



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0005/01 P2
ARG&BAB:jld:pg

Needed
by 10/19
end of day

in 10/17

AMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT to renumber and amend 194.405; to amend 194.23 (1), 194.31, 194.34
2 (1), 194.405 (title) and 194.41 (1); and to create 194.405 (2) of the statutes;
3 relating to: insurance requirements for motor carriers.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) administers, in a manner provided under federal law, a single-state insurance registration system for common motor carriers and contract motor carriers allowing these motor carriers with interstate operations to register in, and pay applicable fees to, a single state with regard to proof of satisfaction of motor carrier insurance requirements. The registration is valid in, and the fee is divided among, all participating states. The annual fee for this registration is \$5.

insert ANAL-A ✓

in Wisconsin

Under federal law, the single-state insurance registration system is repealed effective January 1, 2007. In its place, federal law has created a unified carrier registration system and states have until August 10, 2008, to elect to participate in this system. As with the single-state insurance registration system, the unified carrier registration system allows common motor carriers and contract motor carriers with interstate operations to register in, and pay applicable fees to, a single state with regard to proof of satisfaction of motor carrier insurance requirements. Unlike the single-state insurance registration system, the unified carrier registration system applies to private motor carriers as well as common motor carriers and contract motor carriers. Under the unified carrier registration system, the federal secretary of transportation, upon receiving a recommendation from the unified carrier registration plan board of directors, sets registration fees applicable to participating states.

scheduled to be ✓

and replaced by

including brokers, freight forwarders, leasing companies, and exempt for-hire motor carriers

brokers, freight forwarders,
leasing companies, and exempt for-hire motor carriers

This bill authorizes DOT to participate in the unified carrier registration system and to impose on motor carriers, including private motor carriers, registration fees applicable to proof of satisfaction of motor carrier insurance requirements. These fees must be consistent with the fees set by the federal secretary of transportation, except that any change in these fees is subject to a passive review by the Joint Committee on Finance.

Insert ANAL-B

Under current law, DOT may not issue to a common motor carrier or contract motor carrier a motor carrier permit or register a motor carrier's vehicle unless the carrier has filed with DOT and has in effect an approved certificate for a policy of motor vehicle liability insurance. DOT may inspect the insurance records of any common motor carrier or contract motor carrier, and examine under oath any officer or employee of a common motor carrier or contract motor carrier, as to this required insurance. Under this bill, these provisions also apply to a private motor carrier registered with DOT under the unified carrier registration system.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

Insert 2-2

SECTION 1. 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 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 unified carrier registration system consistent with the standards under 49 USC 14504 13908 and 14504a, 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 2. 194.31 of the statutes is amended to read:

194.31 Inspection of records. The secretary, or any person employed by the secretary, shall, upon demand, have the right to inspect the insurance records of any

1 common motor carrier of property or of passengers or, of any contract motor carrier,
 2 or of any private motor carrier registered in this state under s. 194.405, and to
 3 examine under oath any officer, agent or employee of such carrier, in relation to the
 4 insurance required under s. 194.41; provided that any person other than the
 5 secretary who shall make such demand shall produce his or her authority under the
 6 hand and seal of the department.

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

8 194.34 (1) No person may operate any motor vehicle as a contract motor carrier
 9 unless the person first obtains a license and, if required under this chapter, a permit
 10 issued by the department, or unless the person is registered by another state under
 11 a single-state unified carrier registration system consistent with the standards
 12 under 49 USC 14504 13908 and 14504a, for the operation of the motor vehicle, except
 13 that no permit is required for the operation of a semitrailer. The department may
 14 refuse to issue any license or may attach to the exercise of the privilege granted by
 15 a license any terms or conditions which are permitted under this chapter.

