AN ACT to repeal 194.03 (5); and to amend 194.03 (5m) (a), 194.03 (5m) (b), 194.04 (1) (title), 194.04 (1) (b) and 194.04 (1) (c) of the statutes; relating to: certain references to obsolete federal motor carrier law (suggested as remedial legislation by the Department of Transportation).

Analysis by the Legislative Reference Bureau

Currently, two statutory provisions reference the no longer extant Interstate Commerce Commission. This bill replaces those references with references to the federal Surface Transportation Board. Also under current law, three statutory provisions reference state motor carrier certificates for interstate operation that are no longer authorized under federal law. This bill removes these references.

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

SECTION 1. 194.03 (5) of the statutes is repealed.

SECTION 2. 194.03 (5m) (a) of the statutes is amended to read:

194.03 (5m) (a) A person may assert as a defense to the claim the existence of a freight charge agreement between the person and the motor carrier which applies
to the carriage of the freight at issue and which has not been filed as a tariff with the
interstate commerce commission federal surface transportation board.

SECTION 3. 194.03 (5m) (b) of the statutes is amended to read:

194.03 (5m) (b) A court shall request the interstate commerce commission
federal surface transportation board or other appropriate federal agency to issue an
advisory opinion on any issue which the court determines is within the primary
jurisdiction of that agency.

SECTION 4. 194.04 (1) (title) of the statutes is amended to read:

194.04 (1) (title) Authority to operate in intrastate commerce.

SECTION 5. 194.04 (1) (b) of the statutes is amended to read:

194.04 (1) (b) Every applicant for a certificate shall pay a fee of $500 for a
common motor carrier of property certificate or $50 for a common motor carrier of
passengers certificate, except that an applicant for a certificate under the federal
motor-carrier act of 1935 or for authority to transport in interstate commerce
commodities which are exempt from regulation by the interstate commerce
commission shall pay a fee of $25.

SECTION 6. 194.04 (1) (c) of the statutes is amended to read:

194.04 (1) (c) Every applicant for a license shall pay a fee of $500, except that
an applicant for a license under the federal motor-carrier act of 1935 or for authority
to transport in interstate commerce commodities which are exempt from regulation
by the interstate commerce commission shall pay a fee of $25.

(END)