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**CONVEYANCE SAFETY CODE COUNCIL**  
**Room N206, 4822 Madison Yards Way, 2<sup>nd</sup> Floor, Madison**  
**Contact: Dale Kleven (608) 266-2112**  
**October 11, 2019**

*The following agenda describes the issues that the Council plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Council.*

**AGENDA**

**9:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

**A. Adoption of Agenda (1)**

**B. Approval of Minutes of June 10, 2019 (2-4)**

**C. Administrative Matters**

- 1) Board, Department, and Staff Updates
- 2) Administrative Rules Process

**D. Legislative and Administrative Rule Matters – Discussion and Consideration (5-53)**

- 1) Review of CR 19-118, SPS 305 and 318, relating to the Wisconsin Conveyance Safety Code
- 2) Review and Respond to Public Comments and Clearinghouse Report
- 3) Legislation and Pending or Possible Rulemaking Projects

**E. Conveyance and Electrical Inspections Beginning January 1, 2020 – Discussion and Consideration**

**F. Public Comments**

**ADJOURNMENT**

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MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**CONVEYANCE SAFETY CODE COUNCIL  
MEETING MINUTES  
JUNE 10, 2019**

**PRESENT:** Steven Ketelboeter, Keith Misustin, Ronald Mueller, Brian Rausch, Paul Rosenberg, Kenneth Smith, Harold Thurmer

**EXCUSED:** Scot Bromann, Jennie Macaluso

**STAFF:** Helen Leong, Administrative Rules Coordinator; Kimberly Wood, Program Assistant Supervisor-Adv.

Paul Rosenberg, Chairperson, called the meeting to order at 9:09 a.m. A quorum of seven (7) members was confirmed.

**ADOPTION OF AGENDA**

**Amendment to the Agenda**

- Correct the date of the minutes to be approved to show as November 29, 2018 as opposed to October 24, 2018

**MOTION:** Steven Ketelboeter moved, seconded by Kenneth Smith, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF NOVEMBER 29, 2018**

**MOTION:** Kenneth Smith moved, seconded by Steven Ketelboeter, to approve the minutes of November 29, 2018 as published. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**Election of Officers**

*Chairperson*

**NOMINATION:** Harold Thurmer nominated Paul Rosenberg for the Office of Chairperson.

Helen Leong, Administrative Rules Coordinator, called for nominations three (3) times.

Paul Rosenberg was elected as Chairperson by unanimous consent.

*Vice Chairperson*

**NOMINATION:** Harold Thurmer nominated Kenneth Smith for the Office of Vice Chairperson.

Helen Leong, Administrative Rules Coordinator, called for nominations three (3) times.

Kenneth Smith was elected as Vice Chairperson by unanimous consent.

## **Administrative Rule Process**

**MOTION:** Harold Thurmer moved, seconded by Keith Misustin, to designate Paul Rosenberg or Kenneth Smith, to speak or submit comments, on behalf of the Council, at the SPS 305 and SPS 318 Public Hearing. Motion carried unanimously.

## **LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS**

### **Discussion and Consideration of E1.42, Entertainment Technology – Design, Installation, and Use of Orchestra Pit Lifts E1.42 – 2018**

**MOTION:** Kenneth Smith moved, seconded by Harold Thurmer, to recommend adoption of ANSI E1.42 – 2018, with exceptions as noted in the preliminary rule draft in the agenda materials of June 10, 2019. Motion carried unanimously.

### **Discussion of ASME A17.1-2016, Safety Code for Elevators and Escalators**

**MOTION:** Kenneth Smith moved, seconded by Ronald Mueller, to recommend door restrictor requirements for 8.7.2.14.1, 8.7.2.14.2 (i), 8.7.2.16.4 (a), and 8.7.2.17.2 (b) (4) of ASME A17.1 – 2016. Motion carried unanimously.

**MOTION:** Kenneth Smith moved, seconded by Harold Thurmer, to recommend that 8.7.4.1 of ASME A17.1 – 2016 be limited to altered portions. Motion carried unanimously.

**MOTION:** Steven Ketelboeter moved, seconded by Kenneth Smith, to recommend that 8.7.4.2 of ASME A17.1 – 2016 be limited to altered portions. Motion carried unanimously.

### **Review and Discussion of Proposed Changes and Recommendations to the Conveyance Safety Code, SPS 305 and SPS 318**

**MOTION:** Kenneth Smith moved, seconded by Ronald Mueller, to dismiss recommendation number 43 of the Code Issue List as presented on pages 77 & 78 of the June 10, 2019 agenda materials. Motion carried unanimously.

**MOTION:** Kenneth Smith moved, seconded by Steven Ketelboeter, to recommend number 4a. proposal 1 with amendments as noted and number 5a. of the Code Issue List as presented on pages 93-95 of the June 10, 2019 agenda materials. Motion carried unanimously.

**MOTION:** Kenneth Smith moved, seconded by Steven Ketelboeter, to recommend adoption, with amendments, of number 10a. of the Code Issue List as presented on pages 98 & 99 of the June 10, 2019 agenda materials. Motion carried unanimously.

**Review of Preliminary Rule Draft for SPS 305 and SPS 318**

**MOTION:** Ronald Mueller moved, seconded by Kenneth Smith, to recommend the Department approve the proposed revisions of SPS 305 and 318, relating to the conveyance safety code as reflected in the agenda materials with the exceptions as noted in specific motions. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Kenneth Smith moved, seconded by Steven Ketelboeter, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:17 p.m.

DRAFT

STATE OF WISCONSIN  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : DEPARTMENT OF SAFETY AND  
DEPARTMENT OF SAFETY AND : PROFESSIONAL SERVICES  
PROFESSIONAL SERVICES : ADOPTING RULES  
: (CLEARINGHOUSE RULE )  
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PROPOSED ORDER

An order of the Department of Safety and Professional Services to **repeal** SPS 305.003 (64) and (Note), SPS 305.003 (31) (Note), SPS 305.003 (42) (Note), SPS 305.10 (1) (b) 2. (Note), SPS 305.125 (2) (a) (Note), SPS 305.125 (3) and (Note), SPS 305.31 (3) (a) 2. (Note), SPS 305.31 (4) (a) (Note), SPS 305.31 (4) (d) and (Note 1), SPS 305.32 (4) (b) (Note), SPS 305.323 (6) (g) (Note), SPS 305.325 (4) (a) (Note 2), SPS 305.327 (2) (b) (Note), SPS 305.327 (4) (b) and (Note), SPS 305.40 (Note), SPS 305.405 (Note 1), SPS 305.41 (1) (a) (Note), SPS 305.41 (1) (b) (Note 1) and (4) (c) and (Note), SPS 305.70 (4) (b) and (Note 1), SPS 305.91 (4) (Note 1), SPS 305.92 (4) (Note 1), SPS 305.9905 (3) (a) 2. (Note), (4) (d) (Note) and (4) (e) and (Note), SPS 305.991 (2) (a) (Note), SPS 305.997 (6) (c) (Note), SPS 305 Appendix, SPS 318.1003 (3) (Note) and (4), SPS 318.1004 (10) (a) (Note), SPS 318.1004 (10) (b) (Note), SPS 318.1004 (10) (n), SPS 318.1004 (12) (Note), SPS 318.1007 (1) (b) (Note), SPS 318.1011 (3), SPS 318.1011 (8) (a) (Note), SPS 318.1012 (1) (b) (Note), SPS 318.1016 (2) (Note 1) and (Note 2), and (4), SPS 318.1017 (Note), SPS 318.1700 (1) (b), SPS 318.1708, SPS 318.1709 (1) (b), SPS 318.1802 (5) (b), and SPS 318.1810 (7) (Note); to **renumber** SPS 305.327 (4) (a), SPS 305.70 (4) (a), SPS 318.1003 (1) (d), SPS 318.1004 (10) (a), SPS 318.1700 (1) (a), SPS 318.1702 (10) (b) 1., SPS 318.1702 (10) (c), SPS 318.1801 (2) (intro), (a), and (b), SPS 318.1802 (2) (a), SPS 318.1802 (10) (a) and (b), and SPS 318.1810 (7); to **renumber and amend** SPS 318.1701 (2), SPS 318.1705 (3) (b), SPS 318.1801 (2) (c), SPS 318.1802 (10) (intro), and SPS 318.1802 (10) (c); to **consolidate, renumber, and amend** SPS 318.1709 (1) (intro) and (a), SPS 318.1802 (5) (intro.) and (a); to **amend** Table SPS 305.06, line 39, SPS 305.40 (1) (intro), SPS 305.405, SPS 305.41 (1) (a) and (b), SPS 305.91 (4), SPS 305.92 (4), SPS 305.991 (1) (a) (intro.) and (c), SPS 305.997 (6) (c), SPS 318.1003 (1) (b) 1. and (c) 1., SPS 318.1004 (6) and (7), SPS 318.1004 (10) (g), (i), and (L), SPS 318.1005 (1) (intro), (a), and (b), SPS 318.1007 (2) (c) 1. a., SPS 318.1007 (3) (title), (a) (intro) and 1., Tables SPS 318.1007-1, SPS 318.1007-2, SPS 318.1007-3, and SPS 318.1007-4, SPS 318.1011 (8) (intro), SPS 318.1011 (8) (c) 2. b. and 3., SPS 318.1013 (2), SPS 318.1701 (3), SPS 318.1702 (10) (b) 3. a. and b., SPS 318.1703 (1) (e) 2. b., SPS 318.1801 (3) (a) and (b), SPS 318.1802 (2) (b), SPS 318.1802 (4) (a) and (b), SPS 318.1802 (9), and SPS 318.1810 (4) and (5); to **repeal and recreate** SPS 318.1007 (2) (c) 1. a. (Note), SPS 318.1007 (3) (a) 1. (Note), SPS 318.1011 (8) (b) (Note), and SPS 318.1014 (Note 2); and to **create** SPS 318.1003 (1m) (title) and (d), SPS 318.1004 (4m), SPS 318.1004 (10) (ag), SPS 318.1004 (10) (om), SPS 318.1004 (12e), (12m), and (12s), SPS 318.1005 (1) (c), SPS 318.1007 (2) (c) 3. b. (Note), SPS 318.1008 (2) (e) 3., SPS

318.1011 (7) (bm), SPS 318.1018 and (Note), SPS 318.1701 (2) (a), SPS 318.1701 (2) (b) and (Note) and (c) and (Note), SPS 318.1702 (1) (bm), SPS 318.1702 (10) (b) 1g., SPS 318.1702 (10) (b) 4., SPS 318.1702 (10) (c) 2., SPS 318.1705 (3) (ag) and (ar), SPS 318.1705 (3) (c) 5., SPS 318.1705 (3) (cg), (cn), (cr), (cw), and (e) (Note), SPS 318.17081, SPS 318.17086, SPS 318.17087, SPS 318.17089, SPS 318.170810, SPS 318.170811, SPS 318.1802 (2) (ag), SPS 318.1802 (3m), SPS 318.1810 (3) (a) 6., SPS 318.1810 (7) (a) (Note), SPS 318.1810 (7) (b) and (c), SPS 318.1811, and SPS 318, subchapter VI; relating to the Wisconsin conveyance safety code.

Analysis prepared by the Department of Safety and Professional Services.

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### ANALYSIS

**Statutes interpreted:** s. 101.02 (15) (h) to (j), ch. 101, subch. VII, Elevators, Escalators, and Other Conveyances, Stats.

**Statutory authority:** ss. 101.981 (2) and 101.982, Stats.

**Explanation of agency authority:**

Section 101.981 (2), Stats., states that, “[t]he department shall promulgate rules establishing ... definitions to the extent the department deems necessary for the proper administration and enforcement of this subchapter.”

Section 101.982, Stats., states that, “[t]he department shall promulgate rules establishing standards for the safe installation and operation of conveyances. In promulgating rules under this section the department shall consider the recommendations of the conveyance safety code council under s. 101.986. The rules shall be consistent, to the extent practicable, with national, industry-wide safety standards applicable to conveyances.”

**Related statute or rule:**

SPS 302, Fee Schedule; SPS 303, Administrative Procedures; SPS 316, Electrical; the Commercial Building Code, which consists of chapters SPS 361 to 366; and the Uniform Dwelling Code, which consists of chapters SPS 320 to 325.

**Plain language analysis:**

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 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 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, including:
  - Exempting LULA elevators from an additional variance application if replacing the elevator with the same type in the same hoistway;
  - Providing a standard for the floor strength above an occupiable area and below a hoistway;
  - Requiring that ropes, chains, and other rotating parts outside of a hoistway be sufficiently enclosed to avoid injury; and
  - Prohibiting easily defeatable locking devices for residential elevator hoistway door locks.
- 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, including:
  - Expanding the SPS 318 exemption from the ASME A17.1-2016 requirement that private residence elevators have 4-hour back up on telephones to include electric private residence elevators, and permits cellular phones to be used while the elevator is in travel. If no hard-wired telephone is installed, a sign informing riders that a telephone is required to ride the elevator must be posted;
  - Requiring that maintenance control programs include a set of electrical wiring diagrams, written checkout procedures for two-way communications, and any plan approval letter, form and plans from the department;
  - Requiring that relief valve verification of setting and system pressure testing and the hydraulic cylinders and pressure piping tests be completed on all hydraulic elevators, and clarifying that an elevator that fails such a test be removed from service until it conforms to the testing requirements;
  - Requiring testing of auxiliary power systems when installed;
  - Reducing unnecessary repairs of shortening the suspension means by requiring that the minimum counterweight runby be indicated on the data plate;
  - Requiring door restrictors for new car door installations; and
  - Limiting the application of the updated standards for alterations to rack-n-pinion and screw-column elevators to those altered portions.
- Provides additional requirements and exemptions for maintenance, repair, replacement, testing, and inspections for lifts subject to ASME A18.1-2017, including:

- Requiring Category 1 tests for dumbwaiters be made at intervals of not longer than five years;
- Clarifying that Wisconsin does not regulate relocatable lifts;
- Clarifying the size of end entrance platforms to be consistent with what is available for installation in the market;
- Requiring routine inspections and tests for inclined stairway chairlifts be conducted every three years;
- Requiring that hydraulic control valves be tested; and
- Requiring a test tag to be readily visible to inspectors without disassembly.
- 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.

The updated Conveyance Safety Code adopts the updated national standards, in accordance with s. 101.982, Stats., while maintaining 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.

**Summary of, and comparison with, existing or proposed federal regulation:**

Elevators and escalators at marine terminal facilities are subject to regulations under the Occupational Safety and Health Administration (OSHA) in 29 C.F.R. 1979.116. Buildings built on federal property are legally exempt from state and local conveyance codes, however, the General Services Administration (GSA) has a policy that federal buildings comply with state and local building codes to the maximum extent practicable.

