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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Natural Resources and Transportation...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

Senate

Record of Committee Proceedings

Committee on Natural Resources and Transportation

Clearinghouse Rule 04-132

Relating to motorcycle licensing and courses.
Department of Transportation

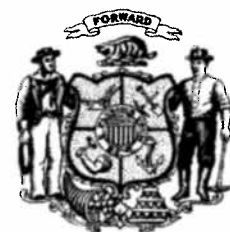
January 24, 2005 Referred to Committee on Natural Resources and Transportation.

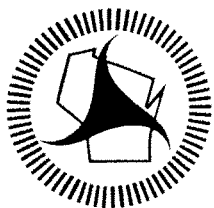
February 22, 2005 No action taken.

Matt Phillips
Committee Clerk



WISCONSIN STATE LEGISLATURE





Wisconsin Department of Transportation

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Jim Doyle
Governor

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The Honorable Senator Neal Kedzie
Chairman, Senate Transportation Committee
Room 313 South
State Capitol
Madison, Wisconsin 53707

January 20, 2005

The Honorable Representative John Ainsworth
Chairman, Assembly Transportation Committee
Room 309 North, State Capitol
Madison, Wisconsin 53702

RE: Proposed Administrative Rule **TRANS 129**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 04-132

Dear Senator Leibham and Representative Ainsworth:

In accordance with the Department of Transportation's efforts to keep you informed of its ongoing rule making actions, enclosed is a courtesy copy of Final Draft rule **Trans 129**, relating to **motorcycle licensing and courses**, which is being submitted to the Legislature for committee review.

Sincerely,


Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Supt. David Collins
Ron Thompson

CR 04-132

The Wisconsin Department of Transportation proposes an order to amend TRANS 129.09(1)(a) and (2)(a), relating to motorcycle licensing and courses

**REPORT OF THE DEPARTMENT OF TRANSPORTATION
ON THE FINAL RULE DRAFT**

This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



ALLYN LEPESKA
Assistant General Counsel
Office of General Counsel
Department of Transportation
Room 115-B, Hill Farms State
Transportation Building
P. O. Box 7910
Madison, WI 53707-7910
(608) 266-0253

PART 1

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 85.16, 85.30 and 227.11, Stats.

STATUTES INTERPRETED: ss. 85.30, 343.06(1)(c), 343.07(4)(b) and 343.16(1)(a), Stats.

Plain Language Analysis: Section Trans 129.09(2)(a) requires that the Experienced Rider Course (ERC) shall consist of at least eight hours of instruction which includes both class discussion and range training. The new curriculum is five hours in length and uses discussion on the range rather than in a classroom setting. This allows the DOT Motorcycle Safety Program to implement the new Motorcycle Safety Foundation ERC curriculum and, by so doing, offer more courses with existing available funding. Any dollars saved from the shorter courses will be used to provide additional basic and experienced courses and reduce the student waiting lists at training sites.

Since curriculum change in time are more frequent lately, we are also removing the time restraints on the Basic Rider Course (BRC).

Summary of, and Preliminary Comparison with, Existing or Proposed Federal Regulation: There are no current or proposed federal regulations relating to the curriculum requirements except that the Department of Army at Fort Steward Georgia requires persons operating on base to attend and complete an approved Motor Cycle Defense Driving Course prior to operating a motorcycle or moped on base. 32 CFR 636.28(h).

Comparison with Rules in Adjacent States:

Michigan: R257.1706 states that there shall not be less than 7 clock hours of classroom instruction. R257.1707 states there shall not be less than 8 clock hours per student of range experience. This seems to relate to both basic and experienced courses as neither is specifically identified. They would also have too many hours required for the new ERC curriculum if implemented in Michigan.

Minnesota: MN rules set hours for the BRC and for a Skills Re-Test Course that we do. However, we don't have anything in rule for ERC times.

7411.0565 MOTORCYCLE LABORATORY SCHEDULE; HOURS;
PROTECTIVE GEAR.

Subpart 1. Hours. A motorcycle endorsement program must provide a student who is less than 18 years old with at least ten hours of approved laboratory instruction.

Subp. 2. Hour limits. A program may offer a student no more than a total of eight hours of motorcycle instruction per day.

Illinois: Illinois' administrative rule is very outdated and is currently being updated. The current rule does state that "the curriculum for the Cycle Rider Safety Training Course for the novice rider shall be based upon the Motorcycle Safety Foundation's 20-hour Motorcycle Rider Course." There is no mention of the ERC at all.

