

09hr_JCR-AR_Misc_pt24



Details: Emergency Rule extension requests by Department of Transportation.

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules ...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

DOT

The Honorable Jim Holperin
Senate Chairman
Joint Committee for Review
of Administrative Rules
409 South, State Capitol
Madison, Wisconsin 53702

February 24, 2009

The Honorable Josh Zepnick
Assembly Chairman
Joint Committee for Review
of Administrative Rules
Room 219 North, State Capitol
Madison, Wisconsin 53702

RE: EMERGENCY RULE EXTENSION REQUEST

Dear Senator Holperin and Representative Zepnick:

I am writing to request an extension for the Wisconsin Department of Transportation's emergency administrative rule chs. Trans 325/326/327, relating to motor carrier safety, and hazardous material transportation safety, pursuant to § 227.24(2)(am), Stats. The information you request is as follows:

Emergency Rule Expiration Date: April 3, 2009

Number of Days Extension Requested: Thirty (30)

Administrative Rule Number: Trans 325/326/327

Relating Clause: Motor carrier safety, and hazardous material transportation safety

Status of Permanent Rule: The Final Draft of the permanent rule was submitted for legislative committee review on January 8, 2009, and referred to the Assembly Transportation Committee on January 23, 2009 (review period expiring 2-23-09), and to the Senate Transportation Committee on January 13, 2009 (review period expired on 2-12-09). The rule is anticipated to be promulgated at the end of the week.

The extension of the emergency rule is necessary due to the lapse between its expiration date and the effective date of the permanent rule that will be May 1, 2009. Also, the finding of emergency is reiterated below:

The Department of Transportation finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety or welfare. Recently enacted commercial motor carrier safety regulations apply to drivers and carriers transporting property and passengers by commercial vehicles in interstate commerce and enhance highway safety. It is imperative the industry operates under a single set of safety regulations to minimize confusion that could result in inadvertent noncompliance or application of an outdated safety standard. Also pursuant to 49 CFR 350.331(d), States are required to adopt compatible laws or rules to remain eligible for Motor Carrier Safety Assistance Program funding. Currently, Wisconsin receives approximately \$4 million in such funding, which is used to administer various highway safety programs, and that funding and the safety programs it supports will be in jeopardy if Wisconsin does not implement these changes immediately. The Motor Carriers Association has urged the Department to implement these changes as it will help ensure uniformity and increased highway safety.

Enclosed is a copy of the emergency rule. Please consider this request at your next meeting. A Department representative can be available to attend the meeting. Please contact me via e-mail at julie1.johnson@Wisconsin.gov to confirm your schedule. Thank you for your cooperation.

Sincerely,

/s/

Julie A. Johnson
Paralegal

Enclosure

cc: The Honorable Fred Risser/President, Wisconsin State Senate
The Honorable Michael Sheridan/Speaker, Wisconsin State Assembly
Representative John Steinbrink
Bruce Hoesly
Mike Goetzman
Casey Newman
Supt. David Collins
Capt. Charles Lorentz
Lt. Patricia Hansen

**ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
ADOPTING EMERGENCY RULES**

The Wisconsin Department of Transportation adopts an emergency order amending TRANS 325.02(intro.) and (8), 326.01(intro.) and (8), 327.03(intro.) and (7), and 327.09(6)(note); and creating TRANS 325.02(7g) and (7r), 326.01(7m) and 327.03(11), relating to motor carrier safety, and hazardous material transportation safety.

Analysis Prepared by the Wisconsin Department of Transportation

Statutes interpreted: s. 110.075 and Ch. 194, Stats.

Statutory authority: s. 110.075 and Ch. 194, Stats.

Explanation of agency authority: The Department of Transportation sets standards and adopts rules to establish a plan of inspection to implement the inspection program. It is the duty of the Department to prescribe rules and regulations as to safety and operations and the hours of labor of drivers of motor vehicles operated under the authority of these chapters.

Related statute or rule: ss. 110.07, Stats.

Plain language analysis: As prescribed by state statute, the Department is mandated to regulate both intrastate and interstate transportation of property and passengers by commercial motor vehicles. It is in the best interest of the public when current regulations are used for enforcement of these regulations.

