



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 08-002

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

2. Form, Style and Placement in Administrative Code

a. Section Trans 178.01 (2) would be more understandable if structured as follows (note the changes from “have” to “has” in two places and “are” to “is” in one place):

(2) This chapter applies to any motor carrier...and leasing company that meets any of the following criteria:

(a) Operates any commercial motor vehicle in interstate commerce.

(b) Has no vehicles but is a motor carrier related business located in Wisconsin.

(c) Has declared Wisconsin as the base state...Registration Agreement.

In sub. (3), third sentence, the “type of business activity” of what entities? This needs to be clarified. Are they the same entities that are referred to in the second sentence? Also, the department may want to consider combining the second and third sentences since they both refer to items that “are not determinant of the requirement to register...system.”

b. In s. Trans 178.02 (1), “a” should be inserted before “motor carrier for compensation.” In subs. (2) (intro.) and (c), (9) (a), and (13), “section” should be deleted. In sub. (2), “UCS” should be “USC.” Also, sub. (2) (a) needs to be clarified. What does the “whichever is greater” refer to? It appears that this phrase is not needed. In sub. (3) (a), for clarity, a comma should be inserted after “shipments.” In sub. (4) (a), “that” should replace “of such.” In par. (b), would it be clearer if “through” is placed before “a place outside of the United

States”? In sub. (10), “semi trailer” should be “semitrailer” and “as” should be inserted before “determined.”

c. In s. Trans 178.03, (a) and (b) should be (1) and (2) since these are subsections and not paragraphs. In renumbered sub. (1) (intro.), “Part” should be deleted. In renumbered sub. (2), “chairpersons of the” should be inserted before “standing committees.” The beginning of the second sentence should read: “If a chairperson of at least one committee does not notify...”. The beginning of the third sentence should read: “If within 14 working days after the date of the department’s notice, a chairperson of a committee notifies...”.

d. In s. Trans 178.04 (1) (a), does “UCR” refer to the “UCR Agreement,” which is a defined term in the rules. If so, “Agreement” should be inserted after “UCR.” If not, “Unified Carrier Registration” should replace “UCR.” In par. (c), “UCR Agreement” (the defined term) should replace “UCRA.” It appears that sub. (d) 1. would be clearer if it read: “1. The number of self-propelled...regardless of the weight or passenger capacity of each vehicle and regardless of whether any vehicle is owned or leased.” In subd. 2., “the vehicles” should replace “vehicles might.”

5. Clarity, Grammar, Punctuation and Use of Plain Language

Section Trans 178.02 (2) (c) refers to “the secretary of transportation.” It may assist a reader to insert “state” or “federal” before “secretary.”