevator mechanic's license if an emergency exists in this state due to disaster or work stoppage and the number of licensed elevator mechanics working in the area of the emergency is insufficient to cope with the emergency. An emergency elevator mechanic's license may be issued only to an individual who is certified by a licensed elevator contractor as adequately qualified and able to perform the work of an elevator mechanic without direct and immediate supervision, who the department determines is so qualified and able, and who applies for an emergency elevator mechanic's license on a form prescribed by the department. An emergency elevator mechanic's license has a term

**ASSEMBLY BILL 447**

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:***

*construction or*

ASSEMBLY BILL 447

*that includes the installation of conveyances, as defined in*

*S. 101.981(1)(c),*

*14 B*

*14*

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 *kill* 7. One member representing the public.
- 15 *8. A building contractor involved in commercial construction*
- 16 *9. A contractor involved*
- 17 *10* 8. The secretary of commerce, or his or her designee.
- 18 9. An employee of the department of commerce, designated by the secretary of
- 19 commerce, who is familiar with commercial building inspections.

18 (b) The council shall meet at least twice a year. *The* An employee of the department  
19 of commerce designated by the secretary of commerce *under par. (a) 10.* shall serve as nonvoting  
20 secretary of the council.

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**

1 101.935, 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  
12 plants, liquefied petroleum gas vessels, anhydrous ammonia tanks and containers,  
13 elevators, ~~ski towing and lift~~ <sup>lift and towing</sup> devices, escalators, dumbwaiters, and amusement or  
14 thrill rides but not of amusement attractions.

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 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. (c)

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. (c)

STAYS  
- DO  
NOT  
DELETE

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

15 **CHAPTER 101**

16 **SUBCHAPTER VII**

17 **ELEVATORS, ESCALATORS,**

18 **AND OTHER CONVEYANCES**

19 **101.981 Definitions; modification by rule.** (1) Except as provided in sub.

20 (2), in this subchapter:

21 (b) ~~(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 (c) ~~(b)~~ "Conveyance" means an elevator, <sup>an</sup> escalator, <sup>a</sup> dumbwaiter, <sup>a</sup> belt manlift,  
25 <sup>a</sup> moving walkway, <sup>a</sup> platform lift, and <sup>a</sup> stairway chair lift, and any other similar device,

<sup>a</sup> personnel hoist, <sup>a</sup> material hoist  
personnel material

do make  
this  
change

INS  
7-20

ASSEMBLY BILL 447

SECTION 8

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, <sup>a ski lift</sup> ~~or a~~ <sup>a ski lift</sup> ~~or towing device,~~ <sup>or a</sup> ~~or an amusement or thrill~~  
~~ride~~ <sup>or towing device, or an</sup> ~~ride~~

4 (d) (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 (e) (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 (g) (f) (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

INS  
8-12

INS  
8-14



**ASSEMBLY BILL 447**

1 shall be consistent, to the extent practicable, with national, industry-wide safety  
2 standards applicable to conveyances. The rules shall require any testing of  
3 conveyances or related equipment required under the rules to be performed by an  
4 elevator mechanic licensed under s. 101.985 (2). The rules shall require any person  
5 who installs a new conveyance to give the owner of the building in which the  
6 conveyance is installed, before the conveyance is placed in operation, a written  
7 certification indicating that the installation complies with the rules promulgated  
8 under this section. The rules shall include an enforcement procedure and a  
9 procedure pursuant to which the department may grant a variance from the rules  
10 if the variance would not jeopardize public safety.

11 **101.983 Conveyance permits required. (1) CONSTRUCTION, INSTALLATION,**  
12 **AND ALTERATION. (a) *Permit required.*** No person may construct, install, or alter a  
13 conveyance in this state unless an elevator contractor licensed by the department  
14 under s. 101.985 (1) has received a permit for the construction, installation, or  
15 alteration from the department.

16 (b) *Application.* A person applying for a permit under par. (a) shall include,  
17 along with the application, copies of specifications and accurately scaled and fully  
18 dimensioned plans showing the location of the construction, installation, or  
19 alteration in relation to the plans and elevation of the building; the location of the  
20 applicable machinery room, if any, and the equipment to be constructed, installed,  
21 or altered; and all structural supporting members relevant to the construction,  
22 installation, or alteration, including foundations. The specifications and plans shall  
23 be sufficiently complete to illustrate all details of design and construction,  
24 installation, or alteration. The application shall specify all materials to be used and  
25 all loads to be supported or conveyed. The department may authorize a person to

## ASSEMBLY BILL 447

## SECTION 8

1 include the application and other information required under this paragraph with  
2 any submission required under s. 101.12 (1) to avoid duplicative filing of information.