Summary of, and preliminary comparison with, existing or proposed federal regulation: Trans 325 (Interstate Motor Carrier Safety regulations) adopts Federal regulations 49 CFR part 385, subpart C (Certification of Safety Auditors, Safety Investigators and Safety Inspectors) and parts 390 to 393 and 395 to 397. Trans 326 (Motor Carrier Safety Requirements for Transportation of Hazardous Materials) adopts Federal Regulations 49 CFR parts 107, 171-173, 177, 178, 180 and 385, subpart E (Hazardous Materials Safety Permits). Trans 327 (Motor Carrier Safety) adopts Federal regulations part 385, subpart C, (Certification of Safety Auditors, Safety Investigators and Safety Inspectors), parts 40, 390-general, except 390.23(a)(3); 391-general except 391.11(b)(1) and 391.41(b)(3), 391.41(b)(10); 392 except 392.16; 393-general except 393.42 shall not apply to vehicles placed in operation in common, contract or private carriage prior to June 1, 1987; 395, general-except 395.1(e)(1), 395.1(h), 395.1(i) 395.5, 395.8, and the maximum number of hours identified in 395.3 as follows: (a) more than 12 hours following 10 consecutive hours off duty; (b) for any period after having been on duty 16 hours following 10 consecutive hours off duty; (c) after having been on duty for 70 hours in any period of 7 consecutive days; and (d) after having been on duty for 80 hours in any period of 8 consecutive days, and parts 396 and 397.

Comparison with Rules in Adjacent States: All adjacent states (Michigan, Minnesota, Illinois and Iowa) adopt the same Federal regulations.

Summary of factual data and analytical methodologies used and how the related findings support the regulatory approach chosen: The Federal Motor Carrier Safety Administration continues to do ongoing research into vehicle equipment, driver safety, carrier authority and hazardous materials. Its research, coupled with the input from the motor carrier industry, resulted in ongoing updates to federal regulations for interstate commerce. It is imperative the same regulations are enforced from state to state.

Analysis and supporting documentation used to determine effect on small businesses: The research provided by the Federal Motor Carrier Safety Administration was used in analyzing the effects on small business.

Effect on small business: This rule making will have no significant adverse effect on small businesses. The Department's Regulatory Review Coordinator may be contacted by e-mail at ralph.sanders@dot.state.wi.us, or by calling (414) 438-4585.

Fiscal effect and anticipated costs incurred by private sector: The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district, sewerage district, or federally-recognized tribes or bands. The Department estimates that there will be no fiscal impact on state or private sector revenues or liabilities.

Copies of Emergency Rule: Requests for copies of the emergency rule should be submitted to Lt. Patricia Hansen, Department of Transportation, Division of State Patrol, Bureau of Field Services, Room 551, P. O. Box 7912, Madison, WI 53707-7912. You may also contact Lt. Hansen by phone at (608) 266-0094.

To view the emergency rule, you may visit the following website:
<http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

TEXT OF EMERGENCY RULE

SECTION 1. Trans 325.02(intro.) is amended to read:

Trans 325.02 Federal rules adopted. (intro.) The following federal motor carrier safety regulations adopted by the United States department of transportation and in effect on January 1, 2006 2008, as amended, are adopted by the department and shall be enforced in relation to those carriers, drivers or vehicles to which these rules apply in the same manner as though the regulations were set out in full in this chapter:

SECTION 2. Trans 325.02(7g) and (7r) are created to read:

Trans 325.02(7g) Title 49, Code of Federal Regulations, part 385, subpart C, certification of safety auditors, safety investigators and safety inspectors.

(7r) Title 49, Code of Federal Regulations, part 387, as it pertains to the financial responsibility requirements applicable to commercial motor vehicles that are subject to the provisions of 392.9a.

SECTION 3. Trans 325.02(8) is amended to read:

Trans 325.02(8) Every traffic officer and state patrol inspector employed under the authority of s. 110.07, Stats., is authorized to declare vehicles and drivers out-of-service in accordance with the 2006 North American uniform out-of-service criteria.

