

Report From Agency

STATE OF WISCONSIN  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE  
PROCEEDINGS BEFORE THE : CR 20-057  
DEPARTMENT OF SAFETY :  
AND PROFESSIONAL SERVICES :

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**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 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 make the safety standards in ch. SPS 318 more consistent with ASME A17.1–2016, the industry-wide national safety standards for conveyances that are adopted by reference in the *Wisconsin Conveyance Safety Code*. In addition, the update will address a significant safety issue identified by the Department, the Conveyance Safety Code Council, and nationally known conveyance safety experts.

**V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD’S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:**

The Department of Safety and Professional Services held a public hearing on December 4, 2020. The Board received written comments, testimony, or both, from the following individuals:

- Paul Rosenberg, President of Performance Elevator Consulting, LLC, and Chairperson of the Conveyance Safety Code Council.
- Steven Ketelboeter, Business Representative of International Union of Elevator Constructors Local 132, and member of the Conveyance Safety Code Council.
- George Klaetsch, representing the Elevator Industry Work Preservation Fund.

Mr. Rosenberg requested the Department make the editorial revision below to adopt the safer horizontal clearance in ASME A17.1 requirement 5.3.1.7.2 as originally intended by the Conveyance Safety Code Council and clarify that 3/8 inch is a vertical dimension:

**SPS 318.1705 (3) (c)** ~~Substitute the following wording for~~ 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 may be up to shall not exceed 3/8 inch.

Mr. Ketelboeter also requested the above editorial revision be made, in the interest of improving the safety of the riding public and the private residence conveyances in Wisconsin.

In addition to requesting the above editorial revision be made, Mr. Klaetsch's comments also noted that adopting the revision will only apply to new private residence elevator installations and will not correct the issue with regards to existing private residence elevators. The comments went on to indicate that to apply the safety improvement and protect children in homes with these existing units, Wisconsin should adopt by rule the language in ASME A17.3-2017 10.1.4.2 and make it applicable only to existing installations.

In response to the written comments and testimony received, the Department made the requested editorial revision.

With regard to existing private residence elevators, the Department did not modify the proposed rule in response to the comments received. The alterations required to bring an existing installation up to current code (removing and replacing the door and frame) would be very disruptive and expensive. In addition, retroactive application of the new requirements was not part of the recommendations made by the Conveyance Safety Code Council.

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

All Legislative Council recommendations have been incorporated into the proposed rule.

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

N/A