

1985 Assembly Bill 449

Date of enactment: April 10, 1986  
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## 1985 Wisconsin Act 208

AN ACT to repeal 341.25 (1) (f) and (fm); to amend 194.04 (1) (bd) and (cb) and (3) (a), (b) and (c), 194.04 (4) (b) and (c), 194.23 (1), 194.34 (1), 194.41 (1) and 194.44 (1) and (2); and to create 341.25 (1) (cm) and 341.264 of the statutes, relating to permanent registration of certain semitrailers, eliminating permits for the operation of semitrailers in intrastate commerce and eliminating permits for the rental or leasing of semitrailers.

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

SECTION 1. 194.04 (1) (bd) and (cb) and (3) (a), (b) and (c) of the statutes are amended to read:

194.04 (1) (bd) Except as ~~hereinafter~~ otherwise provided in this section, each holder of a certificate shall also pay an annual permit fee as provided in ~~this section sub. (4)~~ sub. (4) for each motor vehicle operated under ~~such~~ the certificate.

(cb) Except as ~~hereinafter~~ otherwise provided in this section, each holder of a license shall also pay an annual permit fee as provided in ~~this section sub. (4)~~ sub. (4) for each motor vehicle operated under ~~such~~ the license.

(3) (a) No motor vehicle permit issued under this chapter shall be transferable from one motor vehicle to another except as authorized under the regulations adopted under 49 USC 11506 or as further provided in this subsection. Common motor carrier vehicles, except truck tractors or road tractors, upon which the common motor carrier permit fee has been paid may be used or operated in intrastate commerce by other common motor carriers without the payment of an additional permit fee. Contract motor carrier vehicles upon which the contract motor carrier permit fee has been paid may be used or operated in intrastate commerce by other contract motor carriers without the payment of an additional permit fee and, if operated exclusively in the metropolitan area of any city within a county having a population of 500,000 or more, may be used or operated in the hauling of common motor carrier trailers within the metropolitan area. When used in railroad trailer-on-flat-car service, and when interchanged between contract and common motor carriers, contract or common motor carrier trailers

~~and semitrailers~~ upon which the contract or common motor carrier permit fee has been paid may be used or operated by other contract or common motor carriers without an additional permit. Private motor carrier trailers ~~and semitrailers~~ may be used or operated both by private motor carriers and by common and contract motor carriers upon the payment of the appropriate common or contract motor carrier permit fee.

(b) When a motor truck, motor bus, tractor, or trailer or semitrailer having a permit is sold or otherwise disposed of, and its permit canceled and such vehicle is replaced by another such motor vehicle, a permit of the same class shall be issued by the department for the same year to such replacement vehicle without charge, except that if a motor vehicle is subject to 49 USC 11506 the provisions for replacement vehicle permits set out in the regulations adopted pursuant to 49 USC 11506 shall apply.

(c) 1. Any individual, copartnership or corporation whose principal business is leasing of motor vehicles, ~~including trailers and semitrailers~~ as described in s. 194.44, without drivers for compensation, may, upon payment of an additional annual permit fee of \$20 for each ~~such~~ leased motor vehicle, trailer or semitrailer for which a permit is required, lease the same to common and contract motor carriers. ~~Such~~ The lessor shall not be considered to obtain the privileges or be subject to the obligations of s. 194.23 or 194.34 nor shall ~~either of said sections s. 194.23 or 194.34~~ apply to such the lessor.

2. An authorized common or contract carrier, when leasing a motor vehicle, ~~trailer or semitrailer for which a permit is required~~ from a person engaged in the business of leasing under this section and under s. 194.44, shall not be required to procure a permit as

prescribed in s. 194.23 or 194.34 if the motor vehicle ~~trailer or semitrailer~~ leased carries the permit required under this section.

SECTION 2. 194.04 (4) (b) and (c) of the statutes are amended to read:

194.04 (4) (b) Motor vehicles, except semitrailers, operated solely in intrastate commerce by common motor carriers of property, \$30.