16 SECTION 4. 194.405 (title) of the statutes is amended to read:

17 194.405 (title) **Single-state Unified carrier insurance registration**
 18 **system.**

19 SECTION 5. 194.405 of the statutes is renumbered 194.405 (1) and amended to
 20 read:

21 194.405 (1) The department may participate in and do all things necessary to
 22 implement and administer a single-state unified carrier insurance registration
 23 system for motor carriers, including private motor carriers, in accordance with 49
 24 USC 14504 13908 and 14504a. The annual fee required under this section for a
 25 motor vehicle that is operated in this state and which that is subject to the

Insert
3-8

1 ~~single-state unified carrier~~ insurance registration system shall be \$5 is the amount
2 ~~determined by the federal secretary of transportation under 49 USC 14504a (d) (7).~~

3 SECTION 6. 194.405 (2) of the statutes is created to read:

4 194.405 (2) Upon receiving notice of a federal change in fees under 49 USC
5 14504a (d) (7), the department shall submit to the joint committee on finance, and
6 to the appropriate standing committees of the legislature, a written request to
7 change fees consistent with the notice of a federal change in fees. If the
8 cochairpersons of the joint committee on finance do not notify the secretary within
9 14 working days after the date of the department's submittal that the joint committee
10 on finance has scheduled a meeting to review the request, the department may
11 change fees payable under this section as provided in the request. If, within 14
12 working days after the date of the department's submittal, the cochairpersons of the
13 joint committee on finance notify the secretary that the joint committee on finance
14 has scheduled a meeting to review the request, the department may change fees
15 payable under this section only as approved by the committee.

16 SECTION 7. 194.41 (1) of the statutes is amended to read:

17 194.41 (1) No permit or vehicle registration may be issued to a common motor
18 carrier of property, contract motor carrier, private motor carrier registered in this
19 state under s. 194.403, or rental company, no permit or vehicle registration may
20 remain in force to operate any motor vehicle under the authority of this chapter, and
21 no vehicle registration may be issued or remain in force for a semitrailer unless the
22 carrier or rental company has on file with the department and in effect an approved
23 certificate for a policy of insurance or other written contract in such form and
24 containing such terms and conditions as may be approved by the department issued
25 by an insurer authorized to do a surety or automobile liability business in this state

1 under which the insurer assumes the liability prescribed by this section with respect
 2 to the operation of such motor vehicles. The certificate or other contract is subject
 3 to the approval of the department and shall provide that the insurer shall be directly
 4 liable for and shall pay all damages for injuries to or for the death of persons or for
 5 injuries to or destruction of property that may be recovered against the owner or
 6 operator of any such motor vehicles by reason of the negligent operation thereof in
 7 such amount as the department may require. Liability may be restricted so as to be
 8 inapplicable to damage claims on account of injury to or destruction of property
 9 transported, but the department may require, and with respect to a carrier
 10 transporting a building, as defined in s. 348.27 (12m) (a) 1., shall require, a certificate
 11 or other contract protecting the owner of the property transported by carriers from
 12 loss or damage in the amount and under the conditions as the department may
 13 require. No permit or vehicle registration may be issued to a common motor carrier
 14 of passengers by any motor vehicle, or other carrier of passengers by motor bus,
 15 except those registered in accordance with s. 341.26 (2) (a) and (d), and no permit or
 16 vehicle registration may remain in force to operate any motor vehicle unless it has
 17 on file with the department a like certificate or other contract in the form and
 18 containing the terms and conditions as may be approved by the department for the
 19 payment of damages for injuries to property and injuries to or for the death of
 20 persons, including passengers, in the amounts as the department may require. This
 21 subsection does not apply to a motor carrier that is registered by another state under

22 a ~~single-state~~ ^{plain} unified carrier registration system consistent with the standards
 23 under 49 USC ~~14504~~ ^{plain} 13908 and 14504a. ^{or 49 USC}

24 **SECTION 8. Initial applicability.**

, respectively,

delete
Strike

SECTION 8

9

1
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7

(1) The renumbering and amendment of section 194.405 of the statutes first applies to applications for insurance registration submitted on the effective date of this subsection.