Both 28 CFR 35 and 28 CFR 36 require public buildings and commercial facilities, including government-owned and operated buildings and facilities, to be designed, constructed, and altered in compliance with the accessibility construction regulations specified under the federal Americans with Disabilities Act Accessibility Guidelines (ADAAG). Chapter 4: Accessible Routes, sections 407 through 410, and Chapter 2: Scoping Requirements, section 206.6, provide standards relating to elevators and platform lifts. Wisconsin ensures commercial buildings meet federal accessibility requirements through its adoption of the International Building Code (IBC). Chapter 11 of the IBC addresses accessibility and incorporates ICC A117.1 as a secondary standard. The American National Standard: Accessible and Usable Buildings and Facilities (ICC A117.1), which is incorporated into 24 CFR 100 by reference, is the federal technical standard for the design of housing and other facilities that are accessible to persons with disabilities as referenced in the federal Fair Housing Act.

**Comparison with rules in adjacent states:**

**Illinois:**

Illinois establishes statewide minimum standards for the regulating the installation, construction, operation, inspection, testing, maintenance, alteration, and repair of

elevators, dumbwaiters, escalators, moving sidewalks, platform lifts, stairway chairlifts, and automated people movers, and by licensing personnel and businesses that work on these conveyances. The state has adopted the following standards:

- Safety Code for Elevators and Escalators (ASME A17.1-2013/CSA B44-2013) and Performance-Based Safety Code for Elevators and Escalators (ASME A17.7-2007/CSA B44.7-07)
- Safety Code for Existing Elevators and Escalators (ASME A17.3-2005), with some specified exceptions
- Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1-2011)
- Standard for the Qualification of Elevator Inspectors (ASME QEI-1-2013)
- Automated People Mover Standards (ANSI/ASCE/T&DI 21-13)

Local regulation may exceed the statewide standards. The Certificate of Operation shall be displayed on or in each conveyance.

Title 41: Fire Protection, Chapter II: Elevator Safety Review Board, Part 1000 Illinois Elevator Safety Rules, Sections 1000.10 through 1000.190:

<http://www.ilga.gov/commission/jcar/admincode/041/04101000sections.html>

**Iowa:**

Iowa regulates the design, construction, installation, operation, inspection, testing, maintenance, alteration and repair of elevators, escalators, material lift elevators installed after August 10, 2016, dumbwaiters, wind tower lifts, construction personnel hoists, and other equipment governed by Iowa Code chapter 89A and Administrative Rules Chapters 71 to 73. The state has adopted the following standards for installations on or after May 16, 2018:

- ASME A17.1-2016/CSA B44-16
- ASME A17.7-2012/CSA B44.7-12
- ASME A17.8-2016/CSA B44.8-16
- ASME A18.1 (2014), except Chapters 4, 5, 6, and 7
- ANSI A117.1 (2017), except for requirement 407.4.7.1.2
- ANSI/NFPA 70 (2017)

Operating permits shall be conspicuously displayed. Specifically, permits for elevators shall be posted in the car, and permits for escalators, dumbwaiters, wind tower lifts, moving walks, or wheelchair lifts shall be posted on or near the subject conveyance. IAC 71.7 (3).

Iowa Code 89A, Administrative Rules Chapter 71 through 73:

<https://www.iowadivisionoflabor.gov/elevator-iowa-code-and-administrative-rules>

**Michigan:**

The Michigan Department of Licensing and Regulatory Affairs, Elevator Division is responsible for the administration and enforcement of the Michigan Elevator Code by

conducting inspections of elevator installations and alterations as well as annual safety inspections. The division also investigates elevator accidents and violations of the Michigan Elevator Code and assures proper elevator permits have been issued.

Michigan has adopted the following national standards:

- ASME A17.1-2010, except for sections, 2.5.1.5.3, 2.8.3.3.2, 2.8.6, 2.11.1.3, 2.11.1.4, 2.11.7.2, 2.11.7.2.1, 2.11.7.2.2, 2.11.7.2.3, 2.11.7.2.4, 2.11.7.2.5, 2.14.2.2(f), 2.14.2.6, 2.14.5.8.2, 2.16.5.1.3, 2.22.2, 3.18.3.8.3, 3.19.5.2, 3.22.1.6, 5.3.1.1.1, 5.3.1.1.2, 5.3.1.2.1, 5.3.1.14.3, 5.4.10.2, 8.6.5.8, 8.6.11.5 to 8.6.11.5.6, 8.10.1.1.3, 8.11.1.1, 8.11.1.1.1, 8.11.1.1.2
- ASME A17.2-2012
- ASME A17.6-2010
- ASME A17.7-2007, except for where the Michigan elevator rules make an exception to, addition to, or an amendment of, an ASME A17.1/CA B44 code section the Michigan elevator rules shall govern over the corresponding section in ASME A17.7/CSA B44.7 and must obtain department approval
- ASME A18.1-2011, except for sections 2.1.2 to 2.1.2.8, 2.1.3 to 2.1.3.10, 3.10.2 to 3.10.2.4, 10.1.1, 10.1.2 to 10.1.2.3, 10.1.3.3, 10.1.4, and 10.2.1
- ASME A90.1-2009
- ANSI A10.4-2007, except for sections 24.1.2.1 and 26.4.8.1
- ASTM D 2667-2008, ‘Standard test method for biodegradability of alkylbenzene sulfonates’
- ASTM E 648-2010, standard test method for critical radiant flux of floorcovering systems using a radiant heat energy source
- ASTM E 648-2010, standard test method for critical radiant flux of floorcovering systems using a radiant heat energy source
- ASTM F 714-2012, standard specification for polyethylene (PE) plastic pipe (SDR-PR) based on outside diameter’

Michigan Elevator Rules, Elevator Safety Board:

[http://dmbinternet.state.mi.us/DMB/ORRDocs/AdminCode/1002\\_2012-009LR\\_AdminCode.pdf](http://dmbinternet.state.mi.us/DMB/ORRDocs/AdminCode/1002_2012-009LR_AdminCode.pdf)

### **Minnesota:**

The Minnesota State Building Code governs the design, installation, alteration, repair, removal, operation and maintenance of various types of elevators and conveying equipment. This list includes but is not limited to passenger elevators, freight elevators and escalators.

Minnesota's elevator code consists of the following: Safety Codes for Elevators and Escalators. The ASME A17.1-2010 is for new and altered installations. This standard also covers maintenance and testing requirements for existing elevators.

The Safety Code for Existing Elevators and Escalators is the ASME A17.3-2011. The ASME A18.1-2011 is the Safety Standard for Platform Lifts and Stairway Chairlifts. The standard for Elevator and Escalator Electrical Equipment is the ASME A17.5-2011.

The Safety Standard for Belt Manlifts is the ASME A90.1-2009. Safety Standard for Conveyors and Related Equipment is the ASME B20.1-2009. Minnesota amendments to those documents are located in chapter 1307.

Minnesota Department of Labor and Industry, Elevator Laws and Rules:  
<https://www.revisor.mn.gov/rules/1307/>

### **Summary of factual data and analytical methodologies:**

This proposed rule was developed in consultation with the Wisconsin Conveyance Safety Code Council. The Conveyance Safety Code Council is authorized and created under s. 15.407 (14), Stats. The Council's duties are outlined in s. 101.986, Stats., which states, "[t]he conveyance safety code council shall review this subchapter and rules promulgated under this subchapter and recommend a statewide conveyance safety code for promulgation by the department." In accordance with s. 101.982, Stats., "[t]he rules shall be consistent, to the extent practicable, with national, industry-wide safety standards applicable to conveyances."

Beginning in November 2017, the Conveyance Safety Code Council met eight times to review recommended changes to SPS 318 from stakeholders and the Division of Industry Services, consider adopting a new standard for orchestra pit lifts, and comprehensively review significant changes in the updated versions of the standards that are incorporated by reference in SPS 318, including ASME A17.1-2016, ASME A18.1-2014, and ASME A18.1-2017. The Council also reviewed potential costs associated with updated conveyance safety requirements.

### **Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect small businesses, local government units, and individuals.

Comments were received from one entity indicating that there may be increased costs for elevator owners. These comments were taken into consideration in the department's analysis of the economic impact of the proposed rules.

### **Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

### **Effect on small business:**

These proposed rules do have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. and will be submitted to the Small Business Regulatory Review Board for a determination on whether the rules will have a significant economic impact on a substantial number of small businesses. The Department’s Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Helen Leong, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0797; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Helen Leong, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov). Comments must be received on or before 9:00 am on Thursday, October 3, 2019 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. SPS 305.003 (64) and (64) (Note) and (31) (Note) and (42) (Note) are repealed.

SECTION 2. SPS Table 305.06, line 39 is amended to read:

**Table 305.06  
TERMS**

	<b>License, Certification, Registration, or Enrollment Category</b>	<b>Term</b>	<b>Expiration Date</b>
39.	Elevator Inspector	4 <u>2</u> years	December 31

SECTION 3. SPS 305.10 (1) (b) 2. (Note) and SPS 305.125 (2) (a) (Note) are repealed.

SECTION 4. SPS 305.125 (3) and (Note) are repealed.

SECTION 5. SPS 305.31 (3) (a) 2. (Note) and (4) (a) (Note) and (d) and (Note 1) and SPS 305.32 (4) (b) (Note) and SPS 305.323 (6) (g) (Note) and SPS 305.325 (4) (a) (Note 2) and SPS 305.327 (2) (b) (Note) are repealed.

SECTION 6. SPS 305.327 (4) (a) is renumbered SPS 305.327 (4).

SECTION 7. SPS 305.327 (4) (b) and (4) (b) (Note) are repealed.

SECTION 8. SPS 305.40 (1) (intro) is amended to read:

**SPS 305.40 (1) (intro)** Except as provided under s. 101.862 (4), Stats., no person as of April 1, ~~2013~~ 2014 may install, repair, or maintain electrical wiring unless the person holds a license or registration issued by the department or is enrolled by the department as one of the following:

SECTION 9. SPS 305.40 (Note) is repealed.

SECTION 10. SPS 305.405 is amended to read:

**SPS 305.405 Terminology.** For the purposes of this subchapter, electrical contractor certifications and master and journeyman electrician certifications issued prior to April 1, ~~2013~~ 2014 shall be considered to be licenses.

SECTION 11. SPS 305.405 (Note 1) is repealed.

SECTION 12. SPS 305.41 (1) (a) is amended to read:

**SPS 305.41 (1) (a)** Pursuant to s. 101.862, Stats., no person or entity, as of April 1, ~~2013~~ 2014, may engage in the business or offer to engage in the business of installing, repairing, or maintaining electrical wiring unless the person or entity holds a license or certification issued by the department as a licensed electrical contractor, except as provided under s. 101.862 (4), Stats.

SECTION 13. SPS 305.41 (1) (a) (Note) is repealed.

SECTION 14. SPS 305.41 (1) (b) is amended to read:

**SPS 305.41 (1) (b)** For the purposes of this section unexpired electrical contractor certifications issued prior to April 1, ~~2013~~ 2014 shall be considered licenses.

SECTION 15. SPS 305.41 (1) (b) (Note 1) and (4) (c) and (Note) are repealed.

SECTION 16. SPS 305.70 (4) (a) is renumbered SPS 305.70 (4).

SECTION 17. SPS 305.70 (4) (b) and (Note 1) are repealed.

SECTION 18. SPS 305.91 (4) is amended to read:

**SPS 305.91 (4) EXAMINATION.** ~~Except as provided in sub. (1) (b),~~ a A person seeking to obtain a master plumber license shall take and pass an examination in accordance with s. SPS 305.09.

SECTION 19. SPS 305.91 (4) (Note 1) is repealed.

SECTION 20. SPS 305.92 (4) is amended to read:

**SPS 305.92 (4) EXAMINATION.** ~~Except as provided in sub. (1) (b),~~ a A person seeking to obtain a master plumber-restricted service or a master plumber-restricted appliance license shall take and pass an examination in accordance with s. SPS 305.09.

SECTION 21. SPS 305.92 (4) (Note 1) is repealed.

SECTION 22. SPS 305.9905 (3) (a) 2. (Note) and (4) (d) (Note) and (e) and (Note) are repealed.

SECTION 23. SPS 305.991 (1) (a) (intro.) and (c) are amended to read:

**SPS 305.991 (1) (a) (intro.)** Except as specified in sub. (2), no person may erect, construct, alter, replace, maintain, repair, test, remove or dismantle conveyances unless the person holds a license or registration issued by the department as one of the following:

(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, testing, removal or dismantling of conveyances covered under ASME A18.1 and ASME A17.1 sections 5.2, 5.3, 5.4, 7.1, 7.2, 7.3 and 7.8.

SECTION 24. SPS 305.991 (2) (a) (Note) is repealed.

SECTION 25. SPS 305.997 (6) (c) is amended to read:

**SPS 305.997 (6) (c)** The renewal of a license as ~~an elevator~~ a lift mechanic-restricted shall be contingent upon the department's review of the applicant's criminal history record from the department of justice.

SECTION 26. SPS 305.997 (6) (c) (Note) is repealed.

SECTION 27. SPS 305 Appendix is repealed.

SECTION 28. SPS 318.1003 (1) (b) 1. and (c) 1. are amended to read:

**SPS 318.1003 (1) (b) 1.** The operation, testing, maintenance, and periodic inspection requirements of this chapter apply to all conveyances that exist on or after ~~September 1,~~

~~2014~~ the effective date of this subdivision ... [LRB inserts date], except as provided in subd. 2. and pars. (c) to (e).

(c) 1. The design, construction, and installation requirements of this chapter, including the acceptance-inspection requirements apply to any alterations, repairs, and replacement parts or components for any conveyance that have a contract date of on or after ~~September 1, 2014~~ the effective date of this subdivision ... [LRB inserts date], except as provided in subd. 2 ~~and pars. (d) and~~ , par. (e), and sub. (1m).

SECTION 29. SPS 318.1003 (1) (d) is renumbered SPS 318.1003 (1m).

SECTION 30. SPS 318.1003 (1m) (title) and (1m) (d) are created to read:

**SPS 318.1003 (1m)** (title) EXCLUSIONS.

(d) Buildings and structures that are on a farm premises and used primarily for purposes relating to farming or livestock, provided any use of the building or structure by the public consists only of consumers directly using the livestock or receiving farm commodities, substantially all of which have been produced on the farm premises. In this paragraph, “substantially all” means at least 90 percent of the commodities have been planted or produced on the farm premises.

SECTION 31. SPS 318.1003 (3) (Note) and (4) are repealed.

SECTION 32. SPS 318.1004 (4m) is created to read:

**SPS 318.1004 (4m)** “ANSI E1.42” means ANSI E1.42-2018, *Entertainment Technology – Design, Installation, and Use of Orchestra Pit Lifts*, as adopted under s. SPS 318.1005 (1) and modified by this chapter.