(c) Motor vehicles, except semitrailers, operated solely in intrastate commerce by contract carriers, \$15.

SECTION 3. 194.23 (1) of the statutes is amended to read:

194.23 (1) No person may operate any motor vehicle as a common motor carrier ~~except in accordance with the terms and conditions of the~~ without first obtaining a certificate issued by the office and ~~except by virtue of a permit issued by the department for the operation of the vehicle, except that no permit is required for the operation of a semitrailer.~~ The office may issue or refuse to issue any certificate. The office may attach to the exercise of the privilege granted by a certificate ~~such any terms or conditions as which~~ are permitted under this chapter.

SECTION 4. 194.34 (1) of the statutes is amended to read:

194.34 (1) No person may operate any motor vehicle as a contract motor carrier ~~except in accordance with the terms and conditions of~~ without first obtaining a license issued by the office and ~~except by virtue of a permit issued by the department for the operation of the motor vehicle, except that no permit is required for the operation of a semitrailer.~~ The office may refuse to issue any license or may attach to the exercise of the privilege granted by a license any terms or conditions which are permitted under this chapter.

SECTION 5. 194.41 (1) of the statutes is amended to read:

194.41 (1) No permit or vehicle registration may be issued to a common motor carrier of property, contract motor carrier or rental company ~~and~~, no permit or vehicle registration may remain in force to operate any motor vehicle for which a permit is required by this chapter ~~and no vehicle registration may be issued or remain in force for a semitrailer~~ unless the carrier or rental company has on file with the department and in effect an approved certificate for a policy of insurance or other written contract in such form and containing such terms and conditions as may be approved by the department issued by an insurer authorized to do a surety or automobile liability business in this state under which the insurer assumes the liability prescribed by this section with respect to the operation of such motor vehicles. The certificate or other contract is subject to the approval of the department and shall provide that the insurer shall be directly liable for and shall pay all damages for injuries to or for the death of persons or for injuries to or destruction of property

that may be recovered against the owner or operator of any such motor vehicles by reason of the negligent operation thereof in such amount as the department may require. ~~Such liability~~ Liability may be restricted so as to be inapplicable to damage claims on account of injury to or destruction of property transported, but the department may require a certificate or other contract protecting the owner of the property transported by carriers from loss or damage in ~~such the~~ the amount and under ~~such the~~ the conditions as the department may require. No permit or vehicle registration may be issued to a common motor carrier of passengers by any motor vehicle, or other carrier of passengers by motor bus, except those registered in accordance with ss. 341.26 (2) (d) and 341.267, and no permit or vehicle registration may remain in force to operate any motor vehicle unless it has on file with the department a like certificate or other contract in ~~such the~~ the form and containing ~~such the~~ the terms and conditions as may be approved by the department for the payment of damages for injuries to property and injuries to or for the death of persons, including passengers, in ~~such the~~ the amounts as the department may require.

SECTION 6. 194.44 (1) and (2) of the statutes are amended to read:

194.44 (1) No private motor carrier may operate a motor vehicle upon the public highways without first having obtained from the department a private motor carrier permit therefor except that no permit is required for a trailer with a gross weight of 4,500 pounds or less ~~or for a semitrailer.~~

(2) If any person engaged in the business of leasing motor vehicles without drivers, ~~or leasing trailers to be hauled or propelled by a motor vehicle,~~ leases such motor vehicles without drivers, ~~or leases such trailers~~ to private motor carriers, such lessor shall procure a private motor carrier permit in the lessor's name for the motor vehicles ~~or trailers~~ leased to private motor carriers, except that a permit is not required for a trailer with a gross weight of 4,500 pounds or less ~~or for a semitrailer.~~ A lessor's private motor carrier's permit on a motor vehicle ~~or trailer~~ being used by a private motor carrier shall constitute compliance with this chapter on the part of the motor carrier with respect to the requirements for a permit on the motor vehicle ~~or trailer.~~ When a leased motor vehicle ~~or trailer~~ is used by a private motor carrier under permit issued to the lessor of the motor vehicle ~~or trailer,~~ the person in whose name the permit is issued shall be responsible to the state for the payment of all taxes, fees and other payments due under this chapter and ch. 341 because of the operation of the motor vehicle ~~or trailer~~ under the permit, ~~and for the making of all reports in connection with the operation of the motor vehicle or trailer.~~ The lessor of a semitrailer used by a private motor carrier shall be responsible to the state for the payment of all taxes, fees and other payments due under this chapter and ch. 341 because of the