(2) The treatment of section 194.41 (1) of the statutes first applies to applications for permits or vehicle registration submitted on the effective date of this subsection.

(END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0005/P2ins
ARG:.....

INSERT ANAL-A:

(no P) Each state sets its own fee and the base state sends each participating state the proper amount of revenue reflecting vehicles that travel into the participating state.

INSERT ANAL-B:

(no P) The bill also allows DOT to continue to participate in the single-state insurance registration system for as long as this system continues to be authorized under federal law, but prohibits DOT from simultaneously participating in both the single-state insurance registration system and the unified carrier registration system.

INSERT 2-2:

194.23 (1) No person may operate any motor vehicle as a common motor carrier 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 or unified carrier registration system consistent with the standards under, respectively, 49 USC 14504 or 49 USC 13908 and 14504a, 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.

INSERT 3-8:

194.34 (1) No person may operate any motor vehicle as a contract motor carrier 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



INSERT
3-8 cont.

a single-state or unified carrier registration system consistent with the standards under, respectively, 49 USC 14504 or 49 USC 13908 and 14504a, 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 1. 194.407 of the statutes is created to read:

194.407 Unified carrier insurance registration system. (1) The department may participate in and do all things necessary to implement and administer a unified carrier insurance registration system for motor carriers, including private motor carriers, in accordance with 49 USC 13908 and 14504a. The annual fee required under this section for a motor vehicle that is operated in this state and that is subject to the unified carrier insurance registration system is the amount determined by the federal secretary of transportation under 49 USC 14504a (d) (7), except that, if sub. (2) is applicable, the fee is the amount established under sub. (2).

(2) Upon receiving notice of a federal change in fees under 49 USC 14504a (d) (7), the department shall submit to the joint committee on finance, and to the appropriate standing committees of the legislature, a written request to change fees consistent with the notice of a federal change in fees. If the cochairpersons of the joint committee on finance do not notify the secretary within 14 working days after the date of the department's submittal that the joint committee on finance has scheduled a meeting to review the request, the department may change fees payable under this section as provided in the request. If, within 14 working days after the date of the



department's submittal, the cochairpersons of the joint committee on finance notify the secretary that the joint committee on finance has scheduled a meeting to review the request, the department may change fees payable under this section only as approved by the committee.

(3) The department may not administer an insurance registration system for motor carriers under both this section[✓] and s. 194.405[✓].

(end ins 3-8)

ARG
2

Barman, Mike

From: Barman, Mike
Sent: Thursday, October 26, 2006 10:48 AM
To: Gary, Aaron; Balinsky, Brett
Subject: FW: Draft review: LRB 07-0005/P2 Topic: single state motor carrier registration; unified carrier registration act
Importance: High

From: Baetsen, Karen
Sent: Thursday, October 26, 2006 10:46 AM
To: Barman, Mike
Cc: Nielson, Kristie; Swissler, John; Hammer, Paul; Nilsen, Paul
Subject: RE: Draft review: LRB 07-0005/P2 Topic: single state motor carrier registration; unified carrier registration act
Importance: High

Please forward the following comments regarding draft 0005/2 to Aaron Gary and Brett Balinsky.

DOT has read the UCR language thoroughly in the SAFETEA-LU law, and we have consulted with the UCR board. We have learned that there are two distinct operations that will occur under UCR.

- On the one hand, the USDOT will be responsible for collection of insurance filings from motor carriers -- not the states.
- On the other hand, the states will collect and distribute fees under a base-state system. Wisconsin private motor carriers will not need to file insurance with Wisconsin DOT. In this respect, the UCR will **NOT** be an insurance registration system as was SSRS; it will merely be a fee-type registration system.

Wisconsin has a long legislative history of NOT requiring insurance of private motor carriers. Thus, it is NOT appropriate for us to ask for private motor carriers to be included in insurance filing requirements to Wisconsin DOT.