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

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

7 2. That the permit was issued in error.

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

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

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

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

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

24 (b) *Application.* For a newly installed conveyance, the elevator contractor that  
25 contracted to perform the installation shall apply for the initial permit required

**ASSEMBLY BILL 447**

1 under par. (a) on behalf of the owner of the building in which the conveyance is  
2 located. Applications for renewal of the permit shall be made by the owner.

3 (c) *Inspections.* The department may not issue or renew a permit under this  
4 subsection unless the department has received an inspection report for the  
5 conveyance issued by an elevator inspector licensed under s. 101.985 (3) indicating  
6 that the conveyance complies with this subchapter and any applicable rules  
7 promulgated under this subchapter. Upon request of the owner of a private residence  
8 containing a newly installed platform lift, stairway chair lift, or residential lift or of  
9 the new owner of a private residence containing a previously installed platform lift,  
10 stairway chair lift, or residential lift, the department shall inspect the lift or  
11 equipment for compliance with this subchapter and any applicable rules  
12 promulgated under this subchapter. This inspection by the department does not  
13 exempt the owner from the requirement to ensure that the department receives an  
14 inspection report from a licensed elevator inspector. Upon performing this  
15 inspection, the department shall give the owner notice of relevant conveyance safety  
16 requirements and shall instruct the owner as to the procedure for obtaining periodic  
17 inspections and renewing the permit under which the lift or equipment is operated.

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

ASSEMBLY BILL 447

SECTION 8

*repairing, replacing or dismantling*

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

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

STET:  
Leave  
as  
typed

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

(b) *Electrical construction.* <sup>*Except as provided in par. (c)*</sup> No individual may wire any conveyance in this state from the mainline feeder terminals on the controller unless the individual is licensed as an elevator mechanic under s. 101.985 (2) and is or is under the direct supervision of a person licensed as an elevator contractor under s. 101.985 (1).

(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.

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

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 <sup>*U.S. department of labor*</sup> department of commerce and by the department of workforce development.

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).

See  
inserted  
page

## ASSEMBLY BILL 447

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's~~<sup>mechanic's</sup> 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.

8 **101.985 Licensing qualifications and procedure.** (1) ELEVATOR  
9 CONTRACTOR. Except as otherwise provided in this subsection, the department ~~may~~<sup>shall</sup>  
10 issue an elevator contractor's license ~~only~~<sup>to each</sup> 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.

par. (am) and (b)

ASSEMBLY BILL 447

SECTION 8

that is, at a journeyman level and that is

1 (2) ELEVATOR MECHANIC. (a) Except as provided in par. (b), the department ~~may~~ shall  
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.

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 U.S. department of labor department of commerce and the department of workforce  
17 development.

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.

INSERT  
14-17

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 summarily issue an

licensed by the department  
stays stays

**ASSEMBLY BILL 447**

1 emergency elevator mechanic's license to any individual who is certified by an  
2 elevator contractor licensed under this subchapter as adequately qualified and able  
3 to perform the work of an elevator mechanic without direct and immediate  
4 supervision, who the department determines is so qualified and able, and who  
5 applies for an emergency elevator mechanic's license on a form prescribed by the  
6 department. An emergency elevator mechanic's license has a term of 30 days and  
7 may be renewed by the department in the case of a continuing emergency. The  
8 department shall specify on an emergency elevator mechanic's license the  
9 geographic area in which the licensee may provide services under the license.  
10 Paragraph (a) does not apply to an individual who applies for an emergency elevator  
11 mechanic's license.

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

ASSEMBLY BILL 447

SECTION 8

shall

1 (3) ELEVATOR INSPECTOR. The department ~~may~~ <sup>shall</sup> issue an elevator inspector's  
 2 license ~~only to an~~ <sup>to each</sup> 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.

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) <sup>(a) 10.</sup> ~~(7)~~ 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.

The department shall promulgate rules that establish  
 the ~~necessary~~ qualifications ~~and~~ required for issuance of  
 an elevator inspector <sup>license</sup> license.



