

Report From Agency



State of Wisconsin \ Department of Commerce

RULES IN FINAL DRAFT FORM

Rule No.: Chapters Comm 5 and 18

Relating to: Licensing of Elevator Contractors and Installers

Clearinghouse Rule No.: 07-089

The Department of Commerce proposes an order to:
repeal ss. Comm 5.37, Comm 5.38, Comm 5.383, Comm 5.385, Comm 5.387 and Comm 18.1004 (7);
renumber ss. Comm 18.1004 (8) and (9);
amend ss. Comm 5.004 (1), Comm 5.02 Table 5.02 line 39., Comm 5.34 (1) and (4) (intro.), Comm 5.35 (1) and (5) (intro.), Comm 18.1006, Comm 18.1708 (8) (a) and (b) and Comm 18.1708 (9) (a) 1. and Comm 18.1810 (1) (a) and (b);
repeal and recreate ss. Comm 5.64 and Comm 18 subchapters II, III and IV; and
create ss. Comm 5.003 (10g), (26t), (27y), (32s), Comm 5.01 (4) (g), Comm 5.02 Table 5.02 lines 67. to 75., Comm 5.06 Table 5.06 lines 67. to 75. and Comm 5 subchapter X, relating to licensing of elevator contractors and installers and affecting small businesses.

Analysis of Proposed Rules

1. Statutes Interpreted.

Sections 101.19 (1) (k), 101.981 to 101.986, Stats., as created by 2005 Wisconsin Act 456, and sections 101.02 (15) (j) and 101.17, Stats.

2. Statutory Authority.

Sections 101.19 (1) (k), 101.981 to 101.986, Stats., as created by 2005 Wisconsin Act 456, and sections 101.02 (15) (j) and 101.17, Stats.

3. Related Statute or Rule.

Statutes: section 101.02 (1) and (15), Stats.

4. Explanation of Agency Authority.

Under the authority of ss. 101.17 and 101.982, Stats. as affected by 2005 Wisconsin Act 456, the Department has the authority to promulgate rules for the inspection, installation and maintenance of elevators, escalators and lift devices. The Department also has the authority to develop licensing requirements for a number of new elevator categories created under the new law for inspection, installation and maintenance of elevators, escalators and lift devices.

5. Summary of Proposed Rules.

The revisions to chapters Comm 5 and 18 are in response to 2005 Wisconsin Act 456 relating to the regulation of elevators, escalators and lift devices. The following is a summary of the major rule changes to these chapters:

- Repeal sections Comm 5.37, Comm 5.38, Comm 5.383, Comm 5.385 and Comm 5.387 as created by the emergency rule dated June 1, 2007. The permanent licensing requirements are included in this rule package.
- Establish a definition for “conveyance”, which exempts residential conveyances, material lift and hoists. Other definitions including “lift”, “material hoist” and “personnel hoist” are included to be consistent with national, industry-wide safety standards. [Comm 5.003]
- Modify the tables relating to fees and terms of credentials to reflect the new elevator and lift categories established under the law. [Tables 5.02 and 5.06]
- Create licensing requirements for elevator contractors, elevator mechanics, elevator mechanics-restricted, elevator apprentices, elevator apprentices-restricted and elevator helpers as authorized under the law. [Comm 5, subchapter X]
- Change the current elevator inspector “certification” terminology to “licensure” to be consistent with the law. [Comm 5.64, and Comm 18]
- Reorganize Comm 18 subchapters II, III and IV to clarify owner and elevator contractor responsibilities (subchapter II), combine the plan review and inspection requirements, and modify the certification requirements for consistency with the law (subchapter III) and create requirements that address municipal enforcement of chapter Comm 18 (subchapter IV). [Comm 18, Subchapters II, III and IV]
- Rename the application form to “permit application” to reflect the change in the law. The requirements for submission of the application have not changed. [Comm 18.1007 and 18.1013]

6. Summary of, and Comparison with, Existing or Proposed Federal Regulations.

There are no existing or proposed federal regulations that address or impact the activities to be regulated by this rule.

7. Comparison with Rules in Adjacent States.

An Internet-based search of adjacent states’ rules found the following regulations:

- Michigan licenses elevator contractors and elevator journeypersons.
- Minnesota licenses elevator contractors.
- Illinois has enacted laws and rules similar to the provisions under 2005 Wisconsin Act 456 with regard to licensing.
- Iowa does not license elevator contractors or installers.

8. Summary of Factual Data and Analytical Methodologies.

In developing the rules the Department reviewed the language of 2005 Wisconsin Act 456 in conjunction with current legislative proposals that would affect provisions of the Act. The Department's review and assessment process involved the participation of the Conveyance Safety Code Council. The members of that Council represent many stakeholders involved in the conveyance industry, including manufacturers, inspectors, building contractors and the general public as users of the conveyances. (A listing of the Conveyance Safety Code Council is provided at the end of this analysis.)

9. Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of Economic Impact Report.

The Department utilized the Conveyance Safety Code Council to gather information on potential impacts in complying with both the technical and administrative requirements of the codes. The proposed license fees reflect the cost of administering licenses and are similar to license fees for other trades such as electricians and plumbers. The proposed licensing process is also similar to the licensing procedures for other various trades currently addressed under chapter Comm 5.

10. Effect on Small Business

The Department believes the rules will not increase the effect on small businesses over that imposed by Wisconsin Act 456. An economic impact report has not been required pursuant to s. 227.137, Stats.

11. Agency Contact

Larry Swaziek, Program Manager, lswaziek@commerce.state.wi.us, (608) 267-7701.

12. Public Hearing Comments.

The hearing record on this proposed rulemaking will remain open until November 12, 2007, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to Larry Swaziek, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at lswaziek@commerce.state.wi.us.

Council Members and Representation

Conveyance Safety Code Council

Jesse Kaysen	Public Member
Calvin King	Building Inspectors
Kevin Kraemer	Building Contractors
Kelvin Nord	Labor
Paul Rosenberg	Architectural Design or Elevator Consulting Profession
George Semenak	Building Owners/Managers
Andrew Zielke	Elevator Manufacturers
Dan Meneguini	Employee of Commerce/Inspection
Larry Swaziek	Secretary of Commerce Designee

SECTION 1. Comm 5.003 (10g), (26t), (27y) and (32s) are created to read:

Comm 5.003 (10g) “Conveyance” has the meaning as given in s. 101.981 (1) (c), except it does not include any of the following:

(a) An elevator, a dumbwaiter, a platform lift, stairway chair lift and any other similar device serving an individual residential dwelling unit.

(b) A personnel hoist.

(c) A material hoist.

Note: Section 101.981 (1) (c), Stats., reads: “Conveyance” means an elevator, an escalator, a dumbwaiter, a belt manlift, a moving walkway, a platform lift, a personnel hoist, a material hoist and a stairway chair lift, and any other similar device, such as an automated people mover, used to elevate or move people or things, as provided in the rules of the department. “Conveyance” does not include a grain elevator a ski lift or towing device, or an amusement or thrill ride.

Note: Section 101.981 (2), Stats., allows the department to modify the definitions under s. 101.981 (1), Stats.

(26t) “Lift” means a conveyance device covered under the scope of American Society of Mechanical Engineers (ASME) A18.1a – Safety Standard for Platform Lifts and Stairway Chairlifts.

(27y) “Material hoist” has the meaning as given in s. 101.981 (1) (g), Stats.

Note: Section 101.981 (1) (g), Stats., reads: “Material hoist” means a hoist, other than a personnel hoist, that is used to raise or lower materials during construction, alteration, or demolition of a building or structure.

(32s) “Personnel hoist” has the meaning as given in s. 101.981 (1) (h), Stats.

