

CR 82-150

C E R T I F I C A T E

RECEIVED

OCT 27 1982
9:25
Revisor of Statutes
Bureau

STATE OF WISCONSIN)
)
DEPARTMENT OF TRANSPORTATION)

TO ALL TO WHOM THESE PRESENTS COME, GREETINGS:

I, Owen Ayres, Secretary of the Department of Transportation and custodian of the official records of the Department, do hereby certify that the annexed rules relating to vehicle marking requirements for motor carriers were duly approved and adopted by this Department on October 25, 1982.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereonto set my hand and affixed the official seal of the Department at the Hill Farms State Office Building in the City of Madison, this 25th day of October, 1982.



OWEN AYRES, P.E.
Secretary
Wisconsin Department of
Transportation

1-1-83

IN THE MATTER OF THE REPEAL :
OF MVD 4, THE AMENDMENT OF :
MVD 6.03(6), AND THE CREATION :
OF TRANS 302, WIS. ADM. CODE, :
RELATING TO VEHICLE MARKING :
REQUIREMENTS FOR MOTOR :
CARRIERS :

ORDER
ADOPTING
RULES

RECEIVED

OCT 27 1982

Revisor of Statutes
Bureau

CLEARINGHOUSE RULE 82-150

Analysis Prepared by the Department of Transportation

General summary. This rule is part of the Department's on-going project to consolidate all of its rules in the TRANS series. The rule TRANS 302 retains most of the provisions of MVD 4. All obsolete references to the Public Service Commission are eliminated since the regulation of motor carriers has been vested in the Department of Transportation and the Wisconsin Transportation Commission since the enactment of Chapter 29, Laws of 1977. Under the deregulation mandated by Chapter 347, Laws of 1981, the Wisconsin Transportation Commission will be cancelling some authority numbers and issuing replacement numbers. This rule gives the carriers until January 1, 1984, to place the proper authority number on the vehicles. Carriers whose vehicles are currently marked with PSCW (Public Service Commission of Wisconsin) will not be required to change the vehicle marking to TCW. Vehicles purchased after October 1, 1982, will be required to be marked TCW if the carrier holds authority from the Wisconsin Transportation Commission, unless exempt under other provisions of the rule.

Fiscal estimate. This rule will have no fiscal effect on the Department. Carriers who have been issued new authority numbers by the Transportation Commission will be required to place the new identification number on the vehicle. The Department estimates that approximately 241 authority numbers will be changed by the Transportation Commission. The Department cannot reliably estimate the number of vehicles involved.

A copy of the rule may be obtained upon request from the Wisconsin Department of Transportation, Division of State Patrol, Room 201, Hill Farms State Office Building, P.O. Box 7912, Madison, Wisconsin 53707, Telephone (608) 266-3216.

Pursuant to authority vested in the Department of Transportation by s. 194.09, the Department adopts rules interpreting s. 194.09 as follows:

TEXT OF RULE

SECTION 1. Chapter MVD 4 is repealed.

SECTION 2. MVD 6.03(6) is amended to read:

MVD 6.03(6) MARKING OF VEHICLES. Motor trucks or vehicles when used for transporting explosives shall be marked or placarded on both sides and the rear with the word EXPLOSIVES in letters not less than six inches high, or shall conspicuously display a red flag with the word DANGER printed, stamped or sewed thereon in white letters at least six inches high, mounted above the highest point of the vehicle. These markings shall be in addition to all markings required by ch. ~~MVD-4~~ TRANS 302.

SECTION 3. Chapter TRANS 302 is created to read:

CHAPTER TRANS 302

VEHICLE MARKING

- TRANS 302.01 Purpose and Scope
- TRANS 302.02 Authority
- TRANS 302.03 Definitions
- TRANS 302.04 Marking on Power Units
- TRANS 302.05 Exceptions to Marking Requirements
- TRANS 302.06 Alternative Marking
- TRANS 302.07 Size and Visibility Requirements
- TRANS 302.08 Obsolete Identification
- TRANS 302.09 Additional Identification

TRANS 302.01 PURPOSE AND SCOPE. (1) The purpose of this chapter is to provide a uniform means for identifying the owner or operator of vehicles subject to ch. 194, Stats., and private vehicles having a gross vehicle weight of more than 12,000 pounds.