Therefore, we need to eliminate all references to "insurance" under the UCR.

Consequently, the following drafting changes to LRB-0005/P2 are needed.

1. In the Bill Analysis, 3 changes are desired. Eliminate the words that are in red below.

- Second paragraph -- "As with the single-state insurance registration system, the unified carrier registration system allows common motor carriers and contract motor carriers with interstate operations to register in, and pay applicable fees to, a single state with regard to proof of satisfaction of motor carrier insurance requirements."
- Third paragraph -- "This bill authorizes DOT to participate in the unified carrier registration system and to impose on motor carriers, including private motor carriers, brokers, freight forwarders, leasing companies, and exempt for-hire motor carriers registration fees applicable to proof of satisfaction of motor carrier insurance requirements."
- Fourth paragraph -- Delete the entire fourth paragraph because we are not asking for private motor carriers to be covered under state insurance requirements.

2. In the statutory language itself:

- Eliminate all of Section 2 of the bill, page 3, lines 3-11.

10/26/2006

- Eliminate all of Section 5 of the bill, page 4 line 21 - page 6, line 3.
- Page 4, lines 19-20; created as s. 194.407(3). Since SSRS under 194.405 IS an insurance registration system but UCR under 194.407 IS NOT an insurance registration system, amend line 19-20 to read "The department may not administer both an insurance registration system for motor carriers under s.194.405 and a registration system for motor carriers under this section."
- Section 4 of the bill creates the UCR system. Eliminate the word "insurance" in the title on page 3, line 23; and in the body of the section on page 3, line 25; and in the body of the section on page 4, line 3.

If you have any questions, please give us a call. Thanks for considering into the next draft.

Karen Baetsen

Department of Transportation
Office of Policy, Budget and Finance
Room 132B Hill Farms
608/ 266-0179
karen.baetsen@dot.state.wi.us

-----Original Message-----

From: Barman, Mike [mailto:Mike.Barman@legis.wisconsin.gov]

Sent: Wednesday, October 18, 2006 9:46 AM

To: Baetsen, Karen

Subject: Draft review: LRB 07-0005/P2 Topic: single state motor carrier registration; unified carrier registration act

Following is the PDF version of draft LRB 07-0005/P2.

Gary, Aaron

From: Baetsen, Karen
Sent: Monday, October 30, 2006 12:59 PM
To: Gary, Aaron
Cc: Swissler, John
Subject: FW: Draft review: LRB 07-0005/P2 Topic: single state motor carrier registration; unified carrier registration act
Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

DMV's response is noted.... thanks for asking us!!

-----Original Message-----

From: Frazier, Carson
Sent: Monday, October 30, 2006 12:39 PM
To: Baetsen, Karen; Niva, Gregory; Galbraith, Timothy
Cc: Swissler, John; Frazier, Carson
Subject: RE: Draft review: LRB 07-0005/P2 Topic: single state motor carrier registration; unified carrier registration act
Importance: High

Karen: Aaron is right! DO NOT make the changes he shows on page 4, lines 23-24, but DO make the changes he shows at the very end, page 6, lines 2-3. Thanks to Aaron for catching that!!!

*Carson P. Frazier
Program Officer, Legislative Liaison
Division of Motor Vehicles
Phone: 608-266-7857*

-----Original Message-----

From: Baetsen, Karen
Sent: Monday, October 30, 2006 11:50 AM
To: Frazier, Carson; Niva, Gregory; Galbraith, Timothy
Cc: Swissler, John
Subject: FW: Draft review: LRB 07-0005/P2 Topic: single state motor carrier registration; unified carrier registration act
Importance: High

I'm a bit pushed for time to review all the notes....can one of you let me know how to answer Aaron's inquiry? He just wants to be very sure we want it all eliminated!!

