

# State of Wisconsin



2011 Assembly Bill 611

Date of enactment: April 6, 2012  
Date of publication\*: April 19, 2012

## 2011 WISCONSIN ACT 247

AN ACT *to repeal* 346.45 (1) (c) 1. to 10.; *to renumber and amend* 346.45 (1) (c) (intro.); and *to amend* 346.45 (4) of the statutes; **relating to:** vehicles required to stop at railroad crossings, providing an exemption from emergency rule procedures, and requiring the exercise of rule-making authority.

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

**SECTION 1.** 346.45 (1) (c) (intro.) of the statutes is renumbered 346.45 (1) (c) and amended to read:

346.45 (1) (c) Every motor vehicle which, in accordance with sub. (4), is required to be marked or placarded with ~~one of the following markings: a classification of marking or placarding that requires the vehicle to stop.~~

**SECTION 2.** 346.45 (1) (c) 1. to 10. of the statutes are repealed.

**SECTION 3.** 346.45 (4) of the statutes is amended to read:

346.45 (4) The department shall adopt rules for the marking and placarding of vehicles being used to transport hazardous materials which are potentially dangerous to life and property, which rules shall be in accordance with the regulations of the U.S. department of transportation. These rules shall identify classifications of markings or placarding that, consistent with federal regulations, when required on a vehicle also require the vehicle to stop as provided in sub. (1) (c).

**SECTION 4. Nonstatutory provisions.**

(1) PROPOSED PERMANENT RULES. The department of transportation shall submit in proposed form the rules required under section 346.45 (4) of the statutes to the

legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 4th month beginning after the effective date of this subsection.

(2) EXCEPTION TO ECONOMIC IMPACT REPORT FOR RULES. Notwithstanding section 227.137 (2) of the statutes, the department of transportation is not required to prepare an economic impact analysis for the rules required under section 346.45 (4) of the statutes.

(3) EMERGENCY RULES. Using the procedure under section 227.24 of the statutes, the department of transportation shall promulgate the rules required under section 346.45 (4) of the statutes, for the period before the effective date of the permanent rules promulgated under section 346.45 (4) of the statutes, but not to exceed the period authorized under section 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of an emergency for a rule promulgated under this subsection. Notwithstanding section 227.24 (1) (e) 1d. and 1g. of the statutes, the department is not required to obtain approval of a statement of scope as provided in section 227.135 (2) or (4) of the statutes, or submit the proposed emergency rule in

\* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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final draft form to the governor for approval and obtain such approval, for a rule promulgated under this subsection.

**SECTION 5. Initial applicability.**

(1) This act first applies to violations committed on the effective date of this subsection.

**SECTION 6. Effective dates.** This act takes effect on the first day of the 4th month beginning after publication, except as follows:

(1) SECTION 4 of this act takes effect on the day after publication.

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