ASSEMBLY BILL 447

(2) (a) or (b) 1, or (3)

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 <sup>has</sup> satisfactorily  
 5 ~~completed at least 8 hours of education from a program certified under subd. 4. or~~ <sup>met ~~provided~~ with the education requirements established by rule</sup>  
 6 ~~provided instruction for a program certified under subd. 4.~~ <sup>under</sup> If the applicant is not an <sup>Subd.</sup>  
 7 individual, the certificate shall indicate that the education <sup>requirements were</sup> ~~was~~ satisfactorily  
 8 ~~completed or instruction was provided~~ <sup>met</sup> 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

ASSEMBLY BILL 447

SECTION 8

1 the disability. A waiver granted under this subdivision is valid until the 90th day  
 2 following the date on which the department receives the physician's statement  
 3 attesting to the termination of the disability, unless the department determines that  
 4 a different expiration date is appropriate due to the applicant's failure to provide the  
 5 physician's statement.

*promulgate rules that establish the education requirements under subd 1.*

6 ~~(d.)~~ 4. The department shall certify educational programs that may be used to  
 7 satisfy subd 1. Each program shall be designed to educate attendees as to the

8 provisions of this subchapter and rules promulgated by the department under this  
 9 subchapter. The department shall prescribe an application form for use by an  
 10 educational program desiring certification under this subdivision. Each educational  
 11 program making an application shall submit a list of instructors, together with an  
 12 explanation of each instructor's credentials and any other information required by  
 13 the department. Each educational program certified under this subdivision shall  
 14 keep records of attendance for 10 years and shall make the records available to the  
 15 department for inspection. The department may revoke the certification of any  
 16 educational program that falsifies or knowingly allows another to falsify records of  
 17 attendance or certificates of completion.

*The rules shall include rules for the certification of specific programs, for the number of hours required annually and for criteria for the waiver*

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

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

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

23 (c) That the licensee failed to notify the department and the owner or lessee of  
 24 a conveyance that the conveyance failed to meet the requirements of this subchapter  
 25 or rules promulgated under this subchapter.

## ASSEMBLY BILL 447

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

3 (7) APPLICATION. <sup>(a)</sup> <sup>(2)(a) or</sup> 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 <sup>and</sup> 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, <sup>and</sup> 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~~ <sup>or stays</sup>

21 ~~6.7 (b) Experience.~~ The number of years the applicant has performed work or  
22 engaged in the business to be authorized under the license.

23 ~~7.7 (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.

**ASSEMBLY BILL 447**

**SECTION 8**

1 ~~8. (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 ~~9. (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 ~~10. (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.

INS  
20-8

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.

**ASSEMBLY BILL 447**

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

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

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

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

24          **SECTION 9. Nonstatutory provisions.**

ASSEMBLY BILL 447

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.~~ <sup>6. to 8.</sup>, 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

## ASSEMBLY BILL 447

1 or lessee of any conveyance, as defined in section 101.981 (1) ~~(b)~~<sup>(c)</sup> 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 <sup>(a)</sup> ~~(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.

24 (END)

2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

PL  
LRBs0427/ins  
MGG:.....

1 **Insert 7-20**

2 (a) "Amusement or thrill ride" has the meaning given s. 101.19 (3) (b). ✓

3 **Insert 8-12**

4 (em) "Emergency" means.....

5 **Insert 8-14**

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

9 (h) "Personnel hoist" means a hoist that is installed inside or outside a building  
10 or structure during the construction, alteration, or demolition of the structure and  
11 that is used to raise and lower workers, other personnel, and materials connected  
12 with or related to the building or structure. *building or*

13 **Insert 14-17**

14 (am) The department shall issue an elevator mechanic's license to each  
15 individual who applies for an elevator mechanic's license during the 12-month  
16 period beginning of the effective date of this subsection and who demonstrates to the  
17 satisfaction of the department all of the following: *after* *paragraph* *Δ...Δ [revisor inserts date]*

18 1. That he or she, during the 3-year period before the effective date of this  
19 *paragraph* *[...revisor inserts date]*, primarily performed work *as* described under s.  
20 101.984 (2) (a) or (b) within the scope of his or her employment during that period. *preceding*

21 2. That he or she is adequately qualified and able to perform the work of an  
22 elevator mechanic.

23 **Insert 18-17**

*Subdivision*

*ADD IN 1/1*



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           **Insert 20-8**

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

*for a license  
under sub. (2) (am)*

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0427/ndn  
MGG:.....