SECTION 33. SPS 318.1004 (6) and (7) are amended to read:

**SPS 318.1004 (6)** “ASME A17.1” means ASME A17.1-~~2013~~ 2016/CSA B44-~~13~~ 16, *Safety Code for Elevators and Escalators*, as adopted under s. SPS 318.1005 (1) and modified by this chapter.

(7) “ASME A18.1” means ASME A18.1-~~2014~~ 2017, *Safety Standard for Platform Lifts and Stairway Chairlifts*, as adopted under s. SPS 318.1005 (1) and modified by this chapter.

SECTION 34. SPS 318.1004 (10) (a) is renumbered SPS 318.1004 (10) (ar).

SECTION 35. SPS 318.1004 (10) (a) (Note) is repealed.

SECTION 36. SPS 318.1004 (10) (ag) is created to read:

**SPS 318.1004 (10) (ag)** “Dumbwaiter” has the meaning as given in s. 101.981 (1) (d), Stats.

SECTION 37. SPS 318.1004 (10) (b) (Note) is repealed.

SECTION 38. SPS 318.1004 (10) (g), (i), and (L) are amended to read:

**SPS 318.1004 (10) (g)** “Orchestra ~~elevator~~ pit lift” means a permanent powered hoisting and lowering mechanism which is within or adjacent to a theatrical or musical stage and which is intended to accommodate ~~musicians~~ performers and their equipment.

“Orchestra pit lift” includes orchestra elevators and stage elevators.

**(i)** “Passenger elevator” means an elevator used primarily to carry persons other than the operator and persons necessary for loading and unloading. This term does not include limited-use, limited-application elevators, elevators in dwelling units, ~~stage and orchestra elevators~~ orchestra pit lifts, special purpose personnel elevators, sidewalk elevators, ~~and rooftop elevators,~~ and type B material lifts.

**(L)** “Sidewalk elevator” means ~~an elevator of the freight type~~ a device with on-car controls for the raising or lowering of materials operating between a landing in a sidewalk or other exterior area and floors below the sidewalk or grade level and that opens onto the exterior area through a horizontal opening.

SECTION 39. SPS 318.1004 (10) (n) is repealed.

SECTION 40. SPS 318.1004 (10) (om) is created to read:

**SPS 318.1004 (10) (om)** “Type B material lift” means a powered hoisting and lowering mechanism used for carrying material and on which only the operator or the person necessary for unloading and loading the material is permitted to ride.

SECTION 41. SPS 318.1004 (12) (Note) is repealed.

SECTION 42. SPS 318.1004 (12e), (12m), and (12s) are created to read:

**SPS 318.1004 (12e)** “Electrical code” means ch. SPS 316, which is the Wisconsin Electrical Code.

**(12m)** “First-aid treatment” has the meaning given “first aid” in 29 CFR 1904.7 (b) (5) (ii), regardless of who is providing the treatment.

**(12s)** “Hoistway” means a shaft or opening through a building or structure for the travel of elevators, dumbwaiters, or material lifts, extending from the pit floor to a ceiling above.

SECTION 43. SPS 318.1005 (1) (intro), (a), and (b) are amended to read:

**SPS 318.1005 (1) (intro)** PRIMARY STANDARDS. The following ~~ASME~~ standards are hereby incorporated by reference into this chapter, subject to the modifications specified in this chapter:

**(a)** *Safety Code for Elevators and Escalators, ASME A17.1–2013* 2016/CSA B44–13 ~~16~~.

**(b)** *Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1–2011* 2017.

SECTION 44. SPS 318.1005 (1) (c) is created to read:

**SPS 318.1005 (1) (c)** *Entertainment Technology-Design, Installation, and Use of Orchestra Pit Lifts, ANSI EI.42-2018.*

SECTION 45. SPS 318.1007 (1) (b) (Note) is repealed.

SECTION 46. SPS 318.1007 (2) (c) 1. a. is amended to read:

**SPS 318.1007 (2) (c) 1. a.** ~~A~~ At least 3 copies of the completed application, on an approved form.

SECTION 47. SPS 318.1007 (2) (c) 1. a. (Note) is repealed and recreated to read:

**SPS 318.1007 (2) (c) 1. a. (Note):** Forms required under this chapter are available on the department's website at <https://dsps.wi.gov>, or by request from the Department of Safety and Professional Services, P. O. Box 7302, Madison, Wisconsin 53708, or call (608) 266-2112.

SECTION 48. SPS 318.1007 (2) (c) 3. b. (Note) is created to read:

**SPS 318.1007 (2) (c) 3. b. Note:** Where the scope of work for an escalator includes a replacement of the majority of internal parts, even if retaining the majority of the truss, that is considered a new installation under this subdivision.

SECTION 49. SPS 318.1007 (3) (title), (a) (intro) and 1. are amended to read:

**SPS 318.1007 (3) (title)** ~~ALTERATIONS~~ **SCOPE OF ALTERATIONS, REPAIRS, AND REPLACEMENTS.** **(a) (intro)** For proposed alterations ~~and~~ , repairs, or replacements listed in Table SPS 318.1007-1 Items 1. to 4. and Tables SPS 318.1007-2, 318.1007-3, and 318.1007-4, all of the following shall be submitted with the request for approval:  
**1.** ~~A~~ At least 3 copies of the completed application, on an approved form, if the submittal is to the department.

SECTION 50. SPS 318.1007 (3) (a) 1. (Note) is repealed and recreated to read:

**SPS 318.1007 (3) (a) 1. (Note):** Forms required under this chapter are available on the department's website at <https://dsps.wi.gov>, or by request from the Department of Safety and Professional Services, P. O. Box 7302, Madison, Wisconsin 53708, or call (608) 266-2112.

SECTION 51. Tables SPS 318.1007-1, SPS 318.1007-2, SPS 318.1007-3, and SPS 318.1007-4 are amended to read:

**Table SPS 318.1007-1  
Elevators and Orchestra Pit Lifts**

<b>Item</b>	<b>Scope of Work</b>
1.	<del>Change to</del> <u>Alteration or replacement of</u> hoistway enclosure walls, pit, or ceiling; or to number or location of landings served
2.	<del>Change to</del> <u>Alteration of</u> machine-room, machinery-space, control-room, or control-space walls, floor, ceiling, or entrance; or to location of machinery
3.	<del>Conversion</del> <u>Alteration of</u> passenger elevator to freight type, or freight to passenger type
4.	<del>Change in class</del> <u>Alteration of loading class</u> for a freight elevator
5.	<del>Change to complete</del> <u>Alteration of</u> traction driving machine, motor, sheave, <del>and driving machine brake, or emergency brake</del>
6.	<u>Replacement of entire driving machine, driving machine brake, or emergency brake</u>
7.	<u>Installation of a fire sprinkler in a machine room, machinery space, control room, control space, or top of hoistway</u>
<del>7</del> <u>8</u> .	<u>Increase in loading of more than 5% to machinery, beams, supports, or foundations</u>
<del>8</del> <u>9</u> .	<del>Change to type of or addition</del> <u>Alteration of</u> hoistway door or gate
<del>9</del> <u>10</u> .	<del>Installation or addition</del> <u>Alteration of</u> hoistway-door interlock or combination mechanical lock and contacts
<del>10</del> <u>11</u> .	<del>Change to or addition of non-contact</del> <u>Alteration of a solely contact type to another type of reopening device on an elevator with firefighters' emergency operation</u>
<del>11</del> <u>12</u> .	<u>Increase or decrease of more than 5% of the total load of car deadweight plus rated load</u>
<del>12</del> <u>13</u> .	<del>Change</del> <u>Increase or decrease in</u> rated load
<del>13</del> <u>14</u> .	<del>Change</del> <u>Increase or decrease in</u> speed of more than 5%
<del>14</del> <u>15</u> .	<del>Change</del> <u>Alteration or replacement of</u> safety device
<del>15</del> <u>16</u> .	<del>Change of or repair to speed</del> <u>Alteration or replacement of overspeed governor</u>
<del>16</del> <u>17</u> .	<del>Change in type or addition</del> <u>Alteration or addition of an emergency brake or device protecting against unintended movement or ascending car overspeed</u>
<del>17</del> <u>18</u> .	<del>Change in</del> <u>Alteration to</u> suspension member, type, material, grade, number or size; equalizers, fastening, or monitoring as defined in ASME A17.1 sections 8.7.2.21 and 8.7.3.25
<del>18</del> <u>19</u> .	<u>Increase in stresses of more than 5% to guiderails, supports, and fastenings</u>
<del>19</del> <u>20</u> .	<del>Change</del> <u>Alteration to</u> type or location of car or counterweight buffer or bumper
<del>20</del> <u>21</u> .	<del>Change</del> <u>Alteration to</u> type of terminal stopping device
<del>21</del> <u>22</u> .	<del>Change</del> <u>Alteration to or addition of a top-of-car operating device</u>
<del>22</del> <u>23</u> .	<del>Change</del> <u>Replacement of</u> controller
<del>23</del> <u>24</u> .	<del>Change in</del> <u>Alteration to</u> type of motion control
<del>24</del> <u>25</u> .	<del>Change in</del> <u>Alteration to</u> type of operation control

25.	<del>Change to or addition of a car emergency signaling device</del>
26.	<del>Change or connection to</del> <u>Addition of</u> emergency or standby power system
27.	<del>Change</del> <u>Alteration</u> to or addition of firefighters' emergency operation system
28.	<del>Change</del> <u>Alteration</u> to or addition of auxiliary power <u>supply raising or lowering</u> operation
29.	<del>Change to or installation</del> <u>Replacement or addition of</u> a plunger gripper
30.	<del>Change to</del> <u>Replacement of</u> a complete hydraulic <del>driving machine</del> <u>pumping unit</u> including motor, pump, and tank
31.	<del>Change to</del> <u>Alteration or replacement of</u> hydraulic control valve
32.	<del>Change to</del> <u>Alteration or replacement of</u> hydraulic plunger or cylinder
33.	Increase in hydraulic working pressure of more than 5%
34.	<u>Removal or disabling of devices subject to ASME A17.1 section 8.6.1.7.5</u>

**Table SPS 318.1007-2  
Escalators and Moving Walks**

<b>Item</b>	<b>Scope of Work</b>
1.	<del>Change to</del> <u>Alteration or repair of</u> truss
2.	<del>Change</del> <u>Alteration</u> to rated speed or installation of speed varying system
3.	Installation or addition of skirt brushes
4.	<u>Alterations to safety component or safety switch as defined in ASME A17.1 sections 6.1.6.3 and 6.2.6.3, 'Electrical protective device'</u>

**Table SPS 318.1007-3  
Dumbwaiters and Type B Material Lifts**

<b>Item</b>	<b>Scope of Work</b>
1.	Increase <u>or decrease</u> in rated load
2.	<del>Change</del> <u>Increase or decrease</u> in speed of more than 5%
3.	<del>Change</del> <u>Alteration</u> to car size

**Table SPS 318.1007-4  
Platform Lifts**

<b>Item</b>	<b>Scope of Work</b>
1.	<del>Change to safety or speed governor</del> <u>Alteration to or replacement of overspeed or slack suspension safety device</u>
2.	<del>Change</del> <u>Alteration</u> to <u>or replacement of hydraulic jack plunger or cylinder</u>
3.	<del>Change</del> <u>Alteration</u> to <u>or replacement of</u> hydraulic valve
4.	<del>Change</del> <u>Alteration</u> to or addition of machine room

SECTION 52. SPS 318.1008 (2) (e) 3. is created to read:

**SPS 318.1008 (2) (e) 3. a.** On the date specified by the department under subd. 3. b.

b. The department may, notwithstanding subds. 1. and 2., specify a shorter period of time at the time the approval is issued, which shall be no later than 2 years after the approval date shown on the approved plans. Upon request to the secretary, the expiration date may be extended for a one-time, 2-year period at the discretion of the secretary provided the written request is submitted prior to expiration of the original approval.

SECTION 53. SPS 318.1011 (3) is repealed.

SECTION 54. SPS 318.1011 (7) (bm) is created to read:

**SPS 318.1011 (7) (bm) Elevator mechanic.** The installation contractor or the owner or owner's agent shall make arrangements to ensure that a licensed elevator mechanic or a licensed elevator mechanic-restricted is present for the inspection of the conveyance or related equipment during the entire inspection.

SECTION 55. SPS 318.1011 (8) (intro) is amended to read:

**SPS 318.1011 (8) (intro) INSPECTION REPORT.** Where an inspection specified in sub. (2), (5), or (6) is performed by someone other than ~~an~~ a licensed elevator inspector of the department or an agent municipality, the licensed elevator inspector shall file an inspection report with the department in accordance with all of the following:

SECTION 56. SPS 318.1011 (8) (a) (Note) is repealed.

SECTION 57. SPS 318.1011 (8) (b) (Note) is repealed and recreated to read:

**SPS 318.1011 (8) (b) (Note):** Forms required under this chapter are available on the department's website at <https://dsps.wi.gov>, or by request from the Department of Safety and Professional Services, P. O. Box 7302, Madison, Wisconsin 53708, or call (608) 266-2112.

SECTION 58. SPS 318.1011 (8) (c) 2. b. and 3. are amended to read:

**SPS 318.1011 (8) (c) 2. b.** The licensed elevator inspector shall notify the department.  
**(8) (c) 3.** The licensed elevator inspector shall provide the owner or owner's agent with a copy of the inspection report within 24 hours of the inspection.

SECTION 59. SPS 318.1012 (1) (b) (Note) is repealed.

SECTION 60. SPS 318.1013 (2) is amended to read:

**SPS 318.1013 (2)** The owner of a conveyance that causes a bodily injury under sub. (1) may not remove or disturb the conveyance or any of its components or permit any such removal or disturbance prior to receiving authorization from the department or agent

municipality, except for the purpose of reducing further bodily ~~harm~~ injury or property damage, or as provided in sub. (4).

SECTION 61. SPS 318.1014 (Note 2) is repealed and recreated to read:

**SPS 318.1014 (Note 2):** Forms required under this chapter are available on the department's website at <https://dsps.wi.gov>, or by request from the Department of Safety and Professional Services, P. O. Box 7302, Madison, Wisconsin 53708, or call (608) 266-2112.

SECTION 62. SPS 318.1016 (2) (Note 1) and (Note 2) and (4) are repealed.

SECTION 63. SPS 318.1017 (Note) is repealed.

SECTION 64. SPS 318.1018 and Note are created to read:

**SPS 318.1018 Investigations initiated by public. (1) VERIFICATION OF RECEIPT.** The department shall provide verification of receipt for any notice filed in accordance with s. 101.988 (1) (b), Stats. The department shall provide electronic verification of receipt of a web-based complaint form within 5 days of submission.

