

# STATEMENT OF SCOPE

## Department of Safety and Professional Services

Rule No.: Chapter SPS 318

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Relating to: Private Residence Elevators

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Rule Type: Emergency and Permanent

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### 1. Finding/nature of emergency (Emergency Rule only):

The Department of Safety and Professional Services, in consultation with the Conveyance Safety Code Council, recently completed a comprehensive evaluation and update of ch. SPS 318, the *Wisconsin Conveyance Safety Code*. A review of the code with updates incorporated revealed that provisions identified as posing a significant safety issue were not removed as intended by the Department and Council. Specifically, the provisions identified concern the space allowed between the hoistway door and the car door or gate of a private residence elevator. These provisions were intended to be removed in order to reduce the likelihood of a child being seriously injured or killed as a result of fitting in the space. As leaving these provisions in the code poses a risk of serious injury or death, the Department finds that emergency rules are necessary to preserve public health and safety.

### 2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to remove the provisions of s. SPS 318.1705 (3) (c) 1. to 4., which relate to the space allowed between the hoistway door and the car door or gate of a private residence elevator. This update will make the safety standards in ch. SPS 318 more consistent with ASME A17.1–2016, the industry-wide national safety standards for conveyances that are adopted by reference in the *Wisconsin Conveyance Safety Code*. In addition, the update will address a significant safety issue identified by the Department, the Conveyance Safety Code Council, and nationally known conveyance safety experts.

### 3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Current administrative rules contain provisions concerning the space allowed between the hoistway door and the car door or gate of a private residence elevator that have been identified as posing a significant safety issue. The proposed rules will remove these provisions.

The alternative of not promulgating the proposed rule would pose a risk of serious injury or death, and would be less beneficial to affected entities.

### 4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 101.63 (1), Stats., requires the Department to “[a]dopt rules which establish standards for the construction and inspection of one- and 2-family dwellings and components thereof.”

Section 101.982 Stats., relating to the conveyance safety code, reads, in part, “the department shall promulgate rules establishing standards for the safe installation and operation of conveyances ... The rules shall be consistent, to the extent practicable, with national, industry-wide safety standards applicable to conveyances.”

**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:**

80 hours

**6. List with description of all entities that may be affected by the proposed rule:**

The proposed rules may affect any individual, business, or other entity involved with the ownership, design, construction, use, maintenance, alteration, or inspection of private residence elevators.

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

None.

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

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