

CR 88-16

CERTIFICATE

STATE OF WISCONSIN)
) s.s.
DEPARTMENT OF TRANSPORTATION)

RECEIVED

MAY 27 1988
2:10 pm
Revisor of Statutes
Bureau

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, RONALD R. FIEDLER, Secretary of the Wisconsin Department of Transportation and custodian of the official records do hereby certify that the rule relating to exemption from mandatory safety belt use due to a physical or medical condition was duly approved and adopted by this department on May 26, 1988.

I further certify that this copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 26th day of May, 1988.



RONALD R. FIEDLER, P.E.
Secretary

RECEIVED

MAY 27 1988

Revisor of Statutes
Bureau

OFFICE OF THE SECRETARY

IN THE MATTER OF THE ADOPTION	*	
OF CREATING TRANS 315, WISCONSIN	*	
ADMINISTRATIVE CODE, RELATING TO	*	ORDER ADOPTING
EXEMPTION FROM MANDATORY SAFETY	*	RULE
BELT USE REQUIREMENTS DUE TO A	*	
PHYSICAL OR MEDICAL CONDITION	*	

Analysis Prepared by the Wisconsin Department of Transportation

General Summary of Proposed Rule. Under the provisions of this rule a person will be exempted from the requirements of Wisconsin's mandatory seat belt usage law if, because of a physical or medical condition, the person cannot be properly restrained in a safety belt. The exemption provisions for this rule are patterned after the physical and medical condition exemption provision of Trans 310, Wisconsin Administrative Code (The Child Restraint Rule). To be eligible for the exemption:

- ° A person must have a written statement signed by a licensed physician attesting to the fact that the person cannot be properly restrained in a safety belt due to a physical or medical condition.
- ° A statement from a physician will be valid for one year from the date of issuance unless the physician indicates that the condition is permanent. In those instances of permanent condition, the statement will be valid for an indefinite period of time.
- ° The statement must be on the physician's letterhead, or contain the name, address and telephone number of the issuing physician.
- ° The statement must be carried with the person claiming the exemption.
- ° Persons being transported in an authorized emergency vehicle when the vehicle is operated in the performance of official duties when the operator determines the persons physical or medical needs make restraint by safety belt unreasonable.

Authority for rule. 1987 Wis Act 132 created sec. 348.47(2m)(e), Stats., requiring the Department of Transportation to promulgate rules exempting persons from Wisconsin mandatory safety belt usage law, if the person could not be properly restrained because of a physical or medical condition.

Fiscal estimate. This rule imposes no substantial new costs on state or local governments.

Regulatory of flexibility analysis. This rule will not have an effect on small businesses.

This analysis was prepared by Joe Maassen, Assistant General Counsel, Office of General Counsel, Wisconsin Department of Transportation, P.O. Box 7910, Madison, Wisconsin 53707 (608) 266-8810.

Rule Text

Pursuant to the authority vested in the Wisconsin department of transportation by s. 347.48(2m)(e), Stats., the department hereby adopts a rule relating to an exemption from Wisconsin's mandatory seat belt usage law for persons who, because of a medical or physical condition, cannot be properly restrained in a safety belt.

SECTION 1. Chapter Trans 315, is created to read:

CHAPTER TRANS 315

SAFETY BELT USAGE:

PHYSICAL OR MEDICAL EXEMPTION

Trans 315.01 PURPOSE AND SCOPE. (1) PURPOSE. As authorized by s. 347.48(2m)(e), Stats., the purpose of this chapter is to establish the criteria for exemption from Wisconsin's mandatory safety belt usage law for persons, who because of a physical or medical condition, cannot be properly restrained in a safety belt.

(2) APPLICABILITY. This chapter applies to all persons who are at least 4 years old, ^{and} are subject to the safety belt installation and usage requirements of s. 347.48, Stats.

typo
per
Joe
Maassen
DOT
6/3/88
CAP.

Trans 315.03 EXEMPTION FOR PHYSICAL OR MEDICAL CONDITION.

(1) A person who is at least 4 years old is exempted from the provisions of s. 347.48(2m), Stats., if the person cannot be properly restrained in a safety belt because of a physical or medical condition providing:

(a) The person has a written statement signed by a licensed physician, chiropractor or a Christian Science Practitioner residing in this state and listed in the Christian Science Journal indicating the person cannot be restrained by a safety belt because of a physical or medical condition, or words to that effect.

(b) The statement in par. (a) is dated not more than one year previously, unless a shorter period is specified or the statement indicates that the medical or physical condition is permanent or chronic.

(c) The statement in par. (a) contains an address and telephone number of the physician, chiropractor, or Christian Science practitioner.

(d) The statement in par. (a), or a photocopy of the statement, is carried on the person or in the vehicle transporting the person.

(2) A person at least 4 years old being transported in an authorized emergency vehicle as defined in 340.01(3) Stats., when the vehicle is being operated in the performance of official duties, may be transported without a safety belt when the physical or medical needs of the person make restraint by safety belt unreasonable.

(End of Rule Text)

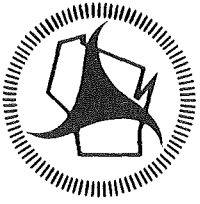
This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin

this 26th day of May, 1988.

Donald H. Jorgensen, Deputy

for RONALD R. FIEDLER, P.E.
Secretary
Wisconsin Department of
Transportation



Wisconsin Department of Transportation

OFFICE OF GENERAL COUNSEL
4802 Sheboygan Avenue
P.O. Box 7910
Madison, WI 53707-7910
Telephone: (608) 266-8810

May 26, 1988


Mr. Gary Poulson
Assistant Revisor of Statutes
30 West Mifflin Street
Suite 702
Madison, Wisconsin 53703

RE: Clearinghouse Rule 88-16
In the Matter of the Adoption of
Trans 315, Wisconsin Administrative Code

Dear Mr. Poulson:

Enclosed for filing, pursuant to sec. 227.20, Wis. Stats., is a certified copy of CR 88-16, an administrative rule relating to exemption from mandatory safety belt use due to a physical or medical condition. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,


Joe Maassen
Assistant General Counsel

JM:meh
Enclosure
cc: Tom Walker
Maynard Schneider
Jim Van Sistine
Maynard Stoehr
Joan Fernan