



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-1216/2  
EVM:jld

## 2017 ASSEMBLY BILL 16

January 12, 2017 - Introduced by Representative OTT, by request of Department of Transportation. Referred to Committee on Judiciary.

1     **AN ACT to repeal** 194.03 (5); and **to amend** 194.03 (5m) (a), 194.03 (5m) (b),  
2           194.04 (1) (title), 194.04 (1) (b) and 194.04 (1) (c) of the statutes; **relating to:**  
3           certain references to obsolete federal motor carrier law (suggested as remedial  
4           legislation by the Department of Transportation).

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***Analysis by the Legislative Reference Bureau***

Currently, two statutory provisions reference the no longer extant Interstate Commerce Commission. This bill replaces those references with references to the federal Surface Transportation Board. Also under current law, three statutory provisions reference state motor carrier certificates for interstate operation that are no longer authorized under federal law. This bill removes these references.

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

5           **SECTION 1.** 194.03 (5) of the statutes is repealed.

6           **SECTION 2.** 194.03 (5m) (a) of the statutes is amended to read:

7           194.03 (**5m**) (a) A person may assert as a defense to the claim the existence of  
8           a freight charge agreement between the person and the motor carrier which applies

**ASSEMBLY BILL 16****SECTION 2**

1 to the carriage of the freight at issue and which has not been filed as a tariff with the  
2 ~~interstate commerce commission~~ federal surface transportation board.

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

4 194.03 (5m) (b) A court shall request the ~~interstate commerce commission~~  
5 federal surface transportation board or other appropriate federal agency to issue an  
6 advisory opinion on any issue which the court determines is within the primary  
7 jurisdiction of that agency.

8 **SECTION 4.** 194.04 (1) (title) of the statutes is amended to read:

9 194.04 (1) (title) AUTHORITY TO OPERATE IN INTRASTATE COMMERCE.

10 **SECTION 5.** 194.04 (1) (b) of the statutes is amended to read:

11 194.04 (1) (b) Every applicant for a certificate shall pay a fee of \$500 for a  
12 common motor carrier of property certificate or \$50 for a common motor carrier of  
13 passengers certificate, ~~except that an applicant for a certificate under the federal~~  
14 ~~motor carrier act of 1935 or for authority to transport in interstate commerce~~  
15 ~~commodities which are exempt from regulation by the interstate commerce~~  
16 ~~commission shall pay a fee of \$25.~~

17 **SECTION 6.** 194.04 (1) (c) of the statutes is amended to read:

18 194.04 (1) (c) Every applicant for a license shall pay a fee of \$500, ~~except that~~  
19 ~~an applicant for a license under the federal motor carrier act of 1935 or for authority~~  
20 ~~to transport in interstate commerce commodities which are exempt from regulation~~  
21 ~~by the interstate commerce commission shall pay a fee of \$25.~~

22 (END)