

STATE OF WISCONSIN  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : DEPARTMENT OF SAFETY  
DEPARTMENT OF SAFETY AND : AND PROFESSIONAL SERVICES  
PROFESSIONAL SERVICES : ADOPTING RULES  
: (CLEARINGHOUSE RULE 20-057)

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PROPOSED ORDER

An order of the Department of Safety and Professional Services to repeal SPS 318.1705 (3) (c) 1. to 5. and renumber and amend SPS 318.1705 (3) (c) (intro.), relating to private residence elevators.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Sections 101.63 (1) and 101.982, Stats.

**Statutory authority:** Sections 101.63 (1) and 101.982, Stats.

**Explanation of agency authority:**

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.”

**Related statutes or rules:**

Section SPS 321.115 of the *Uniform Dwelling Code*, which establishes uniform statewide construction standards and inspection procedures for one- and 2-family dwellings, provides that elevators or dumbwaiters serving dwelling units must comply with the requirements under ch. SPS 318.

**Plain language analysis:**

The proposed rule will 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 reduce the likelihood of a child being seriously injured or killed as a result of fitting in the space, a significant safety issue identified by the Department, the Conveyance Safety Code Council, and nationally known conveyance safety experts. In addition, the 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 adopted by reference in the *Wisconsin Conveyance Safety Code*.

**Summary of, and comparison with, existing or proposed federal statutes and regulations:**

None.

**Comparison with rules in adjacent states:**

**Illinois:**

Illinois adopts nationally recognized elevator safety standards, including ASME A17.1-2013 [41 Ill. Adm. Code 1000.60]. These standards regulate the space allowed between the hoistway door and the car door or gate of a private residence elevator.

**Iowa:**

Iowa adopts nationally recognized elevator safety standards, including ASME A17.1-2016 [875 IAC 72.1(11)]. These standards regulate the space allowed between the hoistway door and the car door or gate of a private residence elevator.

**Michigan:**

Michigan adopts nationally recognized elevator safety standards, including ASME A17.1-2010 [Mich Admin Code, R 408.7003]. These standards regulate the space allowed between the hoistway door and the car door or gate of a private residence elevator.

**Minnesota:**

Minnesota adopts nationally recognized elevator safety standards, including ASME A17.1-2016 (Minnesota Rules, Part 1307.0020). These standards regulate the space allowed between the hoistway door and the car door or gate of a private residence elevator.

**Summary of factual data and analytical methodologies:**

A review of ch. SPS 318 with recent updates incorporated revealed that provisions identified as posing a significant safety issue were not removed as intended by the Department and Conveyance Safety Code Council. Specifically, the provisions identified concern the space allowed between the hoistway door and the car door or gate of a private residence elevator. The proposed rule will remove these provisions as intended, reducing the likelihood of a child being seriously injured or killed as a result of fitting in this space.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis document is attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone (608) 261-4472; email at DSPSAdminRules@wisconsin.gov.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 10:00 a.m. on December 4, 2020, to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. SPS 318.1705 (3) (c) (intro.) is renumbered SPS 318.1705 (3) (c) and amended to read:

**SPS 318.1705 (3) (c)** ~~Substitute the following wording for the requirements in~~  
This is a department rule in addition to ASME A17.1 section requirement 5.3.1.7.2: The vertical clearance between the hoistway door and the floor surface shall not exceed 3/8 inch.

SECTION 2. SPS 318.1705 (3) (c) 1. to 5. are repealed.

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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This Proposed Order of the Department of Safety and Professional Services is approved for submission to the Governor and Legislature.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

Secretary  
Department of Safety and Professional Services