

1999 Assembly Bill 56

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1999 WISCONSIN ACT 139

AN ACT to amend 194.17, 194.23 (1), 194.34 (1), 194.38 (5), 194.405, 194.41 (1) and 194.41 (6) (a) of the statutes; relating to: motor carriers and the single-state insurance registration system and providing a penalty.

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

SECTION 1. 194.17 of the statutes is amended to read:

194.17 Penalties. Every common motor carrier of property or of passengers, every contract motor carrier and every private motor carrier to which this chapter applies and every person who operates without obtaining a certificate under s. 194.23 or license under s. 194.34, except a license for transporting exempt commodities, or without meeting the insurance requirements under s. 194.405 or 194.41, shall forfeit not less than \$500 nor more than \$5,000. Any person who violates any other provisions of this chapter including the requirement to obtain a license to transport exempt commodities or the requirement to obtain a permit or who violates orders issued by the division of hearings and appeals or orders or rules issued by the secretary shall forfeit not less than \$50 nor more than \$100. Each violation constitutes a separate offense. In construing and enforcing the provisions of this section, the act, omission or failure of any officer, agent or servant or other person acting for or employed by any common motor carrier of property or of passengers, any contract motor carrier or any private motor carrier, done within the scope of employment is deemed to be the act, omission, or failure of the common motor carrier of property or of passengers, contract motor carrier or private motor carrier.

SECTION 2. 194.23 (1) of the statutes is amended to read:

194.23 (1) No person may operate any motor vehicle as a common motor carrier ~~without first obtaining~~ unless the person first obtains a certificate and, if required under this chapter, a permit issued by the department, ~~or unless the person is registered by another state under a single-state registration system consistent with the standards under 49 USC 14504,~~ for the operation of the vehicle, except that no permit is required for the operation of a semitrailer. The department may issue or refuse to issue any certificate. The department may attach to the exercise of the privilege granted by a certificate any terms or conditions which are permitted under this chapter.

SECTION 3. 194.34 (1) of the statutes is amended to read:

194.34 (1) No person may operate any motor vehicle as a contract motor carrier ~~without first obtaining~~ unless the person first obtains a license and, if required under this chapter, a permit issued by the department, ~~or unless the person is registered by another state under a single-state registration system consistent with the standards under 49 USC 14504,~~ for the operation of the motor vehicle, except that no permit is required for the operation of a semitrailer. The department may refuse to issue any license or may attach to the exercise of the privilege granted by a license any terms or conditions which are permitted under this chapter.

* Section 991.11, WISCONSIN STATUTES 1997-98: 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].

SECTION 4. 194.38 (5) of the statutes is amended to read:

194.38 (5) To act in accordance with 49 USC ~~14506~~ 14504 by making any finding, determination and otherwise doing any other thing necessary to proceed under that statute. Nothing in this subsection shall permit the department to extend the length or weight of motor vehicles.

SECTION 5. 194.405 of the statutes is amended to read:

194.405 Single-state insurance registration system. The department may participate in and do all things necessary to implement and administer a single-state insurance registration system for motor carriers in accordance with 49 USC ~~14506~~ 14504. The annual fee required under this section for a motor vehicle that is operated in this state and which is subject to the single-state insurance registration system shall be \$5.

SECTION 6. 194.41 (1) of the statutes is amended to read:

194.41 (1) No permit or vehicle registration may be issued to a common motor carrier of property, contract motor carrier or rental company, no permit or vehicle registration may remain in force to operate any motor vehicle under the authority of this chapter and no vehicle registration may be issued or remain in force for a semi-trailer unless the carrier or rental company has on file with the department and in effect an approved certificate for a policy of insurance or other written contract in such form and containing such terms and conditions as may be approved by the department issued by an insurer authorized to do a surety or automobile liability business in this state under which the insurer assumes the liability prescribed by this section with respect to the operation of such motor vehicles. The certificate or other contract is

subject to the approval of the department and shall provide that the insurer shall be directly liable for and shall pay all damages for injuries to or for the death of persons or for injuries to or destruction of property that may be recovered against the owner or operator of any such motor vehicles by reason of the negligent operation thereof in such amount as the department may require. Liability may be restricted so as to be inapplicable to damage claims on account of injury to or destruction of property transported, but the department may require a certificate or other contract protecting the owner of the property transported by carriers from loss or damage in the amount and under the conditions as the department may require. No permit or vehicle registration may be issued to a common motor carrier of passengers by any motor vehicle, or other carrier of passengers by motor bus, except those registered in accordance with s. 341.26 (2) (a) and (d), and no permit or vehicle registration may remain in force to operate any motor vehicle unless it has on file with the department a like certificate or other contract in the form and containing the terms and conditions as may be approved by the department for the payment of damages for injuries to property and injuries to or for the death of persons, including passengers, in the amounts as the department may require. This subsection does not apply to a motor carrier that is registered by another state under a single-state registration system consistent with the standards under 49 USC 14504.

SECTION 7. 194.41 (6) (a) of the statutes is amended to read:

194.41 (6) (a) Except as provided under par. (b), the minimum insurance required under sub. (1) is the minimum level of insurance established under 49 USC ~~10927~~ 13906 (a) (1).

