



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 20-057

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

The department should examine whether the proposed rule achieves the stated goal. The proposed rule removes a departmental modification of a nationwide standard, but it may remove unintentionally also the nationwide standard.

A nationwide standard called the *Safety Code for Elevators and Escalators*, ASME A17.1-2016/CSA B44-16, includes a provision, section 5.3.1.7.2, establishing the acceptable space between the hoistway door and the car door or gate of a private residence elevator.

The current administrative code, in s. SPS 318.1005 (1) (a), incorporates by reference the entire nationwide standard, subject to departmental modifications specified elsewhere in ch. SPS 318.

Section SPS 318.1705 (3) (c) of the current administrative code is a departmental modification of section 5.3.1.7.2 of the nationwide standard. It substitutes the requirements of section 5.3.1.7.2 with other provisions. Some of the provisions address the acceptable space between the hoistway door and the car door or gate. [s. SPS 318.1705 (3) (c) 1. to 4.] The other provision addresses the maximum clearance between the hoistway door and the floor surface. [s. SPS 318.1705 (3) (c) 5.]

The proposed rule repeals subs. 1. to 4. of s. SPS 318.1705 (3) (c), which are the departmental modifications addressing the acceptable space between the hoistway door and the

car door or gate. By doing so, the department presumably intended that the requirements of section 5.3.1.7.2 of the nationwide standard will apply by virtue of s. SPS 318.1005 (1) (a).

The proposed rule, however, appears to substitute **all** of section 5.3.1.7.2 of the nationwide standard with the existing requirement addressing **only** the maximum clearance between the hoistway door and the floor surface. Therefore, it is not clear that s. SPS 318.1705 (3) (c), as amended by the proposed rule, leaves operative any provision of 5.3.1.7.2 of the nationwide standard addressing the acceptable space between the hoistway door and the car door or gate.

The department should consider whether to modify the proposed rule so that it does not “substitute the following wording for the requirements in ASME A17.1 section 5.3.1.7.2.” Instead, the proposed rule could establish the maximum clearance between the hoistway door and the floor surface as a departmental requirement apart from section 5.3.1.7.2 of the nationwide standard. Using the technique found in, for example, s. SPS 318.1705 (3) (cc), the department could amend s. SPS 318.1705 (3) (c) so that it establishes a “department rule in addition to the requirements in ASME A17.1 section 5.3.1.7.2”. This approach would allow section 5.3.1.7.2 of the nationwide standard to govern the acceptable space between the hoistway door and the car door or gate, and would allow the departmental modification to govern the maximum clearance between the hoistway door and the floor surface.