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: Carbon copy (CC) to: Sen.Moulton@legis.wisconsin.gov 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

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HIPS	ITTINO	HISTO	rv:

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

FE Sent For:

<**END**>

NOT

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 stood 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!

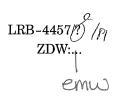
Kaleb

Kaleb Vander Wiele

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



State of Misconsin & 10/5/2017 2017 - 2018 LEGISLATURE 05 10/9/2017



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA! Weir!

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 $\operatorname{AN}\operatorname{ACT}$...; **relating to:** modifying Department of Transportation rules relating

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)

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SECTION 1. Trans 301.05 of the administrative code is amended to read:

Trans 301.05 (11) No driver may require or allow any passenger to stand while the vehicle is in motion. The driver may not move or start the HSV until all passengers are seated. The driver may not permit a passenger to get up from a seated position until the HSV has come to a complete stop. The driver may not permit any passengers to sit anywhere except in seats provided. This subsection does not apply

SECTION 1

- to chaperones or monitors in the performance of their duties or to passengers with
- 2 <u>a medical condition that prevents sitting.</u>
- 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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To: Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>

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23rd Senate District

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State of Misconsin ~ 10/12/2017 2017 - 2018 LEGISLATURE OF TODAY

LRB-4457/P1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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2 human services vehicles.

Analysis by the Legislative Reference Bureau

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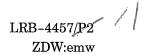
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3 (END)



State of Misconsin 2017 - 2018 LEGISLATURE



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

MO

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

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