

## **Notice of Preliminary Public Hearing**

The Department of Safety and Professional Services announces that it will hold a preliminary public hearing on the proposed Scope Statement SS 035-25. This proposed scope statement addresses rules SPS 302, 305, 316, 318, 321, 362, 366, 381, and 382 relating to Conveyance Safety Code comprehensive review. The hearing will be at the time and place shown below.

### **Hearing Information**

Date: July 22, 2025

Time: 9:00 A.M.

Location: Information concerning the location of the hearing will be available at:

<https://dsps.wi.gov/Pages/BoardsCouncils/ConveyanceSafety/Meetings.aspx>

### **Appearances at the Hearing and Submittal of Written Comments**

The scope may be reviewed and comments submitted at:

[Scope Statements with Public Hearings Pending](#)

Comments may also be submitted to Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

Comments must be received at or before the public hearing to be included in the record of rulemaking proceedings.

### **Initial Regulatory Flexibility Analysis**

The proposed rule will not have an effect on small businesses, as defined under s. 227.114 (1).

### **Agency Small Business Regulatory Coordinator**

The Department's Regulatory Review Coordinator may be contacted by calling (608) 266-2112.

This Notice of Preliminary Hearing on Statement of Scope is approved by:



Secretary

6/23/2025

Date

# STATEMENT OF SCOPE

## Department of Safety and Professional Services

**Rule No.:** SPS 302, 305, 316, 318, 321, 362, 366, 381, and 382

**Relating to:** Conveyance Safety Code Comprehensive Review

**Rule Type:** Permanent

### 1. Finding/nature of emergency (Emergency Rule only):

N/A

### 2. Detailed description of the objective of the proposed 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 of these rules.

In addition, the project may include revisions to other chapters relating to the Wisconsin Conveyance Safety Code including, but not limited to, chapters SPS 302, fee schedule; SPS 305, licenses, certifications and registrations; SPS 316, electrical; SPS 321, Uniform Dwelling Code as it relates to residential elevators; SPS 362, Commercial Building Code as it relates to commercial conveyance safety; SPS 366, existing buildings; SPS 381, definitions and standards; and SPS 382, design, construction, installation, supervision, maintenance, and inspection of plumbing.

### 3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

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 currently incorporates by reference previous editions of American Society of Mechanical Engineers (ASME) codes and guides that will need to be reviewed and updated to the current editions. A periodic review and update of these codes is necessary to ensure that they still achieve their purpose and allow the opportunity to stay current with new construction products and practices. The last time chapter SPS 318 was updated was in 2020.

Additionally, the Department intends to review chapters SPS 302, 305, 316, 321, 362, 366, 381, and 382 that cover fees, licensing, electrical, Uniform Dwelling Code, Commercial Buildings, and plumbing to ensure that matters relating to conveyance safety are updated to the most current standards of conveyance safety practice.

The primary policy alternative would be to not perform this rule-review process. This would reduce the public benefits that would otherwise occur by performing this review.

### 4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 101.981 (2), Stats., relating to modification by rule, states that the "department shall promulgate rules establishing additional definitions to the extent the department deems necessary for the proper administration and enforcement of this subchapter. (...) To the extent practicable, the department shall

ensure that any definitions or modifications promulgated under this subsection are consistent with national, industry-wide safety standards governing matters regulated by this subchapter.”

Section 101.982, Stats., relating to the conveyance safety code, states that the “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...”

Section 101.985 (3), Stats., relating to licensing qualifications and procedure, states that the “department shall promulgate rules that establish the qualifications required for issuance of an elevator inspector license.”

Section 101.985 (5) (b) 2., Stats., relating to licensing qualifications and procedure, states that the “department shall promulgate rules that establish the education requirements for purposes of subd. 1. [license renewal and continuing education requirements].”

Section 101.986, Stats., relating to conveyance safety code council duties, states that the “council shall consider and make recommendations to the department pertaining to rules for the enforcement of this subchapter, the granting of variances, administrative appeal procedures, fees, and any other matter under this subchapter.”

Section 101.988, Stats., relating to enforcement and penalties, states that the department may perform investigations, issue orders, and charge penalties “to aid in the enforcement of this subchapter and rules promulgated under this subchapter.”

Section 227.11 (2) (a), Stats., states that “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

**5. Estimate of the amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:**

120 hours.

**6. List with description of all entities that may be affected by the proposed rule:**

The proposed rules may affect any business or other entity involved with the ownership, design, construction, use, maintenance, alteration, or inspection of elevators, escalators, and lift devices.

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**


Elevators and escalators at marine terminal facilities are subject to regulations under the Occupational Safety and Health Administration (OSHA) in 29 C.F.R. § 1917.116. The Department of Transportation and Department of Justice have Americans with Disabilities Act (ADA) compliance standards for all facilities, including public transportation facilities. 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. Any rule changes that are advanced under this scope statement are not expected to infringe on these federal requirements. No other current or proposed federal regulations were found relating to this rulemaking.

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

The proposed rule will have minimal to no economic impact on small businesses and the state’s economy as a whole.

**Contact Person:** Sofia Anderson, Administrative Rule Coordinator, DSPSAdminRules@wisconsin.gov

Approved for publication:



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Authorized Signature

5/8/2025

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Date Submitted

Approved for implementation:

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Authorized Signature

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Date Submitted