NOTE: The North American Uniform Out-of-Service Criteria is on file with the offices of the Revisor of Statutes, the Secretary of State, and the Department of Transportation, Division of State Patrol. Copies may be obtained by writing to the Division of State Patrol, P. O. Box 7912, Madison, WI 53707-7912, or to the Commercial Vehicle Safety Alliance, 5430 Grosvenor Lane, Suite 130, Bethesda, MD 20814 1101 17th Street, NW, Suite 803, Washington, DC 20036, or by calling 202-775-1623. You may also request copies via their website at cvsahq@cvsa.org.

NOTE: Federal regulations may be obtained through the Internet via: <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguide.asp>

SECTION 4. Trans 326.01(intro.) is amended to read:

Trans 326.01 Federal rules adopted. (intro.) The following federal motor carrier safety regulations adopted by the United States department of transportation and in effect on January 1, 2006 2008, as amended, are adopted by the department and shall be enforced in relation to those carriers, drivers or vehicles to which these federal rules apply in the same manner as though the regulations were set out in full in this chapter:

SECTION 5. Trans 326.01(7m) is created to read:

Trans 326.01(7m) Title 49, Code of Federal Regulations, part 385, subpart E, hazardous materials safety permits.

SECTION 6. Trans 326.01(8) is amended to read:

Trans 326.01(8) Every traffic officer and state patrol inspector employed under the authority of s. 110.07, Stats., is authorized to declare vehicles and drivers out-of-service in accordance with the 2006 North American uniform out-of-service criteria.

NOTE: The North American Uniform Out-of-Service Criteria is on file with the ~~offices of the Revisor of Statutes, the Secretary of State, and the~~ Department of Transportation, Division of State Patrol. Copies may be obtained by writing to the Division of State Patrol, P. O. Box 7912, Madison, WI 53707-7912, or to the Commercial Vehicle Safety Alliance, ~~5430 Grosvenor Lane, Suite 130, Bethesda, MD 20814~~ 1101 17th Street, NW, Suite 803, Washington, DC 20036, or by calling 202-775-1623. You may also request copies via their website at cvсахq@cvsa.org.

NOTE: Federal regulations may be obtained through the Internet via: <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguide.asp>

SECTION 7. Trans 327.03(intro.) and (7) are amended to read:

Trans 327. 03 Federal regulations adopted. (intro.) The following federal motor carrier safety regulations adopted by the United States department of transportation and in effect on October 1, ~~2006~~ 2008, as amended, are adopted by the department and shall be enforced in relation to those carriers, drivers or vehicles which operate in intrastate commerce in the same manner as though the regulations were set out in full in this chapter:

(7) Every traffic officer and state patrol inspector employed under the authority of s. 110.07, Stats., is authorized to declare vehicles and drivers out-of-service in accordance with the 2006 North American uniform out-of-service criteria.

NOTE: The North American Uniform Out-of-Service Criteria is on file with the ~~offices of the Revisor of Statutes, the Secretary of State, and the~~ Department of Transportation, Division of State Patrol. Copies may be obtained by writing to the Division of State Patrol, P. O. Box 7912, Madison, WI 53707-7912, or to the Commercial Vehicle Safety Alliance, ~~5430 Grosvenor Lane, Suite 130, Bethesda, MD 20814~~ 1101 17th Street, NW, Suite 803, Washington, DC 20036, or by calling 202-775-1623. You may also request copies via their website at cvсахq@cvsa.org.

NOTE: Federal regulations may be obtained through the Internet via: <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguide.asp>

SECTION 8. Trans 327.03(11) is created to read:

Trans 327.03(11) Title 49, Code of Federal Regulations, part 385, subpart C, certification of safety auditors, safety investigators and safety inspectors.

SECTION 9. Trans 327.09(6)(note) is amended to read:

Trans 327.09(6)(note) Note: Declarations can be faxed to (608) ~~266-4495~~ 227-9600.