PL  
gis

5 Wis. Adm. Code

1. Please review the changes to the definition of "conveyance". See 101.981 (1) (a) and (c). In doing so, please review the items listed in ~~Wis. adm. code~~ Comm 18.1002 (1), which lists the equipment covered by Ch. Comm 18 and ~~Wis. adm. code~~ Comm 18.1002 (2), which lists the equipment that is exempt from Ch. Comm 18.
2. In light of the language added to s. 101.82 (1), I left in the treatment of s. 101.86 (1) (a) even though it deals with municipal jurisdiction.
3. In making the language in s. 101.985 (1), (2) (a), and (3) mandatory, instead of discretionary, I rewrote the first sentence of each provision. Please review to make sure it achieves your intent.
4. In s. 101.985 (5), I deleted the reference to the rules of the department because that language seems redundant and unnecessary. If you disagree, please call me to discuss this.
5. To be consistent with the change in s. 101.985 (7) (a) 4. concerning residential addresses, I took out the parallel language that was in s. 101.985 (7) (a) 5.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBs0427/D1

MGG:cjs:pg

Wook

D-Note

Friday

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
ASSEMBLY SUBSTITUTE AMENDMENT ,  
TO 2005 ASSEMBLY BILL 447

3902  
back

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 (14), 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.

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

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

7 15.157 (14) CONVEYANCE SAFETY CODE COUNCIL. (a) There is created in the  
8 department of commerce a conveyance safety code council consisting of the following  
9 members appointed for 3-year terms:

- 10 1. One member representing a manufacturer of elevators.
- 11 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) (b) 2.  
15 or a conveyance operation permit under s. 101.983 (2) for a platform lift, stairway  
16 chair lift, or any other lift in a private residence.

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

18           101.82 (1) Adopt rules for the construction and inspection of electrical  
19 construction of public buildings and places of employment and for the inspection of  
20 electrical construction of places where farming, as defined in s. 101.01 (11), is  
21 conducted. Where feasible, the standards used shall be those nationally recognized.  
22 No rule may be ~~adopted~~ promulgated under this subsection which does not take into  
23 account the conservation of energy in construction and maintenance of buildings. No  
24 rule may be promulgated under this subsection governing the wiring of any

1 conveyance, as defined under s. 101.981 (1) (c), from the mainline feeder terminals  
2 on the controller.

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

4 101.86 (1) (a) Exercise jurisdiction over electrical construction and inspection  
5 of electrical construction in public buildings and places of employment by passage  
6 of ordinances, providing such ordinances meet the minimum requirements of the  
7 department's rules adopted under this subchapter. A county ordinance shall apply  
8 in any city, village or town which has not enacted such an ordinance. No municipality  
9 may exercise jurisdiction over the wiring of any conveyance, as defined under s.  
10 101.981 (1) (c), from the mainline feeder terminals on the controller.

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

13 **CHAPTER 101**

14 **SUBCHAPTER VII**

15 **ELEVATORS, ESCALATORS,**

16 **AND OTHER CONVEYANCES**

17 **101.981 Definitions; modification by rule.** (1) Except as provided in sub.  
18 (2), in this subchapter:

19 (a) "Amusement or thrill ride" has the meaning given s. 101.19 (3) (b).

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

23 (c) "Conveyance" means an elevator, an escalator, a dumbwaiter, a belt manlift,  
24 a moving walkway, a platform lift, a personnel hoist, a material hoist and a stairway  
25 chair lift, and any other similar device, such as an automated people mover, used to

1 elevate or move people or things, as provided in the rules of the department.  
2 “Conveyance” does not include a grain elevator a ski lift or towing device, or an  
3 amusement or thrill ride.

4 (d) “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 (e) “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 (em) “Emergency” means.....

14 (f) “Escalator” means a power-driven, moving stairway used for raising and  
15 lowering people.

16 (g) “Material hoist” means a hoist, other than a personnel hoist, that is used  
17 to raise or lower materials during construction, alteration, or demolition of a building  
18 or structure.

19 (h) “Personnel hoist” means a hoist that is installed inside or outside a building  
20 or structure during the construction, alteration, or demolition of the building or  
21 structure and that is used to raise and lower workers, other personnel, and materials

22 ~~connected with or related to the building or structure.~~  
*for which the hoist is designed to carry*

23 (2) The department shall promulgate rules establishing additional definitions  
24 to the extent the department deems necessary for the proper administration and  
25 enforcement of this subchapter. The department, by rule, may modify definitions

1 established under sub. (1). To the extent practicable, the department shall ensure  
2 that any definitions or modifications promulgated under this subsection are  
3 consistent with national, industry-wide safety standards governing matters  
4 regulated by this subchapter.

