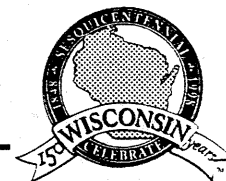




Wisconsin Department of Transportation



Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

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

January 4, 1999

The Honorable Fred Risser
President, Wisconsin State Senate
Room 218 South, State Capitol
Madison, Wisconsin 53707

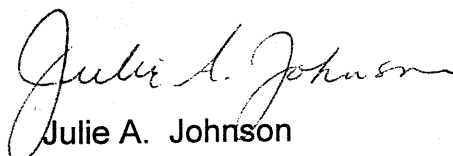
The Honorable Scott Jensen
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 305**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 98-147

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **98-147**, relating to **vehicle restraining devices**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,


Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson (Deputy Revisor of Statutes)
Senator Judy Robson
Representative Glenn Grothman
Gene Kussart
Bill Singletary
Lt. Sandy Huxtable
Frieda Andreas

CR 98-147

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

**REPORT OF THE DEPARTMENT OF TRANSPORTATION
ON THE FINAL RULE DRAFT**

This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

- Part 1--Analysis prepared by the Department of Transportation.
- Part 2--Rule text in final draft form.
- Part 3--Recommendations of the Legislative Council.
- Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



BARBARA F. BIRD
Assistant General Counsel
Office of General Counsel
Department of Transportation
Room 115-B, Hill Farms State
Transportation Building
P. O. Box 7910
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PART 1
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.

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.

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.

PART 2
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.

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 8 day of December, 1998.

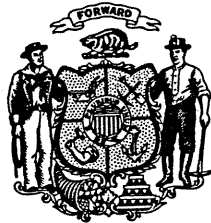


CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation

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

PART 3

CLEARINGHOUSE REPORT TO AGENCY

[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

PART 4
CR 98-147

ANALYSIS OF FINAL DRAFT OF TRANS 305

(a) **Need for Amended 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.

(b) **Modifications as a Result of Testimony at Public Hearing.** Notice of intent to adopt this proposed rule without public hearing was given under the procedure set forth in s. 227.16(2)(e), Stats. No one petitioned for a public hearing and no public hearing was held.

(c) **List of Persons who Appeared or Registered at Public Hearing.** Because there was no hearing, there were none.

(d) **Response to Legislative Council Recommendations.** The Legislative Council made no recommendations.

(e) **Final Regulatory Flexibility Analysis.** This proposed rule will have no adverse impact on small businesses.