

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis

Original    Updated    Corrected

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2. Administrative Rule Chapter, Title and Number

SPS 305 and 318

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3. Subject

Wisconsin Conveyance Safety Code

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4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

5. Chapter 20, Stats. Appropriations Affected

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6. Fiscal Effect of Implementing the Rule

No Fiscal Effect    Increase Existing Revenues    Increase Costs  
 Indeterminate    Decrease Existing Revenues    Could Absorb Within Agency's Budget  
 Decrease Cost

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7. The Rule Will Impact the Following (Check All That Apply)

State's Economy    Specific Businesses/Sectors  
 Local Government Units    Public Utility Rate Payers  
 Small Businesses (if checked, complete Attachment A)

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8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes    No

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9. Policy Problem Addressed by the Rule

The primary objective of this rulemaking project is to evaluate and update the *Wisconsin Conveyance Safety Code*, SPS 318. This rulemaking update is intended to keep the Code consistent with dynamic, contemporary regional, national, and emergency practices and standards, as required by statute, and with any legislation enacted since the previous update on these rules.

In addition, the project includes revisions to another chapter affected by the update of the *Wisconsin Conveyance Safety Code*, chapter SPS 305, relating to licenses, certifications and registrations.

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10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule.

Comments were received from one entity indicating that there may be increased costs for elevator owners. These comments were taken into consideration in the department's analysis of the economic impact of the proposed rules.

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11. Identify the local governmental units that participated in the development of this EIA.

No local governmental units participated in the development of this EIA.

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12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.

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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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### 13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The primary purpose of the codes under consideration is to establish minimum safety standards for the design, construction, installation, operation, inspection, testing, maintenance, alteration, repair, and replacement of conveyances. Periodic review and update of these codes is necessary to ensure that they still achieve that purpose, and is required by statute. In addition, the review and update provides the opportunity to recognize and stay current with new construction products and practices. The review and update includes an evaluation of the most recent editions of the relevant codes and guides for incorporation.

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### 14. Long Range Implications of Implementing the Rule

The *Wisconsin Conveyance Safety Code* contains standards for the design, construction, use, maintenance, alteration, and inspection of elevators, escalators, and lifts in public buildings, places of employment and one- and 2-family dwellings. In keeping with the statutory requirement to use nationally recognized standards, this Code revision incorporates updated national standards, including consideration of *ASME A17.1/CSA B44 – 2016 Safety Code for Elevators and Escalators* and *ASME A18.1 – 2017 Safety Standards for Platform Lifts and Stairway Chairlifts*.

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### 15. Compare With Approaches Being Used by Federal Government

Elevators and escalators at marine terminal facilities are subject to regulations under the Occupational Safety and Health Administration (OSHA) in 29 C.F.R. 1979.116. Buildings built on federal property are legally exempt from state and local conveyance codes, however, the General Services Administration (GSA) has a policy that federal buildings comply with state and local building codes to the maximum extent practicable.

Both 28 CFR 35 and 28 CFR 36 require public buildings and commercial facilities, including government-owned and operated buildings and facilities, to be designed, constructed, and altered in compliance with the accessibility construction regulations specified under the federal Americans with Disabilities Act Accessibility Guidelines (ADAAG). Chapter 4: Accessible Routes, sections 407 through 410, and Chapter 2: Scoping Requirements, section 206.6, provide standards relating to elevators and platform lifts. Wisconsin ensures commercial buildings meet federal accessibility requirements through its adoption of the International Building Code (IBC). Chapter 11 of the IBC addresses accessibility and incorporates ICC A117.1 as a secondary standard. The American National Standard: Accessible and Usable Buildings and Facilities (ICC A117.1), which is incorporated into 24 CFR 100 by reference, is the federal technical standard for the design of housing and other facilities that are accessible to persons with disabilities as referenced in the federal Fair Housing Act.

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### 16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

#### **Illinois:**

Illinois establishes statewide minimum standards for the regulating the installation, construction, operation, inspection, testing, maintenance, alteration, and repair of elevators, dumbwaiters, escalators, moving sidewalks, platform lifts, stairway chairlifts, and automated people movers, and by licensing personnel and businesses that work on these conveyances. The state has adopted the following standards:

- Safety Code for Elevators and Escalators (ASME A17.1-2013/CSA B44-2013) and Performance-Based Safety Code for Elevators and Escalators (ASME A17.7-2007/CSA B44.7-07)
  - Safety Code for Existing Elevators and Escalators (ASME A17.3-2005), with some specified exceptions
  - Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1-2011)
  - Standard for the Qualification of Elevator Inspectors (ASME QEI-1-2013)
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## **ADMINISTRATIVE RULES**

### **Fiscal Estimate & Economic Impact Analysis**

- Automated People Mover Standards (ANSI/ASCE/T&DI 21-13)

Local regulation may exceed the statewide standards. The Certificate of Operation shall be displayed on or in each conveyance.

