

CR 83-162

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C E R T I F I C A T E

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )


TO ALL TO WHOM THESE PRESENTS COME, GREETINGS:

I, Lowell B. Jackson, Secretary of the Wisconsin Department of Transportation and custodian of the official records of the Department, do hereby certify that the annexed administrative rule relating to the financial responsibility requirements for "for-hire" property carriers was duly approved and adopted by this Department on November 15<sup>th</sup>, 1983.

I further certify that the annexed 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 here-  
onto set my hand and affixed the  
official seal of the Department  
at the Hill Farms State Office  
Building in the City of Madison,  
Wisconsin, this 15<sup>th</sup> day of  
November, 1983.



  
\_\_\_\_\_  
LOWELL B. JACKSON, P.E.  
Secretary  
Wisconsin Department of  
Transportation

IN THE MATTER OF THE AMENDMENT )  
 OF CHAPTER TRANS 176, WISCONSIN )  
 ADMINISTRATIVE CODE, RELATING TO )  
 FINANCIAL RESPONSIBILITY REQUIRE- )  
 MENTS FOR "FOR-HIRE" PROPERTY )  
 CARRIERS )

ORDER  
 ADOPTING  
 RULE

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Analysis Prepared by DOT-OGC

General Summary of rule. Chapter 347, Laws of 1981, made numerous changes in the laws governing the "for-hire" motor carrier industry in Wisconsin. One of the changes required the Department of Transportation to set the minimum financial responsibility levels at the same levels required by the Federal Motor Carrier Act of 1980. On October 1, 1982, the Department adopted the minimum limits set out by the federal law and the federal rules adopted thereunder. The federal minimum limits, and therefore the state minimum limits, were scheduled to increase on July 1, 1983. However, on January 6, 1983, the President signed into law the Surface Transportation Assistance Act of 1982 (P.L. 97-424, 96 Stat. 2097). Section 406(a) of the Surface Transportation Assistance Act of 1982 amended Section 30 of the Motor Carrier Act of 1980 (P.L. 96-296, 94 Stat. 820) to allow the Secretary of the U.S. Department of Transportation to extend the "phase-in period" for the lower minimum levels of financial responsibility from 2 years to up to 3½ years. In a Notice of Proposed Rulemaking published in the April 11, 1983 Federal Register, Vol 48, No. 70, page 15499, the Secretary of Transportation proposed to amend the current regulations regarding the minimum levels of financial responsibility by revising the Schedule of Limits table in 49 C.F.R. §§ 387.9 and 387.15 to reflect the additional 18-month "phase-in period" permitted by Section 406 of the Surface Transportation Assistance Act of 1982. The comment period on this rulemaking closed on May 26, 1983. The U.S. Department of Transportation published an emergency rule extending the reduced limits for an additional 12 months on June 28, 1983. A decision on the additional 6 months will be made later.

Since s. 194.41(6), Stats., requires that the Wisconsin Department of Transportation set the minimum limits at the same level as required under the federal law, it is necessary to amend TRANS 176 to reflect the additional 12 months of reduced limits. Therefore, this rule provides that the current levels of \$500,000 for non-hazardous property, \$500,000 for certain types of hazardous property, and \$1,000,000 for more dangerous types of hazardous property will be continued until June 30, 1984. As of July 1, 1984, these levels will be raised to \$750,000, \$1,000,000 and \$5,000,000, respectively, in accordance with the federal law. The Department has already adopted an emergency rule to comply with

the July 1, 1983 deadline. This rule is identical to the emergency rule.

Fiscal Estimate

This rule will have no fiscal impact independent of the fiscal effect of the law. The Department does not anticipate that the promulgation of this rule will have any fiscal impact on its operations. The rule will reduce the economic burden on the motor carrier industry by delaying the substantial insurance increases by 12 months.

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RULE TEXT

Pursuant to the authority vested in the DOT by ss. 194.41 and 227.014, Stats., the Department of Transportation hereby amends rules interpreting ss. 194.41(1) and (6), Stats., as follows:

SECTION 1. Chapter TRANS 176.06(1)(a)(intro.) is amended to read:

TRANS 176.06(1)(a)(intro.) For-hire property carriers:

OCTOBER 1, 1982  
THROUGH  
JUNE 30, ~~1983~~ 1984

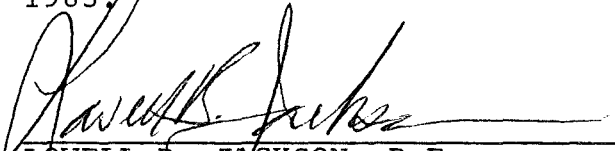
ON AND  
AFTER  
JULY 1, ~~1983~~ 1984

(End of Rule)

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THEREFORE, the rule amended in this order shall take effect on the day of publication in accordance with the provisions of s. 227.027, Stats.

Signed at Madison, Wisconsin,  
this 15<sup>th</sup> day of November,  
1983.

  
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LOWELL B. JACKSON, P.E.  
Secretary  
Wisconsin Department of  
Transportation