Note: Section 101.981 (1) (h), Stats., reads: “Personnel hoist” means a hoist that is installed inside or outside a building or structure during the construction, alteration, or demolition of the building or structure and that is used to raise and lower workers, other personnel, and materials which the hoist is designed to carry.

SECTION 2. Comm 5.004 (1) is amended to read:

Comm 5.004 (1) D1.1-~~02~~ 06, Structural Welding Code – Steel.

SECTION 3. Comm 5.01 (4) (g) is created to read:

Comm 5.01 (4) (g) Elevator contractor.

SECTION 4. Comm 5.02 Table 5.02 line 39. is amended to read:

**Table 5.02
Partial Table
FEES**

	License, Certification or Registration Category	Type	Application Fee	Examination Fee	License, Certification or Registration Fee
39.	Elevator Inspector	Certification License	none	\$45 NA	\$120

SECTION 5. Comm 5.02 Table 5.02 lines 67. to 75. are created to read:

**Table 5.02
Partial Table
FEES**

	License, Certification or Registration Category	Type	Application Fee	Examination Fee	License, Certification or Registration Fee
	Subchapter X				
67.	Elevator Contractor	License	\$15	NA	\$100
68.	Elevator Mechanic	License	\$15	\$50	\$90
69.	Elevator Mechanic-restricted	License	\$15	\$50	\$90
70.	Elevator Apprentice	Registration	\$15	NA	\$15
71.	Elevator Apprentice-restricted	Registration	\$15	NA	\$15
72.	Elevator Helper	Registration	\$15	NA	\$15
73.	Lift Mechanic	License	\$15	\$50	\$90
74.	Lift Apprentice	Registration	\$15	NA	\$15
75.	Lift Helper	Registration	\$15	NA	\$15

SECTION 6. Comm 5.06 Table 5.06 lines 67. to 75. are created to read:

**Table 5.06
Partial Table
TERMS**

	License, Certification or Registration Category	Term	Expiration Date	Continuing Education Cycle
	Subchapter X			
67.	Elevator Contractor	2 years	Date of Issuance	NA
68.	Elevator Mechanic	2 years	Date of Issuance	3 Months Prior to Date of Expiration
69.	Elevator Mechanic-restricted	2 years	Date of Issuance	3 Months Prior to Date of Expiration
70.	Elevator Apprentice	4 years	Date of Issuance	NA
71.	Elevator Apprentice-restricted	4 years	Date of Issuance	NA
72.	Elevator Helper	4 years	Date of Issuance	NA
73.	Lift Mechanic	2 years	Date of Issuance	3 Months Prior to Date of Expiration
74.	Lift Apprentice	4 years	Date of Issuance	NA
75.	Lift Helper	4 years	Date of Issuance	NA

SECTION 7. Comm 5.34 (1) and (4) (intro.) are amended to read:

Comm 5.34 (1) GENERAL. No person may perform structural steel welding under chs. Comm 34 and 60 to 65 unless the person holds a registration issued by the department as a registered welder.

(4) RESPONSIBILITIES. A person who does structural steel welding as a registered welder shall do all of the following:

SECTION 8. Comm 5.35 (1) and (5) (intro.) are amended to read:

Comm 5.35 (1) GENERAL. No person may conduct welding tests for the purpose of qualifying structural steel welders under s. Comm 5.34 unless the person holds a certification issued by the department as a certified weld test conductor-physical or a certified weld test conductor-radiographic.

(5) RESPONSIBILITIES. A person who conducts welding tests for qualifying structural steel welders under s. Comm 5.34 as a certified weld test conductor-physical or weld test conductor-radiographic shall do all of the following:

SECTION 9. Comm 5.37, Comm 5.38, Comm 5.383, Comm 5.385 and Comm 5.387, as created by the emergency rule dated June 1, 2007, are repealed.

SECTION 10. Comm 5.64 is repealed and recreated to read:

Comm 5.64 Elevator inspectors. (1) GENERAL. No person, as an authorized representative of the department, may provide inspections required under ch. Comm 18 unless the person holds a license issued by the department as a licensed elevator inspector.

(2) APPLICATION FOR LICENSE. A person may apply for a license as a licensed elevator inspector by submitting all of the following:

(a) An application, an application fee and the license fee in accordance with ss. Comm 5.01 and 5.02.

(b) Evidence that the person holds a certification as an American Society of Mechanical Engineers (ASME) for the Qualification of Elevator Inspector (QEI-1).

(3) RESPONSIBILITIES. A person who inspects conveyances as a licensed elevator inspector shall be responsible for all of the following:

(a) Maintain a record of the inspections made including the dates and the findings of the inspections.

(b) Provide a copy of the inspection record to the conveyance owner or his or her agent.

(c) Make available to the department upon request his or her inspection records.

(d) Maintain his or her ASME QEI-1 certification.

(4) RENEWAL. (a) A person may renew his or her license as an elevator inspector.

(b) An elevator inspector license shall be renewed in accordance with s. Comm 5.07.

(c) 1. The renewal of a license as a licensed elevator inspector shall be contingent upon the elevator inspector obtaining at least 24 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a license as a licensed elevator inspector may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

(d) The renewal of a license as an elevator inspector is contingent upon the person submitting evidence that the person holds a certification as an ASME QEI-1 elevator inspector.

(e) The renewal of a license as an elevator inspector shall be contingent upon the department's review of the applicant's criminal history record from the department of justice.

SECTION 11. Comm 5 Subchapter X is created to read:

Subchapter X - Conveyances

Comm 5.990 Elevator contractor. (1) GENERAL. (a) Pursuant to s. 101.984 (1), Stats., no person or entity, as of June 1, 2008, may engage in the business or offer to engage in the business of constructing, installing, altering, servicing, replacing or maintaining conveyances unless the person or entity holds a license issued by the department as a licensed elevator contractor, except as provided under par. (b).

(b) A person, entity or business is not required to hold a license as a licensed elevator contractor to service or maintain existing conveyances within facilities or properties owned by the person, entity or business.

(2) APPLICATION FOR LICENSE. A person applying for an elevator contractor license shall submit all of the following:

(a) An application in accordance with s. Comm 5.01.

(b) An application fee and a license fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR LICENSE. (a) A person applying for an elevator contractor license shall provide all of the following:

1. A statement certifying that the person complies with the worker's compensation requirements under ch. 102, Stats.

2. Evidence of compliance with the liability insurance requirements as specified under s. 101.985 (1), Stats.

Note: Section 101.985 (1), Stats. reads: "Except as otherwise provided in this subsection, the department shall issue an elevator contractor's license to each person who demonstrates to the satisfaction of the department that the person is adequately qualified and able to engage in business as elevator contractor. The department may summarily issue an elevator contractor's license to a person who is licensed as an elevator contractor under the laws of another state, if, in the opinion of the department, that state's regulation of elevator contractors is substantially the same as this state's. Every person who applies for a license under this subsection shall provide the department with a certificate of insurance issued by one or more insurers authorized to do business in this state, indicating that the person is insured in the amount of at least \$1,000,000 per occurrence because of bodily injury to or death of others, is insured in the amount of at least \$500,000 per occurrence because of damage to the property of others, and is insured to the extent required under ch. 102. A person who is issued a license under this subsection shall notify the department in writing of any material change in these insurance coverages at least 10 days before the change takes effect."

(b) The person applying for an elevator contractor license shall be the owner of the contracting business, a partner in the contracting business applying on behalf of a partnership, or the chairman of the board or chief executive officer applying on behalf of the contracting corporation.

(4) RESPONSIBILITIES. (a) A licensed elevator contractor shall be responsible for the contractor's work on conveyances with respect to compliance to ch. Comm 18.

