

State of Wisconsin



2017 Assembly Bill 844

Date of enactment: April 16, 2018
Date of publication*: April 17, 2018

2017 WISCONSIN ACT 363

AN ACT to repeal 194.03 (5); and to amend 85.07 (7) (a), 194.03 (5m) (a), 194.03 (5m) (b), 194.04 (1) (title), 194.04 (1) (b), 194.04 (1) (c), 342.155 (4) (b) and 346.65 (2) (am) 1. of the statutes; **relating to:** planning for certain federal highway money distribution transfers; correcting a cross-reference related to penalties for drunk driving; penalties for violations of motor vehicle mileage disclosure requirements; certain references to obsolete federal motor carrier law; and providing a criminal penalty (suggested as remedial legislation by the Department of Transportation).

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

SECTION 1. 85.07 (7) (a) of the statutes is amended to read:

85.07 (7) (a) ~~The~~ In any year that the department expects that federal funds will be transferred under 23 USC 153 (h), the department shall annually prepare a plan to use, for purposes of state and local emergency medical services, at least 25 percent of ~~any federal~~ the funds transferred under 23 USC 153 (h). The department shall prepare the plan after consulting with ~~the council on highway safety,~~ the department of health services and the emergency medical services board. Funds expended under the plan may not be used to supplant other federal and state funds used for emergency medical services purposes. Funds may not be expended under the plan unless any necessary federal approval of the plan has been obtained.

NOTE: SECTION 1 eliminates the requirement that the Department of Transportation (DOT) must annually prepare a plan, in consultation with the Council on Highway Safety, Department of Health Services, and the Emergency Medical Services Board, to use federal funds transferred to highway safety funding as a penalty under 23 USC 153 (h). The bill provides instead that DOT must prepare the plan only in years in which it expects a penalty transfer of federal funds will

occur, and removes the requirement that DOT consult with the Council on Highway Safety before preparing the plan.

SECTION 2. 194.03 (5) of the statutes is repealed.

SECTION 3. 194.03 (5m) (a) of the statutes is amended to read:

194.03 (5m) (a) A person may assert as a defense to the claim the existence of a freight charge agreement between the person and the motor carrier which applies to the carriage of the freight at issue and which has not been filed as a tariff with the ~~interstate-commerce-commission~~ federal surface transportation board.

SECTION 4. 194.03 (5m) (b) of the statutes is amended to read:

194.03 (5m) (b) A court shall request the ~~interstate-commerce-commission~~ federal surface transportation board or other appropriate federal agency to issue an advisory opinion on any issue which the court determines is within the primary jurisdiction of that agency.

NOTE: SECTIONS 3 and 4 eliminate references to the no longer extant Interstate Commerce Commission and replace those references with references to the federal Surface Transportation Board.

SECTION 5. 194.04 (1) (title) of the statutes is amended to read:

194.04 (1) (title) AUTHORITY TO OPERATE IN INTRASTATE COMMERCE.

* Section 991.11, WISCONSIN STATUTES: 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."

SECTION 6. 194.04 (1) (b) of the statutes is amended to read:

194.04 (1) (b) Every applicant for a certificate shall pay a fee of \$500 for a common motor carrier of property certificate or \$50 for a common motor carrier of passengers certificate, ~~except that an applicant for a certificate under the federal motor carrier act of 1935 or for authority to transport in interstate commerce commodities which are exempt from regulation by the interstate commerce commission shall pay a fee of \$25.~~

SECTION 7. 194.04 (1) (c) of the statutes is amended to read:

194.04 (1) (c) Every applicant for a license shall pay a fee of \$500, ~~except that an applicant for a license under the federal motor carrier act of 1935 or for authority to transport in interstate commerce commodities which are exempt from regulation by the interstate commerce commission shall pay a fee of \$25.~~

NOTE: SECTIONS 2, 5, 6, and 7 eliminate references to state motor carrier certificates for interstate operation that are no longer required by federal law.

SECTION 8. 342.155 (4) (b) of the statutes is amended to read:

342.155 (4) (b) Any person who violates this section with intent to defraud ~~may be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of Class H felony.

NOTE: SECTION 8 eliminates language that provides a person may be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both for certain violations of motor vehicle mileage disclosure requirements. The bill retains current language that the penalty for such violations is a Class H Felony.

SECTION 9. 346.65 (2) (am) 1. of the statutes is amended to read:

346.65 (2) (am) 1. Shall forfeit not less than \$150 nor more than \$300, except as provided in subds. 2. to ~~5.~~ 7. and par. (f).

NOTE: SECTION 9 corrects a cross-reference to clarify that the penalties in s. 346.65 (2) (am) 6. and 7., stats., apply to persons who are subject to those subdivisions.

SECTION 10. Initial applicability.

(1) The treatment of section 342.155 (4) (b) of the statutes first applies to offenses committed on the effective date of this subsection.