**Note:** Generally, the department provides verification of receipt within 60 days, unless submitted using the web-based complaint form. The web-based complaint form is available at <https://dsps.wi.gov>.

**(2) REASONABLE GROUNDS TO INVESTIGATE.** The department shall provide electronic notice, or other notice as appropriate, to the person who filed the written notice of whether the department has determined that there are reasonable grounds to investigate within 45 days of making this determination.

**(3) INVESTIGATION CONCLUDED.** The department shall provide electronic notice, or other notice as appropriate, to the person who filed the written notice within 30 days of the conclusion of the resulting investigation.

SECTION 65. SPS 318.1700 (1) (a) is renumbered SPS 318.1700 (1).

SECTION 66. SPS 318.1700 (1) (b) is repealed.

SECTION 67. SPS 318.1701 (2) is renumbered SPS 318.1701 (2) (intro.) and amended to read:

**SPS 318.1701 (2) (intro.)** Substitute the following ~~definition~~ definitions for the corresponding ~~definition~~ definitions specified in ASME A17.1 section 1.3: ~~“Authority having jurisdiction” means the department of safety and professional services, except as designated under s. SPS 318.1012.~~

SECTION 68. SPS 318.1701 (2) (a) is created to read:

**SPS 318.1701 (2) (a)** “Authority having jurisdiction” means the department of safety and professional services, except as designated under s. SPS 318.1012.

SECTION 69. SPS 318.1701 (2) (b) and (Note) and (c) and (Note) are created to read:

**SPS 318.1701 (2) (b)** “Rated speed, down” means the speed at which an electric elevator, a dumbwaiter, material lift, vertical platform lift, inclined platform lift, or stairway chairlift:

1. Prior to passing an acceptance inspection, the speed at which the car, platform, or chair is designed to operate in the down direction with rated load.
2. Upon acceptance inspection, the actual speed at which the car, platform, or chair operates in the down direction with rated load.

**Note:** “Rated speed, down” applies to components where “rated speed” is used to describe the speed in the down direction for determining performance criteria for that code section. For the actual downspeed of a hydraulic elevator, dumbwaiter, or material lift, see the definition for “operating speed in the down direction.”

**(c)** “Rated speed, up” means the speed at which an elevator, dumbwaiter, material lift, vertical platform lift, inclined platform lift, or stairway chairlift:

1. Prior to passing an acceptance inspection, the speed which the car, platform or chair is designed to operate in the up direction with rated load.
2. Upon acceptance inspection, the actual speed at which the car, platform, or chair operates in the up direction with rated load.

**Note:** “Rated speed, up” applies to components where “rated speed” is used to describe the speed in the up direction for determining performance criteria for that code section.

SECTION 70. SPS 318.1701 (3) is amended to read:

**SPS 318.1701 (3)** This is a department informational note to be used under ASME A17.1 section 1.3:

**Note:** See subsections SPS 318.1004 (8) and (10) ~~(a)~~ (ar) in subchapter I for definitions of “\_building code\_” and “\_elevator\_” because under section SPS 318.1003 (2) (a) those definitions supersede the corresponding definitions in ASME A17.1 section 1.3.

SECTION 71. SPS 318.1702 (1) (bm) is created to read:

**SPS 318.1702 (1) (bm)** This is a department rule in addition to the requirements in ASME A17.1 section 2.4.5: The data plate shall indicate the minimum designed counterweight runby.

SECTION 72. SPS 318.1702 (10) (b) 1. is renumbered SPS 318.1702 (10) (b) 1r.

SECTION 73. SPS 318.1702 (10) (b) 1g. is created to read:

**SPS 318.1702 (10) (b) 1g.** This is a department informational note to be used under ASME A17.1 section 2.27.3.2.1:

**Note:** Where a conflict between NFPA 13 and NFPA 72 occurs relating to this section, the department will refer to NFPA 13.

SECTION 74. SPS 318.1702 (10) (b) 3. a. and b. are amended to read:

**SPS 318.1702 (10) (b) 3. a.** An additional set of switch keys shall be kept in a lockable metal box mounted in a conspicuous location adjacent to the main elevator entrance or entrances at the designated level landing. Where a building has no fire command center and multiple lockable metal boxes, each box shall be openable by the same key. The box shall be openable only by the fire department, police department, licensed elevator inspector, and other authorized personnel. This does not prohibit additional keys from being placed in other approved locations.

**b.** Where the elevator has a machine room, control room, or control space, the key box shall also contain a key to access the machine room, control room, or control space, and the key shall be labeled for its use. A label inside the key box shall provide directions to the location of the disconnects including room number where applicable.

SECTION 75. SPS 318.1702 (10) (b) 4. is created to read:

**SPS 318.1702 (10) (b) 4.** This is a department exception to the requirements in ASME A17.1 section 2.27.9: The department may approve an equivalent sign.

SECTION 76. SPS 318.1702 (10) (c) is renumbered SPS 318.1702 (10) (c) 1.

SECTION 77. SPS 318.1702 (10) (c) 2. is created to read:

**SPS 318.1702 (10) (c) 2.** Substitute the following wording for the requirements in ASME A17.1 section 2.27.1: The elevator shall be provided with a hard-wired telephone or a telephone utilizing wireless, cellular, or other technology capable of operating at all points of elevator travel. The telephone shall be available in the elevator, charged if battery powered, and operational any time the elevator is in use. If the telephone is not a hard-wired land line type, the elevator shall include a sign informing riders that a telephone is required to be present while operating the elevator.

SECTION 78. SPS 318.1703 (1) (e) 2. b. is amended to read:

**SPS 318.1703 (1) (e) 2. b.** Quarterly for the first 2 years corresponding with quarterly checking of oil usage required by s. ~~SPS 318.1708 (2) (g)~~ 318.17086 (10) (a).

SECTION 79. SPS 318.1705 (3) (ag) and (ar) are created to read:

**SPS 318.1705 (3) (ag)** This is a department rule in addition to the requirements in ASME A17.1 section 5.3: A previously approved residential elevator installed to serve a commercial building may be replaced with a residential type elevator in the existing hoistway. A new installation permit is required.

**(ar)** This is a department rule in addition to the requirements in ASME A17.1 section 5.3.1.1.1: With the car at the lowest landing, the space above the car shall be guarded on all accessible sides by a partial enclosure extension or skirt. The extension shall be solid material or openwork that will reject a ball ½ inch diameter. The extension shall extend from the lower landing ceiling to 1 to 2 inches below the top edge of the car. Horizontal clearance between the car and the extension shall be 3/8 inch to ¾ inch.

SECTION 80. SPS 318.1705 (3) (b) is renumbered SPS 318.1705 (3) (cc), and SPS 318.1705 (3) (cc) 2., as renumbered, is amended to read:

**SPS 318.1705 (3) (cc) 2.** A car enclosure shall be permitted to have a top that is not load bearing provided the top of the car enclosure is not needed to be accessed to service, maintain, or inspect any part of the elevator equipment and contains a sign meeting ANSI Z535.4 or its equivalent indicating the car top is not load bearing.

SECTION 81. SPS 318.1705 (3) (c) 5. is created to read:

**SPS 318.1705 (3) (c) 5.** The clearance between the hoistway door and the floor surface may be up to 3/8 of an inch.

SECTION 82. SPS 318.1705 (3) (cg), (cn), (cr), (cw), and (e) (Note) are created to read:

**SPS 318.1705 (3) (cg)** This is a department rule in addition to the requirements in ASME A17.1 section 5.3.1.6.1: Ropes and chains passing through a wall outside the hoistway enclosure shall be enclosed with a solid or openwork enclosure. If of openwork, the enclosure shall reject a ball 13 mm, or 0.5 in., in diameter. Means for inspection shall be provided. The openings may not be larger than is necessary to clear the suspension means.

**(cn)** The allowance in ASME A17.1 section 5.3.1.7.4 (a) is not included as part of this chapter.

**(cr)** This is a department rule in addition to the requirements in ASME A17.1 section 5.3.1.14: Where the hoistway ends above an occupiable area, the floor below the car and counterweight must have sufficient strength to withstand, without failure, the impact of the car with rated load and counterweight descending at 125% of rated speed or governor tripping speed if a governor is provided.

**(cw)** This is a department rule in addition to the requirements in ASME A17.1 section 5.3.1.16: Rotating parts located outside of the hoistway for private residence elevators shall be enclosed with a solid or openwork enclosure. If of openwork, the enclosure shall reject a ball 13 mm, or 0.5 in., in diameter. Means for inspection shall be provided. The openings may not be larger than is necessary to clear the rotating parts.

(e) **(Note)** *Accessible and Usable Buildings and Facilities, ICC A117.1*, Section 409 for private residence elevators standards is applicable in commercial buildings, under the incorporation of the *International Building Code*® in SPS 361 to SPS 366.

SECTION 83. SPS 318.1708 is repealed.

SECTION 84. SPS 318.17081 is created to read:

**SPS 318.17081 Security.** This is a department rule in addition to the requirements in ASME A17.1 section 8.1: Key access for installations after the effective date of this subsection ... [LRB inserts date], as specified in this section, shall be verified by the department or agent municipality.

SECTION 85. SPS 318.17086 is created to read:

**SPS 318.17086 Maintenance, repair, replacement, and testing. (1) APPLICATION OF ASME A17.1 SECTION 8.6.** The introductory paragraph of ASME A17.1 section 8.6 is not included as part of this chapter.

**(2) DOCUMENTATION. (a)** These are department rules in addition to the requirements in ASME A17.1 section 8.6.1.1.3:

1. A new or updated maintenance control program, maintenance records, and wiring diagrams in electronic form shall be transferred to the paper copy of the document by the installing or service contractor within 3 months of the maintenance, repair, replacement, or alteration.
2. The maintenance control program, including any devices and procedures needed to meet ASME A17.1 section 8.6.1.2.1 (f), and the maintenance records and wiring diagrams are the property of the conveyance owner, not a conveyance installer or service company. They may be removed only with the permission of the owner.
3. An additional set of electrical wiring diagrams may be securely located on the top of the car only if another complete set is located in a place that is accessible by the owner or the owner's agent.

**(b)** Substitute the following wording for the requirements in ASME A17.1 section 8.6.1.2.1 (a): For new installations, the initial maintenance control program shall be provided by the equipment manufacturer. For existing equipment undergoing any alteration, repair, or replacement, the maintenance control program for the altered, repaired, or replaced components shall be provided by the person or firm performing the work. The maintenance control program shall be made available to elevator personnel at the scheduled time for service, tests, or inspection.

**(c)** Substitute the following wording for the requirements in ASME A17.1 section 8.6.1.2.1 (d): A copy of the maintenance control program shall be located as follows:

1. For a conveyance serving a commercial building and having a machine room, control room, or control space accessed directly from a building floor level or the roof, the program shall be located in that machine room or control room or space.

2. For a conveyance serving a commercial building and having an inspection and test panel, the inside cover of the inspection and test panel shall provide instructions for locating the maintenance control program. Instructions shall be permanently legible with lettering not less than 1/8 inch in height.

3. For a conveyance serving a dwelling unit, either the maintenance control program shall be at the controller, or the front of the controller shall provide instructions for locating the maintenance control program. Instructions shall be permanently legible with lettering not less than 1/8 inch in height.

**(d)** Substitute the following wording for the requirements in the introductory paragraph of ASME A17.1 section 8.6.1.2.2: The documents specified in ASME A17.1 sections 8.6.1.2.2 (a), (b), and (c), and par. (e) shall be located as follows:

1. For a conveyance serving a commercial building and having a machine room, control room, or control space accessed directly from a building floor level or the roof, the documents shall be located in that machine room or control room or space.

2. For a conveyance serving a commercial building and having an inspection and test panel, the inside cover of the inspection and test panel shall provide instructions for locating the on-site documentation. Instructions shall be permanently legible with lettering not less than 1/8 inch in height.

3. For a conveyance serving a dwelling unit, either the on-site documentation shall be at the controller, or the front of the controller shall provide instructions for locating the on-site documentation. Instructions shall be permanently legible with lettering not less than 1/8 inch in height.

**(e)** This is a department rule in addition to the requirements in ASME A17.1 section 8.6.1.2.2 (a), (b), and (c): Any plan approval letter, application form, and the plans issued under s. SPS 318.1008.

**(f)** This is a department rule in addition to the requirement in ASME A17.1 section 8.6.1.2.2 (c) (3): Written checkout procedures for two-way communication means shall be required for installations after the effective date of this subsection ... [LRB inserts date].

**(g)** Substitute the following wording for the requirements in the introductory paragraph of ASME A17.1 section 8.6.1.4: Maintenance records shall document compliance with the requirements in ASME A17.1 section 8.6. The maintenance records shall be retained for the most recent 5 years minimum, or from the date of installation or adoption of this chapter edition. Existing maintenance records up to 5 years minimum shall be retained. Maintenance records shall be located as follows:

1. For a conveyance serving a commercial building and having a machine room, control room, or control space accessed directly from a building floor level or the roof, the maintenance records shall be located in that machine room or control room or space.

2. For a conveyance serving a commercial building and having an inspection and test panel, the inside cover of the inspection and test panel shall provide instructions for locating the maintenance records. Instructions shall be permanently legible with lettering not less than 1/8 in height.

3. For a conveyance serving a dwelling unit, either the maintenance records shall be at the controller, or the front of the controller shall provide instructions for locating the maintenance records. Instructions shall be permanently legible with lettering not less than 1/8 inch in height.

**(h)** This is a department rule in addition to the requirements in ASME A17.1 section 8.6.1.4.2: The record of trouble calls shall be included in the on-site maintenance record.

**(3) FIRE EXTINGUISHERS.** Substitute the following wording for the requirements in ASME A17.1 section 8.6.1.6.5: In commercial buildings, a class "ABC" fire extinguisher shall be provided inside of, or within view and within 25 feet of, a dedicated elevator machine room, control room, machinery space, control space, or inspection and test panel as applicable, or a walk-in machine or control room for an escalator or moving walk.

**(4) WITNESSING PERIODIC TESTS.** Substitute the following wording for the requirements in ASME A17.1 section 8.6.1.7.1: Periodic tests may be witnessed by the department or agent municipality or by a person authorized by the department or agent municipality.

**(5) PERIODIC TEST RECORD.** Substitute the following wording for the requirements in ASME A17.1 section 8.6.1.7.2.: A record of the required periodic tests shall be included in the maintenance record and comply with all of the following:

**(a)** The test record shall include the tests, applicable code requirements, dates performed, the test results, and the name of the person performing the tests.

**(b)** The test record shall include the license number of the person performing the tests and the name of the company employing the license holder, for tests listed in ASME A17.1 sections 8.6.4.19, 8.6.4.20, 8.6.5.14, 8.6.5.15, 8.6.6.1.1, 8.6.6.2.1, 8.6.6.3.1, 8.6.7.1.1, 8.6.7.2.1, 8.6.7.5.1, 8.6.7.6.1, 8.6.7.7.1, 8.6.7.10, 8.6.8.15, 8.6.10.1.1, and 8.6.10.2.1.

