



2009 SENATE BILL 704

April 22, 2010 – Introduced by Senator HANSEN, cosponsored by Representative JORGENSEN. Referred to Committee on Commerce, Utilities, Energy, and Rail.

1 **AN ACT** *to renumber and amend* 101.985 (2) (a) (intro.), 101.985 (2) (a) 2. and
2 101.985 (2) (a) 3.; *to amend* 101.985 (2) (title), 101.985 (2) (am), 101.985 (2) (b),
3 101.985 (2) (c), 101.985 (2) (d), 101.985 (4), 101.985 (5) (b) 1. and 101.985 (7) (a)
4 (intro.); *to repeal and recreate* 101.985 (2) (a) (title); and *to create* 101.985
5 (2) (ab) (intro.) and 101.985 (2) (ad) of the statutes; **relating to:** issuance of
6 elevator mechanic's licenses.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Commerce (Commerce) regulates elevators, escalators, and similar conveyances that move people or things. Under current law, contractors and mechanics constructing, altering, replacing, repairing, or otherwise working with these conveyances, and inspectors of these conveyances, must be licensed by Commerce. With certain exceptions, to be licensed as an elevator mechanic, an individual must apply to Commerce and either must complete an apprenticeship program approved by the U.S. Department of Labor or by the Department of Workforce Development or must have sufficient work history during the three years preceding the application in working with these conveyances and have passed an elevator mechanic's examination that is administered by Commerce or that is administered by a nationally recognized training program that is approved by Commerce.

This bill creates alternative requirements that may be met in order to be issued an elevator mechanic's license. Under the bill, an individual is eligible for a license

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if he or she verifies to Commerce that he or she has successfully completed a four-year training program established by the National Elevator Industry Education Program or an equivalent four-year training program that is approved by Commerce and that he or she has had a certain level of experience working with elevators and other conveyances. This experience requirement may be met by being employed during each of the five years immediately preceding the date of the license application for at least 1,000 hours as an elevator mechanic, or in another capacity that has allowed him or her to remain familiar with elevator equipment, technology, and industry practices. The experience requirement may alternatively be met by meeting the 1,000-hour requirement in any five years preceding the date of the license application if the applicant verifies that this alternative is due to the applicant’s work being disrupted by high unemployment in the elevator industry, military service, illness, disability, or another factor beyond the applicant’s control.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 101.985 (2) (title) of the statutes is amended to read:

2 101.985 (2) (title) ~~ELEVATOR MECHANIC~~ MECHANIC'S LICENSES.

3 **SECTION 2.** 101.985 (2) (a) (title) of the statutes is repealed and recreated to
4 read:

5 101.985 (2) (a) *Issuance*.

6 **SECTION 3.** 101.985 (2) (a) (intro.) of the statutes is renumbered 101.985 (2) (a)
7 and amended to read:

8 101.985 (2) (a) ~~Except as provided in pars. (am) to (d), the~~ The department shall
9 issue an elevator mechanic’s license to each individual who ~~satisfactorily completes~~
10 ~~an elevator mechanic’s apprenticeship program that is approved by the U.S.~~
11 ~~department of labor or by the department of workforce development or who satisfies~~
12 ~~all of the following:~~ meets the requirements in either par. (ab) or (ad).

13 **SECTION 4.** 101.985 (2) (a) 2. of the statutes is renumbered 101.985 (2) (ab) 2.
14 and amended to read:

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1 101.985 (2) (ab) 2. During the 3 years preceding the date of application, he or
2 she was continuously employed in a position requiring the individual to perform
3 work that is at a journeyman level and that is relevant to the erection, construction,
4 alteration, replacement, maintenance, repair, removal, or dismantling of
5 conveyances, as verified by the individual's employers.