5 **101.982 Conveyance safety code.** The department shall promulgate rules  
6 establishing standards for the safe installation and operation of conveyances. In  
7 promulgating rules under this section the department shall consider the  
8 recommendations of the conveyance safety code council under s. 101.986. The rules  
9 shall be consistent, to the extent practicable, with national, industry-wide safety  
10 standards applicable to conveyances. The rules shall require any testing of  
11 conveyances or related equipment required under the rules to be performed by an  
12 elevator mechanic licensed under s. 101.985 (2). The rules shall require any person  
13 who installs a new conveyance to give the owner of the building in which the  
14 conveyance is installed, before the conveyance is placed in operation, a written  
15 certification indicating that the installation complies with the rules promulgated  
16 under this section. The rules shall include an enforcement procedure and a  
17 procedure pursuant to which the department may grant a variance from the rules  
18 if the variance would not jeopardize public safety.

19 **101.983 Conveyance permits required.** (1) CONSTRUCTION, INSTALLATION,  
20 AND ALTERATION. (a) *Permit required.* No person may construct, install, or alter a  
21 conveyance in this state unless an elevator contractor licensed by the department  
22 under s. 101.985 (1) has received a permit for the construction, installation, or  
23 alteration from the department.

24 (b) *Application.* A person applying for a permit under par. (a) shall include,  
25 along with the application, copies of specifications and accurately scaled and fully



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

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

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

15 2. That the permit was issued in error.

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

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

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

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

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

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

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

1 requirements and shall instruct the owner as to the procedure for obtaining periodic  
2 inspections and renewing the permit under which the lift or equipment is operated.

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

10 **101.984 Licenses and supervision required. (1) ELEVATOR CONTRACTOR.**  
11 No person may engage in the business of constructing, installing, altering, servicing,  
12 replacing, or maintaining conveyances in this state unless the person is licensed as  
13 an elevator contractor under s. 101.985 (1).

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

19 (b) *Electrical construction.* Except as provided in par. (c), no individual may  
20 wire any conveyance in this state from the mainline feeder terminals on the  
21 controller unless the individual is licensed as an elevator mechanic under s. 101.985  
22 (2) and is or is under the direct supervision of a person licensed as an elevator  
23 contractor under s. 101.985 (1).

24 (c) *Exceptions.* 1. Paragraph (a) does not apply to an individual who removes  
25 or dismantles a conveyance that is destroyed as a result of a complete demolition of

1 a building or where the hoistway or wellway is demolished back to the basic support  
2 structure such that the hoistway or wellway is inaccessible.

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

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

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

9 c. An individual who performs work described under par. (a) or (b) during the  
10 5-day period preceding the date on which the individual ~~applies for and receives~~ an  
11 emergency elevator mechanic's license under s. 101.985 (2) (b) 2. *is issued*

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

16 **101.985 Licensing qualifications and procedure.** (1) ELEVATOR  
17 CONTRACTOR. Except as otherwise provided in this subsection, the department shall  
18 issue an elevator contractor's license to each person who demonstrates to the  
19 satisfaction of the department that the person is adequately qualified and able to  
20 engage in business as an elevator contractor. The department may summarily issue  
21 an elevator contractor's license to a person who is licensed as an elevator contractor  
22 under the laws of another state, if, in the opinion of the department, that state's  
23 regulation of elevator contractors is substantially the same as this state's. Every  
24 person who applies for a license under this subsection shall provide the department  
25 with a certificate of insurance issued by one or more insurers authorized to do

1 business in this state, indicating that the person is insured in the amount of at least  
2 \$1,000,000 per occurrence because of bodily injury to or death of others, is insured  
3 in the amount of at least \$500,000 per occurrence because of damage to the property  
4 of others, and is insured to the extent required under ch. 102. A person who is issued  
5 a license under this subsection shall notify the department in writing of any material  
6 change in these insurance coverages at least 10 days before the change takes effect.

7 (2) ELEVATOR MECHANIC. (a) Except as provided in pars. (am) and (b), the  
8 department shall issue an elevator mechanic's license to each individual who  
9 satisfies all of the following:

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

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

17 3. Satisfactorily completes a written examination administered by the  
18 department covering the provisions of this subchapter and rules promulgated under  
19 this subchapter relevant to the license applied for or satisfactorily completes an  
20 elevator mechanic's examination approved by the department and administered by  
21 a nationally recognized training program established by the elevator industry.

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

24 (am) The department shall issue an elevator mechanic's license to each  
25 individual who applies for an elevator mechanic's license during the 12-month

The requirements under par.



