

RULES CERTIFICATE

Department of Commerce

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, William J. McCoshen, Secretary of the Department of Commerce,

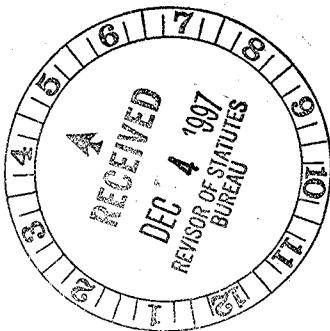
and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to

Inspection of elevators and mechanical lifting devices

(Subject)

were duly approved and adopted by this department.

I further certify that said copy has been compared by me with the original on file in the department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand at 201 West Washington Avenue in the city of Madison, this 3rd day of December A.D. 19 97

W. J. McCoshen
Secretary

part 1-1-98
part 2-1-98

ORDER OF ADOPTION

Department of Commerce

Pursuant to authority vested in the Department of Commerce by section(s) 101.02, 101.12 and 101.17

_____ Stats., the Department of Commerce

creates;

amends;

repeals and recreates;

repeals and adopts rules of Wisconsin Administrative Code chapter(s):

Chapter Comm 2

Fee Code

Chapter Comm 5

Credentials Code

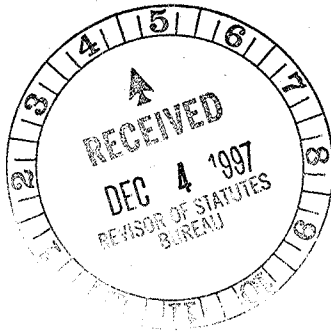
Chapter Comm 18

Elevator Code

The attached rules shall take effect on The first day of the month following publication in the Wisconsin

Administrative Register

pursuant to section 227.22, Stats.



Adopted at Madison, Wisconsin this

date: December 3, 1997

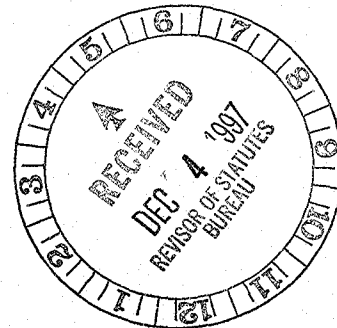
DEPARTMENT OF COMMERCE

[Signature]
Secretary



State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM



Rule No.: Chapters Comm 2, 5 and 18

Relating to: Inspection of elevators and mechanical lifting devices

Clearinghouse Rule No.: 97-096

The Wisconsin Department of Commerce proposes an order to amend s. Comm 5.06 (1) Table 5.06 line 36; to repeal and recreate ss. Comm 2.15, Comm 5.64 (1), Comm 5.64 (3), Comm 18.10 (1) (a) and Comm 18.48; and to create s. Comm 5.64 (6) (c), relating to the inspection of elevators and mechanical lifting devices.

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ANALYSIS OF PROPOSED RULES

Statutory Authority: ss. 101.02, 101.12 and 101.17

Statutes Interpreted: ss. 101.02, 101.12 and 101.17

The purpose of chapter Comm 18, Elevator Code, is to protect the safety of the general public and employes using elevators and other mechanical lifting devices in public buildings and places of employment.

The following proposed changes are necessary to ensure that elevators and mechanical lifting devices are installed in accordance with the elevator code and are safe for people to use.

1. Amend chapters Comm 5, Credentials Code, and Comm 18, Elevator Code, to allow a person with proof of certification as an American Society of Mechanical Engineers (ASME) Qualified Elevator Inspector to qualify as a department certified elevator inspector.

2. Amend fees as specified in chapter Comm 2, Fee Schedule, to match Department expenses. Plan review fees and certificate of operation fees specified in chapter Comm 2 will be reduced. Inspection fees will be raised.

Due to the increased number of elevators and mechanical lifting devices installed in new construction, the Department has not been able to keep up with all of its required inspections. To ensure that the citizens of Wisconsin are safe when using elevators and other mechanical lifting devices, the Department is adopting these rules as permanent rules to replace the emergency rules, which took effect on June 1, 1997.

SECTION 1. Comm 2.15 is repealed and recreated to read:

Comm 2.15 ELEVATORS, POWER DUMBWAITERS, ESCALATORS, MOVING WALKS AND RAMPS, LIFTS FOR ACCESSIBILITY AND MATERIAL LIFTS. (1) PLAN EXAMINATION, APPLICATION AND INITIAL INSPECTION FEES. Fees for the initial inspection and for the examination of plans or for an application for installation or alteration, or both, submitted in accordance with the requirements of ch. Comm 18.10 (1) (a), shall be determined in accordance with Table 2.15-1. A reinspection fee as specified in Table 2.15-1 shall be charged for each inspection conducted until the elevator can be certified.