operation of the semitrailer unless the private motor carrier has paid the taxes, fees or other payments. The owner of the leased motor vehicle ~~or trailer~~ shall be responsible for the making of all reports in connection with the operation of the motor vehicle and shall before leasing the same comply with the insurance requirements of s. 194.41. The annual permit fee for each ~~such~~ leased motor vehicle ~~or trailer~~ is \$10 and shall be collected by the department. The department shall supervise and regulate the operations of the leased motor vehicles ~~and trailers~~ to effectively accomplish the intent of s. 194.02. The department may investigate all leasing practices of any leasing company including the inspection of its records and requiring reports periodically to determine whether the leasing company is supplying for hire truck service without complying with this chapter.

SECTION 7. 341.25 (1) (cm) of the statutes is created to read:

341.25 (1) (cm) For each motor truck used in combination with a semitrailer which converts to a trailer, a fee to be determined in accordance with sub. (2) on the basis of the maximum combined gross weight of the motor truck and any semitrailer which the applicant proposes to combine with the motor truck. The maximum combined gross weight shall in every case be determined by adding together the weight in pounds of the combination of vehicles when equipped to carry a load and the maximum load in pounds which the applicant proposes to carry on the combinations of vehicles.

SECTION 8. 341.25 (1) (f) and (fm) of the statutes are repealed.

SECTION 9. 341.264 of the statutes is created to read:

**341.264 Permanent semitrailer registration.** (1) Upon application and payment of a fee of \$50, the

department shall register a semitrailer which is operated in connection with a truck tractor or hauled by a motor vehicle and used with a device which converts the semitrailer to a trailer. Registration under this section is valid while the registrant is the owner of the semitrailer without the payment of any additional fee. The department shall issue a permanent semitrailer registration plate to evidence registration under this section.

(2) Upon the sale of a semitrailer registered under this section, the seller shall remove the registration plate and destroy it. The purchaser shall immediately apply for registration and pay the full fee prescribed in sub. (1). The seller shall receive no credit toward the registration of any other vehicle.

(3) A motor carrier may register a semitrailer operated in connection with a truck tractor or hauled by a motor truck and used with a device which converts the semitrailer to a trailer under the international registration plan in lieu of registering the semitrailer under this section. The amount to be used in determining the annual apportioned fee for this state under the plan is \$5.

**SECTION 10. Nonstatutory provisions; registration of previously registered semitrailers.** Upon application and payment of a fee of \$5 by the owner of a semitrailer which was registered in the name of the same owner under section 341.25 (1) (f) or (fm) of the statutes prior to the effective date of this SECTION, the department of transportation shall issue a permanent registration plate under section 341.264 of the statutes, as created by this act, for the semitrailer. If the semitrailer was registered for a 5-year period under section 341.25 (1) (f) or (fm) of the statutes, the department shall refund \$5 for each year remaining in the registration period at the time the permanent registration plate is issued.

**SECTION 11. Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
341.25 (1)(intro.)	341.26	341.26 or 341.264
341.25 (1)(g)	par. (fm), (gd) or (ge)	par. (gd) or (ge) or s. 341.264
341.25 (1)(ge)	par. (fm)	s. 341.264

**SECTION 12. Effective date.** This act takes effect on the first day of the 6th month commencing after its publication.