(b) A licensed elevator contractor shall utilize the appropriately licensed or registered individuals to construct, install, alter, service, replace or maintain conveyances.

(c) For any construction, installation, alteration, repair or replacement of a conveyance or conveyance component that requires a permit under s. Comm 18.1009, a licensed elevator contractor may not commence the work until a permit is issued for the project.

(d) A licensed elevator contractor shall maintain their liability insurance as specified under s. 101.985 (1), Stats.

Note: See "note" under s. Comm 5.990 (3) (a) 2. for reprint of s. 101.985 (1), Stats.

(5) RENEWAL. (a) 1. A person may renew his or her elevator contractor license.

2. An elevator contractor license shall be renewed in accordance with s. Comm 5.07.

(b) The renewal of a license as an elevator contractor shall be contingent upon the department's review of the applicant's criminal history record from the department of justice.

Comm 5.991 Elevator installers. (1) GENERAL. (a) Except as specified in sub. (2), no person may erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances unless the person holds a license or registration issued by the department as one of the following:

1. A licensed elevator mechanic.

2. A licensed elevator mechanic-restricted.
3. A registered elevator apprentice.
4. A registered elevator apprentice-restricted.
5. A registered elevator helper.
6. A licensed lift mechanic.
7. A registered lift apprentice.
8. A registered lift helper.

(b) The activities under par. (a) (intro.) that may be undertaken by a person who holds a license or registration as a licensed elevator mechanic-restricted or a registered elevator apprentice-restricted shall be limited to the repair and maintenance of conveyances and the replacement of conveyance components and subsystems except the replacement of hoist ropes and governor ropes.

(c) The activities under par. (a) (intro.) that may be undertaken by a person who holds a license or registration as a licensed lift mechanic, a registered lift apprentice, or a registered lift helper shall be limited to the erection, construction, alteration, replacement, maintenance, repair, removal or dismantling of conveyances covered under ASME A18.1 and ASME A17.1 section 5.2.

(2) EXCEPTIONS. (a) *Removal or dismantling of conveyances.* The requirements under sub. (1) do not apply to the removal or dismantling of conveyances as addressed under s. 101.984 (2) (c) 1., Stats.

Note: Section 101.984 (2) (c) 1., Stats. reads: “Paragraph (a) does not apply to an individual who removes or dismantles a conveyance that is destroyed as a result of a complete demolition of a building or where the hoistway or wellway is demolished back to the basic support structure such that the hoistway or wellway is inaccessible.”

(b) *Maintenance or repair of conveyances.* The requirements under sub. (1) do not apply to maintenance or repair activities that do not affect the operation of the conveyance including any of the following:

1. Changes to the interior finishes of a conveyance that do not significantly affect the dead load of the conveyance.
2. Changing lamps for conveyance illumination.

Comm 5.992 Elevator mechanic. (1) GENERAL. A person may obtain a license as a licensed elevator mechanic by one of the following methods:

- (a) Taking and passing the elevator mechanic license examination.

(b) Completing an elevator apprenticeship program lasting at least 4 years and recognized under ch. 106, Stats., or recognized by the U.S. department of labor.

(c) 1. Having been employed for at least 1,000 hours per year for 5 years preceding the date of license application and the employment includes elevator mechanic level work experience in each year of the 5 years.

2. This paragraph does not apply 2 years after (the effective date of the paragraph is to be inserted by the code editor).

(2) APPLICATION FOR EXAMINATION. A person applying to take an elevator mechanic license examination shall submit all of the following:

(a) An application in accordance with s. Comm 5.01.

(b) An application fee and examination fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for an elevator mechanic license examination shall have been employed for at least 1,000 hours per year for 5 consecutive years immediately preceding the date of application and the employment includes elevator mechanic level work experience in each year of the 5 years.

(4) APPLICATION FOR LICENSE. (a) Upon notification of the successful passage of the examination for an elevator mechanic license, a person may obtain the license by submitting an application and the license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a license as a licensed elevator mechanic by submitting all of the following:

1. An application, application fee and a license fee in accordance with ss. Comm 5.01 and 5.02, Table 5.02.

2. The appropriate evidence documenting eligibility under sub. (1) (b) or (c).

(5) RESPONSIBILITIES. A person, who as a licensed elevator mechanic provides supervision of a registered elevator apprentice, a registered elevator apprentice-restricted, a registered elevator helper, a registered lift apprentice or a registered lift helper, shall be responsible for the work of the apprentice or helper with respect to compliance to ch. Comm 18.

(6) RENEWAL. (a) 1. A person may renew his or her license as an elevator mechanic.

2. An elevator mechanic license shall be renewed in accordance with s. Comm 5.07.

(b) 1. The renewal of a license as an elevator mechanic shall be contingent upon the elevator mechanic obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a license as an elevator mechanic may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

3. A person, who initially obtained his or her elevator mechanic license by completing an elevator apprenticeship and whose request to renew his or her license is denied because of failure to fulfill the continuing education requirements of subd. 1., shall be required to take and pass the elevator mechanic examination in order to reacquire the elevator mechanic license.

(c) The renewal of a license as an elevator mechanic shall be contingent upon the department's review of the applicant's criminal history record from the department of justice.

Comm 5.993 Elevator mechanic-restricted. (1) GENERAL. A person may obtain a license as a licensed elevator mechanic-restricted by one of the following methods:

(a) Taking and passing the elevator mechanic-restricted license examination.

(b) Completing an elevator maintenance apprenticeship program lasting at least 2 years and recognized under ch. 106, Stats., or recognized by the U.S. department of labor.

(c) 1. Having been employed for at least 1,000 hours per year for 3 years preceding the date of application and employment includes elevator mechanic-restricted level work experience in each year of the 3 years.

2. This paragraph does not apply 2 years after (the effective date of the paragraph is to be inserted by the code editor).

(2) APPLICATION FOR EXAMINATION. A person applying to take an elevator-restricted mechanic license examination shall submit all of the following:

(a) An application in accordance with s. Comm 5.01.

(b) An application fee and examination fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for an elevator mechanic-restricted license examination shall have been employed for at least 1,000 hours per year for 3 consecutive years immediately preceding the date of application and the employment includes elevator mechanic-restricted level work experience in each year of the 3 years.

(4) APPLICATION FOR LICENSE. (a) Upon notification of the successful passage of the examination for an elevator mechanic-restricted license, a person may obtain the license by submitting an application and the license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a license as a licensed elevator mechanic-restricted by submitting all of the following:

1. An application, application fee and a license fee in accordance with ss. Comm 5.01 and 5.02, Table 5.02.

2. The appropriate evidence documenting eligibility under sub. (1) (b) or (c).

(5) RESPONSIBILITIES. A person, who as a licensed elevator mechanic-restricted provides supervision of a registered elevator apprentice, a registered elevator apprentice-restricted, a registered elevator helper, a registered lift apprentice or a registered lift helper, shall be responsible for the work of the apprentice or helper with to respect to compliance to ch. Comm 18.

(6) RENEWAL. (a) 1. A person may renew his or her license as an elevator mechanic-restricted.

2. An elevator mechanic-restricted license shall be renewed in accordance with s. Comm 5.07.

(b) 1. The renewal of a license as an elevator mechanic-restricted shall be contingent upon the elevator mechanic obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a license as an elevator mechanic-restricted may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

3. A person, who initially obtained his or her elevator mechanic-restricted license by completing a elevator maintenance apprenticeship and whose request to renew his or her license is denied because of failure to fulfill the continuing education requirements of subd. 1., shall be required to take and pass the elevator mechanic-restricted examination in order to reacquire the elevator mechanic-restricted license.

(c) The renewal of a license as an elevator mechanic-restricted shall be contingent upon the department's review of the applicant's criminal history record from the department of justice.

