March 4, 2008 – Introduced by Senator Plale, cosponsored by Representative Kleefisch. Referred to Committee on Commerce, Utilities and Rail.

AN ACT to renumber and amend 101.981 (1) (c); to amend 101.19 (1) (k), 101.983 (1) (a), 101.983 (2) (a), 101.983 (2) (c), 101.983 (2) (d), 101.984 (1), 101.984 (2) (a) and 101.984 (2) (b); to create 101.981 (1) (c) 5., 101.9815, 101.983 (3) and 101.984 (2m) of the statutes; and to affect 2005 Wisconsin Act 456, section 7 (2), 2005 Wisconsin Act 456, section 7 (3) and 2005 Wisconsin Act 456, section 7 (5); relating to: exempting certain lifts from the statutes regulating the installation of elevators and similar conveyances, exempting personnel hoists and material hoists from the statutes regulating the installation and operation of elevators and similar conveyances, rules implementing the statutes regulating the installation and operation of elevators and similar conveyances, and delaying the effective date for statutes regulating the installation and operation of elevators and similar conveyances.

Analysis by the Legislative Reference Bureau
Under current law, the Department of Commerce (Commerce) regulates the installation, alteration, and operation of elevators, escalators, and similar
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conveyances. This law requires Commerce to promulgate a safety code for installing and operating these conveyances, and the law requires persons installing and operating elevators to hold licenses or permits. These provisions were effective June 1, 2007. This bill delays this effective date to June 1, 2008.

The bill also excludes platform lifts, stairway chair lifts, and similar lifts that move people and that serve personal residences from these licensing and permitting requirements.

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:

SECTION 1. 101.19 (1) (k) of the statutes, as created by 2005 Wisconsin Act 456, is amended to read:

101.19 (1) (k) Administering subch. VII, except that the department may not charge a fee for an emergency elevator mechanic’s license under s. 101.985 (2) (c) or a conveyance operation permit under s. 101.983 (2) for a platform lift, stairway chair lift, or any other lift in a private residence. This paragraph applies beginning on June 1, 2008.

SECTION 2. 101.981 (1) (c) of the statutes is renumbered 101.981 (1) (c) (intro.) and amended to read:

101.981 (1) (c) (intro.) “Conveyance” means an elevator, an escalator, a dumbwaiter, a belt manlift, a moving walkway, a platform lift, a personnel hoist, a material hoist and a stairway chair lift, 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 the department. “Conveyance” does not include any of the following:

1. A grain elevator.

2. A ski lift or towing device, or an.

3. An amusement or thrill ride.
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SECTION 3. 101.981 (1) (c) 5. of the statutes is created to read:

101.981 (1) (c) 5. A personnel hoist or a material hoist.

SECTION 4. 101.9815 of the statutes is created to read:


SECTION 5. 101.983 (1) (a) of the statutes, as created by 2005 Wisconsin Act 456, is amended to read:

101.983 (1) (a) Permit required. No Except as provided in sub. (3), no person may construct, install, or alter a conveyance in this state unless an elevator contractor licensed by the department under s. 101.985 (1) has received a permit for the construction, installation, or alteration from the department.

SECTION 6. 101.983 (2) (a) of the statutes, as created by 2005 Wisconsin Act 456, is amended to read:

101.983 (2) (a) Permit required. No Except as provided in sub. (3), 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 required under this paragraph until all inspections required under par. (c) are completed.

SECTION 7. 101.983 (2) (c) of the statutes, as created by 2005 Wisconsin Act 456, is amended to read:

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

SECTION 8. 101.983 (2) (d) of the statutes, as created by 2005 Wisconsin Act 456,
is amended to read:

101.983 (2) (d) Term and posting requirements. A permit issued under this
subsection has a term of 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 shall apply for
renewal of the permit under par. (b). The owner of the building or residence in which
a conveyance is located shall display the permit under par. (a) applicable to the
conveyance on or in the conveyance or, if applicable, in the machinery room.

SECTION 9. 101.983 (3) of the statutes is created to read:

101.983 (3) Residential lifts. The permit requirements under subs. (1) and
(2) do not apply to the construction, installation, alteration, or operation of a platform
lift, a stairway chair lift, or any other type of lift that moves people if the platform
lift, stairway chair lift, or other type of lift serves an individual residential dwelling
unit.
SECTION 10. 101.984 (1) of the statutes, as created by 2005 Wisconsin Act 456, is amended to read:

101.984 (1) ELEVATOR CONTRACTOR. No Except as provided in sub. (2m), 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).

SECTION 11. 101.984 (2) (a) of the statutes, as created by 2005 Wisconsin Act 456, is amended to read:

101.984 (2) (a) Generally. Except as provided in par. (c) and sub. (2m), no individual may erect, construct, 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) or is under the direct supervision of a person licensed as an elevator contractor under s. 101.985 (1).

SECTION 12. 101.984 (2) (b) of the statutes, as created by 2005 Wisconsin Act 456, is amended to read:

101.984 (2) (b) Electrical construction. Except as provided in par. (c) and sub. (2m), 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) or is under the direct supervision of a person licensed as an elevator contractor under s. 101.985 (1).

SECTION 13. 101.984 (2m) of the statutes is created to read:

101.984 (2m) RESIDENTIAL LIFTS. The licensing requirements under subs. (1) and (2) (a) and (b) do not apply to the erection, construction, installation, alteration, servicing, replacement, maintenance, repair, removal, dismantling, or wiring of a platform lift, a stairway chair lift, or any other type of lift that moves people if the
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platform lift, stairway chair lift, or other type of lift serves an individual residential
dwelling unit.

SECTION 14. 2005 Wisconsin Act 456, section 7 (2) is amended to read:

[2005 Wisconsin Act 456] Section 7 (2) EMERGENCY RULES. Using the procedure
under section 227.24 of the statutes, the department of commerce shall may
promulgate as emergency rules the rules required under subchapter VII of chapter
101 of the statutes, as created by this act, and under section 101.19 (1) (k) of the
statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the
statutes, the emergency rules promulgated under this subsection may remain in
effect until the date on which the permanent rules required under subchapter VII
of chapter 101 of the statutes, as created by this act, and under section 101.19 (1) (k)
of the statutes, as created by this act, take effect. Notwithstanding section 227.24
(1) (a) and (3) of the statutes, the department of commerce is not required to provide
evidence that promulgating rules under this subsection as emergency rules is
necessary for the preservation of the public peace, health, safety, or welfare and is
not required to provide a finding of emergency for the rules promulgated under this
subsection. The department of commerce shall promulgate the rules required under
this subsection no later than the first day of the 9th month beginning after the
effective date of this subsection.

SECTION 15. 2005 Wisconsin Act 456, section 7 (3) is amended to read:

[2005 Wisconsin Act 456] Section 7 (3) 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 June 1, 2008, 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.

**SECTION 16.** 2005 Wisconsin Act 456, section 7 (5) is amended to read:

> [2005 Wisconsin Act 456] Section 7 (5) **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 **June 1, 2008,** 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 subsection **June 1, 2008.** This subsection 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 this subsection.

(END)