(END OF RULE TEXT)

FINDING OF EMERGENCY

The Department of Transportation finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety or welfare. Recently enacted commercial motor carrier safety regulations apply to drivers and carriers transporting property and passengers by commercial vehicles in interstate commerce and enhance highway safety. It is imperative the industry operates under a single set of safety regulations to minimize confusion that could result in inadvertent noncompliance or application of an outdated safety standard. Also pursuant to 49 CFR 350.331(d), States are required to adopt compatible laws or rules to remain eligible for Motor Carrier Safety Assistance Program funding. Currently, Wisconsin receives approximately \$4 million in such funding, which is used to administer various highway safety programs, and that funding and the safety programs it supports will be in jeopardy if Wisconsin does not implement these changes immediately. The Motor Carriers Association has urged the Department to implement these changes as it will help ensure uniformity and increased highway safety.

Effective Date. This rule shall take effect upon publication in the official state newspaper as provided in s. 227.24(1)(c), Stats.

Signed at Madison, Wisconsin, this 15th day of **October**, 2008.

/s/

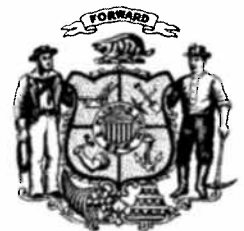
FRANK J. BUSALACCHI

Secretary

Wisconsin Department of Transportation



WISCONSIN STATE LEGISLATURE





Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
P O Box 7910
Madison, WI 53707-7910

Jim Doyle, Governor
Frank J. Busalacchi, Secretary
Internet: www.dot.wisconsin.gov
Telephone: 608-266-8810
Facsimile (FAX): 608-267-6734
E-mail: ogc.exec@dot.state.wi.us

The Honorable Jim Holperin
Senate Chairman
Joint Committee for Review
of Administrative Rules
409 South, State Capitol
Madison, Wisconsin 53702

September 16, 2010

The Honorable Josh Zepnick
Assembly Chairman
Joint Committee for Review
of Administrative Rules
Room 219 North, State Capitol
Madison, Wisconsin 53702

RE: EMERGENCY RULE EXTENSION REQUEST

Dear Senator Holperin and Representative Zepnick:

I am writing to request an extension for the Wisconsin Department of Transportation's emergency administrative rule ch. Trans 100, relating to the safety responsibility, damage judgment and mandatory insurance laws, pursuant to § 227.24(2)(am), Stats. The information you request is as follows:

Emergency Rule Expiration Date: October 28, 2010

Number of Days Extension Requested: Thirty-fourty (34)

Administrative Rule Number: Trans 100

Relating Clause: Safety responsibility, damage judgment and mandatory insurance laws

Status of Permanent Rule: The Final Draft of the permanent rule was submitted for legislative committee review on August 10, 2010, and referred to both the Senate and Assembly Transportation Committees on August 11, 2010 (review periods expiring September 10, 2010). The rule is anticipated to be promulgated the following week.

The extension of the emergency rule is necessary due to the lapse between its expiration date and the effective date of the permanent rule that will be December 1, 2010. The finding of emergency is reiterated below:

The Department of Transportation finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public health and welfare. A statement of the facts constituting the emergency is the requirements of the mandatory insurance laws in Chapter 344, Stats., as created by 2009 Wis. Act 28, contain exceptions to furnishing proof of a motor vehicle liability insurance policy. This emergency rule defines the administration of those exceptions. These mandatory insurance requirements, and the exceptions, are effective June 1, 2010, thereby necessitating an emergency rule being put into place until the effective date of the permanent rule. Clarification of the mechanism to be used to qualify for an exception under the new statute will be useful to persons wishing to file for an exception. Persons whose religious beliefs preclude them from buying insurance will benefit from this rule making.

Attached is a copy of the emergency rule. Please consider this request at your next meeting. A Department representative can be available to attend the meeting. Please contact me via e-mail at julie1.johnson@wisconsin.gov to confirm your schedule. Thank you for your cooperation.

Sincerely,

/s/

Julie A. Johnson
Paralegal

Attachments

cc: The Honorable Fred Risser/President, Wisconsin State Senate
The Honorable Michael Sheridan/Speaker, Wisconsin State Assembly
Representative John Steinbrink
Bruce Hoesly
Mike Goetzman
Casey Newman
Lynne B. Judd
Reggie Paradowski
Rick Kleist
Gerri Stanczyk
John Sobotik

**ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
ADOPTING EMERGENCY RULES**

The Wisconsin Department of Transportation adopts an emergency order to create TRANS 100.25, relating to mandatory insurance exemptions.