Comm 5.994 Elevator apprentice. (1) GENERAL. (a) The activities of an individual, who holds a registration issued by the department as a registered elevator apprentice to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances, shall be performed under the general supervision of a person who is a licensed elevator mechanic, except as provided in par. (b).

(b) 1. The activities of an individual, who holds a registration issued by the department as a registered elevator apprentice to maintain and repair conveyances and to replace conveyance components and subsystems, except the replacement of hoist ropes and governor ropes, shall be performed under the general supervision of a person who is a licensed elevator mechanic or a licensed elevator mechanic-restricted.

2. The activities of an individual, who holds a registration issued by the department as a registered elevator apprentice to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances covered under ASME A18.1 and ASME A17.1 section 5.2, shall be performed under the general supervision of a person who is a licensed elevator mechanic or lift mechanic.

Note: The Department of workforce development, bureau of apprenticeship standards may have additional supervision standards for apprentices for the purpose of training and education.

(2) APPLICATION FOR REGISTRATION. A person applying for an elevator apprentice registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall submit all of the following:

(a) An application in accordance with s. Comm 5.01.

(b) An application fee and a registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS. A person applying for an elevator apprentice registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall be indentured in an elevator apprenticeship program recognized under ch. 106, Stats., or by the U.S. department of labor.

(4) RESPONSIBILITIES. A person who erects, constructs, alters, replaces, maintains, repairs, removes or dismantles conveyances as a registered elevator apprentice may do so if he or she is indentured under ch. 106, Stats., or the U.S. department of labor.

(5) RENEWAL. (a) 1. A person may renew his or her registration as an elevator apprentice.

2. An elevator apprentice registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall be renewed in accordance with s. Comm 5.07.

(b) The renewal of a registration as an elevator apprentice is contingent upon the person submitting evidence that the person is indentured in an elevator apprenticeship program recognized under ch. 106, Stats., or by the U.S. department of labor.

Comm 5.995 Elevator apprentice-restricted. (1) GENERAL. (a) The activities of an individual, who holds a registration issued by the department as a registered elevator apprentice-restricted to maintain and repair conveyances and replace conveyance components and subsystems, except the replacement of hoist ropes and governor ropes, shall be performed under the general supervision of a person who is a licensed elevator mechanic or licensed elevator mechanic-restricted, except as provided in par. (b).

(b) The activities of an individual, who holds a registration issued by the department as a registered elevator apprentice-restricted to maintain and repair conveyances covered under ASME A18.1 and ASME A17.1 section 5.2, shall be performed under the general supervision of a person who is a licensed elevator mechanic, a licensed elevator mechanic-restricted, or a licensed lift mechanic.

Note: The Department of workforce development, bureau of apprenticeship standards may have additional supervision standards for apprentices for the purpose of training and education.

(2) APPLICATION FOR REGISTRATION. A person applying for an elevator apprentice-restricted registration to maintain or repair conveyances or replace conveyance components or subsystems, except the replacement of hoist ropes and governor ropes, shall submit all of the following:

(a) An application in accordance with s. Comm 5.01.

(b) An application fee and a registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS. A person applying for an elevator apprentice-restricted registration to maintain or repair conveyances or replace conveyance components or subsystems, except the replacement of hoist ropes and governor ropes, shall be indentured in an elevator apprenticeship program recognized under ch. 106, Stats., or by the U.S. department of labor.

(4) RESPONSIBILITIES. A person who maintains or repairs conveyances or replaces conveyance components or subsystems, except the replacement of hoist ropes and governor ropes, as a registered elevator apprentice-restricted may do so if he or she is indentured under ch. 106, Stats., or the U.S. department of labor.

(5) RENEWAL. (a) 1. A person may renew his or her registration as an elevator apprentice-restricted.

2. An elevator apprentice-restricted registration to maintain or repair conveyances or replace conveyance components or subsystems, except the replacement of hoist ropes and governor ropes, shall be renewed in accordance with s. Comm 5.07.

(b) The renewal of a registration as an elevator apprentice-restricted is contingent upon the person submitting evidence that the person is indentured in an elevator apprenticeship maintenance program recognized under ch. 106, Stats., or by the U.S. department of labor.

Comm 5.996 Elevator helpers. (1) GENERAL. (a) Pursuant to s. 101.984 (2), Stats., the activities of an individual, who holds a registration as a registered elevator helper to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances, shall be performed under the direct supervision of a licensed elevator mechanic, except as provided in par. (b).

(b) 1. The activities of an individual, who holds a registration as a registered elevator helper to maintain and repair conveyances and to replace conveyance components and subsystems, shall be performed under the general supervision of a person who is a licensed elevator mechanic or a licensed elevator mechanic-restricted.

2. The activities of an individual, who holds a registration issued by the department as a registered elevator helper to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances covered under ASME A18.1 and ASME A17.1 section 5.2, shall be performed under the general supervision of a person who is a licensed elevator mechanic or lift mechanic.

(2) APPLICATION FOR REGISTRATION. A person applying for an elevator helper registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall submit all of the following:

(a) An application in accordance with s. Comm 5.01.

(b) An application fee and a registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR REGISTRATION. A person applying for an elevator helper registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall be at least 18 years old.

(4) RENEWAL. (a) A person may renew his or her registration as an elevator helper.

(b) An elevator helper registration shall be renewed in accordance with s. Comm 5.07.

Comm 5.997 Lift mechanic. (1) GENERAL. A person may obtain a license as a licensed lift mechanic by one of the following methods:

(a) Taking and passing the lift mechanic license examination.

(b) Completing a lift apprenticeship program lasting at least 2 years and recognized under ch. 106, Stats., or recognized by the U.S. department of labor.

(c) 1. Having been employed for at least 1,000 hours per year for 3 years preceding the date of application and employment includes lift mechanic level work experience in each year of the 3 years.

2. This paragraph does not apply 2 years after (the effective date of the paragraph is to be inserted by the code editor).

(2) APPLICATION FOR EXAMINATION. A person applying to take a lift mechanic license examination shall submit all of the following:

(a) An application in accordance with s. Comm 5.01.

(b) An application fee and examination fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR EXAMINATION. A person applying for a lift mechanic license examination shall have been employed for at least 1,000 hours per year for 3 consecutive years immediately preceding the date of application and the employment includes lift mechanic level work experience in each year of the 3 years.

(4) APPLICATION FOR LICENSE. (a) Upon notification of the successful passage of the examination for a lift mechanic license, a person may obtain the license by submitting an application and the license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a license as a licensed lift mechanic by submitting all of the following:

1. An application, application fee and a license fee in accordance with ss. Comm 5.01 and 5.02, Table 5.02.

2. The appropriate evidence documenting eligibility under sub. (1) (b) or (c).

(5) RESPONSIBILITIES. A person who as a licensed lift mechanic provides supervision of a registered lift apprentice or a registered lift helper shall be responsible for the work of the apprentice or helper with respect to compliance to ch. Comm 18.

(6) RENEWAL. (a) 1. A person may renew his or her license as a lift mechanic.

2. A lift mechanic license shall be renewed in accordance with s. Comm 5.07.

(b) 1. The renewal of a license as a lift mechanic shall be contingent upon the lift mechanic obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a license as a lift mechanic may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

3. A person, who initially obtained his or her lift mechanic license by completing a lift apprenticeship and whose request to renew his or her license is denied because of failure to fulfill the continuing education requirements of subd. 1., shall be required to take and pass the lift mechanic examination in order to reacquire the lift mechanic license.

(c) The renewal of a license as an elevator mechanic-restricted shall be contingent upon the department's review of the applicant's criminal history record from the department of justice.

