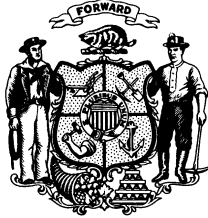


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CLEARINGHOUSE RULE 97-096

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

Because s. Comm 5.64 (3), as amended by the rule, no longer relates exclusively to inspector examinations, its title is misleading. It would seem that a more appropriate title would be “INSPECTOR CREDENTIALS” or a similarly descriptive title. The subsection could then be moved so that it appears immediately preceding current s. Comm 5.64 (2).

3. Conflict With or Duplication of Existing Rules

Section Comm 5.64 (4) ought to be amended to reflect the rule’s creation of an alternative criteria for receiving a credential, i.e., proof of American Society of Mechanical Engineers certification.

4. Adequacy of References to Related Statutes, Rules and Forms

To help clarify s. Comm 2.15 (1) and (2), specific cross-references to the inspection provisions of ch. Comm 18 under which the various fees are charged should be included in the rule. For example, it appears that a cross-reference to s. Comm 18.10 (1) (a) could be included in s. Comm 2.15 (1) to help identify the inspections for which the initial inspection fees will apply.

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

a. The titles to s. Comm 2.15 (1) and (2) could be clarified by indicating that sub. (1) applies to initial inspection fees and sub. (2) applies to periodic inspection fees. In addition, the

beginning of the last sentence of sub. (1) could be rewritten for clarity purposes as follows: “A reinspection fee shall be” Also, the reference to the reinspection fee in sub. (1) should also be accompanied by a reference to Table 2.15-1, which specifies the amount of the reinspection fee. Finally, the last sentence of sub. (2) could be rewritten, in a manner similar to the last sentence of sub. (1), as follows: “An inspection fee shall also be charged for each reinspection of an elevator in accordance with”

b. Is the issuance of the certificate under s. Comm 2.15 (3) also contingent upon the department receiving the certificate fee? If so, the rule should be clarified.

c. Section Comm 5.64 (1) should be reviewed to determine whether the phrase “, as an authorized representative of the department,” is necessary. If it is not, the phrase should be deleted.

d. It would be helpful to clarify the time frame in which waivers under s. 5.64 (6) (c) 2. will be considered by the department.