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Details:

(FORM UPDATED: 07/12/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Commerce, Utilities and Rail
(SC-CUR)**

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INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

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WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

Members of the Senate Committee on Commerce, Utilities and Rail:

Thank you for scheduling Senate Bill (SB) 554 for a public hearing today. We appreciate the opportunity to testify before you regarding legislation that seeks to protect small business, while maintaining public safety.

Late last session, the Legislature passed Assembly Bill (AB) 447 which the Governor later signed into law as 2005 Wisconsin Act 456. Among other things, the law established standards for the installation and operation of conveyances, e.g. elevators. The original intent of the bill was to create safety standards for elevators operated and used in public buildings. However, a substitute amendment to the bill significantly altered the legislation to include stair-lifts and chair-lifts operated and used in private residences. AB 358 simply returns Act 456 to the original intent of AB 447 as well as delaying the date on which the licensing and permitting requirements take effect.

As we worked with the author of Act 456, small business owners, representatives from the Elevator Industry Work Preservation Fund, individuals representing builders and contractors as well as the Wisconsin Department of Commerce Safety and Buildings Division, the effective date for rules promulgated for Act 456 passed expired on June 1, 2007. Rather than force businesses that Act 456 was never intended to affect, be forced to stop operating, I worked with the Wisconsin Department of Commerce to draft an emergency rule to extend the effective date of Act 456, which remains in effect today.

The bill before you today is the culmination of months of meetings and negotiations of the Wisconsin Department of Commerce Conveyance Safety Code Council. The Council is comprised of individuals from the public and private sectors and is responsible for reviewing legislative rules and providing recommendations to the Department on matter relating to conveyance safety. The Council opposed AB 358 as originally drafted and requested that changes be made to the bill. Subsequently, Senate Bill (SB) 554 was drafted to reflect the Council's recommendations and is supported by the Department of Commerce and the businesses which the bill will regulate.

SB 554 makes the following changes to AB 358:

- deletes the bill's exemption from the definition of "conveyance" of an elevator, a dumbwaiter, a platform lift, or a stairway chair lift that is located in a private residence or any other type of lift that moves people and that is located in a private residence.
- elevators and dumbwaiters are regulated as conveyances regardless of their location.
- residential lifts are excluded from certain requirements pertaining to permits and licensing of elevator inspectors and elevator mechanics.
- maintains language created by Act 456 stating, generally, that the owner of a private residence in which a conveyance is located may not be fined or required to pay a forfeiture as a result of a violation involving a conveyance.
- the effective date of the provisions of Act 456 is June 1, 2008 instead of 24 months after the date of publication of Act 456.

We ask that you support the families and individuals who utilize residential chair lifts as well as the small businesses, contractors and builders, while maintaining the public safety measures of 2005 Act 456, and vote to recommend SB 554 as amended, for passage. Thank you.