

2015 DRAFTING REQUEST

Bill

Received: **9/23/2014** Received By: **emueller**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget** By/Representing: **Mette**
May Contact: Drafter: **emueller**
Subject: **Transportation - motor vehicles** Addl. Drafters:
Extra Copies: **ZDW, ARG**

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to: **eric.mueller@legis.wisconsin.gov**
sbostatlanguage@webapps.wi.gov

Pre Topic:

DOA:.....Mette, BB0351 -

Topic:

Private motor carrier definition

Instructions:

See attached

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>
/?	emueller 10/16/2014	jdyer 10/20/2014		_____			
/P1	emueller 1/5/2015		rschluet 10/20/2014	_____	srose 10/20/2014		State
/P2		kfollett	jfrantze	_____	sbasford		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		1/5/2015	1/6/2015	_____	1/6/2015		

FE Sent For:

<END>

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Extra Copies: ZDW, ARG

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/?	emueller 10/16/2014	jdyer 10/20/2014		_____			
/P1	emueller	1P2kf 1/5	rschluet 10/20/2014	_____	srose 10/20/2014		State
1P2	EMU 1/5/15 FE Sent For:		1P2kf 1/5	_____			

<END>

2015 DRAFTING REQUEST

Bill

Received: **9/23/2014** Received By: **emueller**
Wanted: **As time permits** Same as LRB:
For: **Transportation** By/Representing: **Anna Richter**
May Contact: Drafter: **emueller**
Subject: **Transportation - motor vehicles** Addl. Drafters:
Extra Copies: **ZDW, ARG**

Submit via email: **YES**
Requester's email: **Anna.Richter@dot.wi.gov**
Carbon copy (CC) to: **eric.mueller@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Private motor carrier definition

Instructions:

See attached

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>
/?	emueller 10/16/2014	jdyer 10/20/2014		_____			
/P1			rschluet 10/20/2014	_____	srose 10/20/2014		State

FE Sent For:

<END>

2015 DRAFTING REQUEST

Bill

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Wanted: As time permits Same as LRB:
For: Transportation By/Representing: Anna Richter
May Contact: Drafter: emueller
Subject: Transportation - motor vehicles Addl. Drafters:
Extra Copies: ZDW, ARG

Submit via email: YES
Requester's email: Anna.Richter@dot.wi.gov
Carbon copy (CC) to: eric.mueller@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

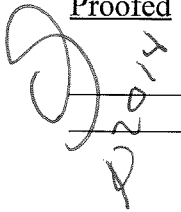
Topic:

Private motor carrier definition ✓

Instructions:

See attached

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?	emueller	PI 10/20 jld	jd				
PI	EMM 10/16/14						

FE Sent For:

<END>

**Department of Transportation
2015-2017 Biennial Budget Request
STATUTORY MODIFICATIONS**

DIN NUMBER: XXXX

TOPIC: Private Motor Carrier Definition

DESCRIPTION OF CHANGE:

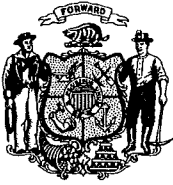
The Department requests statutory modification of s. 194.01 (11), Wis Stats., to amend the definition of a "private motor carrier" as "any person who provides transportation of property or passengers, by commercial motor vehicle, and is not a for-hire motor carrier."

JUSTIFICATION:

Wisconsin statute defines a private motor carrier as any carrier, other than one engaged in commercial transport of people or property, who transports property by means other than an automobile. This statutory definition does not include the transportation of passengers. In a 2012 audit report on Wisconsin's motor carrier program, the Federal Motor Carrier Safety Administration (FMCSA), Wisconsin was cited because current statute "is not compatible with the definition of a private motor carrier in 49 CFR 390.5."

This change will bring impose the same safety requirements on private carrier transportation of passengers that are currently imposed on private carriers of property. The transportation services of various entities will come under the purview of additional safety inspection rules; these entities include groups that provide transportation with their own passenger transportation fleets such as private businesses, youth camps, and educational institutions. This change will allow the Department to ensure the safe transportation of passengers in vans and buses that carry more than 16 passengers including the driver.

Without these statutory changes, Wisconsin's non-compliance with federal statute and regulation could result in a loss of \$4.5 million in federal funds that are currently allocated to the motor carrier enforcement program that funds 113 Division of State Patrol inspectors and 13 motor carrier investigators.



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0047/P1 0234/P1
EVM:llrs

Kjf + jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMNR

Agency Budget Draft

10/14/14

DN

X do not gen

- 1 AN ACT to amend 194.01 (11) of the statutes; relating to: the definition of a
- 2 private motor carrier. budget ✓

head
TRANSPORTATION
OTHER TRANSPORTATION
subhead

Analysis by the Legislative Reference Bureau

Under current law, certain persons who transport passengers or property by motor vehicle on highways (motor carriers) are subject to certain regulations, including licensure and insurance requirements. Current law defines one type of motor carrier, a "private motor carrier," as "any person except a common or contract motor carrier engaged in the transportation of property by motor vehicle other than an automobile or trailer used therewith, upon the public highways." Under this bill, a "private motor carrier" is defined to mean "any person who provides transportation of property or passengers by commercial motor vehicle and is not a contract motor carrier."