Analysis Prepared by the Wisconsin Department of Transportation

Statutes interpreted: ss. 344.37, and 344.61 to 344.67, Stats.

Statutory authority: ss. 85.16(1), 227.11, 343.02 and 344.66, Stats.

Explanation of agency authority: The Department is charged with administering the safety responsibility, damage judgment and mandatory insurance laws contained in Chapter 344, Stats. This rule making deals with exceptions to the mandatory insurance provisions of Subchapter VI to Chapter 344, Stats.

Related statute or rule: s. 344.01(2)(d), Stats.

Plain language analysis: The purpose of this emergency rule making is to set interim standards for filings made in lieu of insurance with the Department pursuant to s. 344.63, Stats., as created by 2009 Wis. Act 28.

One deposit accepted in lieu of insurance under s. 344.63, Stats., is \$60,000 cash. The \$60,000 amount is set in the statutes and is far less than the minimum insurance required under the law. U.S. currency, cashiers and certified checks, money orders, bank checks, and attorney trust fund checks may be accepted as a cash deposit by the Department. In addition to depositing cash, the depositor must prove no judgments are outstanding against the depositor in the depositor's county of residence. s. 344.37(1), Stats.

A second deposit accepted by the Department is a bond. There are two types of bonds. First, a bond issued by a surety company for the minimum liability coverage amounts required by law (currently \$15,000 property, \$50,000 personal injury to one person, \$100,000 personal injury of multiple persons). The bond will need to be in a form approved by the Department. The other form of bond permitted under the statutes is a judicial bond. If requested, judges will have to approve or disapprove of applications to create a bond secured by \$330,000 in real estate (twice the amount of the bond).

The third mechanism available under the statute is posting securities. Securities are the most problematic from an administrative and enforcement standpoint. The value of securities can vary greatly over time. The Department cannot and will not know the value of securities after deposit. The burden will be on the depositor to be able to prove the value of any securities deposited with the Department to police when asked. Deposits of securities must be accompanied by an opinion of counsel verifying that the securities meet

the statutory requirements for use in lieu of insurance. The depositor will need to provide an affidavit as to the value of the securities at the time of deposit and will need to pledge the securities in a manner that permits the Department to sell them in order to use the proceeds to satisfy damages resulting from accidents. The share or bond certificates will need to be physically deposited with the Department.

Summary of, and preliminary comparison with, existing or proposed federal regulation: There are no existing or proposed federal regulations on this issue.

Comparison with Rules in the Following States:

Michigan: All motorists must carry liability coverage also referred to as "Michigan no fault insurance." Insurance certificate must be kept in vehicle at all times when operating vehicle.

Minnesota: Drivers must provide proof of insurance upon request by a peace officer.

Illinois: All motor vehicles operated in Illinois must be covered by liability insurance. Vehicle owners are required to provide insurance information at the time of registration renewal.

Iowa: Motorists must prove financial responsibility if involved in an accident or stopped by law enforcement.

Summary of factual data and analytical methodologies used and how the related findings support the regulatory approach chosen: Section 344.63, Stats., as created by 2009 Wis. Act 28, provides exceptions to the requirement of having a motor vehicle liability insurance policy to operate a motor vehicle on Wisconsin highways. The exceptions defined in the statutes are nearly identical to those provided for under Wisconsin's Safety Responsibility Law. The administration of the exceptions, as defined in this emergency rule, are purposely drafted to closely mirror the procedures currently in place under the Safety Responsibility Law.

Analysis and supporting documentation used to determine effect on small businesses: This regulatory change has no impact on small business. The Department does not anticipate any fiscal effect upon small businesses from this codification.

Effect on small business: This regulatory change has no impact on small business. The Department does not anticipate any fiscal effect upon small businesses from this codification. The Department's Regulatory Review Coordinator may be contacted by e-mail at ralph.sanders@dot.state.wi.us, or by calling (414) 438-4585.