-----Original Message-----

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Monday, October 30, 2006 10:32 AM
To: Baetsen, Karen
Subject: RE: Draft review: LRB 07-0005/P2 Topic: single state motor carrier registration; unified carrier registration act

Hi Karen,

This is done, but I'm wondering if DOT really wants to eliminate all of bill section 5, or whether DOT wants to eliminate the changes at p. 4, lines 23-24 and keep the changes at p. 6, lines 2-3? Please let me know. Thanks. Aaron

Aaron R. Gary
 Legislative Attorney
 Legislative Reference Bureau
 608.261.6926 (voice)
 608.264.6948 (fax)
 aaron.gary@legis.state.wi.us

From: Baetsen, Karen
Sent: Thursday, October 26, 2006 10:46 AM
To: Barman, Mike
Cc: Nielson, Kristie; Swissler, John; Hammer, Paul; Nilsen, Paul
Subject: RE: Draft review: LRB 07-0005/P2 Topic: single state motor carrier registration; unified carrier registration act
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- Third paragraph -- "This bill authorizes DOT to participate in the unified carrier registration system and to impose on motor carriers, including private motor carriers, brokers, freight forwarders, leasing companies, and exempt for-hire motor carriers registration fees applicable to proof of satisfaction of motor carrier insurance requirements."
- Fourth paragraph -- Delete the entire fourth paragraph because we are not asking for private motor carriers to be covered under state insurance requirements.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0005/02 P3
ARG&BAB:jld:rs

in 10/30

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Wanted by 11/1

Regen

1 AN ACT *to amend* 194.23 (1), 194.31, 194.34 (1) and 194.41 (1); and *to create*
2 194.407 of the statutes; **relating to:** insurance ^{registration} requirements for motor
3 carriers. ✓

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) administers, in a manner provided under federal law, a single-state insurance registration system for common motor carriers and contract motor carriers allowing these motor carriers with interstate operations to register in, and pay applicable fees to, a single state with regard to proof of satisfaction of motor carrier insurance requirements. The registration is valid in all participating states. Each state sets its own fee and the base state sends each participating state the proper amount of revenue reflecting vehicles that travel into the participating state. The annual fee in Wisconsin for this registration is \$5.

Under federal law, the single-state insurance registration system is scheduled to be repealed effective January 1, 2007, and replaced by a unified carrier registration system. ✓ As with the single-state insurance registration system, the unified carrier registration system ✓ allows common motor carriers and contract motor carriers with interstate operations to register in, and pay applicable fees to, a single state with regard to proof of satisfaction of motor carrier insurance requirements. Unlike the single-state insurance registration system, the unified carrier registration system applies to private motor carriers as well as common motor carriers and contract motor carriers, including brokers, freight forwarders, leasing companies, and exempt for-hire motor carriers. Under the unified carrier

registration system, the federal secretary of transportation, upon receiving a recommendation from the unified carrier registration plan board of directors, sets registration fees applicable to participating states.

This bill authorizes DOT to participate in the unified carrier registration system and to impose on motor carriers, including private motor carriers, brokers, freight forwarders, leasing companies, and exempt for-hire motor carriers registration fees applicable to proof of satisfaction of motor carrier insurance requirements. These fees must be consistent with the fees set by the federal secretary of transportation, except that any change in these fees is subject to passive review by the Joint Committee on Finance. The bill also allows DOT to continue to participate in the single-state insurance registration system for as long as this system continues to be authorized under federal law, but prohibits DOT from simultaneously participating in both the single-state insurance registration system and the unified carrier registration system.

