

# RULES CERTIFICATE

## Department of Commerce

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Brenda J. Blanchard, Secretary of the Department of Commerce,

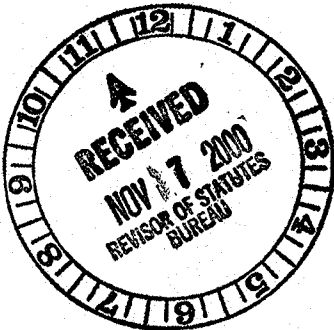
and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to

Inspection of elevators and mechanical lifting devices

(Subject)

were duly approved and adopted by this department.

I further certify that said copy has been compared by me with the original on file in the department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand at 201 West Washington Avenue

in the city of Madison, this 11<sup>th</sup>

day of Nov. A.D. 2000

Brenda J. Blanchard  
Secretary

# ORDER OF ADOPTION

## Department of Commerce

Pursuant to authority vested in the Department of Commerce by section(s) 101.02, 101.12 and 101.17

\_\_\_\_\_ Stats., the Department of Commerce  Creates;  amends;

repeals and recreates;  repeals and adopts rules of Wisconsin Administrative Code chapter(s):


Chapter Comm 18 Elevators and Mechanical Lifting Devices  
(number) (Title)

The attached rules shall take effect on The first day of the month following publication in the Wisconsin  
Administrative Register pursuant to section 227.22, Stats.

Adopted at Madison, Wisconsin this

date: 11/5/00

DEPARTMENT OF COMMERCE

  
Secretary



State of Wisconsin \ Department of Commerce

# **RULES in FINAL DRAFT FORM**

**Rule No.:** Chapter Comm 18

**Relating to:** Inspection of elevators and other mechanical lifting  
devices

**Clearinghouse Rule No.:** 00-086

The Department of Commerce proposes an order to repeal Comm 18.08 (1); to renumber Comm 18.08 (2) (a), (b) and (c); Comm 18.12 (2) and (3); to amend Comm 18.48 (2) (d) and Comm 18.48 (4) (a) 1.; to repeal and recreate Comm 18.12 (1) and Comm 18.48 (2) (a); and to create Comm 18.03 and Comm 18.12 (2), relating to inspections and permits to operate for elevators and other mechanical lifting devices.

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### ANALYSIS OF PROPOSED RULES

Statutory Authority: ss. 101.02 (1) and (15), 101.13 and 101.17, Stats.

Statute Interpreted: s. 101.17, Stats.

The Department of Commerce is responsible for adopting standards to protect the safety and health of employes and frequenters in places of employment and public buildings who use elevators and other mechanical lifting devices.

The purpose of chapter Comm 18, Elevator Code, is to establish safety requirements for elevators and other mechanical lifting devices installed in or at public buildings and places of employment. Chapter Comm 18 is being revised to address inspection and permit to operate issues. The following changes are being proposed:

- Clarify that it is the owner’s responsibility to maintain a valid permit to operate for any equipment covered by Comm 18.
- Clarify that routine and periodic inspections may be performed by individuals holding a valid credential as a certified elevator inspector as specified in chapter Comm 5, Credential Code or they may be performed by the Department.
- Identify timeframes for reporting inspections performed by certified elevator inspectors.

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SECTION 1. Comm 18.03 is created to read:

**Comm 18.03 Authority.** The department shall enforce and interpret this chapter and the American National Standard Safety Code for Elevators and Escalators, ASME A17.1, and shall grant special permission as specified in this chapter. A formal interpretation of this chapter shall remain in effect until rescinded or changed or until the edition of the ASME A17.1 Safety Code for Elevators and Escalators is changed in s. Comm 18.14. Requests for interpretations shall be in writing to the department.

SECTION 2. Comm 18.08 (title) (1) is repealed.

SECTION 3. Comm 18.08 (2) (title) (a), (b) and (c) are renumbered Comm 18.11 (title) (1), (2) and (3):

SECTION 4. Comm 18.12 (1) is repealed and recreated to read:

**Comm 18.12 (1) RESPONSIBILITY.** (a) The owner of any equipment covered by this chapter shall be responsible for obtaining and maintaining a valid permit to operate.

(b) The permit to operate shall be kept on the premises.

SECTION 5. Comm 18.12 (2) and (3) are renumbered Comm 18.12 (3) and (4).

SECTION 6. Comm 18.12 (2) is created to read:

**Comm 18.12 (2) ISSUANCE.** After each acceptance or routine inspection of equipment covered by this chapter and found to be in compliance with this chapter, a permit to operate shall be issued by the department or municipality. The department or municipality shall issue a permit to operate within 10 business days from receipt of an inspection report showing compliance.

SECTION 7. Comm 18.48 (2) (a) is repealed and recreated to read:

**Comm 18.48 (2) (a) Inspection.** 1. The department or a certified elevator inspector shall perform routine inspections.

2. a. A certified elevator inspector shall report to the department not later than 30 calendar days after inspection service on equipment covered by this chapter is started or discontinued. The reason for discontinuing the service shall be given in the report.

b. When a routine inspection specified in subd. 1. is performed by a certified elevator inspector other than a department inspector and the inspection report is not filed with the department within 30 calendar days from the expiration date of the permit to operate, the department may perform the inspection and bill the owner in accordance with the fees established in s. Comm 2.15.

SECTION 8. Comm 18.48 (2) (d) is amended to read:

**Comm 18.48 (2) (d) *Compliance with orders.*** If a certified elevator inspector is unable to obtain compliance with this chapter, the inspector shall notify the department. If it becomes necessary for the department to conduct inspections, a fee in accordance with s. Comm 2.15 will be charged for each inspection.

SECTION 9. Comm 18.48 (4) (a) 1. is amended to read:

**Comm 18.48 (4) (a) 1.** New installations shall be tested and inspected by a ~~staff person~~ of the department or an authorized representative of the department or municipality who has received a letter of authorization from the department to determine whether or not the installations comply with the conditionally approved plans and the provisions of this chapter. The installation shall not be placed in service until authorized by the department or municipality.

(END)

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EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.) Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

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Tommy G. Thompson, Governor  
Brenda J. Blanchard, Secretary

November 11, 2000

Gary Poulson  
Assistant Revisor of Statutes  
Suite 800  
131 West Wilson Street  
Madison, Wisconsin 53703-3233

Douglas LaFollette  
Secretary of State  
10th Floor  
30 West Mifflin Street  
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

### TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 00-086

RULE NO.: Chapter Comm 18

RELATING TO: Inspection of elevators and other mechanical lifting devices

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. J. Blanchard', written over a horizontal line.

Brenda J. Blanchard  
Secretary