Fiscal effect: The Department does not anticipate any fiscal effect from this codification. The statutes already impose the requirement that the Department accept these filings. This rule making merely creates an efficient framework for performing that required work.

Anticipated costs incurred by private sector: The Department estimates that there will be no fiscal impact on private sector revenues or liabilities.

Copies of Emergency Rule and Contact Person: Copies of this emergency rule are available, without cost, upon request by writing to Reginald Paradowski, Section Chief, Division of Motor Vehicles, Driver Information Section, Room 301, P. O. Box 7983, Madison, WI 53707-7983, or by calling (608) 264-7002. You may also contact Mr. Paradowski via e-mail at: reginald.paradowski@wisconsin.gov.

To view the emergency rule, you may visit the following website: <http://www.dot.wisconsin.gov/library/research/law/rulenotices.htm>.

TEXT OF EMERGENCY RULE

SECTION 1. Trans 100.25 is created to read:

Trans 100.25 Mandatory insurance. (1) EXCEPTIONS. The purpose of this section is to implement and administer the provisions of Subch. VI of Chapter 344, Stats., relating to mandatory insurance requirements and exceptions to the requirement of having automobile insurance in Wisconsin.

(2) DEPOSITS IN LIEU OF MANDATORY INSURANCE. A person making a deposit with the department under s. 344.63, Stats., shall file a complete application with the department containing all required information. In addition, the person shall provide the additional materials or information and deposit in the form required in subs. (3) to (5).

(3) CASH DEPOSITS. (a) For purposes of s. 344.63(1)(d), Stats., any of the following shall be considered a deposit of cash with the department:

1. United States currency.
2. A cashier's check or draft.
3. A money order.
4. A financial institution check or draft.
5. A certified personal or business check or draft.

6. An attorney trust account check or draft.

(b) Any person attempting to file cash in lieu of maintaining automobile liability insurance with the department pursuant to s. 344.63(1)(d), Stats., shall file, with the deposit, a certification from the clerk of courts in the county where the depositor resides dated no later than 15 calendar days prior to the date the deposit is received by the department, that indicates the clerk has searched the official records of the county and that no records of unsatisfied judgments of any character against the depositor exist in that county.

Note: ss. 344.63(1)(d) and 344.37(1), Stats.

(4) BOND. (a) *Surety bonds.* Any person attempting to file a surety company bond in lieu of maintaining automobile liability insurance with the department pursuant to s. 344.63(1)(a), shall file a bond of a surety company duly authorized to transact business within this state that is conditioned for the payment of the amounts specified in s. 344.01(2)(d), Stats. The bond may not be cancelable except after 10 days written notice to the secretary. The bond shall be in the form specified by the department.

(b) *Judicial bonds.* Any person attempting to file a judicially authorized bond in lieu of maintaining automobile liability insurance with the department pursuant to s. 344.63(1)(a), Stats., shall file a bond with at least 2 individual sureties each owning real estate within this state and together having equities equal in value to at least twice the amount of the bond, which real estate shall be scheduled in the bond approved by a judge of a Wisconsin circuit or appellate court. The bond must be conditioned for the payment of the amounts specified in s. 344.01(2)(d), Stats., and may not be cancelable except after 10 days written notice to the secretary.

Note: ss. 344.63(1)(a) and 344.36(1), Stats.

(5) SECURITIES. Any person attempting to file securities with the department pursuant to s. 344.63(1)(d), Stats., shall file all of the following:

1. A certification from the clerk of courts in the county where the depositor resides dated no later than 15 calendar days prior to the date the deposit is received by the department, that indicates the clerk has searched the official records of the county and that no records of unsatisfied judgments of any character against the depositor exist in that county.

2. An opinion of counsel, for the benefit of the department and persons intended to be protected by the filing described in s. 344.37(2), Stats., that the securities to be filed by the depositor are securities that may legally be purchased by savings banks or for trust funds of in this state. The opinion shall identify the state or federal statute or regulation permitting the purchase of each deposited security.

