



State of Wisconsin
2005 - 2006 LEGISLATURE

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ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2005 ASSEMBLY BILL 447

SAV

providing an exemption from rule-making procedures,

granting rule-making authority, requiring the exercise of rule-making authority,

~~providing an exemption from emergency rules procedures~~

Repeal

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.

comma stays

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) ^(c) ~~(b) 2~~ _e
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 (f) “Escalator” means a power-driven, moving stairway used for raising and
14 lowering people.

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

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

22 (2) The department shall promulgate rules establishing additional definitions
23 to the extent the department deems necessary for the proper administration and
24 enforcement of this subchapter. The department, by rule, may modify definitions
25 established under sub. (1). To the extent practicable, the department shall ensure

1 that any definitions or modifications promulgated under this subsection are
2 consistent with national, industry-wide safety standards governing matters
3 regulated by this subchapter.

4 **101.982 Conveyance safety code.** The department shall promulgate rules
5 establishing standards for the safe installation and operation of conveyances. In
6 promulgating rules under this section the department shall consider the
7 recommendations of the conveyance safety code council under s. 101.986. The rules
8 shall be consistent, to the extent practicable, with national, industry-wide safety
9 standards applicable to conveyances. The rules shall require any testing of
10 conveyances or related equipment required under the rules to be performed by an
11 elevator mechanic licensed under s. 101.985 (2). The rules shall require any person
12 who installs a new conveyance to give the owner of the building in which the
13 conveyance is installed, before the conveyance is placed in operation, a written
14 certification indicating that the installation complies with the rules promulgated
15 under this section. The rules shall include an enforcement procedure and a
16 procedure pursuant to which the department may grant a variance from the rules
17 if the variance would not jeopardize public safety.

18 **101.983 Conveyance permits required.** (1) CONSTRUCTION, INSTALLATION,
19 AND ALTERATION. (a) *Permit required.* No person may construct, install, or alter a
20 conveyance in this state unless an elevator contractor licensed by the department
21 under s. 101.985 (1) has received a permit for the construction, installation, or
22 alteration from the department.

23 (b) *Application.* A person applying for a permit under par. (a) shall include,
24 along with the application, copies of specifications and accurately scaled and fully
25 dimensioned plans showing the location of the construction, installation, or

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

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

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

14 2. That the permit was issued in error.

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

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

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

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

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

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

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

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

8 **101.984 Licenses and supervision required. (1) ELEVATOR CONTRACTOR.**
9 No person may engage in the business of constructing, installing, altering, servicing,
10 replacing, or maintaining conveyances in this state unless the person is licensed as
11 an elevator contractor under s. 101.985 (1).

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

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

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

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

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

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

7 c. An individual who performs work described under par. (a) or (b) during the
8 5-day period preceding the date on which the individual is issued an emergency
9 elevator mechanic's license under s. 101.985 (2) ~~(b)2.~~ ^(c)

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

14 **101.985 Licensing qualifications and procedure. (1) ELEVATOR**
15 **CONTRACTOR.** Except as otherwise provided in this subsection, the department shall
16 issue an elevator contractor's license to each person who demonstrates to the
17 satisfaction of the department that the person is adequately qualified and able to
18 engage in business as an elevator contractor. The department may summarily issue
19 an elevator contractor's license to a person who is licensed as an elevator contractor
20 under the laws of another state, if, in the opinion of the department, that state's
21 regulation of elevator contractors is substantially the same as this state's. Every
22 person who applies for a license under this subsection shall provide the department
23 with a certificate of insurance issued by one or more insurers authorized to do
24 business in this state, indicating that the person is insured in the amount of at least
25 \$1,000,000 per occurrence because of bodily injury to or death of others, is insured

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

5 (2) ELEVATOR MECHANIC.

General licensing (a) Except as provided in pars. (am) *to (d)* and (b),

6 department shall issue an elevator mechanic's license to each individual who
7 satisfies all of the following:

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

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

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

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

22 (am) The department shall issue an elevator mechanic's license to each
23 individual who applies for an elevator mechanic's license during the 12-month
24 period beginning after the effective date of this paragraph [revisor inserts date],
25 and who demonstrates to the satisfaction of the department all of the following:

Licensing out-of-state mechanics

I

emergency licensing

temporary

Also

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

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

(b) The requirements under par. (a) 1. to 4. do not apply 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 department may summarily issue an elevator mechanic's license to such an individual.

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Emergency licensing

I

(c) If the governor declares that a state of emergency exists in this state under s. 166.03 (1) (b) 1. and the department determines that the number of individuals in the state who hold elevator mechanic's licenses issued by the department under this section on the date of the declaration is insufficient to cope with the emergency, the department ~~may~~ ^{shall} summarily issue an emergency elevator mechanic's license to any individual who is certified by an elevator contractor licensed under this subchapter 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 individual certified by a contractor under this subdivision may perform work as an elevator mechanic for up to a total of 5 days preceding the date the individual is issued the license. An emergency elevator mechanic's license has a term of 30 days and may be renewed by the department in the case of a continuing emergency. The department shall specify on an emergency elevator mechanic's license the geographic area in which the licensee may provide

emergency is issued by governor

1 services under the license. The requirements under par. (a) 1. to 4. do not apply to
2 an individual who applies for an emergency elevator mechanic's license.

