

Date of enactment: April 22, 1988
Date of publication: May 2, 1988

1987 Senate Bill 469

1987 Wisconsin Act 369

AN ACT to repeal 20.395 (5) (cr), 194.44, 341.41 (2) (d), 341.42 and 341.63 (1m); to amend 20.395 (5) (cq), 194.04 (3) (c), 341.185 (2), 341.40 (1) (d), 341.405 (2), 341.41 (1b) (c), 341.41 (7), 341.41 (9) (a), 341.45 (1g), 341.45 (5) and 348.20 (1); and to create 20.395 (5) (cr), 341.09 (6) and 341.45 (5g) and (5m) of the statutes, relating to eliminating private motor carrier permits and certain nonresident reciprocity permits, instalment payment of international registration plan fees, prorate registration fees, issuance of certain 72-hour trip permits, granting rule-making authority and making an appropriation.

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

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

	<u>1987-88</u>	<u>1988-89</u>
20.395 Transportation,		
Department of		
(5) MOTOR VEHICLE SERVICES		
AND ENFORCEMENT		
(cr) Fuel tax reporting--program		
development; state funds SEG C	424,300	-0-

SECTION 2. 20.395 (5) (cq) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.395 (5) (cq) *Vehicle registration, inspection and maintenance and driver licensing, state funds.* The amounts in the schedule for administering the vehicle registration and driver licensing program, including the traffic violation and registration program, for administering the motor vehicle emission inspection and maintenance program under s. 110.20, for administering the fuel tax reporting program under s. 341.45 and to compensate for services performed, as determined by the secretary of transportation, by any county providing registration services. Of the amount appropriated under this paragraph, the department may maintain a contingent fund, not to exceed \$6,000, for establishing change funds in the amount deemed necessary by the department.

~~compensation, motor vehicles as described in s. 194.44, without drivers for compensation,~~ may, upon payment of an additional annual permit fee of \$20 for each leased motor vehicle for which a permit is required, lease the same to common and contract motor carriers. The lessor shall not be considered to obtain the privileges or be subject to the obligations of s. 194.23 or 194.34 nor shall s. 194.23 or 194.34 apply to the lessor.

2. An authorized common or contract carrier, when leasing a motor vehicle for which a permit is required from a person engaged in the business of leasing under this section ~~and under s. 194.44,~~ shall not be required to procure a permit as prescribed in s. 194.23 or 194.34 if the motor vehicle leased carries the permit required under this section.

SECTION 6. 194.44 of the statutes is repealed.

SECTION 3. 20.395 (5) (cr) of the statutes is created to read:

20.395 (5) (cr) *Fuel tax reporting — program development; state funds.* As a continuing appropriation, the amounts in the schedule for the development of the fuel tax reporting system under s. 341.45. No moneys may be expended from this appropriation after June 30, 1990.

SECTION 7. 341.09 (6) of the statutes is created to read:

341.09 (6) The department may, in instances of special transportation need as determined by the department, issue a trip permit which is valid for a 72-hour period to the owner or operator of a vehicle which is eligible for quarterly registration under s. 341.30 or consecutive monthly registration under s. 341.305. The fee for the trip permit shall be not less than \$15. The secretary may waive the fee for the trip permit if the secretary determines that waiver is appropriate under the circumstances.

SECTION 4. 20.395 (5) (cr) of the statutes, as created by 1987 Wisconsin Act (this act), is repealed.

SECTION 5. 194.04 (3) (c) of the statutes is amended to read:

194.04 (3) (c) 1. Any individual, copartnership or corporation whose principal business is leasing ~~of,~~ for

SECTION 8. 341.185 (2) of the statutes is amended to read:

341.185 (2) ORIGINAL APPLICATION. An applicant for original registration of a vehicle under the quarterly or consecutive monthly registration system may not operate the vehicle on a highway without evidence of registration as determined by the department or a permit under s. 341.09 (6) displayed in or on the vehicle, unless the applicant obtains authorization to operate the vehicle as provided in s. 341.19.