Under current law, DOT may not issue to a common motor carrier or contract motor carrier a motor carrier permit or register a motor carrier's vehicle unless the carrier has filed with DOT and has in effect an approved certificate for a policy of motor vehicle liability insurance. DOT may inspect the insurance records of any common motor carrier or contract motor carrier, and examine under oath any officer or employee of a common motor carrier or contract motor carrier, as to this required insurance. Under this bill, these provisions also apply to a private motor carrier registered with DOT under the unified carrier registration system.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 194.23 (1) No person may operate any motor vehicle as a common motor carrier
3 unless the person first obtains a certificate and, if required under this chapter, a
4 permit issued by the department, or unless the person is registered by another state
5 under a single-state or unified carrier registration system consistent with the
6 standards under, respectively, 49 USC 14504 or 49 USC 13908 and 14504a, for the
7 operation of the vehicle, except that no permit is required for the operation of a
8 semitrailer. The department may issue or refuse to issue any certificate. The

1 department may attach to the exercise of the privilege granted by a certificate any
2 terms or conditions which are permitted under this chapter.

3 SECTION 2. 194.31 of the statutes is amended to read:

4 **194.31 Inspection of records.** The secretary, or any person employed by the
5 secretary, shall, upon demand, have the right to inspect the insurance records of any
6 common motor carrier of property or of passengers or, of any contract motor carrier,
7 or of any private motor carrier registered in this state under s. 194.407, and to
8 examine under oath any officer, agent or employee of such carrier, in relation to the
9 insurance required under s. 194.41; provided that any person other than the
10 secretary who shall make such demand shall produce his or her authority under the
11 hand and seal of the department.

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

13 194.34 (1) No person may operate any motor vehicle as a contract motor carrier
14 unless the person first obtains a license and, if required under this chapter, a permit
15 issued by the department, or unless the person is registered by another state under
16 a single-state or unified carrier registration system consistent with the standards
17 under, respectively, 49 USC 14504 or 49 USC 13908 and 14504a, for the operation
18 of the motor vehicle, except that no permit is required for the operation of a
19 semitrailer. The department may refuse to issue any license or may attach to the
20 exercise of the privilege granted by a license any terms or conditions which are
21 permitted under this chapter.

22 SECTION 4. 194.407 of the statutes is created to read:

23 **194.407 Unified carrier insurance registration system.** (1) The
24 department may participate in and do all things necessary to implement and
25 administer a unified carrier insurance registration system for motor carriers,

SECTION 4

1 including private motor carriers, in accordance with 49 USC 13908 and 14504a. The
 2 annual fee required under this section for a motor vehicle that is operated in this
 3 state and that is subject to the [✓] unified carrier ~~insurance~~ registration system is the
 4 amount determined by the federal secretary of transportation under 49 USC 14504a
 5 (d) (7), except that, if sub. (2) is applicable, the fee is the amount established under
 6 sub. (2).

7 (2) Upon receiving notice of a federal change in fees under 49 USC 14504a (d)
 8 (7), the department shall submit to the joint committee on finance, and to the
 9 appropriate standing committees of the legislature, a written request to change fees
 10 consistent with the notice of a federal change in fees. If the cochairpersons of the joint
 11 committee on finance do not notify the secretary within 14 working days after the
 12 date of the department's submittal that the joint committee on finance has scheduled
 13 a meeting to review the request, the department may change fees payable under this
 14 section as provided in the request. If, within 14 working days after the date of the
 15 department's submittal, the cochairpersons of the joint committee on finance notify
 16 the secretary that the joint committee on finance has scheduled a meeting to review
 17 the request, the department may change fees payable under this section only as
 18 approved by the committee.

19 (3) The department may not administer ^{both} an insurance registration system for
 20 motor carriers under ~~both this section and s. 194.405.~~ ^{and a registration system for}
 motor carriers under this [✓] section

21 SECTION 5. 194.41 (1) of the statutes is amended to read:

22 194.41 (1) No permit or vehicle registration may be issued to a common motor
 23 carrier of property, contract motor carrier, private motor carrier registered in this
 24 state under s. 194.407, or rental company, no permit or vehicle registration may
 25 remain in force to operate any motor vehicle under the authority of this chapter, and