Comm 5.998 Lift apprentice. (1) GENERAL. (a) The activities of an individual, who holds a registration issued by the department as a registered lift apprentice to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances as described under s. Comm 5.991, shall be performed under the general supervision of a person who is a licensed lift mechanic or a licensed elevator mechanic, except as provided in par. (b).

(b) The activities of an individual, who holds a registration issued by the department as a registered lift apprentice to maintain and repair conveyances covered under ASME A18.1 and ASME A17.1 section 5.2, shall be performed under the general supervision of a person who is a licensed lift mechanic, a licensed elevator mechanic, or a licensed elevator mechanic-restricted.

Note: The department of workforce development, bureau of apprenticeship standards may have additional supervision standards for apprentices for the purpose of training and education.

(2) APPLICATION FOR REGISTRATION. A person applying for a lift apprentice registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall submit all of the following:

(a) An application in accordance with s. Comm 5.01.

(b) An application fee and a registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS. A person applying for a lift apprentice registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall be indentured in an elevator apprenticeship program recognized under ch. 106, Stats., or by the U.S. department of labor.

(4) RESPONSIBILITIES. A person who erects, constructs, alters, replaces, maintains, repairs, removes or dismantles conveyances as a registered lift apprentice may do so if he or she is indentured under ch. 106, Stats., or the U.S. department of labor.

(5) RENEWAL. (a) 1. A person may renew his or her registration as a lift apprentice.

2. A lift apprentice registration erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall be renewed in accordance with s. Comm 5.07.

(b) The renewal of a registration as a lift apprentice is contingent upon the person submitting evidence that the person is indentured in an elevator apprenticeship program recognized under ch. 106, Stats., or by the U.S. department of labor.

Comm 5.999 Lift helpers. (1) GENERAL. (a) Pursuant to s. 101.984 (2), Stats., the activities of an individual, who holds a registration as a registered lift helper to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances as described under s. Comm 5.991, shall be performed under the general supervision of a person who is a licensed lift mechanic or a licensed elevator mechanic, except as provided in par. (b).

(b) The activities of an individual, who holds a registration issued by the department as a registered lift helper to maintain and repair conveyances covered under ASME A18.1 and ASME A17.1 section 5.2, shall be performed under the general supervision of a person who is a licensed lift mechanic, a licensed elevator mechanic, or a licensed elevator mechanic-restricted.

(2) APPLICATION FOR REGISTRATION. A person applying for a lift helper registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall submit all of the following:

(a) An application in accordance with s. Comm 5.01.

(b) An application fee and a registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR REGISTRATION. A person applying for a lift helper registration to erect, construct, alter, replace, maintain, repair, remove or dismantle conveyances shall be at least 18 years old.

(4) RENEWAL. (a) A person may renew his or her registration as a lift helper.

(b) A lift helper registration shall be renewed in accordance with s. Comm 5.07.

SECTION 12. Comm 18.1004 (7) is repealed.

SECTION 13. Comm 18.1004 (8) and (9) are renumbered Comm 18.1004 (7) and (8).

SECTION 14. Comm 18.1006 is amended to read:

Comm 18.1006 Fees. Fees for ~~plan examination, installation application~~ plan review, permit application, inspection, permit to operate and other services performed by the department pertaining to elevators ~~and related equipment~~, escalators and lift devices shall be submitted as specified in ch. Comm 2.

SECTION 15. Chapter Comm 18, Subchapters II, III and IV are repealed and recreated to read:

Subchapter II- Responsibilities, Reporting, Appeals, Petitions and Penalties

Comm 18.1007 Responsibilities. (1) OWNER. (a) *Permit to operate.* The owner of any equipment covered by this chapter shall obtain and maintain a valid permit to operate as specified under this chapter.

(b) *Maintenance record.* A maintenance record as specified in ASME A17.1 section 8.6.1.4 shall be made available to the inspector upon request.

(c) *Accident Reporting.* The owner of any equipment covered under this chapter shall report any accidents as specified under s. Comm 18.1008.

(2) ELEVATOR CONTRACTOR. (a) *On-site fabrication or installation.* Elevator contractors shall submit a permit application and plans to the department or agent municipality for the on-site fabrication or installation of equipment as required by this chapter.

(b) *Availability of plans.* The elevator contractor who installs elevators, escalators or lift devices as specified in this chapter shall have available at the installation site a copy of the permit application and approved plans for the equipment.

(c) *Installation, repair, replacement and alteration information.* The elevator contractor who installs elevators, escalators or lift devices shall provide to the owner or owner's representative a copy of the approved permit application and plans.

(d) *Compliance and maintenance information.* The elevator contractor who installs elevators, escalators or lift devices shall provide to the owner or owner's representative written verification the units comply with this chapter and the maintenance requirements necessary for the safe operation of the equipment.

Comm 18.1008 Accident reporting. (1) ACCIDENTS TO BE REPORTED. When an accident involves the failure or destruction of an elevator, escalator or lift device covered by this chapter and results in injury to a person who requires more than first aid treatment, the owner shall do all of the following:

(a) Notify the department within 48 hours of the accident.

(b) File a report with the department that includes the date and time of the accident, the location of the equipment involved in the accident and a description of the accident.

Note: The department may be contacted at phone: (608) 266-7548 during normal business hours. The State Division of Emergency Management can be contacted at (800) 943-0008 during non-business hours. A copy of the elevator/escalator accident report form SBD-10782 is available on the Safety and Buildings' web site at www.commerce.wi.gov/SB.

(2) OPERATION APPROVED FOR USE. Whenever an elevator, escalator or lift device covered by this chapter fails and causes injury to a person as described in sub. (1), the elevator, escalator or lift device shall be removed from public use and shall not be used again until authorized by the department.

(3) REMOVAL OF PARTS. No part of the damaged installation, construction or operating mechanism of the elevator, escalator or lift device shall be removed from the premises until the department grants permission.

Comm 18.1009 Appeals. (1) APPEAL OF DEPARTMENT ORDER. Pursuant to s. 101.02 (6) (e), Stats., any person who owns or operates an elevator, escalator or lift device that is affected by an order of the department may petition the department for a hearing on the reasonableness of any order.

(2) APPEAL OF LOCAL ORDER. Pursuant to s. 101.02 (7) (b), Stats., any person affected by a local order that is in conflict with a provision of this chapter may petition the department for a hearing on the grounds that the local order is unreasonable and in conflict with the rule of the department.

Note: Section 101.01 (8), Stats., defines “local order” as any ordinance, order, rule or determination of any common council, board of alderpersons, board of trustees or the village board, of any village or city, a regulation or order of the local board of health, as defined in s. 250.01 (3), or order or direction of any official of a municipality, upon any matter over which the department has jurisdiction.

Note: Section 101.02 (7), Stats. reads “Upon receipt of such petition the department shall order a hearing thereon, to consider and determine the issues raised by such appeal, such hearing to be held in the village, city or municipality where the local order appealed from was made. Notice of the time and place of such hearing shall be given to the petitioner and such other persons as the department may find directly interested in such decision, including the clerk of the municipality or town from which such appeal comes. If upon such investigation it shall be found that the local order appealed from is unreasonable and in conflict with the order of the department, the department may modify its order and shall substitute for the local order appealed from such order as shall be reasonable and legal in the premises, and thereafter the said local order shall, in such particulars, be void and of no effect.”

(3) CONTESTED CASE HEARING. In addition to any other right provided by law, any interested person may file a written request for a contested case hearing, as specified in s. 227.42, Stats.

(4) PETITION OF ADMINISTRATIVE RULE. Pursuant to s. 227.12, Stats., any municipality, corporation or any 5 or more persons having an interest in an administrative rule may petition the department requesting the adoption, amendment or repeal of the rule.

