

1997-98 SESSION  
COMMITTEE HEARING  
RECORDS

Committee Name:

Joint Committee for  
Review of  
Administrative Rules  
(JCR-AR)

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR\_RCP\_pt01a
- 97hrAC-EdR\_RCP\_pt01b
- 97hrAC-EdR\_RCP\_pt02

- Appointments ... Appt
- 
- Clearinghouse Rules ... CRule
- 97hr\_JCR-AR\_CRule\_98-147
- 
- Committee Hearings ... CH
- 
- Committee Reports ... CR
- 
- Executive Sessions ... ES
- 
- Hearing Records ... HR
- 
- Miscellaneous ... Misc
- 
- Record of Comm. Proceedings ... RCP
-

TRANS 305 VEHICLE RESTRAINT  
98-147 DEVICES

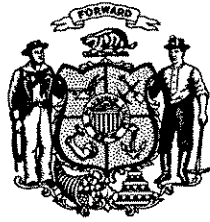
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2

***RULES CLEARINGHOUSE***

**Ronald Sklansky**  
Director  
(608) 266-1946

**Richard Sweet**  
Assistant Director  
(608) 266-2982



**David J. Stute, Director**  
Legislative Council Staff  
(608) 266-1304

One E. Main St., Ste. 401  
P.O. Box 2536  
Madison, WI 53701-2536  
FAX: (608) 266-3830

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 98-147**

AN ORDER to amend Trans 305.27 (3) (a), relating to vehicle restraining devices.

Submitted by **DEPARTMENT OF TRANSPORTATION**

10-07-98 RECEIVED BY LEGISLATIVE COUNCIL.

10-29-98 REPORT SENT TO AGENCY.

RS:DLS:jal

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached      YES       NO

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The Wisconsin Department of Transportation proposes an order to amend TRANS 305.27(3)(a), relating to vehicle restraining devices.

**NOTICE OF INTENT TO ADOPT RULE  
WITHOUT PUBLIC HEARING  
AND  
TEXT OF PROPOSED RULE**

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NOTICE IS HEREBY GIVEN that pursuant to the authority of ss. 85.16(1), 110.075 and 227.10(1), Stats., and interpreting s. 347.48, Stats., and according to the procedure set forth in s. 227.16(2)(e), Stats., the Wisconsin Department of Transportation will adopt the following rule amending ch. Trans 305 without public hearing unless, within 30 days after publication of this notice [revisor to insert date], the Department of Transportation is petitioned for a public hearing by 25 natural persons who will be affected by the rule; a municipality which will be affected by the rule; or an association which is representative of a farm, labor, business or professional group which will be affected by the rule.

Questions about this rule and any petition for public hearing may be addressed to Lt. Sandra Huxtable, Department of Transportation, Division of State Patrol, 4802 Sheboygan Avenue, P. O. Box 7912, Room 551, Madison, WI 53707-7912, telephone (608) 267-0325.

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**Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** ss. 85.16(1), 110.075 and 227.10(1), Stats.

**STATUTES INTERPRETED:** s. 347.48, Stats. 190

**General Summary of Proposed Rule.** The proposed rule amends s. Trans 305.27(3)(a) to clarify that this provision is intended to require that airbags which have been deployed must be replaced so that the vehicle continues to have all restraining devices with which it was originally manufactured. This was the intention of the

Department of Transportation when ch. Trans 305 was created, effective March 1, 1996. However, some law enforcement officers and citizens expressed confusion with the present language and, therefore, the Department wishes to amend the rule to give clear notice to vehicle owners of their obligation to replace deployed airbags.

**Fiscal Impact.** The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical college district, sewerage district, or any federally-recognized American Indian tribes or bands.

**Initial Regulatory Flexibility Analysis.** This proposed rule will have no adverse impact on small businesses.

**Copies of Proposed Rule.** Copies of the rule may be obtained upon request, without cost, by writing to Frieda Andreas, or by calling (608) 266-6936. Alternate formats of the proposed rule will be provided to individuals at their request.

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### **TEXT OF PROPOSED RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1), 110.075 and 227.10(1), Stats., the department of transportation hereby proposes an order to amend a rule interpreting s. 347.48, Stats., relating to vehicle restraining devices.

**SECTION 1.** Trans 305.27(3)(a) is amended to read:

Trans 305.27(3)(a) Except as provided in par. (b), the restraining devices, including air bags, of every motor vehicle shall be maintained in proper working condition and in conformity with this section and s. 347.48, Stats. All required and optional restraining devices, including air bags, shall remain installed or be replaced by like equipment. All airbags that have been deployed shall be replaced with a comparable functioning airbag system.

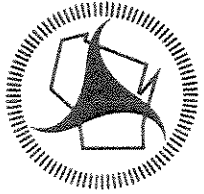
**(END OF RULE TEXT)**

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**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 7 day of October, 1998.

  
CHARLES H. THOMPSON  
Secretary  
Wisconsin Department of Transportation



## Wisconsin Department of Transportation



Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

The Honorable Robert Welch  
Senate Chairman  
Joint Committee for Review  
of Administrative Rules  
One East Main, Suite 201  
Madison, Wisconsin 53707

October 7, 1998

The Honorable Glenn Grothman  
Assembly Chairman  
Joint Committee for Review  
of Administrative Rules  
Room 125, State Capitol  
Madison, Wisconsin 53707

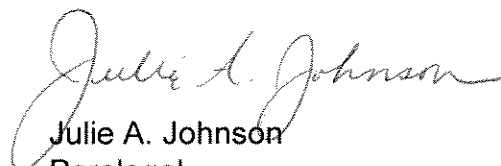
OCT 08 1998

RE: **NOTICE OF INTENT TO ADOPT RULE WITHOUT PUBLIC HEARING** and Text  
of Proposed Rule, relating to **vehicle restraining devices**, Trans 305

Dear Senator Welch and Representative Grothman:

Enclosed for your information is a Notice of Intent to Adopt Rule Without Public Hearing and Text of Proposed Rule making relating to the above-entitled matter. This document has also been filed with the Legislative Council and with the Revisor of Statutes in accordance with the requirements of ss. 227.15(1) and 227.16(2)(e), Stats.

Sincerely,

  
Julie A. Johnson  
Paralegal

Enclosure

cc: Gene Kussart  
Sandy Beaupre  
Mike Goetzman  
Bill Singletary  
Lt. Sandy Huxtable



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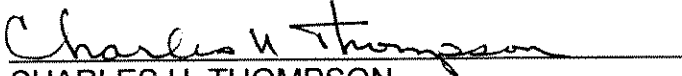
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**(END OF RULE TEXT)**

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Secretary  
Wisconsin Department of Transportation