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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 19-004

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]**

#### **2. Form, Style and Placement in Administrative Code**

- a. An introductory clause should be inserted to specifically enumerate the rule provisions treated and to state the subject matter of the proposed rule. [s. 1.02 (1), Manual.]
- b. In the rule summary’s section titled “Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations”, the citations to various sections within ch. Trans 330 should use “s.” instead of “ch.”. [s. 1.07 (2), Manual.]
- c. The department could consider removing SECTION 1, as changes to the chapter’s table of contents will occur in accordance with the text of the proposed rule.
- d. In SECTION 3, the department should consider whether to repeal only s. Trans 330.05 (1), as only that subsection concerns pre-trip inspections, which is the relevant concern based on the rule summary’s explanation. Specifically, s. Trans 330.05 (2) does not involve pre-trip or post-trip driver inspections. If the department does repeal s. Trans 330.05 in its entirety, it may be helpful to include in the rule summary a comparison between s. Trans 330.05 (2) and federal law.
- e. In SECTION 4, the following changes should be made:
  - (1) The text in each paragraph under s. Trans 330.07 (1) should be in lower case, except for the first letter of the first word in each subunit. [s. 1.01 (4), Manual.]
  - (2) Insert a period at the end of each paragraph under s. Trans 330.07 (1). [s. 1.03 (4), Manual.]

- (3) Insert “Trans” in the cross-references to ch. Trans 300 in each paragraph under s. Trans 330.07 (1). [s. 1.07 (2), Manual.]
- (4) In s. Trans 330.07 (1) (a), eliminate the space before “Construction” and change the citation to read “s. Trans 300.35 (1) to (4)”. [s. 1.07 (2), Manual.]
- (5) In s. Trans 330.07 (1) (b), remove the extra period in the citation and insert the word “and” between subs. (6) and (7).

f. To be concise, the department could consider replacing the proposed text for s. Trans 330.07 (2) in SECTION 4 with “The vehicle shall be inspected under this chapter for compliance with sub. (1)”.

g. Because the proposed changes in SECTIONS 5 to 7 affect the same rule section with the same treatment, they may be included in the same section. [s. 1.04 (2) (a) 4., Manual.]

h. Because SECTION 7 amends introductory material, the treatment clause should read “Trans 330.10 (30) (intro.)”. [s. 1.03 (3), Manual.]

i. The department could consider adding “applicable standards” to SECTION 7, to maintain consistency with the form of other subsections of s. Trans 330.10 and to more accurately reference the provisions under 49 C.F.R. 571.

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

In the rule summary’s section titled “Statutory Authority”, the department could consider use of more specific citations to rulemaking authority by citing to ss. 110.063 (1), 110.064 (1) (b), and 110.075 (6), Stats.

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

a. Begin the rule summary’s section titled “Explanation of Agency Authority” with the word “Under”.

b. In the rule summary’s section titled “Plain Language Analysis”, the period for the first sentence should be moved outside of the parentheses.

c. In the rule summary’s section titled “Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations”, the department could clarify that the proposed rule also removes references to 49 C.F.R. 393.61 and 393.62 from s. Trans 330.10 (8), and the reasons for such removal. In that same section, for clarity, the department could consider replacing the term “rescinded” with “repealed”.

d. The department should consider identifying whether all the changes in the proposed rule are in response to the 2009 Audit, or whether some proposed changes are for more general safety purposes. For example, are the changes in SECTION 2 intended to reflect federal regulations or a change in the department’s approach to regulating the safety of motor buses converted under s. 347.44 (4), Stats.? Also, a description of which changes are proposed in response to the 2009 Audit would make the rule summary’s section describing other states’ approaches a more useful comparison.

e. In the rule summary's section titled "Summary of the Factual Data and Analytical Methodologies", replace the two instances of "busses" with "buses".

f. In citations throughout the proposed rule, the department should insert a space between section and subsection numbers. For example, "s. Trans 330.10(8)" should be replaced with "s. Trans 330.10 (8)".