

2013 DRAFTING REQUEST

Bill

Received: **9/28/2012** Received By: **emueller**
Wanted: **As time permits** Same as LRB: **-2732**
For: **Jerry Petrowski (608) 266-2502** By/Representing: **Anna Richter**
May Contact: Drafter: **emueller**
Subject: **Transportation - other** Addl. Drafters:
Extra Copies: **ARG**

Submit via email: **YES**
Requester's email: **Sen.Petrowski@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Definition of common motor carrier (NB 1315-10).

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 11/30/2012			_____			
/P1	emueller 7/22/2013	csicilia 12/6/2012	jmurphy 12/6/2012	_____	sbasford 12/6/2012		State
/1		evinz 7/23/2013	jfrantze 7/23/2013	_____	lparisi 7/23/2013	mbarman 7/31/2013	State

FE Sent For:

at
intro.

<END>

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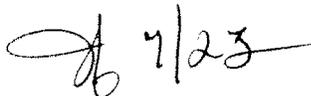
See attached

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11 EVM
 7/22/13
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1 eev
 7/23/13

 7/23

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1?	emueller	/Pl gjs 12/6/12					
/Pl	gvm						
	11/30/12						

FE Sent For:

<END>

**LEGISLATIVE BUDGET/NON-BUDGET PROPOSAL
2013-2015 BIENNIUM**

Wisconsin Department of Transportation

DT1586 6/2012

Instructions: Complete this form for any budget/non-budget legislative initiative for which a Division requests the Secretary's Office (SO) approval. Check the budget box only if the proposal has a fiscal impact on department expenditures or revenue. This form must be signed by the Division Administrator(s).

Include this form with your budget submittal materials or return one completed copy to the Office of Policy, Budget & Finance (OPBF), Attention: Paul Hammer. The form is available at: <http://dotnet/forms/authorized.htm>.

Short Title of Topic

Definition of Common Carrier

Type of Proposal <input type="checkbox"/> Budget <input checked="" type="checkbox"/> Non-Budget	OGC OFFICE USE ONLY "T" Number Assigned	"B" Number Assigned	"NB" Number Assigned 1315-10
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Date Submitted 7/10/12	Division(s) State Patrol
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OPBF Contact Person John Swissler	(Area Code) Telephone Number 608-266-0349
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Lead Division Contact Person David Pabst	(Area Code) Telephone Number 608-267-3622
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OGC Contact Person Paul Nilsen	(Area Code) Telephone Number 608-261-0126
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Define Problem Precisely

State statute 194.01(1) exempts taxis, commuter car pool, or van pool vehicles with a passenger carrying capacity of less than 16 persons from the definition of a common carrier. Based on a recent Federal Motor Carrier Safety Administration review, this law is not compatible with federal regulations and subjects WI to the potential loss of significant grant monies.

Description of Proposed Change

Make our law compatible by reducing the exemption clause in ss 194.01(1) from 16 persons to no more than 8 persons including the driver.

Justification for Change

Compatible regulations are required for the state to continue to receive Federal Motor Carrier Safety Assistance Program grant money.

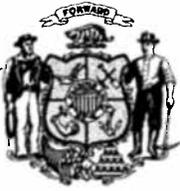
Describe any legislative history and related statutory language

49 CFR's 390.3, 350.5

X _____
(Division Administrator Signature) (Date)

X _____
(Division Administrator Signature) (Date)

X _____
(Division Administrator Signature) (Date)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0179/P1
EVM:/.....

D Note

gis

BMP

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 11/30/12

*PWF
JDF
12/14*

gen

1 **AN ACT** ...; **relating to:** definition of common motor carrier.

Analysis by the Legislative Reference Bureau

Under current law, certain persons who transport passengers or property by motor vehicle on highways, "motor carriers," are subject to certain regulations, including licensure and insurance requirements. Current law defines one type of motor carrier, a "common motor carrier," as "any person who holds himself or herself out to the public as willing to undertake for hire to transport passengers by motor vehicle between fixed end points or over a regular route upon the public highways or property over regular or irregular routes upon the public highways." The definition, further, specifically excludes coverage of the transportation of passengers in commuter car pool or van pool vehicles with a passenger-carrying capacity of less than 16 persons. This bill limits this exclusion to vehicles with a passenger-carrying capacity of less than eight persons, including the driver.

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:

2 **SECTION 1.** 194.01 (1) of the statutes is amended to read:
3 194.01 (1) "Common motor carrier" means any person who holds himself or
4 herself out to the public as willing to undertake for hire to transport passengers by

1 motor vehicle between fixed end points or over a regular route upon the public
 2 highways or property over regular or irregular routes upon the public highways. The
 3 transportation of passengers in taxicab service or in commuter car pool or van pool
 4 vehicles with a passenger-carrying capacity of less than ~~16 persons~~ 8 persons,
 5 including the driver, or in a school bus under s. 120.13 (27) shall not be construed as
 6 being that of is not transportation by a common motor carrier under this definition.

subsection

History: 1971 c. 164 s. 88; 1977 c. 29 ss. 1303, 1304, 1654 (9) (c), (f), (10) (a); 1979 c. 34, 110, 221, 355; 1981 c. 347; 1983 a. 189, 243; 1985 a. 29, 187; 1993 a. 16, 112, 490; 1997 a. 254; 2001 a. 90, 107; 2005 a. 250.

SECTION 2. Initial applicability.

(1) This act first applies to motor carrier operations occurring on the effective date of this subsection.

(END)

as defined in

Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0179/P1dn

EVM:/:....

g's

- date -

ATTN: Anna Richter

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

1. I have provided an initial applicability provision. Please let me know if you want any changes to my treatment.
2. Do you wish to provide a delayed effective date?
3. This draft as currently written would increase the set of applicants that are eligible for diesel truck idling reduction grants. Please let me know if you do not want the newly included group of common carriers to be eligible for these grants. ✓

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0179/P1dn
EVM:cjs:jm

December 6, 2012

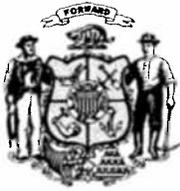
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Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0179/PI 11
EVM:cjs:jm

Stays

FMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No
Changes

7/22/13

Soon

regen

- 1 AN ACT ^{regen} to amend 194.01 (1) of the statutes; relating to: definition of common
2 motor carrier.

Analysis by the Legislative Reference Bureau

Under current law, certain persons who transport passengers or property by motor vehicle on highways, "motor carriers," are subject to certain regulations, including licensure and insurance requirements. Current law defines one type of motor carrier, a "common motor carrier," as "any person who holds himself or herself out to the public as willing to undertake for hire to transport passengers by motor vehicle between fixed end points or over a regular route upon the public highways or property over regular or irregular routes upon the public highways." The definition, further, specifically excludes coverage of the transportation of passengers in commuter car pool or van pool vehicles with a passenger-carrying capacity of less than 16 persons. This bill limits this exclusion to vehicles with a passenger-carrying capacity of less than eight persons, including the driver.

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:

- 3 SECTION 1. 194.01 (1) of the statutes is amended to read:

Rose, Stefanie

From: Punches, Derek
Sent: Tuesday, July 30, 2013 4:44 PM
To: LRB.Legal
Subject: Draft Review: LRB -0179/1 Topic: Definition of common motor carrier (NB 1315-10).

Please Jacket LRB -0179/1 for the SENATE.