

CR 84-160

RECEIVED

DEC 28 1984

Revisor of Statutes
Bureau

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 motor carrier safety requirements was duly approved and adopted by this Department on the 13th day of November, 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 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 13th day of
November, 1984.

Lowell B. Jackson

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

3-1-85

IN THE MATTER OF THE ORDER OF THE)
 WISCONSIN DEPARTMENT OF TRANS-)
 PORTATION CREATING TRANS 325,)
 WISCONSIN ADMINISTRATIVE CODE,)
 RELATING TO MOTOR CARRIER SAFETY)
 REQUIREMENTS)

ORDER
 ADOPTING RULE

Analysis Prepared by the
Wisconsin Department of Transportation

General summary of rule. Under § 402 of the Surface Transportation Assistance Act of 1982, 49 U.S.C. 2302 (Public Law 97-424, January 6, 1983), the U.S. Secretary of Transportation is empowered to make grants to states for the development or implementation of programs to enforce federal regulations applicable to commercial motor vehicles. A portion of the provision in the Act is reproduced below:

Grants to States

- (a) Under the terms and conditions of this section, subject to the availability of funds, the Secretary is authorized to make grants to States for the development or implementation of programs for the enforcement of Federal rules, regulations, standards, and orders applicable to commercial motor vehicle safety and compatible State rules, regulations, standards, and orders.
- (b)(1) The Secretary shall formulate procedures for any State to submit a plan whereby the State agrees to adopt, and to assume responsibility for enforcing Federal rules, regulations, standards, and orders applicable to commercial motor vehicle safety, or compatible State rules, regulations, standards, and orders. Such plan shall be approved by the Secretary if, in the Secretary's judgment, the plan is adequate to promote the objectives of this section, and the plan—
- (A) designates the State motor vehicle safety agency responsible for administering the plan throughout the State;
 - (B) contains satisfactory assurances that such agency has or will have the legal authority, resources, and qualified personnel necessary for the enforcement of such rules, regulations, standards, and orders;
 - (C) gives satisfactory assurances that such State will devote adequate funds to the administration of such plan and enforcement of such rules, regulations, standards, and orders;
 - (D) provides a right of entry and inspection sufficient to enforce such rules, regulations, standards, and orders;
 - (E) provides that all reports required pursuant to this section be submitted to the State agency, and that such agency make available upon request to the Secretary all such reports;
 - (F) provides that such State agency will adopt such uniform reporting requirements and use such uniform forms for recordkeeping, inspections, and investigations as may be established and required by the Secretary; and
 - (G) requires registrants of commercial motor vehicles to make a declaration of knowledge of applicable Federal and State safety rules, regulations, standards, and orders.

In order to be eligible for these grants, it is necessary to adopt the applicable federal rules on motor carrier safety. Therefore, this rule adopts the following parts of Title 49 of the Code of Federal Regulations by reference:

- Part 390 Federal Motor Carrier Safety Regulations--
General;
- Part 391 Qualifications of Drivers;
- Part 392 Driving of Vehicles;
- Part 393 Parts and Accessories Necessary for
Safe Operation;
- Part 395 Hours of Service of Drivers;
- Part 396 Inspection, Repair and Maintenance;
- Part 397 Transportation of Hazardous Materials;
Driving and Parking Rules.

These regulations are adopted and will be enforced under the provisions of chs. 110 and 194. Violations of ch. 110 and the rules adopted thereunder are punishable by a forfeiture of not less than \$10 nor more than \$200. Violations of ch. 194 are punishable by a forfeiture of not less than \$50 nor more than \$100. No demerit points may be assessed to a person's driving record for violations of these rules.

The only persons and vehicles which will be subject to these rules are persons and vehicles which are already subject to the federal rules. The adoption of Trans 325 will give the Department of Transportation the authority to enforce federal regulations by adopting the federal regulations as a state administrative rule. The rule will be enforced by the inspectors and troopers of the Wisconsin State Patrol.