**(c)** If an alternative test method in ASME A17.1 section 8.6.4.20 is utilized, the test report and test tag shall indicate alternative testing was utilized for the applicable requirement.

**(6) EMERGENCY COMMUNICATIONS.** This is a department rule in addition to the requirements in ASME A17.1 section 8.6.4.19.15: Written checkout procedures for emergency communications shall be required for installations after the effective date of this subsection ... [LRB inserts date].

**(7) AUXILIARY POWER SYSTEM TESTS.** Where an existing conveyance has an auxiliary power system designed to move the car in order to evacuate passengers, the system shall be tested as part of the Category 1 tests in accordance with manufacturers' recommendations.

**(8) MAINTENANCE AND TESTING OF ELECTRIC ELEVATORS.** **(a)** *Periodic test requirements, Category 5.* This is a department rule in addition to the requirements in ASME A17.1 section 8.6.4.20: Results of all Category 5 tests shall be submitted to the department or agent municipality on approved forms.

**Note:** Forms required under this chapter are available on the department's website at <https://dsps.wi.gov>, or by request from the Department of Safety and Professional Services, P. O. Box 7302, Madison, Wisconsin 53708, or call (608) 266-2112.

**(b) Car and counterweight safeties.** This is a department rule in addition to the requirements in ASME A17.1 section 8.6.4.20.1: Any damaged section of wood guide rails shall be replaced.

**(9) PERIODIC TEST REQUIREMENTS – CATEGORY 1. (a) Hydraulic tests.** Substitute the following wording for the requirements in the introductory paragraph of ASME A17.1 section 8.6.5.8: An elevator that has hydraulic piping or a portion of its hydraulic cylinder either in the ground or below the pit floor, and not visible for inspection, shall be tested in accordance with the requirements in ASME A17.1 sections 8.6.5.14.1 and 8.6.5.14.2 or shall conform to the requirements in ASME A17.1 section 8.6.5.8 (a) or 8.6.5.8 (b).

**(b) Relief valve verification of setting and system pressure test.** This is a department rule in addition to the requirements in ASME A17.1 section 8.6.5.14.1: Results of the relief valve setting and system pressure test shall be submitted to the department or agent municipality on approved forms.

**Note:** Forms required under this chapter are available on the department's website at <https://dsps.wi.gov>, or by request from the Department of Safety and Professional Services, P. O. Box 7302, Madison, Wisconsin 53708, or call (608) 266-2112.

**(c) Hydraulic cylinders and pressure piping.** This is a department rule in addition to the requirements in ASME A17.1 section 8.6.5.14.2.: Results of the hydraulic cylinder and pressure piping tests shall be submitted to the department or agent municipality on approved forms.

**Note:** Forms required under this chapter are available on the department's website at <https://dsps.wi.gov>, or by request from the Department of Safety and Professional Services, P. O. Box 7302, Madison, Wisconsin 53708, or call (608) 266-2112.

**(d) Remove from service.** An elevator that fails a test specified in ASME A17.1 sections 8.6.5.14.1 or 8.6.5.14.2 may not be issued a permit to operate and may not be returned to service until the elevator conforms with the testing requirements.

**(e) Additional tests.** These are department rules in addition to the requirements in ASME A17.1 section 8.6.5.14.3:

1. Additional tests shall be performed including the emergency communications, in accordance with ASME A17.1 section 8.6.4.19.15, and the means to restrict hoistway or car door opening, in accordance with ASME A17.1 section 8.6.4.19.16.
2. Where an auxiliary power lowering operation, in accordance with ASME A17.1 section 3.26.10, is installed as part of the standby or emergency power operation, a test shall be performed as part of the Category 1 test requirements.

**(10) PERIODIC TEST REQUIREMENTS. (a)** This is a department rule in addition to the requirements in ASME A17.1 section 8.6.5.16: Results of all Category 5 tests shall be submitted to the department or agent municipality on approved forms.

**(b)** This is a department rule in addition to the requirements in ASME A17.1 section 8.6.7.3.1: Where an elevator of the private-residence type or Part V type serves a commercial building and is equipped with a safety device that is subject to testing, the 5-year safety test in ASME A17.1 section 8.6.4.20.1 – and where applicable, the governor test in ASME A17.1 section 8.6.4.20.2 – shall be performed. The test results shall be submitted to the department or agent municipality on an approved form.

**Note:** Forms required under this chapter are available on the department's website at <https://dsps.wi.gov>, or by request from the Department of Safety and Professional Services, P. O. Box 7302, Madison, Wisconsin 53708, or call (608) 266-2112.

**(11) SPECIAL PROVISIONS. (a)** These are department rules in addition to the requirements in ASME A17.1 section 8.6.11:

**1.** The record of oil level and oil usage shall be kept quarterly, as part of the record of oil usage required under ASME A17.1 section 8.6.5.7.

**2.** The record of oil level and oil usage required under subd. 1. shall be included in the maintenance record.

**(b)** Substitute the following wording for the requirements in ASME A17.1 section 8.6.11.1: Elevators provided with firefighters' emergency operation shall be subjected quarterly by authorized personnel to Phase I recall by use of the key switch, and a minimum of one floor operation on Phase II where equipped. Deficiencies shall be corrected. A record of the findings shall be included in the maintenance record.

**Note:** Other federal and state laws may require certain facilities to perform at more frequent intervals.

**(c)** This is a department informational note to be used under ASME A17.1 sections 8.6.11.4 to 8.6.11.9: **Note:** Written procedures as specified in these sections will not be evaluated by the department.

**(12) ALTERNATIVE TEST METHOD REPORT.** This is a department rule in addition to the requirements in ASME A17.1 section 8.6.11.10.4: Where a completed test report for a Category 5 test is required to be sent to the department or agent municipality, the alternative test method report shall be sent to the department or agent municipality.

**(13) EXAMINATIONS AFTER EVENTS.** This is a department rule in addition to the requirements in ASME A17.1 sections 8.6.11.11 to 8.6.11.14: A record of the findings shall be included in the maintenance record.

**(14) PERMIT TO OPERATE - CATEGORY 1.** Category 1 test results shall be valid for one permit to operate term, regardless of whether the test is valid for the purposes of ASME A17.1.

SECTION 86. SPS 318.17087 is created to read:

**SPS 318.17087 Alterations.** (1) This is a department rule in addition to the requirements in ASME A17.1 section 8.7.2.8: Where sprinklers are added to an existing elevator machine room, machinery space, control room, control space, or top of hoistway, the installation shall comply with the requirements in ASME A17.1 section 8.7.2.28 (c) and (e), except as follows:

(a) Where the elevator already is equipped with Phase I and Phase II firefighters' emergency operation and the existing car operating panel will remain, the elevator is not required to have the firefighters' emergency operation functions on the car operating panel behind a locked cover, unless required by another part of ASME A17.1 section 8.7.

(b) Where the elevator already is equipped with a Phase I key switch of the bypass-off-on type, the key switch is not required to meet ASME A17.1 section 2.27.3.1 unless required by another part of ASME A17.1 section 8.7.

(2) Substitute the following wording for the requirements in ASME A17.1 section 8.7.2.14.1: Where an alteration consists of the installation of a new car, the installation shall conform to sections 2.14, 2.15, and 2.17.

(3) Substitute the following wording for the requirements in ASME A17.1 section 8.7.2.14.2 (i): Where an alteration consists of the installation of a car door or gate on an existing elevator car, the installation shall conform to 2.14.4, 2.14.5, and 2.14.6.

(4) Substitute the following wording for the requirements in ASME A17.1 section 8.7.2.16.4 (a): Car doors or gates shall be provided at all car entrances. Where new car doors or gates are installed, they shall conform to 2.14.4, 2.14.5, and 2.14.6.

(5) This is a department rule in addition to the requirements in ASME A17.1 section 8.7.2.17.1: Where an elevator is not equipped with Phase I and Phase II firefighters' emergency operation and an increase in rise results in travel of 25 feet or more above or below the designated level, the installation shall meet the requirements in ASME A17.1 sections 2.27.3 to 2.27.9 for the installation of firefighters' emergency operation.

(6) Substitute the following wording for the requirements in ASME A17.1 section 8.7.2.17.2 (b) (4): Car doors or gates shall be provided at all car entrances. Where new car doors or gates are installed, they shall conform to section 2.14.

(7) This is a department rule in addition to the requirements in ASME A17.1 section 8.7.2.28 (c): All elevators in the building equipped with firefighters' emergency operation shall conform to the requirements in ASME A17.1 section 2.27.8 for switch keys.

(8) This is a department rule in addition to the requirements in ASME A17.1 section 8.7.2.28 (d): All elevators in the building equipped with firefighters' emergency operation shall conform to the requirements in ASME A17.1 section 2.27.8 for switch keys.

(9) This is a department rule in addition to the requirements in ASME A17.1 section 8.7.3.8: Where sprinklers are added to an existing elevator machine room, machinery space, control room, control space, or top of hoistway, the installation shall comply with the requirements in ASME A17.1 section 8.7.3.31.8 (c) and (e), except as follows:

(a) Where the elevator already is equipped with Phase I and Phase II firefighters' emergency operation and the existing car operating panel will remain, the elevator is not required to have the firefighters' emergency operation functions on the car operating panel behind a locked cover, unless required by another part of ASME A17.1 section 8.7.

(b) Where the elevator already is equipped with a Phase I key switch of the bypass-off-type, the key switch is not required to meet ASME A17.1 section 2.27.3.1 unless required by another part of ASME A17.1 section 8.7.

(10) These are department rules in addition to the requirements in ASME A17.1 section 8.7.3.22.1:

(a) Where an elevator is not equipped with Phase I and Phase II firefighters' emergency operation and an increase in rise results in travel of 25 feet or more above or below the designated level, the installation shall meet the requirements in ASME A17.1 section 8.7.3.31.8 (c) for the installation of firefighters' emergency operation.

(b) A decrease in travel shall conform to the requirements of ASME A17.1 section 3.4.3.

(11) This is a department rule in addition to the requirements in ASME A17.1 section 8.7.3.31.8 (c): All elevators in the building equipped with firefighters' emergency operation shall conform to the requirements in ASME A17.1 section 2.27.8 for switch keys.

(12) This is a department rule in addition to the requirements in ASME A17.1 section 8.7.3.31.8 (d): All elevators in the building equipped with firefighters' emergency operation shall conform to the requirements in ASME A17.1 section 2.27.8 for switch keys.

(13) Substitute the following wording for the requirements in ASME A17.1 section 8.7.4.1: Where any alteration is made to a rack-and-pinion elevator, the altered portion shall comply with section 4.1.

(14) Substitute the following wording for the requirements in ASME A17.1 section 8.7.4.2: Where any alteration is made to a screw-column elevator, the altered portion shall comply with section 4.2.

(15) The requirements in ASME A17.1 section 8.7.5.3 are not included as part of this chapter.

SECTION 87. SPS 318.17089 is created to read:

**SPS 318.17089 Code data plate.** Substitute the following wording for the requirements in the introductory paragraph of ASME A17.1 section 8.9: ASME A17.1 section 8.9 contains requirements for all new equipment within the scope of this chapter.

SECTION 88. SPS 318.170810 is created to read:

**SPS 318.170810 Acceptance inspections and tests, general requirements. (1)**  
PERSONS AUTHORIZED TO MAKE ACCEPTANCE INSPECTIONS AND TESTS. Substitute the

following wording for the requirements in ASME A17.1 sections 8.10.1.1.1 and 8.10.1.1.3: All acceptance inspections shall be performed by licensed elevator inspectors.

(2) PERSONS INSTALLING OR ALTERING EQUIPMENT. This is a department rule in addition to the requirements in ASME A17.1 section 8.10.1.1.2: The installation may not be placed in service until authorized by the department or agent municipality.

(3) ACCEPTANCE TEST REPORTS. This is a department rule in addition to the requirements in ASME A17.1 section 8.10.1.1.5: The results of acceptance tests including those required to be witnessed by the licensed elevator inspector shall be recorded on forms of the department or agent municipality. Where witnessed, forms are not required to be submitted to the department or agent municipality.

**Note:** Forms required under this chapter are available on the department's website at <https://dsps.wi.gov>, or by request from the Department of Safety and Professional Services, P. O. Box 7302, Madison, Wisconsin 53708, or call (608) 266-2112.

(4) REPLACEMENT OF SPEED GOVERNOR INSPECTION AND TEST REQUIREMENTS. This is a department rule in addition to the requirements in ASME A17.1 section 8.10.2.3.2 (f): Where a speed governor is replaced, in accordance with 8.6.3.6.1, tests shall be performed as specified in ASME A17.1 sections 8.10.2.2.2 (hh) and 8.6.4.20.2 (b).

(5) ELEVATORS USED FOR CONSTRUCTION. This is a department rule in addition to the requirements in ASME A17.1 section 8.10.5.10: The department may conduct a maximum of 2 billable construction use inspections in a 90-day period unless the department finds probable cause for additional inspections.

SECTION 89. SPS 318.170811 is created to read:

**SPS 318.170811 General requirements for periodic inspections and witnessing of tests.** (1) PERSONS AUTHORIZED TO PERFORM PERIODIC INSPECTIONS AND TO WITNESS TESTS. Substitute the following wording for the requirements in ASME A17.1 sections 8.11.1.1 and 8.11.1.1.1: Licensed elevator inspectors performing periodic inspections shall comply with the applicable credentialing requirements in ch. SPS 305.

(2) PERSONS AUTHORIZED TO PERFORM PERIODIC TESTS. Substitute the following wording for the requirements in ASME A17.1 section 8.11.1.1.2 (a): Licensed or registered elevator personnel performing periodic inspections and tests under ASME A17.1 section 8.11 shall comply with ch. SPS 305. Licensed elevator inspectors may choose to witness tests.

(3) PERIODIC TEST REPORTS. Substitute the following wording for the requirements in ASME A17.1 section 8.11.1.1.2 (b): Results of required tests shall be reported by the person performing the test, on approved forms, where required.

**Note:** Forms required under this chapter are available on the department's website at <https://dsps.wi.gov>, or by request from the Department of Safety and Professional Services, P.O. Box 7302, Madison, Wisconsin 53708, or call (608) 266-2112.

**(4) PERIODIC INSPECTION AND TEST FREQUENCY.** Substitute the following wording for the requirements in ASME A17.1 section 8.11.1.3:

- (a)** Periodic inspections shall be made at intervals not longer than one year.
- (b)** Except as provided in sub. (8), category 1 periodic tests shall be made at intervals not longer than one year.
- (c)** Category 3 periodic tests shall be made at intervals not longer than 3 years.
- (d)** Category 5 periodic tests shall be made at intervals not longer than 5 years.

