

2003 DRAFTING REQUEST

Bill

Received: 02/19/2004

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Julie Lassa (608) 266-3123

By/Representing: Robin Ryan (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **PJH**

Submit via email: YES

Requester's email: **Sen.Lassa@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Exception for vehicle equipment safety glass requirement

Instructions:

Wants exception to vehicle safety glass requirement under s. 347.43 for mobile homes where person is not allowed to be in the vehicle anyway; will send DOT opinion

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	agary 02/23/2004	kgilfoy 02/23/2004	pgreensl 02/23/2004	_____	mbarman 02/23/2004	mbarman 02/23/2004	
				_____	mbarman 02/23/2004	sbasford 02/24/2004	
				_____		sbasford	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

02/24/2004

FE Sent For:

<END>

*none
needed*

2003 DRAFTING REQUEST

Bill

Received: 02/19/2004

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Julie Lassa (608) 266-3123

By/Representing: Robin Ryan (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **PJH**

Submit via email: YES

Requester's email: **Sen.Lassa@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Exception for vehicle equipment safety glass requirement

Instructions:

Wants exception to vehicle safety glass requirement under s. 347.43 for mobile homes where person is not allowed to be in the vehicle anyway; will send DOT opinion

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	agary 02/23/2004	kgilfoy 02/23/2004	pgreensl 02/23/2004	_____	mbarman 02/23/2004	_____	
				_____	_____		
				_____	02/23/2004		

~~_____~~
~~_____~~
~~02/23/2004~~

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 02/19/2004

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Julie Lassa (608) 266-3123

By/Representing: Robin Ryan (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - motor vehicles

Extra Copies: PJH

Submit via email: YES

Requester's email: Sen.Lassa@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Exception for vehicle equipment safety glass requirement

Instructions:

Wants exception to vehicle safety glass requirement under s. 347.43 for mobile homes where person is not allowed to be in the vehicle anyway; will send DOT opinion

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	agary	1-2/23 Kmg	J P3 P8	J P3 ser			

FE Sent For:

<END>



Wisconsin Department of Transportation

www.dot.wisconsin.gov

Jim Doyle
Governor

Frank J. Busalacchi
Secretary

Office of General Counsel
1000 Chesham Ave. Rm. 115B

February 16, 2004

Aaron, Please provide that safety glass is not required in mobile homes in which a person may not legally travel

Thanks

We would like to introduce a bill this session

The Honorable Julie Lassa
State Senator
Room 3 South, State Capitol
Madison, WI 53703

RE: **Safety Glass in Trailers**

Dear Senator Lassa:

You have asked for a legal opinion from our office on the scope of § 347.43, Stats., which provides in part that:

347.43(1s) No person may operate upon a highway any motor vehicle manufactured after January 1, 1936, unless the motor vehicle is equipped with safety glass wherever glass is used on the motor vehicle in partitions, doors, windows or windshields.

A recreational vehicle dealer from Wisconsin Rapids has contacted you questioning whether § 347.43(1s), Stats., requires that mobile homes, other than 5th-wheel mobile homes, must be equipped with safety glass. The dealer indicated that manufacturers of recreational trailers refused to deliver vehicles without safety glass for sale in Wisconsin.

In my opinion, all mobile homes with or without 5th-wheel attachment mechanisms must be equipped with safety glass when towed upon highways in Wisconsin. The basis of this opinion is the definition of motor vehicle which is contained in § 340.01(35), Stats., which provides in part that:


340.01(35) "Motor vehicle" means a vehicle, **including a combination of 2 or more vehicles** or an articulated vehicle which is self-propelled, except a vehicle operated exclusively on a rail."

This definition was adopted as part of 1989 Wisconsin Act 105 which became effective on December 20, 1989. The act implemented the requirements of the federal commercial motor vehicle safety act of 1986. Although the focus of the act was on creating a new driver licensing system in Wisconsin, the changes in the definition of motor vehicle had impacts throughout the motor vehicle code. The definition of motor vehicle was changed to include a combination of a power unit and a towed vehicle. For

purposes of § 347.43, Stats., safety glass was now required in all trailers when towed upon a highway.

This impact upon the applicability of the safety glass provisions of § 347.43, Stats., was probably inadvertent. Legislative action will be necessary if the requirement of safety glass is to be limited to 5th-wheel mobile homes in which passengers may ride while the vehicle is towed on a public highway.

Sincerely,

A handwritten signature in cursive script that reads "Barbara F. Bird".

Barbara F. Bird
Assistant General Counsel

BFB/jj

cc: James Thiel
Randy Romanski
Loralee Brumund
Mark Ferkey

Needed
by 2/27

Amg

D-Note

2003 BILL

Men. Cat.

1 AN ACT **relating to:** the requirement that motor vehicles be equipped with
2 safety glass.

Analysis by the Legislative Reference Bureau

Under current law, all motor vehicles operated upon a highway must be equipped with safety glass wherever glass is used on the vehicle in windshields, windows, doors, and partitions. Safety glass is defined as glass that is treated or combined with other materials to reduce the likelihood of injury to persons by objects from external sources or by the glass when the glass is struck or broken.

Also under current law, a mobile home is defined, in part, as a towed vehicle and a person may not be a passenger in a mobile home while it is being towed unless, with certain limitations, the mobile home is a fifth-wheel mobile home.

This bill creates an exception to the vehicle safety glass requirement for mobile homes that are not fifth-wheel mobile homes.

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

3 SECTION 1. 347.43 (1s) of the statutes is amended to read:

4 347.43 (1s) No person may operate upon a highway any motor vehicle
5 manufactured after January 1, 1936, except a mobile home other than a fifth-wheel

BILL

1 mobile home, unless the motor vehicle is equipped with safety glass wherever glass
2 is used on the motor vehicle in partitions, doors, windows or windshields.

3 History: 1977 c. 29 s. 1654 (9) (f); 1981 c. 347; 1985 a. 187; 1993 a. 16; 1999 a. 85.

SECTION 2. Initial applicability.

4 (1) This act first applies to vehicles operated on the effective date of this
5 subsection.

6 (END)

D - Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4317/1dn

ARG: j...
King

ATTN: Robin Ryan

From my review of 49 USC 30111 and 49 CFR 571.205, it does not appear to me that federal requirements related to the use of safety glass in vehicles are applicable to mobile homes that do not carry passengers. However, you may wish to consult with DOT or the Federal Highway Administration on this issue.

You may wish to consult with DOT as to the degree to which ~~non~~ safety glass on mobile homes may shatter more easily from road debris, such as rocks kicked up by traffic, and whether this bill could result in a greater quantity of glass on the highways or the risk of flying glass to nearby motorists.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4317/1dn
ARG:kmg:pg

February 23, 2004

ATTN: Robin Ryan

From my review of 49 USC 30111 and 49 CFR 571.205, it does not appear to me that federal requirements related to the use of safety glass in vehicles are applicable to mobile homes that do not carry passengers. However, you may wish to consult with DOT or the Federal Highway Administration on this issue.

You may wish to consult with DOT as to the degree to which nonsafety glass on mobile homes may shatter more easily from road debris, such as rocks kicked up by traffic, and whether this bill could result in a greater quantity of glass on the highways or the risk of flying glass to nearby motorists.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Northrop, Lori

From: Ryan, Robin
Sent: Tuesday, February 24, 2004 10:14 AM
To: LRB.Legal
Subject: Draft review: LRB 03-4317/1 Topic: Exception for vehicle equipment safety glass requirement

It has been requested by <Ryan, Robin> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-4317/1 Topic: Exception for vehicle equipment safety glass requirement