

CR 84-65

RECEIVED

JUL 17 1984

9:20 am
Revisor of Statutes
Bureau

CERTIFICATE

State of Wisconsin)
) ss.
Department of Transportation)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Lowell B. Jackson, P.E., Secretary of the Wisconsin Department of Transportation and custodian of the official records of the Department, do hereby certify that the annexed rule relating to protective headgear--standards and specifications for motorcyclists was duly approved and adopted by this Department on July 10th, 1984.

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 hereonto set my hand and affixed the official seal of the Department of Transportation, in the City of Madison, Wisconsin, this 10th day of July, 1984.



Lowell B. Jackson

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

9-1-84

IN THE MATTER OF THE PROPOSED	:	
REPEAL OF CHAPTER MVD 18,	:	ORDER
WISCONSIN ADMINISTRATIVE CODE,	:	ADOPTING
RELATING TO PROTECTIVE HEAD-	:	RULES
GEAR--STANDARDS AND SPECIFI-	:	
CATIONS FOR MOTORCYCLISTS	:	

Analysis prepared by the Wisconsin Department of Transportation

General summary of rule. Section 347.485(1)(a), Stats., provides that no person who holds a motor-driven cycle instructional permit or who is under 18 years of age may operate or ride a motor-driven cycle without wearing a protective headgear. Section 347.485(1), Stats., has required that the protective headgear be of a type and be worn in a manner "approved by the [department of transportation]." In accordance with that statutory requirement, the Department of Transportation created chapter MVD 18, Wisconsin Administrative Code, entitled "Protective Headgear--Standards and Specifications."

On February 21, 1984, the Legislature enacted 1983 Wisconsin Act 133. That Act amends section 347.485(1), deleting the language requiring headgear approved by the Department of Transportation and creating language requiring headgear meeting the federal standards set forth in 49 C.F.R. 571.218. Consequently, chapter MVD 18, Wisconsin Administrative Code, is now unnecessary and should be repealed. That is the purpose of this administrative rulemaking: it repeals chapter MVD 18, Wisconsin Administrative Code.

Fiscal effect. This rule change will not have a fiscal effect upon the state, local governments or the private sector. It simply repeals a rule that the Legislature has already made superfluous.

This analysis was prepared by Philip Peterson, Office of General Counsel, Wisconsin Department of Transportation (608-266-8810).

Pursuant to authority vested in the Wisconsin department of transportation by ss. 110.06(1) and 227.014(2), Stats., the department of transportation repeals chapter MVD 18, Wisconsin Administrative Code, as follows:

SECTION 1. Chapter MVD 18, Wisconsin Administrative Code, is repealed.

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

Signed at Madison, Wisconsin,
this 10th day of July, 1984.

Lowell B. Jackson
for Lowell B. Jackson, P.E.
Secretary
Wisconsin Department of
Transportation



State of Wisconsin \

DEPARTMENT OF TRANSPORTATION



PLEASE REPLY TO:

OFFICE OF GENERAL COUNSEL

4802 Sheboygan Avenue
P. O. Box 7910
Madison, WI 53707
Telephone: (608) 266-8810

RECEIVED

JUL 17 1984

Revisor of Statutes
Bureau

July 9, 1984

Mr. Gary Poulson
Assistant Revisor of Statutes
411 West, State Capitol
Madison, Wisconsin 53702

Re: Clearinghouse Rule 84-65
Relating to Protective Headgear--Standards and
Specifications For Motorcyclists

Dear Mr. Poulson:

Enclosed for filing, pursuant to sec. 227.023, Wis. Stats., is a certified copy of CR 84-65, an administrative rule relating to protective headgear--standards and specifications for motorcyclists. An additional, uncertified copy of CR 84-65 is enclosed to be used as a printer's copy. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

Philip Peterson
Deputy General Counsel

PPP:hml
Enclosures
cc: Sue Gallagher
DOT Office of Transportation Information
James Van Sistine
Col. Howard Goetsch
Major George Wenzel
Michael Moschkau
Carl Zutz