Title 41: Fire Protection, Chapter II: Elevator Safety Review Board, Part 1000 Illinois Elevator Safety Rules, Sections 1000.10 through 1000.190:

<http://www.ilga.gov/commission/jcar/admincode/041/04101000sections.html>

#### **Iowa:**

Iowa regulates the design, construction, installation, operation, inspection, testing, maintenance, alteration and repair of elevators, escalators, material lift elevators installed after August 10, 2016, dumbwaiters, wind tower lifts, construction personnel hoists, and other equipment governed by Iowa Code chapter 89A and Administrative Rules Chapters 71 to 73. The state has adopted the following standards for installations on or after May 16, 2018:

- ASME A17.1-2016/CSA B44-16
- ASME A17.7-2012/CSA B44.7-12
- ASME A17.8-2016/CSA B44.8-16
- ASME A18.1 (2014), except Chapters 4, 5, 6, and 7
- ANSI A117.1 (2017), except for requirement 407.4.7.1.2
- ANSI/NFPA 70 (2017)

Operating permits shall be conspicuously displayed. Specifically, permits for elevators shall be posted in the car, and permits for escalators, dumbwaiters, wind tower lifts, moving walks, or wheelchair lifts shall be posted on or near the subject conveyance. IAC 71.7 (3).

Iowa Code 89A, Administrative Rules Chapter 71 through 73: <https://www.iowadivisionoflabor.gov/elevator-iowa-code-and-administrative-rules>

#### **Michigan:**

The Michigan Department of Licensing and Regulatory Affairs, Elevator Division is responsible for the administration and enforcement of the Michigan Elevator Code by conducting inspections of elevator installations and alterations as well as annual safety inspections. The division also investigates elevator accidents and violations of the Michigan Elevator Code and assures proper elevator permits have been issued.

Michigan has adopted the following national standards:

- ASME A17.1-2010, except for sections, 2.5.1.5.3, 2.8.3.3.2, 2.8.6, 2.11.1.3, 2.11.1.4, 2.11.7.2, 2.11.7.2.1, 2.11.7.2.2, 2.11.7.2.3, 2.11.7.2.4, 2.11.7.2.5, 2.14.2.2(f), 2.14.2.6, 2.14.5.8.2, 2.16.5.1.3, 2.22.2, 3.18.3.8.3, 3.19.5.2, 3.22.1.6, 5.3.1.1.1, 5.3.1.1.2, 5.3.1.2.1, 5.3.1.14.3, 5.4.10.2, 8.6.5.8, 8.6.11.5 to 8.6.11.5.6, 8.10.1.1.3, 8.11.1.1, 8.11.1.1.1, 8.11.1.1.2
- ASME A17.2-2012
- ASME A17.6-2010
- ASME A17.7-2007, except for where the Michigan elevator rules make an exception to, addition to, or an amendment of, an ASME A17.1/CA B44 code section the Michigan elevator rules shall govern over the corresponding section in ASME A17.7/CSA B44.7 and must obtain department approval

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

- ASME A18.1-2011, except for sections 2.1.2 to 2.1.2.8, 2.1.3 to 2.1.3.10, 3.10.2 to 3.10.2.4, 10.1.1, 10.1.2 to 10.1.2.3, 10.1.3.3, 10.1.4, and 10.2.1
- ASME A90.1-2009
- ANSI A10.4-2007, except for sections 24.1.2.1 and 26.4.8.1
- ASTM D 2667-2008, 'Standard test method for biodegradability of alkylbenzene sulfonates'
- ASTM E 648-2010, standard test method for critical radiant flux of floorcovering systems using a radiant heat energy source
- ASTM E 648-2010, standard test method for critical radiant flux of floorcovering systems using a radiant heat energy source
- ASTM F 714-2012, standard specification for polyethylene (PE) plastic pipe (SDR-PR) based on outside diameter'

Michigan Elevator Rules, Elevator Safety Board:

[http://dmbinternet.state.mi.us/DMB/ORRDocs/AdminCode/1002\\_2012-009LR\\_AdminCode.pdf](http://dmbinternet.state.mi.us/DMB/ORRDocs/AdminCode/1002_2012-009LR_AdminCode.pdf)

### **Minnesota:**

The Minnesota State Building Code governs the design, installation, alteration, repair, removal, operation and maintenance of various types of elevators and conveying equipment. This list includes but is not limited to passenger elevators, freight elevators and escalators.

Minnesota's elevator code consists of the following: Safety Codes for Elevators and Escalators. The ASME A17.1-2010 is for new and altered installations. This standard also covers maintenance and testing requirements for existing elevators.

The Safety Code for Existing Elevators and Escalators is the ASME A17.3-2011. The ASME A18.1-2011 is the Safety Standard for Platform Lifts and Stairway Chairlifts. The standard for Elevator and Escalator Electrical Equipment is the ASME A17.5-2011.

The Safety Standard for Belt Manlifts is the ASME A90.1-2009. Safety Standard for Conveyors and Related Equipment is the ASME B20.1-2009. Minnesota amendments to those documents are located in chapter 1307.

Minnesota Department of Labor and Industry, Elevator Laws and Rules:

<https://www.revisor.mn.gov/rules/1307/>

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17. Contact Name

Helen Leong, Administrative Rules Coordinator

18. Contact Phone Number

(608) 266-0797

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This document can be made available in alternate formats to individuals with disabilities upon request.

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
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