**(5) INSTALLATION PLACED OUT OF SERVICE.** Substitute the following wording for the requirements in ASME A17.1 section 8.11.1.4:

- (a)** Placing a conveyance out of service shall include all of the following:
  1. Removal of power feed lines from the load side terminals of the electrical disconnecting means.
  2. Sealing of the disconnecting means in the open position.
  3. Hoistway doors and access doors for elevators, dumbwaiters, and material lifts shall be permanently barricaded or mechanically fastened in the closed position with additional means. Only the landing where the car or platform is located may be secured by using the interlock.

**Note:** See ASME A17.1 section 8.1.3 for requirements relating to Group 2 security.

4. Securing the car and counterweights, where provided, to prevent either from falling due to suspension-member or equipment failure.
5. For escalators or moving walks, barricading of entrances to prevent access. Barricades shall be constructed in accordance with the building code.
6. Verification of compliance with subs. a. to d. by the department or agent municipality.
7. Written approval of the building code authority where a conveyance is part of a required accessible route in an occupied building.

**(b)** A conveyance placed out of service is no longer required to have periodic inspections or tests.

**(c)** Before the conveyance may be returned to service, a conveyance placed out of service shall have all applicable periodic inspections and tests performed, and shall meet the permit to operate requirements in s. SPS 318.1011.

**(6) INSTALLATION CONVERTED TO A TYPE A MATERIAL LIFT.** These are department rules in addition to the requirements in ASME A17.1 section 8.11.1.4:

- (a)** Converting an existing elevator to a type A material lift shall include all of the following:
  1. Removal of in-car controls.
  2. Installations of signs meeting ANSI Z535.4 or its equivalent stating “For Material Only. No Riders Permitted” at the hall controls and the former location of the car

operating panel in letters not less than ½ inch in height and centered on the back wall of the car 72 inches above the car floor in letters not less than 2 inches in height.

3. Verification of compliance with subs. 1. and 2. by the department or agent municipality.
4. Written approval of the building code authority where the elevator is part of a required accessible route in an occupied building.

**(b)** A conveyance converted to a type A material lift is no longer required to have periodic inspections or tests.

**Note:** A type A material lift, although not regulated by the department, is still subject to federal or state regulations regarding occupational safety. Improper maintenance can result in injury or death for persons loading or unloading materials, maintaining equipment, or otherwise occupying the building.

**(c)** Converting a type A material lift back to a conveyance shall include complying with the permit-to-operate requirements in s. SPS 318.1011 and satisfactory completion of all applicable tests and inspections prior to returning the elevator to service.

**(7) PERIODIC INSPECTION AND TESTS OF ESCALATORS AND MOVING WALKS.**

**(a)** ‘Clearance between step and skirt.’ This is a department rule in addition to the requirements in ASME A17.1 section 8.6.8.2: Results of the clearance between the step and skirt shall be submitted to the department or agent municipality on approved forms.

**(b)** ‘Step/skirt performance index.’ This is a department rule in addition to the requirements in ASME A17.1 sections 8.6.8.3.1 to 8.6.8.3.3: Results of the step/skirt performance index test shall be submitted to the department or agent municipality on approved forms.

**Note:** Forms required under this chapter are available on the department's website at <https://dsps.wi.gov>, or by request from the Department of Safety and Professional Services, P. O. Box 7302, Madison, Wisconsin 53708, or call (608) 266-2112.

**(8) PERIODIC TESTS OF DUMBWAITERS.** Category 1 periodic tests of dumbwaiters shall be made at intervals of not longer than 5 years.

SECTION 90. SPS 318.1709 (1) (intro) and (a) are consolidated, renumbered 318.1709 (1), and amended to read:

**SPS 318.1709 Reference codes, standards, and specifications. (1)** This is a department rule in addition to the requirements in ASME A17.1 Part 9: Any code or standard listed in section 9.1 without a specific year of issuance shall mean the published edition of that code or standard which was available on ~~October 21, 2013~~ May 30, 2017, except as follows: ~~(a) Where~~ where a different edition is specified directly or indirectly in the building code, that different edition applies, ~~except as provided in par. (b).~~

SECTION 91. SPS 318.1709 (1) (b) is repealed.

SECTION 92. SPS 318.1801 (2) (intro), (a), and (b) are renumbered SPS 318.1801 (2) (a) (intro.), 1., and 2.

SECTION 93. SPS 318.1801 (2) (c) is renumbered SPS 318.1801 (2) (b) and amended to read:

**SPS 318.1801 (2) (b)** This definition is in addition to the definitions in ASME A18.1 section 1.3: "Periodic inspection and tests" means routine inspection and tests plus additional detailed examination and operation of equipment at specified intervals to check for compliance with the applicable requirements.

SECTION 94. SPS 318.1801 (3) (a) and (b) are amended to read:

**SPS 318.1801 (3) (a)** This is a department rule in addition to the requirements in ASME A18.1 section 1.5: Any code or standard listed in Table 1.5-1 without a specific year of issuance shall mean the published edition of that code or standard which was available on ~~October 31, 2014~~ August 3, 2017, except where a different edition is specified directly or indirectly in the building code.

**(b)** Substitute ASME A17.1–~~2013~~ 2016 for the ASME A17.1 reference in ASME A18.1 Table 1.5-1.

SECTION 95. SPS 318.1802 (2) (a) is renumbered SPS 318.1802 (2) (ar).

SECTION 96. SPS 318.1802 (2) (ag) is created to read:

**SPS 318.1802 (2) (ag)** This is a department rule in addition to the requirements in ASME A18.1 sections 2.1.1.2 and 2.1.1.3: Where the lift side of the door and sill present a smooth surface located not closer than 3/8 inch and not more than 3/4 inch from the access edge of the platform floor, the clearance between the edge of the platform floor and the glazing in a fire-rated runway door may not be more than 1¼ inches. The shear condition at the top of any glazing in the door shall be beveled at not less than 45 degrees.

SECTION 97. SPS 318.1802 (2) (b) is amended to read:

**SPS 318.1802 (2) (b)** This is a department rule in addition to the requirements in ASME A18.1 ~~sections 2.1.2.2 and~~ section 2.1.2.3: Where the lift side of the door and sill present a smooth surface located not closer than 3/8 inch and not more than 3/4 inch from the access edge of the platform floor, the clearance between the edge of the platform floor and the glazing in a fire-rated runway door may not be more than 1¼ inches. The shear condition at the top of any glazing in the door shall be beveled at not less than 45 degrees.

SECTION 98. SPS 318.1802 (3m) is created to read:

**SPS 318.1802 (3m) RELOCATABLE LIFTS.** The requirements of ASME A18.1 section 2.1.5 are not included as part of this chapter.

SECTION 99. SPS 318.1802 (4) (a) and (b) are amended to read:

**SPS 318.1802 (4) (a)** Substitute the following wording for the requirements in ASME A18.1 section 2.1.6 7.1: Ramps, where provided, shall be in accordance with the building code.

**(b)** Substitute the following wording for the requirements in the last sentence and pars. (a) to (e) of ASME A18.1 section 2.1.6 7.2: When in use, the inclination of retractable ramps shall be in accordance with the building code.

SECTION 100. SPS 318.1802 (5) (intro.) and (a) are consolidated, renumbered SPS 318.1802 (5), and amended to read:

**SPS 318.1802 (5) PLATFORM AREA SIZE OF END ENTRANCE PLATFORMS.** Substitute the following wording for the requirements in ASME A18.1 section 2.6.5: ~~(a) *Size of platform.*~~ Platform lifts shall have a minimum clear width of 36 inches and a minimum clear length of 54 inches ~~except as specified in par. (b).~~ For lifts complying with ASME A18.1 sections 2.1.1, 2.1.2, and 2.1.3, the net inside floor area may not exceed 18 square feet. For lifts complying with ASME A18.1 section 2.1.4, the net inside floor area may not exceed 25 square feet. Platform lift controls and the required grab rail or grab bar may not project more than 4 inches from the platform side wall measured between a minimum of 30 inches to a maximum of 48 inches above the platform floor. ~~The minimum width between allowed projections may not be less than 32 inches.~~

SECTION 101. SPS 318.1802 (5) (b) is repealed.

SECTION 102. SPS 318.1802 (9) is amended to read:

**SPS 318.1802 (9) MANUAL OPERATION.** Substitute the following wording for the requirements in ASME A18.1 section 2.10.10: A vertical platform lift which is not connected to a building's standby or emergency power and which is not equipped with rechargeable battery power capable of cycling the lift under full load for ~~at least 2 cycles~~ minimum after normal building power is removed shall be provided with a means to manually raise or lower the platform to a landing. The means shall be operable only by ~~authorized lift~~ personnel, and from a landing, without working directly over the platform.

SECTION 103. SPS 318.1802 (10) (intro) is renumbered SPS 318.1802 (10) (am) (intro.) and is amended to read:

**SPS 318.1802 (10) (am) (intro.)** ~~Substitute the following for the requirements in the introductory paragraph of~~ These are department rules in addition to the requirements in ASME A18.1 section sections 2.11, 2.11.1, and 2.11.3:

SECTION 104. SPS 318.1802 (10) (a) and (b) are renumbered SPS 318.1802 (10) (am) 1. and 2.

SECTION 105. SPS 318.1802 (10) (c) is renumbered SPS 318.1802 (10) (bm) and is amended to read:

**SPS 318.1802 (10) (bm)** Substitute the following wording for the requirements in ASME 18.1 section 2.11.2: A vertical platform lift meeting the requirements in ASME A18.1 sections 2.1.1, 2.1.2, or 2.1.3 that is installed indoors in an area which is not visible to personnel at all times shall have emergency signaling devices provided in accordance with the requirements in ASME A18.1 section 2.11.1 and ASME A17.1 sections 2.27.1.1.1 to 2.27.1.1.3 and 2.27.1.1.5 except “in the elevator” and “in the car” mean “on the platform.”

SECTION 106. SPS 318.1810 (3) (a) 6. is created to read:

**SPS 318.1810 (3) (a) 6.** Written approval of the building code authority where a conveyance is part of a required accessible route in an occupied building.

SECTION 107. SPS 318.1810 (4) and (5) are amended to read:

**SPS 318.1810 (4)** ROUTINE INSPECTIONS AND TESTS. Substitute the following wording for the requirements in ASME A18.1 section 10.2.1: Routine inspections and tests of sections 2 and 3 lifts shall be performed at intervals of not longer than one year. Routine inspections and tests of section 4 lifts shall be performed at intervals of not longer than 3 years.

**(5)** INSPECTIONS AND TEST REQUIREMENTS. Substitute the following wording for the requirements in ASME A18.1 section 10.2.2: Routine inspections shall include the applicable items listed in ASME A18.1 sections 10.2.2.1 to 10.2.2.4. Where an inspection reveals a need for a test to be conducted, the licensed elevator inspector may order the test.

SECTION 108. SPS 318.1810 (7) is renumbered SPS 318.1810 (7) (a).

SECTION 109. SPS 318.1810 (7) (Note) is repealed.

SECTION 110. SPS 318.1810 (7) (a) (Note) is created to read:

**SPS 318.1810 (7) (a) Note:** Forms required under this chapter are available on the department's website at <https://dsps.wi.gov>, or by request from the Department of Safety and Professional Services, P. O. Box 7302, Madison, Wisconsin 53708, or call (608) 266-2112.

SECTION 111. SPS 318.1810 (7) (b) and (c) are created to read:

**SPS 318.1810 (7) (b)** This is a department rule in addition to the requirements in ASME A18.1 section 10.1.3: The hydraulic control valves shall be tested in accordance with the requirements in ASME A17.1 8.10.3.2.2 (v).

(c) Substitute the following wording for the requirements in ASME A18.1 subsection 10.3.3.1 (b): For Type A safeties and Type A safety parts of Type C safeties, there shall be sufficient travel of the safety rollers or dogs remaining after the test to bring the platform and its rated load to rest on safety application at governor tripping speed. A metal tag shall be attached to the lift tower in a permanent manner that is readily visible to inspectors without disassembly, giving the date of the safety test together with the name of the person or firm who performed the test.

SECTION 112. SPS 318.1811 is created to read:

**SPS 318.1811 Maintenance logs. (1) WEEKLY OPERATION PROCEDURE.** The requirements in ASME A18.1 section 11.1.2 (c) are not included as part of this chapter.  
**(2) ON-SITE DOCUMENTATION.** This is a department rule in addition to the requirements in ASME A18.1 part 11.3: For a lift having an inspection and test panel, the inside cover of the inspection and test panel shall provide instructions for locating the on-site documentation. Instructions shall be permanently legible with lettering not less than 1/8 inch in height.

SECTION 113. Subchapter VI of chapter SPS 318 is created to read:

CHAPTER 318  
SUBCHAPTER VI  
CHANGES, ADDITIONS, OR OMISSIONS TO ANSI E1.42

**SPS 318.4200 Entertainment technology.**

(1) GENERAL. Orchestra pit lifts shall be designed, constructed, installed, operated, maintained, tested, and inspected in accordance with ANSI E1.42, except as otherwise provided in this subchapter.

(2) CHANGES, ADDITIONS, AND OMISSIONS. Changes, additions, or omissions to ANSI E1.42 are specified in this subchapter and are rules of the department and are not requirements in ANSI E1.42.

**Note:** The sections in this subchapter are generally numbered to correspond with the chapter numbering in ANSI E1.42. For example, section SPS 318.4201 corresponds to ANSI E1.42 Chapter 1.

(3) RETROACTIVITY. The operation, testing, maintenance, and periodic inspection requirements of this subchapter apply to all orchestra pit lifts existing prior to the effective date of this subsection [LRB inserts date].

(4) PIT ACCESS. Orchestra pit lifts installed after the effective date of this subsection [LRB inserts date] in accordance with this subchapter shall include a means to access the pit for use when the lift is at the lowest landing.

(5) STAGE FALL PROTECTION PLAN. An orchestra pit lift owner shall develop and implement a protection plan to address the hazard of stage edge falls.

**Note:** An example of a stage edge fall protection plan is available in ANSI E1.42 Annex B.

**SPS 318.4201 Scope and application.**

(1) The statement in ANSI E1.42 section 1.1.1.1 is not included as part of this subchapter.

(2) This is a department rule in addition to the requirements in ANSI E1.42 section 1.1.2: This subchapter covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of orchestra pit lifts and the associated parts, rooms, spaces, and hoistways.

(3) This is a department rule in addition to the requirements in ANSI E1.42 section 1.1.4: An orchestra pit lift that is not covered by this subchapter shall be subject to s. SPS 318.1700 (1).

**SPS 318.4202 Reference codes, standards, and specifications.** Substitute the following requirement for ANSI E1.42 section 2.1: All references listed in ANSI E1.42 section 2.2 are informational only and are not requirements of this subchapter.