6 **SECTION 5.** 101.985 (2) (a) 3. of the statutes is renumbered 101.985 (2) (ab) 3.
7 and amended to read:

8 101.985 (2) (ab) 3. Satisfactorily He or she satisfactorily completes a written
9 examination administered by the department covering the provisions of this
10 subchapter, and rules promulgated under this subchapter, that are relevant to the
11 license applied for or satisfactorily completes an elevator mechanic's examination
12 approved by the department and administered by a nationally recognized training
13 program established by the elevator industry.

14 **SECTION 6.** 101.985 (2) (ab) (intro.) of the statutes is created to read:

15 101.985 (2) (ab) *Requirements; apprenticeship and journeyman level.* (intro.)
16 An individual is eligible for an elevator mechanic's license if he or she satisfactorily
17 completes an elevator mechanic's apprenticeship program that is approved by the
18 U.S. department of labor or by the department of workforce development or if he or
19 she satisfies all of the following requirements:

20 **SECTION 7.** 101.985 (2) (ad) of the statutes is created to read:

21 101.985 (2) (ad) *Requirements; training program.* 1. An individual is eligible
22 for an elevator mechanic's license if he or she satisfies all of the following
23 requirements:

24 a. He or she verifies to the department that he or she has been certified as
25 having successfully completed a 4-year program established by the National

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1 Elevator Industry Education Program or an equivalent nationally recognized 4-year
2 training program that is approved by the department.

3 b. He or she meets one of the requirements specified in subd. 2.

4 2. In order to meet the requirement under subd. 1. b. for an elevator mechanic's
5 license, an individual applying for a license shall satisfy one of the following
6 requirements:

7 a. He or she verifies to the department that, during the 5 years immediately
8 preceding the date of the license application, he or she was employed for at least
9 1,000 hours in each of the 5 years performing work described under s. 101.984 (2) (a)
10 or (b).

11 b. He or she verifies to the department that he or she has continuous experience
12 in the elevator industry for at least 5 years immediately preceding the date of the
13 license application in a capacity, other than in the capacity of performing work
14 described under s. 101.984 (2) (a) or (b), that has allowed him or her to remain
15 familiar with elevator equipment, technology, and industry practices. This
16 experience may include performing management activities for a company that
17 engages in the sale, installation, repair, or maintenance of conveyances, being
18 involved in elevator industry labor relations, or supervising elevator mechanics.

19 c. He or she verifies to the department that he or she, during any 5 years
20 preceding the date of the license application, was employed for at least 1,000 hours
21 in each of those 5 years performing work that is relevant to the erection, construction,
22 alteration, replacement, maintenance, repair, removal, dismantling, or servicing of
23 conveyances and that this work included work described under s. 101.984 (2) (a) or
24 (b). If the 5 years were not the 5 years immediately preceding the date of application,
25 the applicant shall verify that this is due to the applicant's work being disrupted by

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1 high unemployment in the elevator industry, military service, illness, disability, or
2 another factor beyond the applicant's control in order to meet the requirement under
3 this subd. 2. c.

4 **SECTION 8.** 101.985 (2) (am) of the statutes is amended to read:

5 101.985 (2) (am) *Requirements for individuals with prior experience.* The
6 department shall promulgate rules that establish requirements for issuing an
7 elevator mechanic's license to an individual who has performed work described
8 under s. 101.984 (2) (a) or (b) within the scope of his or her employment before June
9 1, 2007, but who does not satisfy the requirements under par. ~~(a)~~ (ab) or (ad) to be
10 issued a license. The rules may contain a deadline before which an individual must
11 apply for a license issued under this paragraph.

12 **SECTION 9.** 101.985 (2) (b) of the statutes is amended to read:

13 101.985 (2) (b) *Licensing out-of-state mechanics.* The requirements under ~~par.~~
14 ~~(a)~~ pars. (ab) and (ad) do not apply to an individual who is licensed as an elevator
15 mechanic under the laws of another state, if, in the opinion of the department, that
16 state's regulation of elevator mechanics is substantially the same as this state's. The
17 department may summarily issue an elevator mechanic's license to such an
18 individual.