Comm 18.1010 Petition for variance. The department shall consider and may grant a variance to a provision in this chapter in accordance with ch. Comm 3. The petition for variance shall include, where applicable, a position statement from the fire department or local building official having jurisdiction, or both.

Note: Chapter Comm 3 requires the submittal of a petition for variance form (SBD 9890) and a fee, and that an equivalency is established in the petition for variance that meets the intent of the rule being petitioned. Chapter Comm 3 also requires the department to process regular petitions within 30 business days and priority petitions within 10 business days.

Note: Copies of the petition for variance form SBD-9890 are available at no charge from the Safety and Buildings Division, P.O. Box 7162, Madison, Wisconsin 53707-7162, or telephone (608) 266-3151 and TTY (608) 264-8777, or at the Safety and Buildings’ web site at www.commerce.wi.gov/SB.

Comm 18.1011 Penalties. Penalties for violations of this chapter shall be assessed in accordance with ss. 101.02 and 101.988, Stats.

Note: Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation or any officer, agent or employee thereof, fails to observe and comply with an order of the department will constitute a separate and distinct violation of such order.

Note: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employee, owner or other person who fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the department, for which no penalty has been specifically provided, or who fails, neglects or refuses to comply with any lawful order made by the department, or any judgment or decree made by any court in connection with subchapter I of ch. 101, Stats. For each such violation, failure or refusal, such employee, owner or other person must forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each violation.

Note: Section 101.988 (3), Stats., reads: “Any person who violates this subchapter or rules promulgated under this subchapter may be fined not more than \$1,500 or imprisoned for not more than 30 days or both, except that, notwithstanding s. 939.61 (1), the owner of a private residence in which a conveyance is located may not be fined or required to pay a forfeiture to this state as a result of any violation involving that conveyance.

Subchapter III – Plan Review and Inspection

Comm 18.1013 Plan review. (1) GENERAL REQUIREMENTS. An elevator contractor shall submit plans and permit applications for the installation of any new or altered elevator, escalator or lift device to the department or agent municipality for approval. No work shall commence before the plans and permit application for elevators, escalators or lift devices are approved by the department or agent municipality. The approval letter issued by the department or agent municipality shall be posted prior to construction at or near the equipment space at the construction site and shall remain posted until the final inspection determines compliance with the code. The approval letter shall be considered the permit specified under s. 101.983 (1) (a), Stats.

Note: Section 101.983 (1) (a), Stats. reads: No person may construct, install, or alter a conveyance in this state unless an elevator contractor licensed by the department under s. 101.985 (1) has received a permit for the construction, installation, or alteration from the department.

(2) NEW INSTALLATIONS. (a) Number of plans. An elevator contractor shall submit all of the following to the department or agent municipality for plan review and approval for the proposed installation of any new elevator, escalator or lift device:

1. At least 3 copies of bound equipment layout plans and specifications.
2. At least 3 copies of the permit application.

(b) Information on equipment plans or specifications. Information on equipment plans or specifications shall conform to the applicable sections in ASME A17.1 and ASME A18.1a and include all of the following:

1. A plan of the car, hoistway and machine room showing all clearances, including all inside car or platform dimensions specified in this chapter and the building code.
2. A cross-section drawing through the hoistway, machine room, pit and car that shows all applicable dimensions. Landings shall be shown, indicating types of hoistway doors or gates.
3. A complete dimensioned layout of the machine room showing working clearances around machine, controller and disconnecting means.

4. The size and weight per foot of guiderails and details of their support, including reinforcements where required.

5. Sufficient data and information to determine if the elevator, lift device and machine room comply with the requirements of this chapter.

6. At least one copy of the equipment plans and specifications containing the original shop drawing stamp of the supervising building designer.

(c) *Evidence of plan approval.* Evidence of building plan approval, where applicable, shall be included with the elevator, escalator or lift device plan submittal.

(3) ALTERATIONS. (a) *Equipment plans and application required.* 1. A department permit application form SBD-22 and at least 3 copies of equipment plans and specifications complying with sub. (2) shall be submitted for examination and approval to the department or agent municipality for the proposed alteration of elevators, escalators or lift devices as specified in Tables Comm 18.1013-1 to 18.1013-3.

2. Evidence of building plan approval, where applicable, shall be included with the elevator, escalator or lift device plan submittal.

**Table Comm 18.1013-1
Alterations to Elevators
Submittal of Plans and Application Required**

Item	Type of Alteration	General Requirements	
		Electric Elevators	Hydraulic Elevators
1	Relocation of machine room or machinery spaces, or changes in machine room or machinery layout	ASME A17.1-8.7.2.7	ASME A17.1-8.7.3.7
2	Addition of hoistway doors or gates	ASME A17.1-8.7.2.10	ASME A17.1-8.7.3.10
3	Increase in deadweight plus rated load is more than 5%	ASME A17.1-8.7.2.15.2	ASME A17.1-8.7.3.21
4	Decrease in deadweight plus rated load is more than 5%	ASME A17.1-8.7.2.15.2	NA
5	Change in classification	ASME A17.1-8.7.2.16	ASME A17.1-8.7.3.17
6	Increase or decrease in rated load	ASME A17.1-8.7.2.16.4	ASME A17.1-8.7.3.20
7	Increase or decrease in travel	ASME A17.1-8.7.2.17.1	ASME A17.1-8.7.3.22.1
8	Increase in rated speed	ASME A17.1-8.7.2.17.2	ASME A17.1-8.7.3.22.2
9	Decrease in rated speed	ASME A17.1-8.7.2.17.3	ASME A17.1-8.7.3.22.3
10	Alterations to guide rails	ASME A17.1-8.7.2.24	ASME A17.1-8.7.3.28
11	Replacement of drive machines	ASME A17.1-8.7.2.25.1	ASME A17.1-8.7.3.23.4 and 8.7.3.24
12	Change in location of drive machine	ASME A17.1-8.7.2.25.2	ASME A17.1-8.7.3.23.5

13	Installation of controllers	ASME A17.1-8.7.2.27.4	ASME A17.1-8.7.3.31.5
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**Table Comm 18.1013-2
Alterations to Escalators and Moving Walks
Submittal of Plans and Application Required**

Item	Type of Alteration	General Requirements	
		Escalator	Moving Walk
1	Relocation of escalator or moving walk	ASME A17.1-8.7.6.1.2	ASME A17.1-8.7.6.2.2
2	Alteration to floor openings	ASME A17.1-8.7.6.1.3	ASME A17.1-8.7.6.2.3
3	Alteration to trusses and machinery spaces	ASME A17.1-8.7.6.1.4	ASME A17.1-8.7.6.2.4
4	Change to angle of inclination or geometry	ASME A17.1-8.7.6.1.5 (a) and (b)	ASME A17.1-8.7.6.2.5 (a) and (b)
5	Alteration to balustrades	ASME A17.1-8.7.6.1.5 (c)	ASME A17.1-8.7.6.2.5 (c)
6	Alteration to combplates	ASME A17.1-8.7.6.1.8	ASME A17.1-8.7.6.2.8
7	Alteration to trusses and girders	ASME A17.1-8.7.6.1.9	ASME A17.1-8.7.6.2.9
8	Alteration to track system	ASME A17.1-8.7.6.1.10	ASME A17.1-8.7.6.2.10

**Table Comm 18.1013-3
Alteration to Dumbwaiters and Material Lifts
Submittal of Plans and Application Required**

Item	Type of Alteration	General Requirements
		Dumbwaiters and Material Lifts
1	Conversion of dumbwaiter or material lift to an elevator	ASME A17.1-8.7.7.3.3

(b) *Application required.* At least 3 copies of a completed department permit application form SBD-22 shall be submitted to the department or agent municipality for examination and approval for the alterations, repairs and replacements specified in Tables Comm 18.1013-4 to 18.1013-7:

**Table Comm 18.1013-4
Repairs, Replacements and Alterations to Elevators
Submittal of Application Required**

Item	Type of Alteration	General Requirements	
		Electric Elevators	Hydraulic Elevators
1	Repair of speed governor	ASME A17.1-8.6.2.3	ASME A17.1-8.6.2.3
2	Repair of releasing carrier	ASME A17.1-8.6.2.4	ASME A17.1-8.6.2.4
3	Replacement of speed governor	ASME A17.1-8.6.3.6	ASME A17.1-8.6.3.6
4	Replacement of valves, pressure piping	NA	ASME A17.1-8.7.3.24
5	Replacement of hoistway doors	ASME A17.1-8.7.2.10.1 and ASME A17.1-8.7.2.11.2	ASME A17.1-8.7.3.10
6	Alteration to valves, pressure piping	NA	ASME A17.1-8.7.3.24
7	Addition or alteration to door reopening devices	ASME A17.1-2.27.3.1.6 (e), ASME A17.1-2.13.5 and ICC/ANSI A117.1-407.2.5	ASME A17.1-2.27.3.1.6 (e), ASME A17.1-2.13.5 and ICC/ANSI A117.1-407.2.5
8	Alteration of speed governor	ASME A17.1-8.7.2.19	ASME A17.1-8.7.3.16
9	Alteration to hoistway doors	ASME A17.1-8.7.2.10.1 and ASME A17.1-8.7.2.11.2	ASME A17.1-8.7.3.10
10	Addition of hoistway door-locking devices	ASME A17.1-8.7.2.11.1 and ASME A17.1-8.7.2.11.2	ASME A17.1-8.7.3.11
11	Alteration or addition of power operation of car or hoistway doors	ASME A17.1-8.7.2.12	ASME A17.1-8.7.3.12
12	Installation of new safeties	ASME A17.1-8.7.2.18	ASME A17.1-8.7.3.15
13	Change in size or type of suspension ropes	ASME A17.1-8.7.2.21.1	ASME A17.1-8.7.3.25
14	Alteration to oil buffers	ASME A17.1-8.7.2.23	ASME A17.1-8.7.3.27
15	Alteration to drive machine brakes	ASME A17.1-8.7.2.25.1	NA
16	Alteration to terminal stopping device	ASME A17.1-8.7.2.26	ASME A17.1-8.7.3.30
17	Addition of top-of-car operating devices	ASME A17.1-8.7.2.27.1	ASME A17.1-8.7.3.31.1
18	Change in type of control	ASME A17.1-8.7.2.27.5	ASME A17.1-8.7.3.31.6
19	Change in type of operation	ASME A17.1-8.7.2.27.6	ASME A17.1-8.7.3.31.7
20	Alteration to emergency or standby power system	ASME A17.1-8.7.2.28	ASME A17.1-8.7.3.31.8 (b)
21	Alteration to firefighters' emergency operation	ASME A17.1-8.7.2.28	ASME A17.1-8.7.3.31.8 (c)
22	Alteration to or replacement of a plunger or cylinder	NA	ASME A17.1-8.7.3.23.1-8.7.3.23.3
23	Increase in working pressure	NA	ASME A17.1-8.7.3.23.4

24	Alteration to or installing auxiliary power lowering	NA	ASME A17.1-8.7.3.31.9
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**Table Comm 18.1013-5
Alterations to Escalators and Moving walks
Submittal of Application Required**

Item	Type of Alteration	General Requirements	
		Escalator	Moving Walks
1	Alteration to handrails	ASME A17.1-8.7.6.1.6	ASME A17.1-8.7.6.2.6
2	Alteration to step system or treadway system	ASME A17.1-8.7.6.1.7	ASME A17.1-8.7.6.2.7
3	Alteration to trusses and girders	ASME A17.1-8.7.6.1.9	ASME A17.1-8.7.6.2.9
4	Increase of rated load or speed	ASME A17.1-8.7.6.1.11	ASME A17.1-8.7.6.2.11
5	Alteration to driving machine, motor and brake	ASME A17.1-8.7.6.1.12	ASME A17.1-8.7.6.2.12
6	Alteration or addition of operating and safety devices	ASME A17.1-8.7.6.1.13	ASME A17.1-8.7.6.2.13
7	Alteration to or addition of lighting access and electrical work	ASME A17.1-8.7.6.1.14	ASME A17.1-8.7.6.2.14

**Table Comm 18.1013-6
Alterations to Dumbwaiters and Material Lifts
Submittal of Application Required**

Item	Type of Alteration	General Requirements
		Dumbwaiter or Material Lift
1	Increase in rated load	ASME A17.1-8.7.7.1.2

**Table Comm 18.1013-7
Alterations to Platform Lifts
Submittal of Application Required**

Item	Type of Alteration	General Requirements
		Platform Lifts
1	Alteration to safeties or speed governors	ASME A18.1a-2.8
2	Alteration to plungers	ASME A18.1a-8.1.3
3	Alteration to cylinders	ASME A18.1a-8.1.4
4	Alteration to or addition of machine	Comm 18.1802 (1) (a)

	room	
5	Alteration to hydraulic valves	Comm 18.1808 (1), (2), (3) and (6)

Note: “NA” in Tables Comm 18.1013-1 and Comm 18.1031-7 means “Not applicable”.

Note: See Comm 2.15 for fee requirements.

Note: Copies of the permit application form SBD-22 are available at no charge from the Safety and Buildings Division, P.O. Box 7162, Madison, Wisconsin 53707-7162, or telephone (608) 266-3151 and TTY (608) 264-8777, or at the Safety and Buildings’ web site at www.commerce.wi.gov/SB.

(4) PLAN REVIEW ACTIONS. (a) *Review of plans.* All approvals of permit application and plans for installation, repair, replacement, or alteration shall be performed by the department or by agent municipalities.

(b) *Conditional approval.* If, upon examination, the department or agent municipality determines that the permit application and plans for installation, repair, replacement, or alteration substantially comply with the provisions of this chapter, a conditional approval, in writing, shall be granted. All noncode-complying conditions stated in the conditional approval shall be corrected before or during installation. A conditional approval issued by the department or agent municipality shall not be construed as an assumption of any responsibility for the design or construction of the equipment.

(c) *Revocation of approval.* The department or agent municipality may revoke any approval, issued under this chapter if the department or agent municipality determines any of the following:

1. That information provided by the person obtaining the approval contains false statements or misinterpretations of material fact.
2. That the approval was issued in error.
3. That the work performed is not consistent with the approval or is in violation with this chapter.

(d) *Denial of approval.* If the department or agent municipality determines that the plans or the permit application do not substantially comply with the provisions of this chapter, the permit application for conditional approval shall be denied, in writing.

(e) *Processing time.* Pursuant to s. Comm 2.07 (3), the department or agent municipality shall review and make a determination on a permit application for approval of an installation or an alteration within 15 business days.

(f) *Expiration.* An approval issued under this chapter expires under any of the following circumstances:

1. If the work authorized under the approval is not commenced within 6 months after the date on which the approval is issued.

2. If the work authorized under the approval is suspended or abandoned for 60 consecutive days at any time following the commencement of the work.

(g) *Resubmittal*. When an approval expires under par. (f), plans shall be resubmitted in accordance with sub. (1).

Comm 18.1014 Permit to operate. (1) ISSUANCE. No owner may use or operate an elevator, escalator or lift device until an acceptance inspection, periodic inspection, or test of equipment covered by this chapter is performed and the installation is found to be in compliance with the provisions of this chapter. The department or agent municipality shall issue a permit to operate within 10 business days from receipt of an inspection report showing compliance with the provisions of this chapter.

