

1975 Senate Bill 146

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**CHAPTER 243, Laws of 1975**

AN ACT to repeal 194.41 (1) (a) to (d), (2) and (5); to renumber 194.41 (4); to renumber and amend 194.41 (3); to amend 194.41 (1) (intro.); and to create

194.41 (4) of the statutes, relating to motor carrier insurance and granting rule-making authority.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 194.41 (1) (intro.) of the statutes is amended to read:

194.41 (1) (intro.) No permit or vehicle registration shall be issued to a common motor carrier of property, or contract motor carrier, or rental company and no permit or vehicle registration shall remain in force to operate any motor vehicle for which a permit is required by this chapter unless ~~it~~ the carrier or rental company has on file with the division of motor vehicles and in effect ~~a good and sufficient indemnity bond, an approved certificate for a~~ policy of insurance or other contract in writing in such form and containing such terms and conditions as may be approved by the ~~department~~ division issued by a surety, indemnity or insurance company or exchange lawfully qualified to transact such business in this state under which such indemnitor shall assume the liability prescribed by this section with respect to the operation of such motor ~~vehicle vehicles~~. Said certificate or undertaking shall be subject to the approval of the ~~department~~ division and shall provide that the indemnitor shall be directly liable for and shall pay all damages for injuries to or for the death of persons or for injuries to or destruction of property that may be recovered against the owner or operator of ~~each any~~ such motor ~~vehicle vehicles~~ by reason of the negligent ~~use or~~ operation thereof in ~~an amount not less than a) for injury to or death of persons, \$15,000, to or for any one person and \$30,000 for any one accident, or b) for injury to or destruction of property, \$10,000 for any one accident~~ such amount as the division may require. Such liability may be restricted so as to be inapplicable to damage claims on account of injury to or destruction of property transported, but the ~~department~~ division may require an undertaking protecting the owner of the property transported by public carriers from loss or damage thereto, which undertaking shall be in such amount and under such conditions as the ~~department~~ division may require. No permit or vehicle registration shall be issued to a common motor carrier of passengers by any motor vehicle, or other carrier of passengers by motor bus, except those registered in accordance with ss. 341.26 (2) (b) to (f) and (2m) (d) and (e) and 341.267, and no permit or vehicle registration shall remain in force to operate any motor vehicle unless it has on file with the ~~department~~ division a like undertaking in such form and containing such terms and conditions as may be approved by the ~~department~~ division for the payment of damages for injuries to property ~~in at least the amount hereinbefore specified and of damages for~~ injuries to or for the death of persons, including passengers in ~~at least the following amounts: such amounts as the division may require.~~

SECTION 2. 194.41 (1) (a) to (d) of the statutes are repealed.

SECTION 3. 194.41 (2) of the statutes is repealed.

SECTION 4. 194.41 (3) of the statutes is renumbered 194.41 (2) and amended to read:

194.41 (2) No undertaking filed under ~~the provisions of~~ this section shall be limited as to the total liability of the indemnitor thereunder, for any series of accidents, and no such undertaking shall be terminated at any time prior to its expiration under the terms thereof, nor canceled for any reason whatever, unless there shall have been filed with the ~~department~~ division by the indemnitor a notice thereof at least ~~40~~ 30 days prior to the date of such termination or cancellation. Such 30-day notice may be waived if an acceptable replacement undertaking has been filed under this section.

SECTION 5. 194.41 (4) of the statutes is renumbered 194.41 (3).

SECTION 6. 194.41 (4) of the statutes is created to read:

194.41 (4) The division shall prescribe rules for the administration and enforcement of this section and the administrator may appoint any employe in the division as his representative to affix his signature, including any facsimile signature adopted by him, to administrative letters, notices and orders to enforce this section. Before any rules adopted under this section take effect, such rules must be approved by the majority of the members of the senate commerce committee and the assembly transportation committee.

SECTION 7. 194.41 (5) of the statutes is repealed.

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