Fiscal estimate. The adoption of this rule will allow the Department of Transportation, Division of State Patrol, to qualify for up to \$253,000 in grants from the U.S. Department of Transportation for federal fiscal year 1985 (October 1, 1984-September 30, 1985). The Department does not anticipate that any additional costs will accrue to the motor carrier industry since the only individuals and vehicles subject to this rule are already subject to the federal regulations which this rule adopts by reference.

Part 2

Pursuant to the authority vested in the Wisconsin Department of Transportation by ss. 110.07, 110.075 and 227.014 and ch. 194, Wis. Stats., the Department proposes to create a rule interpreting ss. 110.07 and 110.75 and ch. 194, Wis. Stats., as follows:

RULE TEXT

SECTION 1. Trans 325 is created to read:

TRANS 325
MOTOR CARRIER SAFETY REGULATIONS

Trans 325.01 FEDERAL RULES ADOPTED. The following federal motor carrier safety regulations adopted by the United States department of transportation and in effect on October 1, 1984, are adopted by the department and shall be enforced in relation to those carriers, drivers or vehicles to which these federal rules apply in the same manner as though the regulations were set out in full in this rule:

(1) Title 49, Code of Federal Regulations, part 390, federal motor carrier safety regulations--general;

(2) Title 49, Code of Federal Regulations, part 391, qualifications of drivers;

(3) Title 49, Code of Federal Regulations, part 392, driving of motor vehicles;

(4) Title 49, Code of Federal Regulations, part 393, parts and accessories necessary for safe operation;

(5) Title 49, Code of Federal Regulations, part 395, hours of service of drivers;

(6) Title 49, Code of Federal Regulations, part 396, inspection, repair and maintenance.

(7) Title 49, Code of Federal Regulations, part 397, transportation of hazardous materials; driving and parking rules.

Trans 325.05 ENFORCEMENT. (1) The provisions of s. Trans 325.01(4) and (6) (title 49, Code of Federal Regulations, parts

393 and 396) shall be enforced under the provisions of s. 110.075, Stats.

(2) The provisions of s. Trans 325.01(2), (3), (5) and (7), (Title 49, Code of Federal Regulations, parts 391, 392, 395 and 397) shall be enforced under the provisions of ch. 194, Stats.

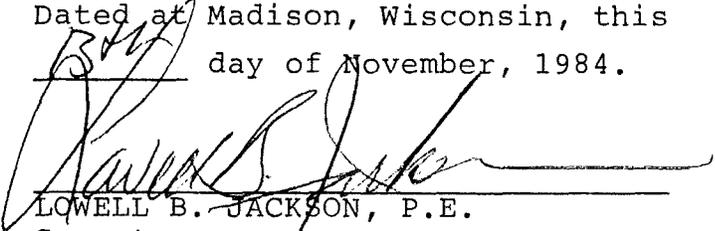
Trans 325.09 DEMERIT POINTS NOT APPLICABLE. No demerit points may be assessed for violations of the regulations adopted in this chapter.

Trans 325.15 COPIES OF RULES. The department shall advise carriers as to where copies of the federal rules adopted in this chapter may be obtained.

(End)

The rule created in this order shall take effect on January 1, 1985, or upon the first day of the month following publication as provided in s. 227.026(1)(intro.), Wis. Stats., whichever is later.

Dated at Madison, Wisconsin, this
31st day of November, 1984.



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

December 27, 1984

RECEIVED

DEC 28 1984

Revisor of Statutes
Bureau

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

RE: Clearinghouse Rule 84-160
In the Matter of the Creation of § Trans 325,
Wisconsin Administrative Code, Relating to
Motor Carrier Safety Requirements

Dear Mr. Poulson:

Enclosed for filing, pursuant to sec. 227.023, Wis. Stats., is a certified copy of CR 84-160, an administrative rule relating to motor carrier safety requirements. An additional, uncertified copy of CR 84-160 is enclosed to be used as a printer's copy. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

Joe Maassen
Joe Maassen
Assistant General Counsel

JM:ck

Enclosure

cc: Sue Gallagher
Skip Schneider
Norbert Anderson
Mary Runkel
Carl Johnson