(2) **DISPLAY.** The owner of a building in which an elevator, escalator or lift device is located shall display the permit to operate issued under this section applicable to the elevator, escalator or lift device on or in the elevator, escalator or lift device, or, if applicable, in the machinery room or space.

(3) **TERM.** A permit to operate issued under this section shall expire one year from the date of issuance.

(4) **RENEWAL.** (a) Prior to the expiration of the permit to operate as specified in sub. (3), an owner shall renew the permit to operate by scheduling a periodic inspection with the department, agent municipality or an independent licensed elevator inspector.

(b) Upon performing the inspection, the department shall give the owner notice of relevant elevator, escalator or lift device safety requirements and shall instruct the owner as to the procedure for obtaining periodic inspections and renewing the permit under which the lift or equipment is operated.

(5) **REVOCAATION.** The department or agent municipality may revoke a permit to operate if the equipment is found to be in noncompliance with the applicable safety standard. Upon revocation of the permit to operate, the department or agent municipality shall notify the owner, in writing, of the non-complying items and afford the owner the opportunity for a hearing within 30 days after the date of revocation.

Comm 18.1015 Inspection Responsibilities. (1) GENERAL. (a) All inspections of elevators, escalators and lift devices required by this chapter shall be conducted by persons who are licensed in accordance with s. Comm 5.64.

(b) Licensed elevator inspectors shall prepare an inspection report that identifies items of noncompliance. Items listed on the inspection report as being out of compliance with this chapter shall be corrected on or before the compliance date stated on the report.

(2) **INSPECTOR PROCEDURES.** (a) *Independent licensed elevator inspector procedures.* Licensed elevator inspectors providing independent inspection services shall comply with the all of the following procedures:

1. A licensed elevator inspector shall submit written verification to the department of an agreement between the owner and the licensed inspector for inspection services no later than 30 calendar days after inspection service on equipment covered by this chapter is started. When an owner discontinues licensed elevator inspection services, the licensed elevator inspector shall notify the department not more than 30 days from the date of cancellation.

2. A licensed elevator inspector shall file an inspection report with the department, on a form approved by the department, within 10 business days after the inspection.

3. If a licensed elevator inspector does not file a periodic inspection report with the department within 30 calendar days from the expiration date of the permit to operate, the department may conduct the inspection. If the department conducts the inspection, the owner will be charged a fee in accordance with s. Comm 2.15 for each inspection.

4. If a licensed elevator inspector is unable to obtain compliance with this chapter, the inspector shall notify the department. If the department conducts the inspection, the owner will be charged a fee in accordance with s. Comm 2.15 for each inspection.

(b) *Department inspection procedures.* 1. The department shall be notified at least 7 days from when work that is covered by s. Comm 18.1013 is complete and ready for an inspection to be scheduled.

2. a. If the equipment is not complete and ready at the time of the scheduled inspection, the inspection will not be made and a cancellation fee will be assessed in accordance with ch. Comm 2, and a reinspection will be scheduled.

b. Unless the inspector receives in writing a cancellation of a scheduled inspection at least 7 days prior to the scheduled inspection date, a fee as specified in ch. Comm 2 will be assessed for the cancellation.

3. Equipment found to be in noncompliance may be reinspected as determined by the inspector to obtain compliance with the provisions of this chapter.

(c) *Agent municipalities.* Licensed elevator inspectors providing inspection services for an agent municipality shall comply with s. 18.1016.

(3) REGISTRATION NUMBERS. All new elevators, escalators or lift devices as specified in s. Comm 18.1002 (1), shall be assigned a registration number by the department or agent municipality. The registration number shall be located in an area that is readily visible to inspectors.

(4) TYPES OF INSPECTIONS OR TESTS. (a) *Acceptance inspections and tests.* The department or agent municipality shall conduct acceptance inspections and tests as specified in ASME A17.1 section 8.10, and ASME A18.1a section 10.1.3.

(b) *Periodic or routine inspections.* The department, agent municipality or a licensed elevator inspector shall conduct periodic or routine inspections as specified in ASME A17.1 section 8.11, and ASME A18.1a sections 10.2 and 10.3.

(c) *Periodic tests.* 1. Periodic tests as specified in ASME A17.1 section 8.11 and ASME A18.1a section 10.3 shall be conducted by persons licensed or registered as specified in s. Comm 5.991.

2. Reports containing complete information of these tests shall be submitted to the department or agent municipality on form SBD-2E for electric elevators, or SBD-3 for hydraulic elevators.

3. Periodic tests or retests may be required to be witnessed by the department or agent municipality.

Note: Copies of the forms SBD-2E and SBD-3 are available at no charge from the Safety and Buildings Division, P.O. Box 2509, Madison, Wisconsin 53707, or telephone (608) 266-1818 or TTY (608) 264-8777, or at the Safety and Buildings' web site at www.commerce.wi.gov/SB.

Subchapter IV –Agent Municipalities

Comm 18.1016 Agent municipalities. (1) DESIGNATION. The department may designate to an agent municipality the authority to review and approve elevator, escalator or lift device plans and specifications, conduct inspections and issue permits to operate for those types of installations to be located within the municipality's boundary limits and which require approval under this chapter.

(2) CONDITIONS OF AGENT DESIGNATION. (a) Agent municipalities shall comply with all of the following:

1. Employ licensed elevator inspectors to perform plan review and inspection functions.

2. Forward to the department any information requested by the department relative to the examination of plans and inspections of elevators, escalators or lift devices.

3. Notify the department, in writing, at least 30 days prior to the date upon which the agent municipality intends to relinquish the plan examination and inspection responsibilities for equipment covered under this chapter.

(b) The primary duties of the licensed elevator inspectors shall include elevator, escalator and lift devices plan review and inspections.

(c) An agent municipality may waive its jurisdiction for plan review and approval for any project, in which case plans shall be submitted to the department for review and approval.

(d) Agent municipalities may set by ordinance the fees for plan review services.

SECTION 16. Comm 18.1708 (8) (a) and (b), (9) (a) 1. and 18.1810 (1) (a) and (b) are amended to read:

Comm 18.1708 (8) (a) *Persons authorized to make acceptance inspections and test.*
~~Inspectors~~ Licensed elevator inspectors performing acceptance inspections for new or altered installations shall comply with ~~ss. s.~~ Comm 18.1015 (1), (2) (b) and (c), and (4) (a).

(b) *Persons installing or altering equipment.* This is a department rule in addition to the requirements in ASME A18.1a section 8.10.1.1.2: The installation shall not be placed in service until authorized by the department or agent municipality.

(9) (a) 1. ~~Inspectors~~ Licensed elevator inspectors performing periodic inspections and tests shall comply with s. Comm 18.1015 (1), (2) (a), and (4) (b) and (c).

Comm 18.1810 (1) (a) *Routine inspection and tests.* Substitute the following wording for the requirements in ASME A18.1a sections 10.1.1 and 10.1.2.1: ~~Inspectors~~ Licensed elevator inspectors performing routine and periodic inspections and tests for equipment covered under this subchapter shall comply with s. Comm 18.1015 (1), (2) (a), and (4) (b) and (c).

(b) *Acceptance inspections and tests.* Substitute the following wording for the requirements in ASME A18.1a section 10.1.3.1: ~~Inspectors~~ Licensed elevator inspectors performing acceptance inspections and tests for equipment covered under this subchapter shall comply with s. Comm 18.1015 (1), (2) (b) and (c), and (4) (a).

END

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.) and (b), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, except for treatment sections 9, 12, 13, 14, 15 and ss. Comm 5.990 (1) and Comm 5.991 of section 11 shall take effect on the first day of the 7th month after publication in the Wisconsin Administrative Register.

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