SECTION 9. 341.40 (1) (d) of the statutes is amended to read:

341.40 (1) (d) The vehicle is operated in accordance with rules adopted by the secretary based on the gross weight of the vehicle. ~~These rules may also establish procedures for the issuance of blanket fleet reciprocity authorization in lieu of individual vehicle certificates of registration prescribed in s. 341.42 (3).~~ The secretary may, by rule, determine the gross weight exemption giving consideration to reciprocity privileges extended to Wisconsin residents in other jurisdictions. Foreign owned or operated vehicles entering Wisconsin to have special equipment or a body constructed or installed or for repair shall be exempt from the registration requirements of this section.

SECTION 10. 341.405 (2) of the statutes is amended to read:

341.405 (2) In addition to apportioned registration fees, a fee of \$3 to cover the cost of issuance shall be charged for each base plate and a fee of \$3 shall be charged for each cab card issued under the international registration plan. Registrants for which this state is the base jurisdiction may elect to pay the annual registration fee apportioned to this state in 4 equal instalments on or before January 1, April 1, July 1 and October 1 as specified by the department. Registrants shall pay an additional annual fee of not less than \$10 for each vehicle under the instalment option. The department of transportation may require the filing of an adequate bond or letter of credit to secure the payment of fees under the instalment plan. Trip permits may be issued for 72-hour periods at a fee of not less than \$15, under terms and conditions not inconsistent with the international registration plan.

SECTION 11. 341.41 (1b) (c) of the statutes is amended to read:

341.41 (1b) (c) The vehicle displays a Wisconsin ~~blanket fleet reciprocity authorization~~, Wisconsin tax permit, Wisconsin prorated plate or other form of Wisconsin authorization unless operated in accordance with rules adopted under s. 341.40 (1) (d).

SECTION 12. 341.41 (2) (d) of the statutes is repealed.

SECTION 13. 341.41 (7) of the statutes is amended to read:

341.41 (7) Except as to foreign owned vehicles required by s. 341.07 to be registered in this state, vehicles owned or operated by a nonresident in interstate or intrastate movement may be qualified by advance purchase of a trip permit which authorizes operation for a 72-hour period when the vehicle is not eligible for

reciprocal privileges. ~~The~~ Unless waived by the secretary, the fee for the trip permit shall be not less than \$15. The secretary may, upon determining that a special transportation need exists, waive the fee for the trip permit. The secretary shall make rules and regulations for the issuance and use of the permits.

SECTION 14. 341.41 (9) (a) of the statutes is amended to read:

341.41 (9) (a) Motor carriers engaged in interstate commerce or jointly in interstate and intrastate commerce and operating a fleet of one or more units consisting of trucks, truck tractors or road tractors with a gross weight of 26,000 pounds or more, or power units having 3 or more axles regardless of weight, or vehicle combinations when the weight of the combinations exceeds 26,000 pounds may file an application for a prorated registration plate under this subsection. Eligibility under this subsection is conditioned on the vehicle also displaying a registration plate from another jurisdiction. An application for a prorated registration plate under this subsection shall be accompanied by payment to the department of a fee in an amount equal to that obtained by applying the proportion of Wisconsin in-state fleet miles plus fleet miles operated in jurisdictions with which Wisconsin has a free reciprocity agreement on vehicle registration fees divided by the total fleet miles to the total fees which would otherwise be required for annual registration of the vehicles in Wisconsin. In addition to the prorated fee, the registrant shall pay a ~~\$3 cab card fee per vehicle and a \$3 plate or decal fee per vehicle~~ to cover the cost of issuance of each cab card and plate or decal issued under this subsection. The department may refuse to permit any or all of such vehicles to be registered under this subsection if the department is not satisfied that the state will obtain a fair and equitable share of license registration revenue from the vehicles comprising such fleet.

SECTION 15. 341.42 of the statutes is repealed.

SECTION 16. 341.45 (1g) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

341.45 (1g) Every person who purchases or obtains motor fuel or special fuel outside of this state and operates any motor vehicle into this state upon the highways of this state and transports motor fuel or special fuel in the fuel supply tank or tanks attached or unattached to the motor vehicle for the sole purpose of operating the vehicle shall pay the Wisconsin motor fuel or special fuel tax on the gallons consumed by the motor vehicle while operated on the highways of this state, except that this section does not apply to any motor vehicle coming into this state with a motor fuel or special fuel tank capacity not to exceed 20 gallons. Payment of the tax shall be made by purchase of motor fuel or special fuel within this state of such gallonage as is equivalent to the gallonage consumed while operating the motor vehicle on the highways of this state, or by direct remittance to the department.

