

2017 DRAFTING REQUEST

Bill

For: **Terry Moulton (608) 266-7511** Drafter: **zwyatt**
 By: **Zach** Secondary Drafters:
 Date: **10/4/2017** May Contact:
 Same as LRB: **-4592**

Submit via email: **YES**
 Requester's email: **Sen.Moulton@legis.wisconsin.gov**
 Carbon copy (CC) to: **zachary.wyatt@legis.wisconsin.gov**
eric.mueller@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

DOT rules relating to human services vehicles

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	zwyatt 10/5/2017	eweiss 10/6/2017			
/P1	zwyatt 10/12/2017	eweiss 10/12/2017	lparisi 10/6/2017		
/P2			dwalker 10/12/2017		
/1			dwalker 10/18/2017	dwalker 10/18/2017	

per ZDW

FE Sent For:

<END>

NOT
NEEDED

Wyatt, Zachary

From: Stollfus, Zachary
Sent: Wednesday, October 04, 2017 1:58 PM
To: Wyatt, Zachary
Subject: RE: Draft Request

Thanks for the clarifying questions, Zach. I circled back with DOT, let's do option 1.

Best,

Zach Stollfus
Legislative Aide
Office of Senator Terry Moulton
23rd Senate District

Email: Zachary.Stollfus@legis.wisconsin.gov
Direct: (608) 266-7511

From: Wyatt, Zachary
Sent: October 03, 2017 10:06 AM
To: Stollfus, Zachary <Zachary.Stollfus@legis.wisconsin.gov>
Subject: RE: Draft Request

DOT's request and your request do not say quite the same thing. Do you want:

1. A draft that amends Trans 301.05 directly?
2. A draft that requires DOT to amend Trans 301.05 to allow people to stand?
3. A draft that creates a statutory requirement that DOT rules make allowances for people who cannot sit?

As for the issue on liability, there is nothing explicit regarding HSV and assumption of liability. I would expect that an operator of an HSV has some standard they use regarding the assumption of risk inherent in being a passenger in a vehicle.

Thanks,
Zachary D. Wyatt
Legislative Attorney
Wisconsin Legislative Reference Bureau
zachary.wyatt@legis.wisconsin.gov
608.267.3362

The information contained in this communication may be confidential and protected by the attorney-client privilege.

From: Stollfus, Zachary
Sent: Monday, October 02, 2017 3:15 PM
To: Mueller, Eric <Eric.Mueller@legis.wisconsin.gov>; Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>
Subject: Draft Request

Eric and Zach,

Would one of you be willing to draft legislation for Senator Moulton related to Trans 301.05, operation of Human Services Vehicles?

Senator Moulton has a constituent who has stood for years on a HSV because her a medical condition does not allow her to be seated, however, in accordance with Trans 301.05, she is no longer being permitted to stand and can therefore no longer ride in county HSVs. After having several conversations with the DOT, it appears that there was code has not changed and that the driver may have simply been unaware. The department has asked that we draft legislation that allows them to make reasonable accommodations as that would be more expedient than a rule change. I have included the request from the department below for your reference.

Also, if we did make a change giving the Department room to make accommodations, can you tell me about liability for injuries and who would be responsible?

Please let me know if you have any questions. Any advisement would be appreciated.

Zach Stollfus

Legislative Aide
Office of Senator Terry Moulton
23rd Senate District

Email: Zachary.Stollfus@legis.wisconsin.gov
Direct: (608) 266-7511

Hi Zach,

I apologize for the delay. As we discussed, trans 301 (section 301.05 addresses the issue specifically) does not provide for reasonable accommodations to be made. To address this issue, we would require legislation directing us to amend trans rule 301.05. We would yield to your legislative preference in the specific language addressing the issue and would be willing to provide feedback on any draft.

Thank you!

Kaleb

Kaleb Vander Wiele

Legislative Advisor
Department of Transportation
608-266-6479
KalebA.VanderWiele@dot.wi.gov



10/9/2017
10/9/2017

LRB-4457(?) /P1
ZDW:..
emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓
XRF ✓
PUF ✓

1 **AN ACT** ^{GM.}; **relating to:** modifying Department of Transportation rules relating
2 to human services vehicles. ✓

Analysis by the Legislative Reference Bureau

Under current rules promulgated by the Department of Transportation, no human services vehicle driver may require or allow any passenger to stand while the vehicle is in motion and may not move the vehicle until all passengers are seated. Under this bill, these restrictions do not apply to a passenger with a medical condition that prevents sitting. ✓

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

3 **SECTION 1.** Trans 301.05^{X (11)} of the administrative code is amended to read:
4 Trans 301.05 (11) No driver may require or allow any passenger to stand while
5 the vehicle is in motion. The driver may not move or start the HSV until all
6 passengers are seated. The driver may not permit a passenger to get up from a seated
7 position until the HSV has come to a complete stop. The driver may not permit any
8 passengers to sit anywhere except in seats provided. This subsection does not apply

1 to chaperones or monitors in the performance of their duties or to passengers with
2 a medical condition that prevents sitting.

3 (END)

Wyatt, Zachary

From: Stollfus, Zachary
Sent: Wednesday, October 11, 2017 3:01 PM
To: Wyatt, Zachary
Subject: RE: Draft Request

Zach,

Thanks for the draft. Could we tack "as certified by a doctor" (or other language requiring a doctor's authorization) on the end?

Thanks,

Zach Stollfus
Legislative Aide
Office of Senator Terry Moulton
23rd Senate District

Email: Zachary.Stollfus@legis.wisconsin.gov
Direct: (608) 266-7511

From: Stollfus, Zachary
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23rd Senate District

Email: Zachary.Stollfus@legis.wisconsin.gov
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAW

1 **AN ACT relating to:** modifying Department of Transportation rules relating to
2 human services vehicles.

Analysis by the Legislative Reference Bureau

Under current rules promulgated by the Department of Transportation, no human services vehicle driver may require or allow any passenger to stand while the vehicle is in motion and may not move the vehicle until all passengers are seated. Under this bill, these restrictions do not apply to a passenger with a medical condition that prevents sitting. *as certified by a medical practitioner*

X

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8 passengers to sit anywhere except in seats provided. This subsection does not apply

① to chaperones or monitors in the performance of their duties or to passengers with
② a medical condition that prevents sitting as certified by a medical practitioner

3

(END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4457/P2
ZDW:emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

NO
CHANGES

1 **AN ACT relating to:** modifying Department of Transportation rules relating to
2 human services vehicles.

Analysis by the Legislative Reference Bureau

Under current rules promulgated by the Department of Transportation, no human services vehicle driver may require or allow any passenger to stand while the vehicle is in motion and may not move the vehicle until all passengers are seated. Under this bill, these restrictions do not apply to a passenger with a medical condition that prevents sitting as certified by a medical practitioner.

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8 passengers to sit anywhere except in seats provided. This subsection does not apply

1 to chaperones or monitors in the performance of their duties or to a passenger with
2 a medical condition that prevents sitting as certified by a medical practitioner.

3 (END)