LPS: there is a subd. 2. that belongs here in the original draft please fix

1 period beginning after the effective date of this paragraph .... [revisor inserts date],  
2 and who demonstrates to the satisfaction of the department all of the following:

3 1. That he or she, during the 3-year period preceding the effective date of this  
4 subdivision ... [revisor inserts date], primarily performed work described under s.  
5 101.984 (2) (a) or (b) within the scope of his or her employment ~~during that period.~~

6 (b) 1. Paragraph (a) does not apply to an individual who is licensed as an  
7 elevator mechanic under the laws of another state, if, in the opinion of the  
8 department, that state's regulation of elevator mechanics is substantially the same  
9 as this state's. The department may summarily issue an elevator mechanic's license  
10 to such an individual. *An individual*

11 2. If an emergency exists in this state due to disaster or work stoppage and the  
12 number of elevator mechanics licensed by the department is insufficient to cope with  
13 the emergency, the department may summarily issue an emergency elevator  
14 mechanic's license to any individual who is certified by an elevator contractor  
15 licensed under this subchapter as adequately qualified and able to perform the work  
16 of an elevator mechanic without direct and immediate supervision, who the  
17 department determines is so qualified and able, and who applies for an emergency  
18 elevator mechanic's license on a form prescribed by the department. An emergency  
19 elevator mechanic's license has a term of 30 days and may be renewed by the  
20 department in the case of a continuing emergency. The department shall specify on  
21 an emergency elevator mechanic's license the geographic area in which the licensee  
22 may provide services under the license. Paragraph (a) does not apply to an individual  
23 who applies for an emergency elevator mechanic's license.

24 3. If there are no elevator mechanics licensed under this subchapter available  
25 to provide services contracted for by an elevator contractor licensed under this

INS  
12-27

The requirements under par.

1 subchapter, the elevator contractor may notify the department and request the  
 2 issuance of a temporary elevator mechanic's license to any individual who is certified  
 3 by the elevator contractor as adequately qualified and able to perform the work of  
 4 an elevator mechanic without direct and immediate supervision and who applies for  
 5 a temporary elevator mechanic's license on a form prescribed by the department. A  
 6 temporary elevator mechanic's license has a term of 30 days and may be renewed by  
 7 the department in the case of a continuing shortage of licensed elevator mechanics.  
 8 The department shall specify on a temporary elevator mechanic's license the elevator  
 9 contractor in whose employ the licensee must remain to provide services under the  
 10 temporary elevator mechanic's license. Paragraph (a) does not apply to an individual  
 11 who applies for a temporary elevator mechanic's license.

1. to 4. do

12 (3) ELEVATOR INSPECTOR. The department shall issue an elevator inspector  
 13 license to each individual who demonstrates to the satisfaction of the department  
 14 that the individual is adequately qualified and able to provide elevator inspection  
 15 services. The department shall promulgate rules that establish the qualifications  
 16 required for issuance of an elevator inspector license.

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

24 (5) ISSUANCE, TERM, RENEWAL, AND CONTINUING EDUCATION. (a) *Issuance and term.*  
 25 Except as provided under s. 101.02 (20) (b) and (21) (b), the department shall issue

1 a license to any applicant who satisfies the applicable requirements of subs. (1) to (3)  
2 and who pays any applicable fee required by rule of the department under s. 101.19  
3 (1) (k). Except as provided under sub. (2) (b) 2. and 3., the term of each license is 2  
4 years.

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

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

- 15 a. Standards for certification of specific programs.  
16 b. The number of hours of education required on an annual basis.  
17 c. Criteria for receiving a waiver from the department of the education  
18 requirements.

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

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

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



1 (c) That the licensee failed to notify the department and the owner or lessee of  
2 a conveyance that the conveyance failed to meet the requirements of this subchapter  
3 or rules promulgated under this subchapter.

4 (d) That the licensee violated this subchapter or any rule promulgated under  
5 this subchapter.

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

9 1. If the applicant is an individual, the applicant's name and residential  
10 address.

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

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

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

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

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

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

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

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

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

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

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

19           **101.988 Enforcement and penalties. (1) INVESTIGATIONS.** (a) *Initiated by*  
20 *department.* The department may perform investigations to aid in the enforcement  
21 of this subchapter and rules promulgated under this subchapter.

22           (b) *Initiated by public.* Any person may file a written notice with the  
23 department, requesting the department to investigate an alleged violation of this  
24 subchapter or rules promulgated under this subchapter or a dangerous condition  
25 involving a conveyance. The notice shall set forth the specific grounds for the request

1 and shall be signed by the person filing the notice. Upon request of the person filing  
 2 the notice, the department shall keep the person's name confidential and shall  
 3 withhold the name from public inspection under s. 19.35 (1), except that the  
 4 department may disclose the name to a law enforcement officer for official purposes.  
 5 If the department determines that there are reasonable grounds to believe that the  
 6 alleged violation or dangerous condition exists, the department shall investigate to  
 7 determine if the alleged violation or dangerous condition exists. If the department  
 8 determines that there are no such reasonable grounds, the department shall notify  
 9 the person filing the notice.

