



2005 ASSEMBLY BILL 762

October 17, 2005 – Introduced by Representatives NERISON, AINSWORTH, PETROWSKI, HAHN, OTT, LAMB, DAVIS, GRONEMUS, VRUWINK, ALBERS, M. WILLIAMS, LOEFFELHOLZ, TOWNS, BALLWEG, BIES, BOYLE, FREESE, GUNDERSON, GUNDRUM, HINES, HUNDERTMARK, KESTELL, KLEEFISCH, LEMAHIEU, MUSSER, OWENS, PETTIS, PRIDEMORE, SCHNEIDER, TOWNSEND, WARD and WOOD, cosponsored by Senators HARS DORF, KAPANKE, BROWN, OLSEN, A. LASEE and GROTHMAN. Referred to Committee on Transportation.

1 **AN ACT to renumber and amend** 194.38; **to amend** 110.075 (6) and 194.09; and
2 **to create** 194.05 (4) and 194.38 (2) of the statutes; **relating to:** exempting from
3 motor carrier regulations certain vehicle combinations operated in intrastate
4 commerce.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, a person who transports passengers or property for hire by motor vehicle on the highways is a common motor carrier or a contract motor carrier (motor carrier). With limited exceptions, a motor carrier must operate under a certificate or license (certificate of authority) issued by the Department of Transportation (DOT) or issued under federal law authorizing operation of a vehicle as a motor carrier. Various state laws, including laws relating to vehicle marking and vehicle inspection, govern motor carriers. These laws govern motor carriers regardless of whether the motor carrier is operating a commercial motor vehicle (CMV). A CMV is a motor vehicle designed or used to transport passengers or property and that is: a single vehicle with a gross vehicle weight rating, registered weight, or actual gross weight of more than 26,000 pounds; a vehicle combination with a gross combination weight rating, registered weight, or actual gross weight of more than 26,000 pounds (inclusive of a towed unit of more than 10,000 pounds); a vehicle designed to transport or actually transporting the driver and 15 or more passengers; or a vehicle transporting certain hazardous or toxic materials. Federal law, including federal motor carrier safety standards established under regulations promulgated by the Federal Motor Carrier Safety

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Administration, also governs motor carriers. DOT has authority under state law to promulgate rules regulating the operation of all motor carriers, including rules implementing federal motor carrier safety standards.

Current law also requires all motor vehicles operated on a highway, including vehicles operated by motor carriers, to meet specified vehicle equipment standards. Upon request, any operator of a motor vehicle must submit the vehicle to inspection by a vehicle inspector or traffic officer to determine compliance with vehicle equipment standards and, if the vehicle is found to be unsafe for operation, the inspector or officer may order the vehicle to be removed from the highway and not operated except as necessary for repair. DOT may establish standards and adopt rules related to vehicle inspections, including rules implementing federal motor carrier equipment standards.

This bill exempts from regulation as a motor carrier any farm truck or dual purpose farm truck combined with any semitrailer or farm trailer, or any vehicle combined with a horse trailer, if the vehicle combination's gross combination weight rating, registered weight, and actual gross weight do not exceed 26,000 pounds, the vehicle combination does not include a vehicle designed to transport or actually transporting the driver and 15 or more passengers or a vehicle transporting certain hazardous or toxic materials, and the vehicle combination is operated solely in intrastate commerce. The bill specifically exempts these vehicle combinations from any motor carrier vehicle marking requirement. The bill prohibits DOT from promulgating any rule under which certain federal motor carrier safety standards, including equipment standards, are applicable to, or enforceable with respect to, these vehicle combinations.

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.** 110.075 (6) of the statutes is amended to read:
2 110.075 (6) The secretary shall set standards and adopt rules to establish a
3 plan of inspection to implement the inspection program provided by this section.
4 Nothing in this section shall permit the department to promulgate any rule under
5 which the provisions of 49 CFR 393 and 396 are applicable to, or enforceable with
6 respect to, any farm truck or dual purpose farm truck combined with any semitrailer
7 or farm trailer, or any vehicle combined with a horse trailer, if the vehicle
8 combination's gross combination weight rating, registered weight, and actual gross

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1 weight do not exceed 26,000 pounds, the vehicle combination does not include a
2 commercial motor vehicle described in s. 340.01 (8) (c) or (d), and the vehicle
3 combination is operated solely in intrastate commerce.

4 **SECTION 2.** 194.05 (4) of the statutes is created to read:

5 194.05 (4) This chapter shall not apply to any farm truck or dual purpose farm
6 truck combined with any semitrailer or farm trailer, or any vehicle combined with
7 a horse trailer, if the vehicle combination's gross combination weight rating,
8 registered weight, and actual gross weight do not exceed 26,000 pounds, the vehicle
9 combination does not include a commercial motor vehicle described in s. 340.01 (8)
10 (c) or (d), and the vehicle combination is operated solely in intrastate commerce.

11 **SECTION 3.** 194.09 of the statutes is amended to read:

12 **194.09 Marking carrier vehicles.** Each motor vehicle operated by a common
13 motor carrier of property or of passengers, a contract motor carrier or a private motor
14 carrier shall be plainly marked in such manner as the department may prescribe, so
15 as to identify such motor vehicle as being operated pursuant to this chapter. This
16 section does not apply to any farm truck or dual purpose farm truck combined with
17 any semitrailer or farm trailer, or any vehicle combined with a horse trailer, if the
18 vehicle combination's gross combination weight rating, registered weight, and actual
19 gross weight do not exceed 26,000 pounds, the vehicle combination does not include
20 a commercial motor vehicle described in s. 340.01 (8) (c) or (d), and the vehicle
21 combination is operated solely in intrastate commerce.

22 **SECTION 4.** 194.38 of the statutes is renumbered 194.38 (1), and 194.38 (1) (e),
23 as renumbered, is amended to read:

24 194.38 (1) (e) To act in accordance with 49 USC 14504 by making any finding,
25 determination and otherwise doing any other thing necessary to proceed under that

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1 statute. Nothing in this ~~subsection~~ paragraph shall permit the department to extend
2 the length or weight of motor vehicles.

3 **SECTION 5.** 194.38 (2) of the statutes is created to read:

4 194.38 (2) Nothing in this section shall permit the department to promulgate
5 any rule under which the provisions of 49 CFR 390, 391, 392, 395, and 397 are
6 applicable to, or enforceable with respect to, any farm truck or dual purpose farm
7 truck combined with any semitrailer or farm trailer, or any vehicle combined with
8 a horse trailer, if the vehicle combination's gross combination weight rating,
9 registered weight, and actual gross weight do not exceed 26,000 pounds, the vehicle
10 combination does not include a commercial motor vehicle described in s. 340.01 (8)
11 (c) or (d), and the vehicle combination is operated solely in intrastate commerce.

12 **SECTION 6. Initial applicability.**

13 (1) This act first applies to vehicles operated on the effective date of this
14 subsection.

15 (END)