3. An affidavit that the securities have a fair market value in excess of \$60,000.

4. A pledge of the securities to the department in the form required by the department pledging the securities for the payment of damages resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made, including damages for care and for loss of services because of bodily injury to or death of any person and damages because of injury to or destruction of property and the consequent loss of use thereof. The pledge shall assign all rights to sell or redeem the securities or any coupons associated with the securities to the department in trust for the purposes set forth in this subdivision. The pledge shall exempt the department from any liability for selling or not selling the securities at any time, and shall specify that the depositor relinquishes all rights to sell the securities or to demand their sale by the department. The pledge shall remain effective until the earlier of the return of the

deposit pursuant to s. 344.63(3), Stats., or of the sale of the securities, whether made so that the proceeds of sale can be applied to the payment of judgments and assignments relating to motor vehicle accidents, following the procedure described in s. 344.20 (2), Stats., or made for any other reason.

5. The share certificates, bonds, including all bond coupons, if any, or other certificate.

Note: ss. 344.63(1)(d) and 344.37(1), Stats.

(END OF RULE TEXT)

FINDING OF EMERGENCY

The Department of Transportation finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public health and welfare. A statement of the facts constituting the emergency is the requirements of the mandatory insurance laws in Chapter 344, Stats., as created by 2009 Wis. Act 28, contain exceptions to furnishing proof of a motor vehicle liability insurance policy. This emergency rule defines the administration of those exceptions. These mandatory insurance requirements, and the exceptions, are effective June 1, 2010, thereby necessitating an emergency rule being put into place until the effective date of the permanent rule. Clarification of the mechanism to be used to qualify for an exception under the new statute will be useful to persons wishing to file for an exception. Persons whose religious beliefs preclude them from buying insurance will benefit from this rule making.

Effective Date. This rule shall take effect upon publication in the official state newspaper as provided in s. 227.24(1)(c), Stats.

Signed at Madison, Wisconsin, this 20th day of **May**, 2010.

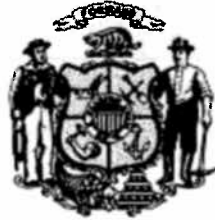
/s/
FRANK J. BUSALACCHI
Secretary
Wisconsin Department of Transportation



SENATOR JIM HOLPERIN
CO-CHAIR

PO Box 7882
MADISON, WI 53707-7882

(608) 266-2509



REPRESENTATIVE JOSH ZEPNICK
CO-CHAIR

PO BOX 8953
MADISON, WI 53707-8953

(608) 266-1707

Wednesday, October 20, 2010

Frank Busalacchi, Secretary
Wisconsin Department of Transportation
P.O. Box 7910
Madison, WI 53707

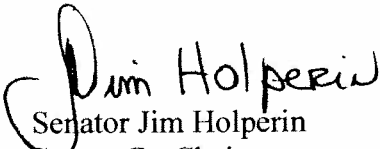
Dear Secretary Busalacchi:

The Joint Committee for the Review of Administrative Rules met in Executive Session on October 20, 2010 and adopted the following motion:

Moved by Representative Hubler, seconded by Representative Hebl that the Joint Committee for Review of Administrative Rules, pursuant to s. 227.24 (2), Stats., extend the effective period of an emergency rule of the Department of Transportation, relating to mandatory insurance exemptions (EmR1017), for a period of 60 days through December 27, 2011.

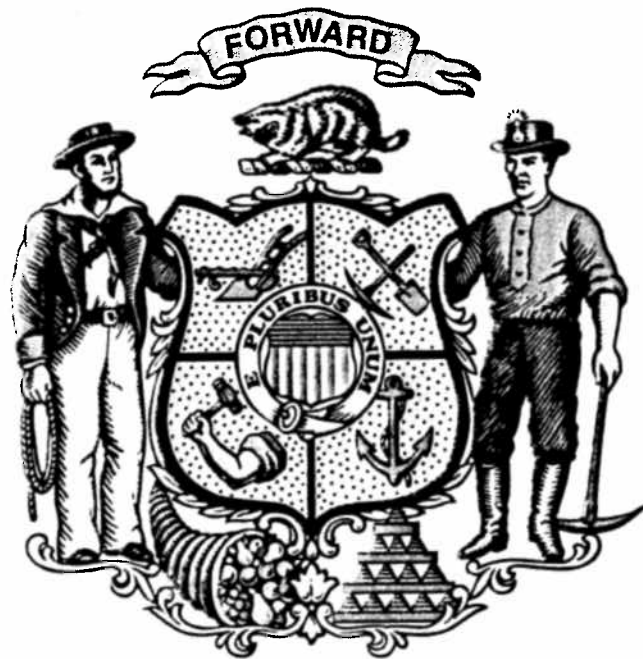
Motion Passed 9-1.