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

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

17 **SECTION 9. Nonstatutory provisions.**

18 (1) SUBMISSION OF PROPOSED RULES. No later than the first day of the 9th month  
 19 beginning after the effective date of this subsection, the department of commerce  
 20 shall submit in proposed form the rules governing subchapter VII of chapter 101 of  
 21 the statutes, as created by this act, and the fees permitted under section 101.19 (1)  
 22 (k) of the statutes, as created by this act, to the legislative council staff under section  
 23 227.15 (1) of the statutes. *unless the secretary of administration*

24 (2) EFFECT ON COLLECTIVE BARGAINING AGREEMENTS. If a person is affected by a  
 25 collective bargaining agreement that is in effect on the effective date of this

*requires the department of commerce to prepare an economic impact report under section 227.137 of the statutes*

*for the proposed rules.*

1 subsection and that contains provisions that are inconsistent with subchapter VII  
2 of chapter 101 of the statutes, as created by this act, then, notwithstanding  
3 subchapter VII of chapter 101 of the statutes, as created by this act, the person may  
4 perform its obligations, and exercise its rights, under those provisions of the  
5 collective bargaining agreement until the collective bargaining agreement expires  
6 or is extended, modified, or renewed, whichever occurs first.

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

16 (4) GRACE PERIOD FOR OBTAINING PERMIT TO OPERATE EXISTING CONVEYANCES.  
17 Notwithstanding section 101.983 (2) of the statutes, as created by this act, the owner  
18 or lessee of any conveyance, as defined in section 101.981 (1) (c) of the statutes, as  
19 created by this act, in operation on the effective date of this subsection shall obtain  
20 the permit required under section 101.983 (2) of the statutes, as created by this act,  
21 no later than the first day of the 6th month beginning after the effective date of this  
22 subsection. This subsection does not apply to any person required to obtain a permit  
23 under rules of the department of commerce that are in effect before the effective date  
24 of this subsection.



1           **Insert 12-24**

2           2. If the governor declares that <sup>a state of</sup> an emergency exists in this state ~~due to a~~  
3 ~~natural or human-caused disaster or a work stoppage~~ <sup>under s. 166.03(1)(b)/</sup> and the department  
4 determines that the number of individuals in the state who hold elevator mechanic's  
5 licenses issued by the department under this section on the date of the declaration  
6 is insufficient to cope with the emergency, the department may summarily issue an  
7 emergency elevator mechanic's license to any individual who is certified by an  
8 elevator contractor licensed under this subchapter as adequately qualified and able  
9 to perform the work of an elevator mechanic without direct and immediate  
10 supervision, who the department determines is so qualified and able, and who  
11 applies for an emergency elevator mechanic's license on a form prescribed by the  
12 department. An individual certified by a contractor under this subdivision may  
13 perform work as an elevator mechanic for up to a total of 5 days preceding the date  
14 the individual is issued the license. An emergency elevator mechanic's license has a  
15 term of 30 days and may be renewed by the department in the case of a continuing  
16 emergency. The department shall specify on an emergency elevator mechanic's  
17 license the geographic area in which the licensee may provide services under the  
18 license. Paragraph (a) does not apply to an individual who applies for an emergency  
19 elevator mechanic's license.

The requirements  
under par.

1, to 4, do

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBs0427/P1da  
MGG:cjs:pg

January 3, 2006

*Sorry for the mess*

5. I rewrite s. 101.985(2)(b) 2. to make it clear as to how the 5-day grace period works. Please review.

9. I had to add the ~~phrase~~ last clause in SECTION 99(1) because of the enactment of 2003 Wisconsin Act 118. If you want to notwithstanding this requirement, please let me know.

1. Please review the changes to the definition of "conveyance." See s. 101.981 (1) (a) and (c). In doing so, please review the items listed in Comm 18.1002 (1), Wis. Adm. Code, which lists the equipment covered by ch. Comm 18 and 18.1002 (2), Wis. Adm. Code, which lists the equipment that is exempt from ch. Comm 18.

2. In light of the language added to s. 101.82 (1), I left in the treatment of s. 101.86 (1) (a) even though it deals with municipal jurisdiction.

3. In making the language in s. 101.985 (1), (2) (a), and (3) mandatory, instead of discretionary, I rewrote the first sentence of each provision. Please review to make sure it achieves your intent.