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:

- 3 SECTION 1. 194.01 (11) of the statutes is amended to read:
- 4 194.01 (11) "Private motor carrier" means any person ~~except a common or~~
- 5 ~~contract motor carrier engaged in the~~ who provides transportation of property or

1 passengers by commercial motor vehicle other than an automobile or trailer used

2 therewith, upon the public highways and is not a contract motor carrier.

3 SECTION 2. Initial applicability. ⁹³⁴⁵ ; Transportation ← (B)

4 (1) This act first applies to motor carrier operations occurring on the effective
5 date of this subsection.

6 (END)

§5 - Private motor carriers. The treatment of §. 194.01(11) of the statutes section

d-note
↓

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

LRB-0047/P1dn

0231/P1dn

EVM:kjfrs

October 16, 2014 } new date

JLD

ATTN: John Etzler } Anna Richter

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

1. This draft uses the defined term "contract motor carrier" in lieu of "for-hire carrier." Please let me know if you want this changed.
2. Are any changes to s. 16.956 or 76.54, stats., necessary?
3. This draft includes an initial applicability provision. Please let me know if this provision does not meet your intent.
4. Do you want to make changes to other definitions in s. 194.01, stats.? The terms and definitions in that section do not quite track the federal regulations and may, for that reason, be interpreted to have different coverage.

Please let me know if you would like any changes made to the attached draft or if you have any questions.

Eric V. Mueller
Legislative Attorney
(608) 261-7032
eric.mueller@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0234/P1dn
EVM:kjf&jld:rs

October 20, 2014

ATTN: Anna Richter

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

1. This draft uses the defined term "contract motor carrier" in lieu of "for-hire carrier." Please let me know if you want this changed.
2. Are any changes to s. 16.956 or 76.54, stats., necessary?
3. This draft includes an initial applicability provision. Please let me know if this provision does not meet your intent.
4. Do you want to make changes to other definitions in s. 194.01, stats.? The terms and definitions in that section do not quite track the federal regulations and may, for that reason, be interpreted to have different coverage.

Please let me know if you would like any changes made to the attached draft or if you have any questions.

Eric V. Mueller
Legislative Attorney
(608) 261-7032
eric.mueller@legis.wisconsin.gov

Mueller, Eric

From: CathleneH <cathleneh@gmail.com>
Sent: Monday, December 22, 2014 2:07 PM
To: Wyatt, Zachary; Mueller, Eric
Subject: Fwd: Statutory Language Drafting Request - BB0351

Sent from my iPhone

Begin forwarded message:

From: <Bryan.Mette@Wisconsin.gov>
Date: December 22, 2014 at 1:30:57 PM AST
To: <cathlene.hanaman@legis.wisconsin.gov>
Cc: <Paul2.Ziegler@wisconsin.gov>, <Bryan.Mette@wisconsin.gov>, <Christopher.Connor@wisconsin.gov>
Subject: Statutory Language Drafting Request - BB0351

Biennial Budget: 2015-17

DOA Tracking Code: BB0351

Topic: Private Motor Carrier Definition

SBO Team: TLGED

SBO Analyst: Mette, Bryan - DOA
Phone: 608-266-1039
E-mail: Bryan.Mette@Wisconsin.gov

Agency Acronym: WisDOT

Agency Number: 395

Priority: Low

Intent:

Creating a Sharepoint record of already submitted draft.

LRB 0234

Attachments: False

Please send completed drafts to SBOSatlanguage@webapps.wi.gov



stays
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

regen header

1/12/15

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND
MOTOR VEHICLES

OTHER TRANSPORTATION

Under current law, certain persons who transport passengers or property by motor vehicle on highways (motor carriers) are subject to certain regulations, including licensure and insurance requirements. Current law defines one type of motor carrier, a "private motor carrier," as "any person except a common or contract motor carrier engaged in the transportation of property by motor vehicle other than an automobile or trailer used therewith, upon the public highways." Under this bill, a "private motor carrier" is defined to mean "any person who provides transportation of property or passengers by commercial motor vehicle and is not a contract motor carrier."

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

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4 ~~contract motor carrier engaged in the~~ who provides transportation of property or

1 ~~passengers by commercial motor vehicle other than an automobile or trailer used~~
2 ~~therewith, upon the public highways and is not a contract motor carrier.~~

3 **SECTION 9345. Initial applicability; Transportation.**

4 (1) PRIVATE MOTOR CARRIERS. The treatment of section 194.01 (11) of the statutes
5 first applies to motor carrier operations occurring on the effective date of this
6 subsection.

7 (END)



State of Wisconsin
2015 – 2016 LEGISLATURE



LRB-0234/P2
EVM:kjf&jld:jf

DOA:.....Mette, BB0351 – Private motor carrier definition

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT** ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

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