1 no vehicle registration may be issued or remain in force for a semitrailer unless the
2 carrier or rental company has on file with the department and in effect an approved
3 certificate for a policy of insurance or other written contract in such form and
4 containing such terms and conditions as may be approved by the department issued
5 by an insurer authorized to do a surety or automobile liability business in this state
6 under which the insurer assumes the liability prescribed by this section with respect
7 to the operation of such motor vehicles. The certificate or other contract is subject
8 to the approval of the department and shall provide that the insurer shall be directly
9 liable for and shall pay all damages for injuries to or for the death of persons or for
10 injuries to or destruction of property that may be recovered against the owner or
11 operator of any such motor vehicles by reason of the negligent operation thereof in
12 such amount as the department may require. Liability may be restricted so as to be
13 inapplicable to damage claims on account of injury to or destruction of property
14 transported, but the department may require, and with respect to a carrier
15 transporting a building, as defined in s. 348.27 (12m) (a) 1., shall require, a certificate
16 or other contract protecting the owner of the property transported by carriers from
17 loss or damage in the amount and under the conditions as the department may
18 require. No permit or vehicle registration may be issued to a common motor carrier
19 of passengers by any motor vehicle, or other carrier of passengers by motor bus,
20 except those registered in accordance with s. 341.26 (2) (a) and (d), and no permit or
21 vehicle registration may remain in force to operate any motor vehicle unless it has
22 on file with the department a like certificate or other contract in the form and
23 containing the terms and conditions as may be approved by the department for the
24 payment of damages for injuries to property and injuries to or for the death of
25 persons, including passengers, in the amounts as the department may require. This

1 subsection does not apply to a motor carrier that is registered by another state under
2 a single-state or unified carrier registration system consistent with the standards
3 under, respectively, 49 USC 14504 or 49 USC 13908 and 14504a.

4 (END)

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Conversion - all pending DOT Statutory Language Requests

- Tracking Codes:

██████████ ARG
██████████ BAB
██████████ ARG
██████████ ARG
██████████ ARG
→ 0005/P3 ARG

BB0192

- SBO team: Environmental and Commercial Resources
- SBO analyst: Sara Kornely
 - Phone: 266-1039
 - Email: sara.kornely@wisconsin.gov
- Agency acronym: DOT
- Agency number: 395
- Priority (Low, Medium, High): Medium

Please convert all drafting requests above from DOT requests to DOA requests.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0005/1
ARG&BAB:jld:jf

in 11/24

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

TRANSPORTATION ← head

DRIVERS AND MOTOR VEHICLES ← subhead

DON'T GEN

- 1 AN ACT ~~to amend~~ 194.23 (1), 194.34 (1) and 194.41 (1) ~~and to create~~ 194.407,
- 2 ~~of the statutes,~~ relating to: registration requirements for motor carriers.

Analysis by the Legislative Reference Bureau

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Under federal law, the single-state insurance registration system is scheduled to be repealed effective January 1, 2007, and replaced by a unified carrier registration system. As with the single-state insurance registration system, the unified carrier registration system allows common motor carriers and contract motor carriers with interstate operations to register in, and pay applicable fees to, a single state. Unlike the single-state insurance registration system, the unified carrier registration system applies to private motor carriers as well as common motor carriers and contract motor carriers, including brokers, freight forwarders, leasing companies, and exempt for-hire motor carriers. Under the unified carrier registration system, the federal secretary of transportation, upon receiving a recommendation from the unified carrier registration plan board of directors, sets registration fees applicable to participating states.

JCF
This bill authorizes DOT to participate in the unified carrier registration system and to impose registration fees on motor carriers, including private motor carriers, brokers, freight forwarders, leasing companies, and exempt for-hire motor carriers. These fees must be consistent with the fees set by the federal secretary of transportation, except that any change in these fees is subject to passive review by the Joint Committee on Finance. The bill also allows DOT to continue to participate in the single-state insurance registration system for as long as this system continues to be authorized under federal law, but prohibits DOT from simultaneously participating in both the single-state insurance registration system and the unified carrier registration system.