4. In s. 101.985 (5), I deleted the reference to the rules of the department because that language seems redundant and unnecessary. If you disagree, please call me to discuss this.

5. To be consistent with the change in s. 101.985 (7) (a) 4. concerning residential addresses, I took out the parallel language that was in s. 101.985 (7) (a) 5.

6. Please review the language s. 166.03(1)(b) 1. which is incorporated by reference.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215

*into s. 101.985(2)(b) 2*

*of the draft  
see if your intent  
is achieved.*

*the first sentence*

2. The phrase modifying materials in the definition of "personnel hoist" is based on the language found in ANSI A 10.4, section 28. However, the language seems quite broad. Please let me know if you want any limiting language limiting the materials to those used in the construction, alteration, or demolition.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBs0427/1dn  
MGG:cjs:pg

January 6, 2006

1. Please review the changes to the definition of "conveyance." See s. 101.981 (1) (a) and (c). In doing so, please review the items listed in Comm 18.1002 (1), Wis. Adm. Code, which lists the equipment covered by ch. Comm 18 and 18.1002 (2), Wis. Adm. Code, which lists the equipment that is exempt from ch. Comm 18.
2. The phrase modifying materials in the definition of "personal hoist" is based on the language found in the first sentence of ANSI A10.4, section 28. However, the language seems quite broad. Please let me know if you want any language limiting the materials to those used in the construction, alteration, or demolition.
3. In light of the language added to s. 101.82 (1), I left in the treatment of s. 101.86 (1) (a) even though it deals with municipal jurisdiction.
4. In making the language in s. 101.985 (1), (2) (a), and (3) mandatory, instead of discretionary, I rewrote the first sentence of each provision. Please review to make sure it achieves your intent.
5. I rewrote s. 101.985 (2) (b) 2. to make it clear as to how the 5-day grace period works. Please review.
6. Please review s. 166.03 (1) (b) 1. in current law, which is incorporated by reference into s. 101.985 (2) (b) 2. of the draft, to see if your intent is achieved.
7. In s. 101.985 (5), I deleted the reference to the rules of the department because that language seems redundant and unnecessary. If you disagree, please call me to discuss this.
8. To be consistent with the change in s. 101.985 (7) (a) 4. concerning residential addresses, I took out the parallel language that was in s. 101.985 (7) (a) 5.
9. I had to add the last clause in SECTION 9 (1) because of the enactment of 2003 Wisconsin Act 118. If you want to notwithstanding this requirement, please let me know.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBs0427/1dn  
MGG:cjs:pg

6 North

January 6, 2006

- OK 1. Please review the changes to the definition of "conveyance." See s. 101.981 (1) (a) and (c). In doing so, please review the items listed in Comm 18.1002 (1), Wis. Adm. Code, which lists the equipment covered by ch. Comm 18 and 18.1002 (2), Wis. Adm. Code, which lists the equipment that is exempt from ch. Comm 18.
- OK 2. The phrase modifying materials in the definition of "personal hoist" is based on the language found in the first sentence of ANSI A10.4, section 28. However, the language seems quite broad. Please let me know if you want any language limiting the materials to those used in the construction, alteration, or demolition.
- OK 3. In light of the language added to s. 101.82 (1), I left in the treatment of s. 101.86 (1) (a) even though it deals with municipal jurisdiction.
- OK 4. In making the language in s. 101.985 (1), (2) (a), and (3) mandatory, instead of discretionary, I rewrote the first sentence of each provision. Please review to make sure it achieves your intent.
- OK 5. I rewrote s. 101.985 (2) (b) 2. to make it clear as to how the 5-day grace period works. Please review. → shall
- 6. Please review s. 166.03 (1) (b) 1. in current law, which is incorporated by reference into s. 101.985 (2) (b) 2. of the draft, to see if your intent is achieved.
- 7. In s. 101.985 (5), I deleted the reference to the rules of the department because that languages seems redundant and unnecessary. If you disagree, please call me to discuss this. put back.
- OK 8. To be consistent with the change in s. 101.985 (7) (a) 4. concerning residential addresses, I took out the parallel language that was in s. 101.985 (7) (a) 5.
- 9. I had to add the last clause in SECTION 9 (1) because of the enactment of 2003 Wisconsin Act 118. If you want to notwithstanding this requirement, please let me know.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215

90-120  
~~Submission of rules~~  
emergency rules  
OK

note explained to G Kartsch that emergency language would cover a work stoppage only in man made disaster 5166.03 (1)(b)1.

OK with him