

Report From Agency

**STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

**IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : CR 19-118
DEPARTMENT OF SAFETY :
AND PROFESSIONAL SERVICES :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The proposed rules adopt ASME A17.1-2016, ASME A18.1-2017, and ANSI E1.42-2018. These standards will be reviewed by the Attorney General in accordance with s. 227.21 (2) (a), Stats. The order:

- Includes an exemption from the application of ch. SPS 318 for buildings and structures that are on a farm premises, consistent with the Commercial Building Code, s. SPS 361.02 (3) (e).
- Adds definitions for “type B material lift,” “electrical code,” “first-aid treatment,” “dumbwaiter,” “hoistway,” and “rated speed, up” and “rated speed, down.”
- Imposes a plan approval expiration date of two years with an opportunity for an extension, consistent with chs. SPS 340, SPS 382, and SPS 361.
- Requires that permits to operate be displayed in the conveyance car or in the machinery room, in accordance with s. 101.983 (2) (d), Stats.
- Provides timelines for notifying complainants of receipt of the complaint, the decision to investigate the complaint, and when the investigation is concluded. Provides additional requirements and exemptions for limited-use, limited-application (LULA) elevators.
- Allows the department to conduct a maximum of two billable construction use inspections in a 90-day period, unless the department finds probable cause for additional inspections.
- Provides additional requirements and exemptions to ASME A17.1-2016.

- Provides additional requirements and exemptions for maintenance, repair, replacement, testing, and inspections for lifts subject to ASME A18.1-2017.
- Adopts ANSI E1.42-2018 to apply to orchestra pit lifts installed in the State of Wisconsin, which will provide more consistent application of standards for installation, testing, and maintenance.
- Amends chs. SPS 305 and SPS 318 for consistency and clarity with current statutes and drafting standards.

V. SUMMARY OF PUBLIC COMMENTS AND THE DEPARTMENT'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Department of Safety and Professional Services held a public hearing on October 3, 2019. George Klaetsch, representing the Elevator Industry Work Preservation Fund, and Steven Ketelboeter, representing Elevator Constructors Local 132, provided testimony and written comments in support of the proposed rules.

Written comments were also received from the National Elevator Industry, Inc. The comments request the Department to adopt the latest version of ASME A17.1/CSA B44, *Safety Code for Elevators and Escalators*, without change. These comments were reviewed by the Conveyance Safety Code Council, who recommended the Department take no action in response to the comments.

The Department did not make changes to the proposed rules in response to the comments received. The Department believes that the adoption of national standards with the changes prescribed in the proposed rules maintains a balance of requirements for the health, safety, and welfare of the citizens of Wisconsin with the cost impact to owners and operators throughout the state.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 5.j.:

The term “competent person” is defined in the national standards adopted by the proposed rules.

All other Legislative Council recommendations have been incorporated into the proposed rules.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

The Small Business Regulatory Review Board did not issue a report on the proposed rules.

The economic and fiscal impact of this rule on small businesses cannot be determined and will vary depending on the size and complexity of each project involving a conveyance. However, the proposed rules are not anticipated to have a significant economic or fiscal impact on any small business sector.