19 **SECTION 10.** 101.985 (2) (c) of the statutes, as affected by 2009 Wisconsin Act
20 42, is amended to read:

21 101.985 (2) (c) *Emergency licensing.* If the governor declares that a state of
22 emergency exists in this state under s. 323.10 and the department determines that
23 the number of individuals in the state who hold elevator mechanic's licenses issued
24 by the department under this section on the date of the declaration is insufficient to
25 cope with the emergency, the department shall summarily issue an emergency

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1 elevator mechanic's license to any individual who is certified by an elevator
2 contractor licensed under this subchapter as adequately qualified and able to
3 perform the work of an elevator mechanic without direct and immediate supervision,
4 who the department determines is so qualified and able, and who applies for an
5 emergency elevator mechanic's license on a form prescribed by the department. An
6 individual certified by a contractor under this paragraph may perform work as an
7 elevator mechanic for up to a total of 5 days preceding the date the individual is
8 issued the license. An emergency elevator mechanic's license has a term of 30 days
9 and may be renewed by the department in the case of a continuing emergency. The
10 department shall specify on an emergency elevator mechanic's license the
11 geographic area in which the licensee may provide services under the license. The
12 requirements under ~~par. (a)~~ pars. (ab) and (ad) do not apply to an individual who
13 applies for an emergency elevator mechanic's license.

14 **SECTION 11.** 101.985 (2) (d) of the statutes is amended to read:

15 101.985 (2) (d) *Temporary licensing.* If there are no elevator mechanics
16 licensed under this subchapter available to provide services contracted for by an
17 elevator contractor licensed under this subchapter, the elevator contractor may
18 notify the department and request the issuance of a temporary elevator mechanic's
19 license to any individual who is certified by the elevator contractor as adequately
20 qualified and able to perform the work of an elevator mechanic without direct and
21 immediate supervision and who applies for a temporary elevator mechanic's license
22 on a form prescribed by the department. A temporary elevator mechanic's license
23 has a term of 30 days and may be renewed by the department in the case of a
24 continuing shortage of licensed elevator mechanics. The department shall specify
25 on a temporary elevator mechanic's license the elevator contractor in whose employ

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1 the licensee must remain to provide services under the temporary elevator
2 mechanic's license. The requirements under ~~par. (a)~~ pars. (ab) and (ad) do not apply
3 to an individual who applies for a temporary elevator mechanic's license.

4 **SECTION 12.** 101.985 (4) of the statutes is amended to read:

5 101.985 (4) CRIMINAL BACKGROUND CHECK. Upon receipt of an application for a
6 license under sub. (1), (2) ~~(a)~~, (ab) or (ad), or (3), the department, with the assistance
7 of the department of justice, shall conduct a background investigation of the
8 applicant to determine if the information provided by the applicant under sub. (7) (a)
9 10. is true and if the applicant has any arrests or convictions tending to indicate that
10 the applicant is not adequately qualified and able to provide services authorized
11 under the license applied for.

12 **SECTION 13.** 101.985 (5) (b) 1. of the statutes is amended to read:

13 101.985 (5) (b) 1. Except as otherwise provided in this subdivision, an applicant
14 for renewal of a license under sub. (1), (2) ~~(a)~~ (ab), (ad), or (b), or (3) shall provide to
15 the department a certificate indicating that, during the one-year period before the
16 date on which the applicant's license expires, the applicant has satisfactorily met
17 ~~with~~ the education requirements established by rule under subd. 2. If the applicant
18 is not an individual, the certificate shall indicate that the education requirements
19 were satisfactorily met by an individual who, as of the date of the application, is an
20 agent of the applicant.

21 **SECTION 14.** 101.985 (7) (a) (intro.) of the statutes is amended to read:

22 101.985 (7) (a) (intro.) Each application for a license under subs. (1), (2) ~~(a)~~ (ab)
23 or (ad), or (3) shall be made on a form prescribed by the department, and each
24 application shall contain at least the following information:

25 **SECTION 15. Effective date.**

