



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 65
[2005 Assembly Bill 762]

**Exempting Motor Carrier
Regulations From Certain Vehicles
Operated in Intrastate Commerce**

Under **current law**, with limited exceptions, a person who transports passengers or property for hire by motor vehicle on the highways is a common motor carrier or a contract motor carrier (motor carrier). With limited exceptions, a motor carrier must operate under a certificate or license (certificate of authority) issued by the Department of Transportation (DOT) or issued under federal law authorizing operation of a vehicle as a motor carrier. Various state laws, including laws relating to vehicle marking and vehicle inspection, govern motor carriers. These laws govern motor carriers regardless of whether the motor carrier is operating a commercial motor vehicle (CMV). A CMV is a motor vehicle designed or used to transport passengers or property and that is: a single vehicle with a gross vehicle weight rating, registered weight, or actual gross weight of more than 26,000 pounds; a vehicle combination with a gross combination weight rating, registered weight, or actual gross weight of more than 26,000 pounds (inclusive of a towed unit of more than 10,000 pounds); a vehicle designed to transport or actually transporting the driver and 15 or more passengers; or a vehicle transporting certain hazardous or toxic materials. Federal law, including federal motor carrier safety standards established under regulations promulgated by the Federal Motor Carrier Safety Administration, also governs motor carriers. DOT has authority under state law to promulgate rules regulating the operation of all motor carriers, including rules implementing federal motor carrier safety standards.

Current law also requires all motor vehicles operated on a highway, including vehicles operated by motor carriers, to meet specified vehicle equipment standards. Upon request, any operator of a motor vehicle must submit the vehicle to inspection by a vehicle inspector or traffic officer to determine compliance with vehicle equipment standards and, if the vehicle is found to be unsafe for operation, the inspector or officer may order the vehicle to be removed from the highway and not operated except as necessary for repair. DOT may establish standards and adopt rules related to vehicle inspections, including rules implementing federal motor carrier equipment standards.

2005 Wisconsin Act 65 exempts from regulation as a motor carrier any farm truck or dual purpose farm truck combined with any semitrailer or farm trailer, or any vehicle combined with a horse trailer, if the vehicle's gross combination weight rating, registered weight, and actual gross weight do

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

not exceed 26,000 pounds, the vehicle combination does not include a vehicle designed to transport or actually transporting the driver and 15 or more passengers or a vehicle transporting certain hazardous or toxic materials, and the vehicle combination is operated solely in intrastate commerce. The Act specifically exempts these vehicle combinations from any motor carrier vehicle marking requirement. The Act prohibits DOT from promulgating any rule under which certain federal motor carrier safety standards, including equipment standards, are applicable to, or enforceable with respect to, these vehicle combinations.

Effective Date: The effective date of 2005 Wisconsin Act 65 is January 6, 2006.

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