(2) The scope of this rule is to include the marking requirements for various types of vehicles transporting various commodities either in private, common, or contract carriage operating on Wisconsin highways.

TRANS 302.02 AUTHORITY. As authorized by s. 194.09, Stats., the department of transportation hereby establishes by rule the identification requirements for vehicles involved in common, contract, or private carriage.

TRANS 302.03 DEFINITIONS. (1) "Common motor carrier" means any person who holds himself or herself out to the public as willing to undertake for hire to transport passengers by motor vehicle between fixed end points or over a regular route upon the public highways or property over regular or irregular routes upon the public highways. The transportation of passengers in taxicab service or in commuter car pool or van pool vehicles with a passenger-carrying capacity of less than 16 persons or in a school bus under s. 120.13(27), Stats., shall not be construed as being that of a common motor carrier.

(2) "Contract motor carrier" means any person engaged in the transportation by motor vehicle over regular or irregular route upon the public highways of property for hire.

(3) "Department" means the department of transportation.

(4) "For hire" means for compensation, and includes compensation obtained by a motor carrier indirectly, by subtraction from the purchase price or addition to the selling price of property transported, where the purchase or sale thereof is not a bona fide purchase or sale. Any person who pretends to purchase property to

be transported by such person or who purchases property immediately prior to and sells it immediately after the transportation thereof shall be deemed to be transporting the property for hire and not a bona fide purchaser or seller thereof. The lease or rental of a motor vehicle to a person for transportation of the person's property which lease or rental directly or indirectly includes the lessor's services as a driver shall be deemed to be transportation for hire and not private carriage. Nothing herein contained shall be construed to include motor vehicle operations which are conducted merely as an incident to or in furtherance of any business or industrial activity.

(5) "Person" means any individual, firm, copartnership, corporation, company, association, including express and forwarding companies, or their lessees, trustees, or receivers.

(6) "Private motor carrier" means any person except a common or contract motor carrier engaged in the transportation of property by motor vehicle other than an automobile or trailer used therewith, upon the public highways.

(7) "Rental company" means a "lessor" or "leasing company" referred to in s. 194.04(3)(c) and s. 194.44(2), Stats. It includes every person regularly engaged in the business of leasing motor vehicles without drivers or leasing trailers to be hauled or propelled by a motor vehicle. These rules do not apply to the renting of automobiles or trailers used therewith when such vehicles are operated in private motor carriage.

TRANS 302.04 MARKING ON POWER UNITS. (1) Except as otherwise provided in this chapter, every motor vehicle with a gross weight

of more than 12,000 pounds operated by a private motor carrier and every motor vehicle operated by a common or contract carrier shall display the following information on both sides of the power unit when operating on the highways of Wisconsin:

(a) The name of the carrier who is operating the vehicle. Unless the vehicle is registered by a rental company or by an owner-operator, the name of the carrier shall appear as it does on the registration certificate.

(b) The city and state where the carrier has its main office or headquarters, except that at its option the carrier may identify its vehicles with the city and state of a branch office where the vehicle is domiciled.

(c) The authority number with the letters TCW either directly behind or below the authority number if the vehicle is operated by a carrier holding authority from the Wisconsin transportation commission.

(d) The rental company name and rental company number if the vehicle is rented or leased from a rental company.

(2) For-hire carriers utilizing vehicles that are rented or leased from a rental company shall, in addition to the rental company name and number, be identified as required in sub. (1) (a), (b) and (c).

(3) Private carriers utilizing vehicles that are rented or leased from a rental company for 30 days or less are exempt from the requirements of sub. (1) (a) and (b).

TRANS 302.05 EMPTY WEIGHT MARKING. The empty weight of a power unit, trailer or semitrailer shall be placed on the left

side of the power unit, trailer or semitrailer as required by s. 348.185, Stats., except that vehicles registered with Wisconsin base registration may write or type the empty weight on the certificate of registration in lieu of displaying the empty weight on the vehicle.