SECTION 17. 341.45 (5) of the statutes, as created by 1987 Wisconsin Act 27, is amended to read:

341.45 (5) The department, in consultation with the department of revenue, shall promulgate rules under ch. 227 necessary to administer this section. The rules shall include provisions relating to the exchange of information under this section between the department and the department of revenue under sub. (1m) and s. 78.79. The rules may include provisions relating to the payment of interest on late payments of motor fuel and special fuel taxes and fees for the late payment or underpayment of motor fuel and special fuel taxes.

SECTION 18. 341.45 (5g) and (5m) of the statutes are created to read:

341.45 (5g) The department may issue a decal or other identification to indicate compliance with subs. (1g) and (1m). The department may charge a fee to cover the cost of issuing the decal or other identification.

(5m) The department may suspend or refuse any registration, certificate or permit issued under the authority of the department of a person who fails to report under sub. (1m) when required to do so or who fails to pay in full the taxes under sub. (1g) in the manner specified by the department under sub. (1m). A registration, certificate or permit suspended or refused under this subsection shall remain suspended or refused until the reason for the suspension or refusal has been removed.

SECTION 19. 341.63 (1m) of the statutes, as created by 1987 Wisconsin Act 27, is repealed.

SECTION 20. 348.20 (1) of the statutes is amended to read:

348.20 (1) It is declared to be the public policy of the state that prosecutions for overweight violations shall in every instance where practicable be instituted against the person holding the authority, certificates, licenses or permits evidencing operating privileges from the office of the commissioner of transportation or department which may be the proper object of cancellation or revocation proceedings. In instances where a combination of tractor and trailer or semitrailer is used, the person standing in the relationship of principal or employer to the driver of the tractor portion of the vehicle combination is liable for violation of ss. 348.15 to 348.17 along with the owner hold-

ing authority, certificates, licenses or permits from the state. It is a violation of ss. 348.15 to 348.17 for the owner or any other person employing or otherwise directing the operator of the vehicle to require or permit the operation of such vehicle upon a highway contrary to ss. 348.15 to 348.17. This section shall not apply to individuals, copartnership or corporations whose principal business is leasing ~~of~~, for compensation, vehicles including trailers and semitrailers ~~as described in s. 194.44~~, but such prosecutions shall be instituted against the lessee of the vehicle.

SECTION 21. **Nonstatutory provisions; transportation.** (1) POSITION AUTHORIZATIONS. The authorized FTE positions for the department of transportation are increased on the effective date of this subsection by 1.0 SEG project position for an 8-month period ending no later than June 30, 1990, 5.0 SEG project positions for a 16-month period ending no later than June 30, 1990, and 1.0 SEG project position for a 20-month period ending no later than June 30, 1990, to be funded from the appropriation under section 20.395 (5) (cr) of the statutes, as created by this act, for the purpose of performing data processing development work for fuel tax reporting under section 341.45 of the statutes, as affected by 1987 Wisconsin Act 27 and this act.

SECTION 22. **Appropriation changes; transportation.** (1) The appropriation to the department of transportation under section 20.395 (5) (cq) of the statutes, as affected by the acts of 1987, is increased by \$94,400 for fiscal year 1987-88 to administer fuel tax reporting requirements under section 341.45 of the statutes, as affected by 1987 Wisconsin Act 27 and this act, and to fund 4.0 FTE SEG positions beginning on January 1, 1988, for that purpose.

(2) The appropriation to the department of transportation under section 20.395 (5) (cq) of the statutes, as affected by the acts of 1987, is increased by \$398,300 for fiscal year 1988-89 to administer fuel tax reporting requirements under section 341.45 of the statutes, as affected by 1987 Wisconsin Act 27 and this act, and to fund 3.5 FTE SEG positions beginning on October 1, 1988, for that purpose.

SECTION 23. **Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The repeal of section 20.395 (5) (cr) of the statutes takes effect on June 30, 1990.