**SPS 318.4203 Definitions.**

(1) Substitute the following definitions for the corresponding definitions specified in ANSI E1.42 chapter 3:

- (a) “Authority having jurisdiction” means the department of safety and professional services, except as designated under s. SPS 318.1012.
- (b) “Lifting load” means the load that the equipment is designed and installed to lift at the rated speed.
- (c) “Qualified person” means one who is licensed for the corresponding work by the department under s. SPS 305.991.
- (d) “Static load” means the live load that the orchestra pit lift is designed and installed to support while the lift platform is not in motion as provided by the manufacturer upon installation or as approved by the department.

(2) This is a department definition in addition to the definitions in ANSI E1.42 chapter 3: “Orchestra pit lift” has the meaning given in s. SPS 318.1004 (10) (g).

**SPS 318.4204 Design requirements.**

(1) Substitute the following wording for the requirements in ANSI E1.42 section 4.3.3: The horizontal gaps between the edges of the lift platform floor and fixed floors shall be greater than zero, in order to avoid direct contact, and not greater than  $\frac{3}{4}$  inch.

(2) This is a department rule in addition to the requirements in ANSI E1.42 section 4.1.4.1: The means of stopping and preventing unintended movement of the lift platform shall be tested at 100% of rated load.

(3) Substitute the following wording for the requirements in ANSI E1.42 section 4.1.4.1.2: An inherently self-locking gear reducer or actuator that resists motion by a restraining force 150% or greater than the applied force may be permitted for use as secondary means against uncontrolled or unintended movement, where available from the manufacturer. Where the secondary means is installed, it shall be inspected by a qualified person.

(4) This is a department rule in addition to requirements in ANSI E1.42 section 4.3.3.1: The horizontal gaps shall be measured between the edge of the lift platform surface and the edge of the fixed floor.

(5) This is a department rule in addition to requirements in ANSI E1.42 section 4.6.1: The illumination levels shall be a minimum of 19 foot candles at the controller with the door open or closed, at the main disconnect location, and at the drive machines. The remainder of the pit floor shall be a minimum of 10 foot candles, including at access levels, the route to controller and disconnect location, and any other Group 2 areas, in accordance with ASME A17.1, section 2.2.5, as applicable.

#### **SPS 318.4205 Control systems.**

(1) This is a department informational note to be used under ANSI E1.42 section 5.1.3:

**Note:** See s. SPS 316.620 and NEC 620 for additional requirements.

(2) Substitute the following wording for the requirements in ANSI E1.42 section 5.5.4: When actual and stored position data differ, setting or restoring position data for the lift shall only be done by qualified or competent persons.

(3) Substitute the following wording for the requirements in ANSI E1.42 section 5.6.1.2: The circumstances requiring the override shall be investigated by a competent person before an override is engaged and may only be performed by an authorized person in communication with the operator. Override devices shall be located in a position so as to provide the authorized person a clear line of sight to the condition requiring the override. Indicators at all operator positions shall change state to inform the operator that the override has been engaged. The override device may not initiate motion without the direct action of the lift operator and shall limit speed and direction of travel while engaged.

#### **SPS 318.4206 Safety systems.**

(1) This is a department rule in addition to requirements in ANSI E1.42 section 6.3.1.2: Suitable active guarding mechanisms shall be per manufacturer's recommendations or as approved by the department.

(2) This is a department rule in addition to requirements in ANSI E1.42 section 6.4.6: The emergency unlocking or unlatching release systems shall be accessible only to competent persons.

**SPS 318.4207 Installation and inspections.**

(1) Substitute the following for the requirements in ANSI E1.42 section 7.1.1: Orchestra pit lifts shall be tested in accordance with the applicable criteria in ASME A17.1 section 8.6.

(2) The requirement in ANSI E1.42 section 7.1.4 is not included as part of this subchapter.

(3) Substitute the following for the requirements in ANSI E1.42 section 7.2.2: Compliance testing may be observed by the department.

(4) Substitute the following wording for the requirements in ANSI E1.42 section 7.9.7.5: Any additional issues as identified by the manufacturer's instructions or noted by the department during previous inspections.

(5) These are department rules in addition to requirements in ANSI E1.42 chapter 7:

- (a) Periodic inspections shall be made at intervals not longer than one year.
- (b) Periodic tests in conformance with ANSI E1.42 sections 7.3, 7.4, 7.5, and 7.8 shall be made at intervals not longer than one year.
- (c) Periodic tests in conformance with ANSI E1.42 sections 7.6, 7.7, 7.9, and 7.10 shall be made at intervals not longer than 5 years.

**SPS 318.4208 Operation, maintenance, and repair.**

(1) Substitute the following wording for the requirements in ANSI E1.42 section 8.1.2: A written record of all trainings for competent persons and authorized persons, including the names of the competent persons, the names of the authorized persons, the names and affiliations of the trainers, and the dates of any training received from the trainers shall be maintained and shall be made available for inspection on request.

(2) Substitute the following wording for the requirements in ANSI E1.42 section 8.2.4: If a fault, malfunction, damage, unusual sound, or other unusual performance of the orchestra pit lift occurs, then the operator shall stop the lift and evaluate the lift status. If corrective action cannot be taken within the authority of the operator, then the lift shall be taken out of service and referred to a competent person. Any such event and resulting actions shall be reported in accordance with section 8.3.4.

(3) Substitute the following wording for the requirements in ANSI E1.42 section 8.3.3: For new installations, the initial maintenance control program shall be provided by the equipment manufacturer. For existing equipment undergoing any alteration, repair, or replacement, the maintenance control program for the altered, repaired, or replaced components shall be provided by the person or firm performing the work. The maintenance control program shall be made available at the scheduled time for service, tests, or inspection.

(4) This is a department rule in addition to requirements in ANSI E1.42 section 8.3.4: A paper copy of the record shall be available.

(5) Substitute the following wording for the requirements in ANSI E1.42 section 8.4.1.2: Alterations and repairs to orchestra pit lifts manufactured to this standard shall be performed or supervised by qualified persons, in accordance with s. 101.984, Stats.

(6) Substitute the following wording for the requirements in ANSI E1.42 section 8.4.6.1: Orchestra pit lifts subject to this subchapter shall be inspected and operationally tested in accordance with ANSI E1.42 by a qualified person after any alterations, replacements, or repairs listed in table SPS 318.1007-1, as applicable. An orchestra pit lift may not be returned to service until it is in compliance with ANSI E1.42 section 8.4.6.

SECTION 114. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis

Original    Updated    Corrected

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2. Administrative Rule Chapter, Title and Number

SPS 305 and 318

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3. Subject

Wisconsin Conveyance Safety Code

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4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

5. Chapter 20, Stats. Appropriations Affected

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6. Fiscal Effect of Implementing the Rule

No Fiscal Effect    Increase Existing Revenues    Increase Costs  
 Indeterminate    Decrease Existing Revenues    Could Absorb Within Agency's Budget  
 Decrease Cost

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7. The Rule Will Impact the Following (Check All That Apply)

State's Economy    Specific Businesses/Sectors  
 Local Government Units    Public Utility Rate Payers  
 Small Businesses **(if checked, complete Attachment A)**

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8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes    No

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9. Policy Problem Addressed by the Rule

The primary objective of this rulemaking project is to evaluate and update the *Wisconsin Conveyance Safety Code*, SPS 318. This rulemaking update is intended to keep the Code consistent with dynamic, contemporary regional, national, and emergency practices and standards, as required by statute, and with any legislation enacted since the previous update on these rules.

In addition, the project includes revisions to another chapter affected by the update of the *Wisconsin Conveyance Safety Code*, chapter SPS 305, relating to licenses, certifications and registrations.

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10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule.

Comments were received from one entity indicating that there may be increased costs for elevator owners. These comments were taken into consideration in the department's analysis of the economic impact of the proposed rules.

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11. Identify the local governmental units that participated in the development of this EIA.

No local governmental units participated in the development of this EIA.

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12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.

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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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### 13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The primary purpose of the codes under consideration is to establish minimum safety standards for the design, construction, installation, operation, inspection, testing, maintenance, alteration, repair, and replacement of conveyances. Periodic review and update of these codes is necessary to ensure that they still achieve that purpose, and is required by statute. In addition, the review and update provides the opportunity to recognize and stay current with new construction products and practices. The review and update includes an evaluation of the most recent editions of the relevant codes and guides for incorporation.

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### 14. Long Range Implications of Implementing the Rule

The *Wisconsin Conveyance Safety Code* contains standards for the design, construction, use, maintenance, alteration, and inspection of elevators, escalators, and lifts in public buildings, places of employment and one- and 2-family dwellings. In keeping with the statutory requirement to use nationally recognized standards, this Code revision incorporates updated national standards, including consideration of *ASME A17.1/CSA B44 – 2016 Safety Code for Elevators and Escalators* and *ASME A18.1 – 2017 Safety Standards for Platform Lifts and Stairway Chairlifts*.

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### 15. Compare With Approaches Being Used by Federal Government

Elevators and escalators at marine terminal facilities are subject to regulations under the Occupational Safety and Health Administration (OSHA) in 29 C.F.R. 1979.116. Buildings built on federal property are legally exempt from state and local conveyance codes, however, the General Services Administration (GSA) has a policy that federal buildings comply with state and local building codes to the maximum extent practicable.

Both 28 CFR 35 and 28 CFR 36 require public buildings and commercial facilities, including government-owned and operated buildings and facilities, to be designed, constructed, and altered in compliance with the accessibility construction regulations specified under the federal Americans with Disabilities Act Accessibility Guidelines (ADAAG). Chapter 4: Accessible Routes, sections 407 through 410, and Chapter 2: Scoping Requirements, section 206.6, provide standards relating to elevators and platform lifts. Wisconsin ensures commercial buildings meet federal accessibility requirements through its adoption of the International Building Code (IBC). Chapter 11 of the IBC addresses accessibility and incorporates ICC A117.1 as a secondary standard. The American National Standard: Accessible and Usable Buildings and Facilities (ICC A117.1), which is incorporated into 24 CFR 100 by reference, is the federal technical standard for the design of housing and other facilities that are accessible to persons with disabilities as referenced in the federal Fair Housing Act.

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### 16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

#### **Illinois:**

Illinois establishes statewide minimum standards for the regulating the installation, construction, operation, inspection, testing, maintenance, alteration, and repair of elevators, dumbwaiters, escalators, moving sidewalks, platform lifts, stairway chairlifts, and automated people movers, and by licensing personnel and businesses that work on these conveyances. The state has adopted the following standards:

- Safety Code for Elevators and Escalators (ASME A17.1-2013/CSA B44-2013) and Performance-Based Safety Code for Elevators and Escalators (ASME A17.7-2007/CSA B44.7-07)
- Safety Code for Existing Elevators and Escalators (ASME A17.3-2005), with some specified exceptions
- Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1-2011)
- Standard for the Qualification of Elevator Inspectors (ASME QEI-1-2013)

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

- Automated People Mover Standards (ANSI/ASCE/T&DI 21-13)

Local regulation may exceed the statewide standards. The Certificate of Operation shall be displayed on or in each conveyance.

Title 41: Fire Protection, Chapter II: Elevator Safety Review Board, Part 1000 Illinois Elevator Safety Rules, Sections 1000.10 through 1000.190:

<http://www.ilga.gov/commission/jcar/admincode/041/04101000sections.html>

### **Iowa:**

Iowa regulates the design, construction, installation, operation, inspection, testing, maintenance, alteration and repair of elevators, escalators, material lift elevators installed after August 10, 2016, dumbwaiters, wind tower lifts, construction personnel hoists, and other equipment governed by Iowa Code chapter 89A and Administrative Rules Chapters 71 to 73. The state has adopted the following standards for installations on or after May 16, 2018:

- ASME A17.1-2016/CSA B44-16
- ASME A17.7-2012/CSA B44.7-12
- ASME A17.8-2016/CSA B44.8-16
- ASME A18.1 (2014), except Chapters 4, 5, 6, and 7
- ANSI A117.1 (2017), except for requirement 407.4.7.1.2
- ANSI/NFPA 70 (2017)

Operating permits shall be conspicuously displayed. Specifically, permits for elevators shall be posted in the car, and permits for escalators, dumbwaiters, wind tower lifts, moving walks, or wheelchair lifts shall be posted on or near the subject conveyance. IAC 71.7 (3).

Iowa Code 89A, Administrative Rules Chapter 71 through 73: <https://www.iowadivisionoflabor.gov/elevator-iowa-code-and-administrative-rules>

### **Michigan:**

The Michigan Department of Licensing and Regulatory Affairs, Elevator Division is responsible for the administration and enforcement of the Michigan Elevator Code by conducting inspections of elevator installations and alterations as well as annual safety inspections. The division also investigates elevator accidents and violations of the Michigan Elevator Code and assures proper elevator permits have been issued.

Michigan has adopted the following national standards:

- ASME A17.1-2010, except for sections, 2.5.1.5.3, 2.8.3.3.2, 2.8.6, 2.11.1.3, 2.11.1.4, 2.11.7.2, 2.11.7.2.1, 2.11.7.2.2, 2.11.7.2.3, 2.11.7.2.4, 2.11.7.2.5, 2.14.2.2(f), 2.14.2.6, 2.14.5.8.2, 2.16.5.1.3, 2.22.2, 3.18.3.8.3, 3.19.5.2, 3.22.1.6, 5.3.1.1.1, 5.3.1.1.2, 5.3.1.2.1, 5.3.1.14.3, 5.4.10.2, 8.6.5.8, 8.6.11.5 to 8.6.11.5.6, 8.10.1.1.3, 8.11.1.1, 8.11.1.1.1, 8.11.1.1.2
- ASME A17.2-2012
- ASME A17.6-2010
- ASME A17.7-2007, except for where the Michigan elevator rules make an exception to, addition to, or an amendment of, an ASME A17.1/CA B44 code section the Michigan elevator rules shall govern over the corresponding section in ASME A17.7/CSA B44.7 and must obtain department approval

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

- ASME A18.1-2011, except for sections 2.1.2 to 2.1.2.8, 2.1.3 to 2.1.3.10, 3.10.2 to 3.10.2.4, 10.1.1, 10.1.2 to 10.1.2.3, 10.1.3.3, 10.1.4, and 10.2.1
- ASME A90.1-2009
- ANSI A10.4-2007, except for sections 24.1.2.1 and 26.4.8.1
- ASTM D 2667-2008, 'Standard test method for biodegradability of alkylbenzene sulfonates'
- ASTM E 648-2010, standard test method for critical radiant flux of floorcovering systems using a radiant heat energy source
- ASTM E 648-2010, standard test method for critical radiant flux of floorcovering systems using a radiant heat energy source
- ASTM F 714-2012, standard specification for polyethylene (PE) plastic pipe (SDR-PR) based on outside diameter'

Michigan Elevator Rules, Elevator Safety Board:

[http://dmbinternet.state.mi.us/DMB/ORRDocs/AdminCode/1002\\_2012-009LR\\_AdminCode.pdf](http://dmbinternet.state.mi.us/DMB/ORRDocs/AdminCode/1002_2012-009LR_AdminCode.pdf)

### **Minnesota:**

The Minnesota State Building Code governs the design, installation, alteration, repair, removal, operation and maintenance of various types of elevators and conveying equipment. This list includes but is not limited to passenger elevators, freight elevators and escalators.