Iowa: 761-635.2(5) states that scheduled time for instruction...shall not exceed 8 hours in any one calendar day. It does not discuss total course hours.

Summary of Factual Data and Analytical Methodologies Used and How the Related Findings Support the Regulatory Approach Chosen: The Highway Safety Performance Plan for 2004 - Motorcycle Safety finds that Wisconsin has a motorcycle crash problem. (See <http://www.dot.wisconsin.gov/library/publications/topic/safety/hwysafetyplan-407mc.pdf>.)

The National Agenda for Motorcycle Safety finds that rider education and training compromise the centerpiece of a comprehensive motorcycle safety program, p. 17. The State of Wisconsin Motorcycle Safety Program Assessment found that rider education is an essential component of a statewide motorcycle safety program, p. 24. The Wisconsin Department of Transportation 2004 Motorcycle Safety Action Plan found that there was a waiting list and overwhelming demand for motorcycle training programs, p. 10. One of the goals of the National Agenda for Motorcycle Safety Summit meeting was to provide various level of rider education that is accessible and affordable with assured quality through ongoing long-term program evaluation.

Effect on Small Business and, If Applicable, Any Analysis and Supporting Documentation Used to Determine Effect on Small Businesses: There will be no effect on small business.

Fiscal Effect and Anticipated Costs Incurred by Private Sector: The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district, sewerage district, or federally-recognized tribes or bands. The Department estimates that there will be no fiscal impact on state or private sector revenues or liabilities.

Copies of Proposed Rule: Copies of the proposed rule may be obtained by writing to Ron Thompson, Department of Transportation, Division of State Patrol/Transportation Safety, Room 951, P. O. Box 7936, Madison, WI 53707-7936. You may also contact Mr. Thompson by phone at (608) 266-7855.

PART 2
TEXT OF PROPOSED RULE

SECTION 1. Trans 129.09(1)(a) and (2)(a) are amended to read:


Trans 129.09(1)(a) The course shall consist of ~~at least 15 hours of instruction~~ which includes both ~~classroom~~ class discussion and range instruction training. At least 50% of the total hours of instruction shall consist of range instruction training.

(2)(a) The course shall consist of ~~at least 8 hours of instruction~~ which includes both ~~classroom~~ class discussion and range instruction training. At least 40% of the total hours of instruction shall consist of range instruction training.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this 19th day of January, 2005.


FRANK J. BUSALACCHI
Secretary
Wisconsin Department of Transportation



**WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE**

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

**PART 3
CLEARINGHOUSE REPORT TO AGENCY**

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 04-132

AN ORDER to amend TRANS 129.09 (1) (a) and (2) (a), relating to motorcycle licensing and courses.

Submitted by **DEPARTMENT OF TRANSPORTATION**

11-24-2004 RECEIVED BY LEGISLATIVE COUNCIL.

12-13-2004 REPORT SENT TO AGENCY.

RNS:PGC

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO

PART 4
CR 04-132

ANALYSIS OF FINAL DRAFT OF TRANS 129

(a) **Basis and Purpose of Rule**. Section Trans 129.09(2)(a) requires that the Experienced Rider Course (ERC) shall consist of at least eight hours of instruction which includes both class discussion and range training. The new curriculum is five hours in length and uses discussion on the range rather than in a classroom setting. This allows the DOT Motorcycle Safety Program to implement the new Motorcycle Safety Foundation ERC curriculum and, by so doing, offer more courses with existing available funding. Any dollars saved from the shorter courses will be used to provide additional basic and experienced courses and reduce the student waiting lists at training sites. Since curriculum change in time are more frequent lately, we are also removing the time restraints on the Basic Rider Course (BRC).

(b) **Modifications as a Result of Testimony at Public Hearing**. Notice of intent to adopt this proposed rule without public hearing was given under the procedure set forth in s. 227.16(2)(e), Stats. No one petitioned for a public hearing and no public hearing was held.

(c) **List of Persons who Appeared or Registered at Public Hearing**. Because there was no hearing, there were none.

(d) **Summary of Public Comments and Agency Response to those Comments**: No public comments were received.

(e) **Explanation of any Changes Made to the Plain Language Analysis or Fiscal Estimate**: None.

(f) **Response to Legislative Council Recommendations**. The Legislative Council report contained no recommendations.

(g) **Final Regulatory Flexibility Analysis**. There will be no impact on small businesses.