3 (d) ~~3~~ ^{Temporary Licenses I} If there are no elevator mechanics licensed under this subchapter available
4 to provide services contracted for by an elevator contractor licensed under this
5 subchapter, the elevator contractor may notify the department and request the
6 issuance of a temporary elevator mechanic's license to any individual who is certified
7 by the elevator contractor as adequately qualified and able to perform the work of
8 an elevator mechanic without direct and immediate supervision and who applies for
9 a temporary elevator mechanic's license on a form prescribed by the department. A
10 temporary elevator mechanic's license has a term of 30 days and may be renewed by
11 the department in the case of a continuing shortage of licensed elevator mechanics.
12 The department shall specify on a temporary elevator mechanic's license the elevator
13 contractor in whose employ the licensee must remain to provide services under the
14 temporary elevator mechanic's license. The requirements under par. (a) 1. to 4. do
15 not apply to an individual who applies for a temporary elevator mechanic's license.

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

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

1 adequately qualified and able to provide services authorized under the license
2 applied for.

3 (5) ISSUANCE, TERM, RENEWAL, AND CONTINUING EDUCATION. (a) *Issuance and term.*

4 Except as provided under s. 101.02 (20) (b) and (21) (b), the department shall issue

5 a license to any applicant who satisfies the applicable requirements of subs. (1) to (3) ^{and}

6 ^{any} rules promulgated under subs. (1) to (3) and who pays any applicable fee required by rule of the department under s. 101.19

7 (1) (k). Except as provided under sub. (2) ^{(c) e (d)} ~~(b) 2~~ and ~~(3)~~, the term of each license is 2
8 years.

9 (b) *Renewal and continuing education.* 1. Except as otherwise provided in this

10 subdivision, an applicant for renewal of a license under sub. (1), (2) (a) or (b) ^e ~~(1)~~, or

11 (3) shall provide to the department a certificate indicating that, during the one-year

12 period before the date on which the applicant's license expires, the applicant has

13 satisfactorily met with the education requirements established by rule under subd.

14 2. If the applicant is not an individual, the certificate shall indicate that the

15 education requirements were satisfactorily met by an individual who, as of the date

16 of the application, is an agent of the applicant.

17 2. The department shall promulgate rules that establish the education

18 requirements for purposes of subd. 1. The rules shall include all of the following:

19 a. Standards for certification of specific programs.

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

21 c. Criteria for receiving a waiver from the department of the education

22 requirements.

23 (6) REVOCATION AND SUSPENSION. The department may revoke or suspend a

24 license ^{issued} under subs. (1) to (3) if the department finds any of the following: ✓

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

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

4 (c) That the licensee failed to notify the department and the owner or lessee of
5 a conveyance that the conveyance failed to meet ^{any of} the requirements of this subchapter
6 ^{of the} or rules promulgated under this subchapter.

7 (d) That the licensee violated this subchapter or any rule promulgated under
8 this subchapter.

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

12 1. If the applicant is an individual, the applicant's name and residential
13 address.

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

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

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

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

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

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

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

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

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

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

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

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

23 (b) *Initiated by public.* Any person may file a written notice with the
24 department, requesting the department to investigate an alleged violation of this
25 subchapter or rules promulgated under this subchapter or a dangerous condition

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

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

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

18 **SECTION 9. Nonstatutory provisions.**

19 (1) SUBMISSION OF PROPOSED RULES. No later than the first day of the 9th month
 20 beginning after the effective date of this subsection, the department of commerce
 21 shall submit in proposed form the rules governing subchapter VII of chapter 101 of
 22 the statutes, as created by this act, ~~and the fees permitted~~ ^{and} ~~under section 101.19 (1)~~ ^{required}
 23 (k) of the statutes, as created by this act, to the legislative council staff under section
 24 227.15 (1) of the statutes, ~~unless the secretary of administration requires the~~

*to be promulgated under
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unless the secretary of administration requires the

Note: not necessary

Notwithstanding section 227.137(2) of the statutes, the secretary of administration may not require ~~that~~ the department of,

department of commerce to prepare an economic impact report under section 227.137

of the statutes for the proposed rules.

commerce to prepare an economic impact report for the rules.

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

(3) INITIAL MEMBERS OF CONVEYANCE SAFETY CODE COUNCIL. Notwithstanding the length of terms specified for the conveyance safety code council under section 15.157

(14) (a) of the statutes, as created by this act, the initial members appointed under section 15.157 (14) (a) 1. to 3. of the statutes, as created by this act, shall be appointed for terms that expire on July 1, 2007, the initial members appointed under section 15.157 (14) (a) 4. and 5. of the statutes, as created by this act, shall be appointed for terms that expire on July 1, 2008, and the initial members appointed under section 15.157 (14) (a) 6. to 8., as created by this act, shall be appointed for terms that expire on July 1, 2009.

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

being promulgated under governing subchapter VII of chapter 101 of the statutes, as created by this act, or under section 101.19 (1) (k) of the statutes, as created by this act.

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

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

6 (1) PROPOSED RULES. SECTION 9 (1) of this act ~~takes~~ effect on the day after
7 publication.

8 (END)

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AND EMERGENCY (S)

1 **Insert 12-5**

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

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9 **Insert 18-2**

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

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0427/2dn

MGG:./:....

gjs

Attention: George Klaitsch

e three

Since we are doing emergency rules and, as drafted, the deadline for these emergency rules is the same as the deadline for submission of the proposed rules to the Joint Legislative Council, I think that 3 months is adequate time for Commerce to put in place the administrative procedure for issuing the licenses. Therefore, I did not change the date for the submission of the proposed rules or the effective dates in redrafting this substitute amendment.

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

*once the
rules are
promulgated*

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

LRBs0427/2dn
MGG:cjs:rs

January 23, 2006

Attention: George Klaitch

Since we are doing emergency rules and, as drafted, the deadline for these emergency rules is the same as the deadline for submission of the proposed rules to the Joint Legislative Council, I think that three months is adequate time for Commerce to put in place the administrative procedure for issuing the licenses once the rules are promulgated. Therefore, I did not change the date for the submission of the proposed rules or the effective dates in redrafting this substitute amendment.

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