Sincerely,


Senator Jim Holperin
Senate Co-Chair


Representative Josh Zepnick
Assembly Co-Chair

cc: Bruce Hoesly, Legislative Reference Bureau
Ron Sklansky, Legislative Council





Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
P O Box 7910
Madison, WI 53707-7910

Jim Doyle, Governor
Frank J. Busalacchi, Secretary
Internet: www.dot.wisconsin.gov
Telephone: 608-266-8810
Facsimile (FAX): 608-267-6734
E-mail: ogc.exec@dot.state.wi.us

The Honorable Jim Holperin
Senate Chairman
Joint Committee for Review
of Administrative Rules
409 South, State Capitol
Madison, Wisconsin 53702

October 7, 2009

The Honorable Josh Zepnick
Assembly Chairman
Joint Committee for Review
of Administrative Rules
Room 219 North, State Capitol
Madison, Wisconsin 53702

RE: EMERGENCY RULE EXTENSION REQUEST

Dear Senator Holperin and Representative Zepnick:

I am writing to request an extension for the Wisconsin Department of Transportation's emergency administrative rule ch. Trans 315 relating to safety belt medical use exemption, pursuant to § 227.24(2)(am), Stats. The information you request is as follows:

Emergency Rule Expiration Date: November 21, 2009

Number of Days Extension Requested: Forty (40)

Administrative Rule Number: Trans 315

Relating Clause: Safety belt medical use exemption

Status of Permanent Rule: The Final Draft of the permanent rule was submitted for legislative committee review on September 10, 2009, and referred to both the Senate and Assembly Transportation Committees on September 14, 2009 (review periods expiring October 14, 2009). The rule is anticipated to be promulgated at the end of that week.

The extension of the emergency rule is necessary due to the lapse between its expiration date and the effective date of the permanent rule that will be January 1, 2010. Also, the finding of emergency is reiterated below:

The Department of Transportation finds that an emergency exists and that the attached rule is necessary for the immediate preservation of public health and safety. Current federal law at 23 USC 406 provides safety belt performance grants to a state that has in effect and is enforcing a conforming primary safety belt use law for all passenger motor vehicles. A grant of federal funds estimated at roughly \$15,000,000 are available if this state is eligible on or before September 30, 2009; a secondary grant based on "share of unallocated funds," estimated at not more than \$1,000,000, may be available if this state is eligible on or before June 30, 2009. The Wisconsin Legislature is currently deliberating a primary safety belt use law as part of the executive biennial budget bill, 2009 Assembly Bill 75, with the aim of qualifying for safety belt performance grants. Were the law timely enacted, this state could remain ineligible for safety belt performance grants because Department rules allow persons other than physicians to grant medical exemptions from safety belt use requirements. Immediate action is necessary to avoid forfeiting approximately \$16,000,000 in federal funds for highway safety activities. Increased use of safety belts has been shown to reduce the severity of injuries sustained in motor vehicle collisions, and limiting the medical use exemption to physicians would increase use of safety belts.

Attached is a copy of the emergency rule. Please consider this request at your next meeting. A Department representative can be available to attend the meeting. Please contact me via e-mail at julie1.johnson@wisconsin.gov to confirm your schedule. Thank you for your cooperation.

Sincerely,

/s/

Julie A. Johnson
Paralegal

Attachments

cc: The Honorable Fred Risser/President, Wisconsin State Senate
The Honorable Michael Sheridan/Speaker, Wisconsin State Assembly
Representative John Steinbrink
Bruce Hoesly
Paul Nilsen
Mike Goetzman
Casey Newman
Supt. David Collins
Laura Andreasson