Table 2.15-1

Type of Unit or Number of Landings	Plan Examination Fee	Reinspection Fee
0-4 landings	\$275	\$150
5-10 landings	\$300	\$200
11 or more landings	\$350	\$250
Remodeled elevators or escalators	\$200	\$150
Escalators	\$250	\$150

(2) PERIODIC INSPECTION AND REINSPECTION FEES. Fees for periodic inspections and reinspections of all classes of elevators and lifting devices within the scope of ch. Comm 18 shall be determined in accordance with Table 2.15-2. An inspection fee shall also be charged for each reinspection of an elevator in accordance with Table 2.15-2 until the elevator can be certified.

Table 2.15-2

Type of Unit or Number of Landings	Inspection Fee
0-4 landings	\$55
5-10 landings	\$85
11 or more landings	\$115
Escalators	\$115

(3) CERTIFICATES OF OPERATION. The department shall issue a certificate of operation for each elevator upon receipt of fees and the inspection report indicating the elevator satisfies the minimum operating standards specified in ch. Comm 18. The fee per certificate shall be \$20.00.

SECTION 2. Table 5.06, line 36 is amended to read:

Table 5.06				
CREDENTIAL EXPIRATIONS				
	Credential Category	Term	Expiration Date	Continuing Education Cycle
36.	Elevator Inspector	2 years	December 31	NA <u>September 30</u>

SECTION 3. Comm 5.64 (1) is repealed and recreated to read:

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

SECTION 4. Comm 5.64 (2) and (3) are renumbered (3) and (2) and (2) as renumbered is repealed and recreated to read:

Comm 5.64 (2) INSPECTOR CREDENTIALS. A person may obtain a credential as a certified elevator inspector by either one of the following:

- (a) Taking and passing an examination in accordance with s. Comm 5.09.
- (b) Providing evidence the person holds a current certification as an elevator inspector meeting the qualification requirements of the American Society of Mechanical Engineers (ASME) A17.1, Standard for the Qualification of Elevator Inspectors (QEI) -1.

SECTION 5. Comm 5.64 (4) is repealed and recreated to read:

Comm 5.64 (4) APPLICATION FOR CREDENTIAL. (a) Upon notification of the successful passage of the examination for an elevator inspector certification, a person may obtain the certification by submitting an application and the credential fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a credential as a certified elevator inspector by submitting all of the following:

1. An application, an application fee and credential fee in accordance with ss. Comm 5.01 and 5.02.
2. Evidence that the person holds a certification as an ASME QEI-1 elevator inspector.

SECTION 6. Comm 5.64 (6) (c) is created to read:

Comm 5.64 (6) (c) 1. The renewal of a certification as an elevator inspector which has an expiration date after December 31, 1999 shall be contingent upon the elevator inspector 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 credential as a certified 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.

SECTION 7. Comm 18.10 (1) (a) is repealed and recreated to read:

Comm 18.10 (1) NEW INSTALLATIONS. (a) General requirements. 1. New elevator installations shall be tested and inspected by:

a. A staff person of the department; or

b. An authorized representative of the department who has received a letter of authorization from the department and who holds a valid credential issued under s. Comm 5.64.

2. Certified elevator inspectors shall determine whether or not the elevator installations conform to the conditionally approved plans and the provisions of this chapter.

3. The elevator installations may not be placed into service until a certified inspector determines the installation substantially conforms to this chapter.

Note: Tests and inspections are specified in ASME A17.1 Part 10, subject to the changes, additions and omissions specified in subch. III.

SECTION 8. Comm 18.48 is repealed and recreated to read:

Comm 18.48 PERSONS AUTHORIZED TO MAKE INSPECTIONS AND TESTS. (1) GENERAL. [A17.1 1000.1] Substitute the following wording for A17.1 1000.1: Elevator inspectors shall be certified in accordance with s. Comm 5.64.

(2) [A17.1 1000.1b] PERIODIC INSPECTION AND TESTS. (a) General requirements. Substitute the following wording for A17.1 1000.1b: Periodic inspections and tests shall be performed by:

1. A staff person of the department; or
2. An authorized representative of the department who has received a letter of authorization from the department and who holds a valid credential issued under s. Comm 5.64.

(b) Witnessing of inspections. The department may require witnessing of inspections and tests or retests.

(END)

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EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

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December 3, 1997

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 West Wilson Street
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 97-096

RULE NO.: Chapters Comm 2, 5 and 18

RELATING TO: Inspection of elevators and mechanical lifting devices

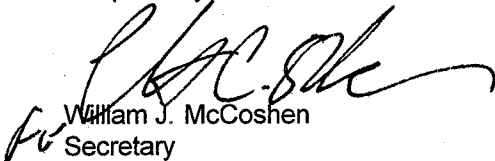
Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,


William J. McCoshen
Secretary