TRANS 302.06 EXCEPTIONS TO MARKING REQUIREMENTS. Any common or contract carrier operating motor vehicles upon the highways of Wisconsin under authority issued by the interstate commerce commission is exempt from the requirements of s. TRANS 302.04 and s. TRANS 302.05 provided such carrier complies with the identification requirements prescribed by the interstate commerce commission.

TRANS 302.07 ALTERNATIVE MARKING. (1) An owner or operator may desire to use a recognized company logo or identification which does not fully comply with the requirements of s. TRANS 302.04(1) (a). Application to use an alternative type of marking shall be made to the administrator, division of state patrol, p.o. box 7912, Hill Farms State Office Building, 4802 Sheboygan avenue, Madison, Wisconsin 53707. The application shall contain:

(a) A full size blueprint, drawing, or actual decal of the type of alternative marking that the applicant wishes to use.

(b) An indication that this is a recognized symbol of the company.

(c) A letter signed by a company officer outlining the reasons why the request for alternative marking should be granted.

(2) Alternative marking requests shall not be granted if the alternative marking would give a false or distorted impression of the operation of the vehicle.

(3) The use of an alternative marking does not exempt the carrier from the remaining requirements of s. TRANS 302.04.

(4) Any motor carrier utilizing a logo or other alternative marking under the provisions of s. MVD 4 shall apply for an exemption under this chapter prior to January 1, 1983.

TRANS 302.08 SIZE AND VISIBILITY REQUIREMENTS. (1) The identification required in TRANS 302.04 shall be at least 2 inches in height with at least 1/4-inch wide brush stroke. the identification shall have a sharp color contrast with the background on which it is applied. The identification shall remain legible and maintained without deterioration.

(2) The identification requirements of this chapter may be met through the use of removable devices which meet the requirements. These devices shall be of durable construction and securely attached to the power unit. The removable devices must be attached so that the identification is in a horizontal position. The removable device may not be attached to the side frame rail. The loss of a removable identification device shall not be a defense to enforcement action taken for noncompliance of TRANS 302.04.

TRANS 302.09 OBSOLETE IDENTIFICATION. (1) A motor vehicle subject to this chapter may not be operated upon Wisconsin highways unless current registration has been applied for, or unless the registration plates or appropriate decal sticker identification have been affixed. Registration plates or decal sticker identification shall be affixed immediately upon receipt of the plate or decal sticker and the expired registration identification removed.

(2) A motor vehicle no longer being operated under the terms of a lease shall have all markings identifying the vehicle as being operated under a lease arrangement removed prior to operation on Wisconsin highways.

(3) A carrier holding an authority number issued prior to October 1, 1982, by the Wisconsin public service commission or the Wisconsin transportation commission which is changed by the Wisconsin transportation commission shall have until January 1, 1984, to identify the vehicles with the new authority number. In addition, the carrier who receives a new authority number shall change the PSCW lettering to TCW.

(4) All vehicles operated by carriers whose authority numbers are not changed by the transportation commission which are identified with the letters PSCW as previously required under MVD 4 are not required to change the identification to TCW. Vehicles purchased after October 1, 1982, by carriers holding authority from the Wisconsin transportation commission shall be marked TCW unless exempt under other provisions of this chapter.

(5) All vehicles bearing a CC prefix prior to October 1, 1982, which have been changed to a PC prefix by the transportation commission on October 1, 1982, are not required to change the CC prefix markings on the vehicle. Vehicles purchased after October 1, 1982, by carriers holding PC authority shall be marked with the PC prefix, unless otherwise exempt under other provisions of the chapter.

TRANS 302.10 ADDITIONAL INFORMATION. Nothing in this chapter prohibits the display of additional information or advertising that does not defeat the purpose or intent of identifying the operator of the vehicle.

This rule shall take effect upon publication as provided in
s. 227.026(1)(intro.), Wis. Stats.

Signed at Madison, Wisconsin, this 25th day of October,
1982.



OWEN AYRES, Secretary
Wisconsin Department of
Transportation