



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2007 Assembly Bill 358**

**Assembly Substitute  
Amendment 1**

*Memo published:* December 7, 2007

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### **CURRENT LAW**

Effective June 1, 2007, 2005 Wisconsin Act 456 created a new subchapter in ch. 101, Stats., that does the following:

- Requires the Department of Commerce (Commerce) to promulgate rules establishing standards for the safe installation and operation of conveyances.
- Sets forth requirements for Commerce to issue permits to install, construct, or alter or to operate conveyances.
- Contains requirements for licensure of elevator contractors, elevator mechanics, and elevator inspectors.

The Act also created the Conveyance Safety Code Council in Commerce to review the subchapter and rules promulgated under the subchapter and recommend a statewide conveyance safety code for promulgation by Commerce.

Commerce is required to promulgate administrative rules to implement the provisions of Act 456, and was also required to promulgate emergency rules until the permanent rules became effective. Commerce promulgated limited emergency rules effective June 1, 2007. The rules do the following:

- Provide that the definition of “conveyance” under current law does not include an elevator, dumbwaiter, platform lift, stairway chair lift, or any other similar device serving an individual residential dwelling; a personnel hoist; or a material hoist.
- Create licensing provisions for elevator contractors; elevator installers; elevator mechanics; elevator apprentices; and elevator helpers.

## **ASSEMBLY SUBSTITUTE AMENDMENT 1 TO ASSEMBLY BILL 358**

### **Definition of “Conveyance”**

Under current law, for purposes of the provisions of Act 456, “conveyance” is defined as an elevator, an escalator, a dumbwaiter, a belt manlift, a moving walkway, a platform lift, a personnel hoist, a material hoist and a stairway chairlift, and any other similar device, such as an automated people mover, used to elevate or move people or things, as provided in the rules of Commerce. The statute specifies that “conveyance” does not include a grain elevator, a ski lift or towing device, or an amusement or thrill ride. [s. 101.981 (c), Stats.]

Under the substitute amendment, “conveyance” means elevator, an escalator, a dumbwaiter, a belt manlift, a moving walkway, a platform lift, and a stairway chairlift, and any other similar device, such as an automated people mover, used to elevate or move people or things, as provided in the rules of Commerce. As under current law, “conveyance” does not include a grain elevator, a ski lift or towing device, or an amusement or thrill ride. In addition, the substitute amendment provides that “conveyance” does not include the following:

- An elevator, a dumbwaiter, a platform lift, or a stairway chair lift that is located in an individual residential dwelling unit or any other type of lift that moves people and that is located in such a unit.
- A personnel hoist or material hoist.

The substitute amendment also deletes language created by Act 456 that relates to conveyances located in private residences as they are not covered under the modified definition of “conveyance.”

### **Effective Date**

Act 456 took effect on June 1, 2007.

Under the substitute amendment, the provisions of Act 456 take effect on June 1, 2008.

## **DIFFERENCES BETWEEN THE BILL AND THE SUBSTITUTE AMENDMENT**

The substitute amendment makes the following changes to the bill:

- Elevators and lifts located in individual residential dwelling units, instead of in private residences, are excluded from the definition of “conveyance.”
- The effective date of the provisions of Act 456 is June 1, 2008 instead of 24 months after the date of publication of Act 456.

### **Legislative History**

Assembly Substitute Amendment 1 was offered by Representative Kleefisch. On December 4, 2007, the Assembly Committee on Small Business adopted Assembly Substitute Amendment 1 by a vote of Ayes, 5; Noes, 3; and recommended the bill for passage, as amended, by a vote of Ayes, 5; Noes, 3.

SG:jal