Minnesota's elevator code consists of the following: Safety Codes for Elevators and Escalators. The ASME A17.1-2010 is for new and altered installations. This standard also covers maintenance and testing requirements for existing elevators.

The Safety Code for Existing Elevators and Escalators is the ASME A17.3-2011. The ASME A18.1-2011 is the Safety Standard for Platform Lifts and Stairway Chairlifts. The standard for Elevator and Escalator Electrical Equipment is the ASME A17.5-2011.

The Safety Standard for Belt Manlifts is the ASME A90.1-2009. Safety Standard for Conveyors and Related Equipment is the ASME B20.1-2009. Minnesota amendments to those documents are located in chapter 1307.

Minnesota Department of Labor and Industry, Elevator Laws and Rules:

<https://www.revisor.mn.gov/rules/1307/>

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17. Contact Name

Helen Leong, Administrative Rules Coordinator

18. Contact Phone Number

(608) 266-0797

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This document can be made available in alternate formats to individuals with disabilities upon request.



August 29, 2019

Helen Leong, Administrative Rules Coordinator  
Division of Policy Development  
Department of Safety and Professional Services  
PO Box 8366  
Madison, WI 53708-8935  
DSPSAdminRules@wisconsin.gov

Re: Proposed Updates to the Elevator Safety Codes

Dear Ms. Leong:

As Wisconsin considers amendments to its elevator safety codes, the National Elevator Industry Inc. (NEII®) supports the adoption of the latest edition of ASME A17.1/CSA B44 *Safety Code for Elevators and Escalators* (“A17.1”) without deviation. The 2016 edition is the latest edition in print, and the 2019 edition is scheduled to be published later this year with an effective date in the first half of 2020.

The most effective way of ensuring the safety of the riding public, as well as elevator personnel, is by the adoption of the latest version of A17.1. This state-of-the-art code is used widely throughout North America and is updated regularly. A17.1 represents the optimum in safety, as it is developed and refined by hundreds of experienced experts representing all aspects of the elevator industry. Such expertise is drawn from enforcing authorities, mechanical and electrical engineering and design experts, inspectors, consultants, labor authorities, building and facility owners, and installation and maintenance specialists.

The code development process consists of an in-depth, consensus-building protocol. Code committees formed to address specific areas of the code undertake a thorough examination of proposed code language and have the opportunity to submit comments and/or suggest modifications related to such language. Hazard assessments and public review of any proposed language are also critical parts of this robust evaluation. The methodical process is approved by the American National Standard Institute and it ensures that questions, pitfalls and/or shortcomings are addressed fully prior to publication. It is important to note that particular attention is given to requirements for acceptance, periodic inspection and ongoing maintenance. Requirements in these areas are regularly updated to ensure the highest levels of safety.

Adoption of the latest version of A17.1 code without modification ensures a uniform high level of safety throughout North America, without conflicts to other adopted national standards published by ICC, NFPA, ASME, etc. While we understand that there is sometimes a need for variation due to

unique conditions in a jurisdiction, any changes from the national model codes should be thoroughly vetted and support by data and sound rationale. Any change to the national model codes can increase the cost of equipment sold in a jurisdiction, both at the time of initial sale and the costs for maintenance; therefore NEII believes many of the proposed revisions will increase costs in the state. In addition, code revisions may cause unintended consequences and could led to confusion for service personnel. We have attached a document with more specific comments about the proposed changes.

NEII is committed to public and elevator personnel safety and is ready to support Wisconsin in understanding the latest version of the code and assisting in the process of adoption. NEII provides information and training on the code and related issues, using webinars, podcasts, and meetings with interested parties. NEII and representatives from its member companies are available to assist your jurisdiction in a review of the most recent edition of A17.1, evaluate the cost and other impacts, and facilitate your efforts to update the state's elevator safety codes.

Again, NEII strongly encourages Wisconsin to adopt the latest edition of the model safety codes for elevators and escalators (i.e., ASME A17.1/CSA B44 & ASME A17.7/CSA B44.7) without deviation to ensure the most advanced safety for the riding public and elevator personnel. We look forward to hearing from you as to available dates in September when we can meet to discuss the Wisconsin code updates.

For additional information, please contact:

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## ATTACHMENT

*NEII® is the premier national trade association representing the interest of firms that install, maintain and/or manufacture elevators, escalators, moving walks and other building transportation products. The NEII membership includes the top elevator companies in the United States, if not the world, and reports more than eighty percent of the work hours for the industry. Member companies include: Otis Elevator Company, Schindler Elevator Corp., ThyssenKrupp Elevator Corporation, KONE, Inc., and many other companies. Safety for the riding public and industry personnel is a top priority for the industry and the NEII member companies.*



## *Elevator Industry Work Preservation Fund*

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### Correspondence Memorandum

**Date:** Thursday, October 03, 2019

**To:** Dale Kleven, Administrative Rules Coordinator, DSPS

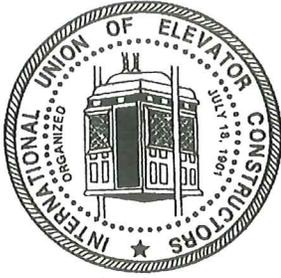
**From:** George A. Klaetsch

**Re: Comments in Support of CR 19-118**

As a national organization, the Elevator Industry Work Preservation Fund (EIWPF) represents multiple conveyance management and labor industry stakeholders. On behalf of the EIWPF and our conveyance industry stakeholders, we strongly value and support the role that SPS 305 and 318 of Wisconsin's administrative code play to ensure a safe and healthy conveyance industry in Wisconsin.

In an effort to continue working closely with the Wisconsin Department of Safety and Professional Services (DSPS) and the Conveyance Safety Code Council, the EIWPF is providing the following input as it relates to the most recent SPS 305 and 318 draft rule currently being considered by the DSPS. As you will see, our position of support focuses on both draft language that has been proposed and approved by the Conveyance Safety Code Council as well as current code the Conveyance Safety Code Council determined was sufficient to maintain without revision.

- SPS 318-1018 – The EIWPF supports the draft proposal that includes the creation of “Investigations initiated by the public”. This change will ensure current state code codifies existing state statute (101.988) that results in an improved investigation, enforcement, appeals and penalty process for both DSPS and industry stakeholders.
- SPS 305.991 – The EIWPF supports maintaining current rule language in SPS 305.991 to require only licensed elevator personnel to engage in the “removal or dismantling of conveyances”. Maintaining this rule in current form fulfills the legislative intent of chapter 101.984 of the state statutes.



# International Union of Elevator Constructors Local 132

1602 S. Park Street Room #115 Madison, WI 53715

*Telephone (608) 630-9288 Affiliated with the AFL-CIO Fax (608) 630-9289*

## Correspondence Memorandum

**Date:** Wednesday, October 02, 2019

**To:** Dale Klevev, Administrative rules Coordinator, DSPS

**From:** Steven L. Ketelboeter

**Re:** Comments in Support of CR 19-118

The Conveyance Code Council has been meeting over the last 2 years to update to current national code standards and to recommend new standards for the safety of the riding public and to the personnel installing and maintaining conveyance equipment. All though many recommendations have been adopted, here are a couple of examples the International Union of Elevator Constructors support.

1. ASME 17-1 2016 Code Section 8.7.2.10.1 Door restrictors to be installed where all or any new hoistway entrance is being installed or where any entrance is altered, for entrance and hoistway doors. This is to protect the riding public in case of an entrapment.
2. The installation contractor or the owner or owner's agent shall make arrangements to ensure that the elevator mechanic, under SPS305.992, or elevator mechanic, restricted, under SPS 309.993, is present for the inspection of the conveyance or related equipment during the entire inspection.



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Scott Grosz**  
*Clearinghouse Director*

**Anne Sappenfield**  
*Legislative Council Director*

**Margit Kelley**  
*Clearinghouse Assistant Director*

**Jessica Karls-Ruplinger**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 19-118

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]**

#### **2. Form, Style and Placement in Administrative Code**

a. In the rule caption’s listing of affected provisions, it is not necessary to repeat the source designation “SPS” after the first listing in each category of treatment, and it is not necessary to repeat a superior designation when listing multiple affected subunits. For example, the listing of repealed provisions could begin as follows: “SPS 305.003 (64) and (Note), (31) (Note), and (42) (Note), 305.10 (1) (b) 2. (Note), 305.125 (2) (a) (Note) and (3) and (Note),...”.

b. In the rule summary, references to chapters of the SPS code should consistently include the abbreviation “ch.” or “chs.”.

c. The department should review the entire rule for plural terms and replace with the use of singular terms. [s. 1.01 (9) (e), Manual.]

d. In the treatment clause for SECTION 1 of the proposed rule, sub. (64) and (Note) should not be listed first, but rather at the end, following sub. (42) (Note). Additionally, it is not clear why the department is repealing the definition found in sub. (64), for “rental unit”, and its (Note); this should be reviewed and corrected, if necessary.

e. SECTION 3 of the proposed rule should be separated into two SECTIONS: first to repeal s. SPS 305.10 (1) (b) 2. (Note); and second, to repeal s. SPS 305.125 (2) (a) (Note). Subunits of one rule provision may be treated together in one SECTION, but may not be combined with subunits from a different rule provision. [s. 1.04 (2) (a) 4., Manual.]

f. SECTION 5 of the proposed rule should be divided into five SECTIONS to separately treat the repealed provisions under ss. SPS 305.31, 305.32, 305.323, 305.325, and 305.327.

g. SECTION 34 of the proposed rule is creating a new section in its entirety, s. SPS 318.1018. As such, the treatment clause does not need to specify that a “Note” is being created within the new section.

h. In s. SPS 318.1701 (2) (intro.), it appears that the colon should be shown without a strike-through and the final period should be shown with a strike-through.

i. Two new definitions are created in s. SPS 318.1701 (2) (b) and (c), for “Rated speed, down” and “Rated speed, up”. Both definitions include a list of two items. However, the introductory language in each provision does not specify how the subunits apply. The material in both provisions should be revised to include introductory statements to the subunits, containing a phrase such as “all of the following”. The statements should also form a complete sentence when read with the subunits. [s. 1.03 (3), Manual.]

j. In s. SPS 318.1705 (3) (e) (Note), the abbreviation “chs.” should be inserted before the reference to “SPS 361 to SPS 366”.

k. In s. SPS 318.1802 (4) (a) and (b), when amending the citations “2.1.6.1” and “2.1.6.2”, the entire citation should be shown with a strike-through, followed by the entire new citation underlined. For example, the citation “2.1.6.1” should be shown with a strike-through and “2.1.7.1” should be shown with underscoring.

l. In the treatment clause for SECTION 113 of the proposed rule, although it is clear from the numbering of the individual sections, a bracketed phrase could be inserted to indicate that the created subchapter should follow the last current section. For example, “Subchapter VI of chapter SPS 318 [follows SPS 318.1810] is created to read:”.

m. In s. SPS 318.4200 (4), the provision includes an insert for the effective date of the rule, which could be revised to include the ellipsis, “...”. [s. 1.01 (9) (b), Manual.]

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

a. The department should review its usage of commas throughout the proposed rule, including the following:

- (1) In s. SPS 305.991 (1) (a) (intro.), the phrase “test, remove or dismantle” should be rewritten to read “test, remove, or dismantle”. Similarly, in par. (c), the phrase “testing, removal or dismantling” should be rewritten to read “testing, removal, or dismantling”.
- (2) In s. SPS 318.1702 (10) (b) 3. b., the phrase “the location of the disconnects including room number” should be rewritten to contain a comma before the word “including”. The phrase should also be rewritten to use singular terms.
- (3) In s. SPS 318.17086:
  - (a) In sub. (2) (c) 1., (d) 1., and (g) 1., it is unclear whether each instance of the phrase “machine room or control room or space” means “machine room,

control room, or space” or whether it means “machine room, control room, or control space”. For a comparison, the latter phrase is used at the beginning of each of those provisions. The department should review the intent of this phrase and revise accordingly.

(b) In sub. (2) (c) 3., (d) 3., and (g) 3., in each instance of the phrase “the controller, or the front of the controller”, the comma should be deleted.

b. The proposed rule repeals s. SPS 318.1003 (4), which has language regarding city, village, and town (municipal) authority. In the absence of this provision, it is unclear what authority a municipality may have. The department should consider specifying this in the rule.

c. In s. SPS 318.1004 (12) (m), the phrasing is grammatically incorrect. It appears that the phrase “has the meaning given ‘first aid’”, should have the word “to” or “for” after the word “given”.

d. In s. SPS 318.1007 (2) (c) 3. b. (Note), the phrasing is grammatically confusing. In particular, the phrase “that is considered” is awkwardly placed. Consider rewriting the provision in the active voice to improve readability. For example, the provision could state: “If the scope of work for an escalator includes a replacement of the majority of internal parts, the department considers the work to be a new installation even if the majority of the truss is retained.”.

e. In s. SPS 318.1018 (3), the phrase “within 30 days of the conclusion” should be revised to “within 30 days after the conclusion” to be consistent with how this concept is phrased elsewhere in the administrative code.

f. In s. SPS 318.1705 (3) (cg) and (cw), is the phrase “if of openwork” correct? Should it be rephrased to “if the enclosure is openwork”?

g. In s. SPS 318.17086 (2) (a) 1., the phrasing is grammatically confusing. Consider rewriting the provision in the singular form and making any other revisions to improve readability.

h. In s. SPS 318.170811 (5) (a) 3., it appears that the use of the word “and” is intended to mean “or” in the phrase “elevators, dumbwaiters, and material lifts”. This phrase also should be rewritten in the singular tense. The department should review the intent of this provision and revise accordingly.

i. In s. SPS 318.1802 (9), the phrasing as amended is grammatically incorrect. It is unclear why the phrase “at least 2 cycles”, which is grammatically correct and consistent with proper drafting style, was amended to read “2 cycles minimum”. The department should review the intent of this revision and consider retaining the current language.

j. In ss. SPS 318.4205 (2) and (3), 318.4206 (2), and 318.4208 (1) and (2), the term “competent person” or “competent persons” is used, but the proposed rule does not explain what this means or who determines competency. The department should review the intent of this term and revise for purposes of clarity.