

# RULE REPORT

## Department of Commerce

Clearinghouse Rule No.: 08-030

Rule No.: Chapters Comm 5, 18 and 21

Relating to: Conveyance Safety Code

*Contact person for substantive questions:*

*Contact person for internal processing:*

Name Larry Swaziek

Name Larry Swaziek

Title Program Manager

Title Program Manager

Telephone Number 267-7701

Telephone Number 267-7701

1. Basis and purpose of the proposed rule.

The purpose of the proposed rule includes all of the following:

- Adoption of the most current edition of the ASME A17.1, Safety Code for Elevators and Escalators and ASME A18.1, Safety Standards for Platform Lifts and Stairway Chairlifts and modification to these standards where necessary to reflect any Wisconsin statutes or to improve clarity and usability of the code.
- Modification of chapter Comm 18 to require elevators and dumbwaiters serving dwelling units to comply with the technical requirements specified under this chapter.
- Modification of chapter Comm 5 to include licensing requirements for individuals installing, maintaining or repairing elevators and dumbwaiters serving dwelling units.
- Modification of chapter Comm 5 to permit the installation, maintenance or repair of private residence elevators, dumbwaiters, platform lifts and stairway chairlifts by individuals holding credentials as a lift mechanic, lift apprentice or a lift helper.

2. How the proposed rule advances relevant statutory goals or purposes.

The proposed changes are consistent with recent legislation under s. 101.981 to 101.988, Stats., which will require plan review and inspection of elevators and dumbwaiters serving dwelling units and will require installers of these units to be licensed in accordance with chapter Comm 5.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

No changes were necessary to the fiscal estimate prepared for public hearing.

# FINAL REGULATORY FLEXIBILITY ANALYSIS

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Final regulatory flexibility analysis not required. (Statement of determination required.)

Pursuant to s. 227.19 (3m), Stats., the Department has determined that the proposed rules that update chapters 18 by adopting the latest edition of the elevator and platform lift standards published by the American Society of Mechanical Engineers (ASME) and modifying these standards, where necessary, to reflect any Wisconsin statutes or to improve clarity, and that modify chapter Comm 5 for consistency with recent legislation will not have a significant impact on a substantial number of small businesses.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

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# RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

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Name: Larry Swaziek

Title: Program Manager

Telephone No. 267-7701

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

*(Continued on reverse side)*

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached

## **COMMENTS ON LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT**

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### **1. Statutory Authority**

The Department has been working with the Conveyance Safety Code Council, which is appointed by the Governor, to develop reasonable administrative rules to fulfill the statutory intent without compromising safety.

### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

**5. a.** The definition of “dwelling unit” is the same as found under s. 101.61 (1), Stats. relating to one- and two-family dwellings. The Department believes using definitions found in the statutes, for use in the codes administered by this agency, provides consistency in the application of the rules.