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6 standards under, respectively, 49 USC 14504 or 49 USC 13908 and 14504a, for the
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9 department may attach to the exercise of the privilege granted by a certificate any
10 terms or conditions which are permitted under this chapter.

11 **SECTION 2.** 194.34 (1) of the statutes is amended to read:

12 194.34 (1) No person may operate any motor vehicle as a contract motor carrier
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15 a single-state or unified carrier registration system consistent with the standards

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7 **194.407 Unified carrier registration system. (1)** The department may
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9 carrier registration system for motor carriers, including private motor carriers, in
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11 section for a motor vehicle that is operated in this state and that is subject to the
12 unified carrier registration system is the amount determined by the federal
13 secretary of transportation under 49 USC 14504a (d) (7), except that, if sub. (2) is
14 applicable, the fee is the amount established under sub. (2).

15 (2) Upon receiving notice of a federal change in fees under 49 USC 14504a (d)
16 (7), the department shall submit to the joint committee on finance, and to the
17 appropriate standing committees of the legislature, a written request to change fees
18 consistent with the notice of a federal change in fees. If the cochairpersons of the joint
19 committee on finance do not notify the secretary within 14 working days after the
20 date of the department's submittal that the joint committee on finance has scheduled
21 a meeting to review the request, the department may change fees payable under this
22 section as provided in the request. If, within 14 working days after the date of the
23 department's submittal, the cochairpersons of the joint committee on finance notify
24 the secretary that the joint committee on finance has scheduled a meeting to review

1 the request, the department may change fees payable under this section only as
2 approved by the committee.

3 (3) The department may not administer both an insurance registration system
4 for motor carriers under s. 194.405 and a registration system for motor carriers
5 under this section.

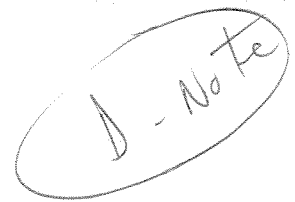
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14 department issued by an insurer authorized to do a surety or automobile liability
15 business in this state under which the insurer assumes the liability prescribed by
16 this section with respect to the operation of such motor vehicles. The certificate or
17 other contract is subject to the approval of the department and shall provide that the
18 insurer shall be directly liable for and shall pay all damages for injuries to or for the
19 death of persons or for injuries to or destruction of property that may be recovered
20 against the owner or operator of any such motor vehicles by reason of the negligent
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22 restricted so as to be inapplicable to damage claims on account of injury to or
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12 with the standards under, respectively, 49 USC 14504 or 49 USC 13908 and 14504a.

13

(END)

A handwritten note in a circle, reading "D - Note".

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0005/1dn

ARG: ↑:...

↑
jld

date

ATTN: Sara Kornely

The attached draft is identical to LRB-0005/P3, previously submitted to DOT, except for changes necessary to put the draft into budget form.

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

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LRB-0005/1dn
ARG:jld:jf

November 28, 2006

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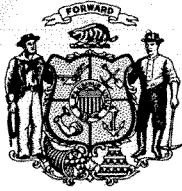
Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

He w/ Sara

1/24

• take out JFC review

• fee by DOT rule



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0005/4 2

ARG:jld:jf

in 1/26

RMR

DOA:.....Kornely, BB0192 - single state motor carrier registration; unified carrier registration act

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

and granting rule-making authority

don't gen

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AN ACT ...; relating to: registration requirements for motor carriers.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

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*department may, consistent
with federal law, establish
by rule an*

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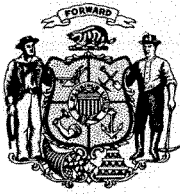
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State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0005/2

ARG:jld:nwn

DOA:.....Kornely, BB0192 - single state motor carrier registration; unified carrier registration act

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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