

1. Individual partners are added or eliminated; or
2. A corporation is organized.

(c) In the case of a corporation, the corporation is dissolved and the ownership reverts to the incorporators of the dissolved corporation.

(2) The office may approve a modification or transfer of ownership under this section if it finds:

(a) That the authority to be modified or transferred is in good standing and is not abandoned under s. OCT 2.07; and

(b) That, in the case of a transfer under sub. (1) (a) 3, the proposed transferee is fit, willing and able to provide the transportation authorized.

History: Cr. Register, October, 1982, No. 322, eff. 11-1-82; r. and recr. Register, August, 1986, No. 368, eff. 9-1-86.

OCT 2.04 Application fees. (1) No application fee shall be collected for an amended application filed pursuant to s. OCT 2.03, provided that the original authority is canceled and a new authority is substituted therefor. When a new authority is issued under this subsection a new number will also be issued.

(2) Whether or not applications for different authorities are combined, the applicable fee shall be collected for each authority applied for.

(3) An application for authority to transport passengers and property in buses requires only one fee.

History: Cr. Register, October, 1982, No. 322, eff. 11-1-82; am. (1) (b), Register, August, 1986, No. 368, eff. 9-1-86; r. (1) (a), renum. (1) (b) to be (1) and am. Register, June, 1987, No. 378, eff. 7-1-87.

OCT 2.05 Lease of motor vehicles. (1) No motor carrier authorized under ch. 194, Stats., shall operate a leased power unit or a power unit interchanged with another carrier on the highways of Wisconsin without complying with the provisions of subs. (2) through (7) except for:

(a) Power units utilized in interstate transportation only, and operated solely and exclusively within any municipality, contiguous municipality or commercial zone as defined by the interstate commerce commission.

(b) Carriers whose operations in interstate commerce are performed exclusively in conformity with a plan approved by the interstate commerce commission exempting them from interstate commerce commission lease and interchange rules.

(2) The lease shall be in writing and shall include:

(a) Name of the lessor and lessee.

(b) Year, make and identification, motor or serial number of the motor vehicle as shown on the registration card issued for such vehicle.

(c) The date of the lease.

(d) The period of the lease.

(e) Any restrictions.

(f) Statement that the lessee is fully responsible to the public, the shippers and the regulatory agencies having jurisdiction during the period of the lease.

(3) An interchange agreement shall include the following:

(a) The name of the parties to the agreement.

(b) The year, make and identification, motor or serial numbers of the motor vehicle as shown on the registration card issued for such vehicle.

(c) The point of interchange.

(d) The period of the interchange.

(e) Any restrictions.

(f) Statement that the carrier who receives the power unit is fully responsible to the public, the shippers and the regulatory agencies having jurisdiction during the period of the interchange.

(4) A copy of the lease or interchange agreement shall be carried in the power unit specified therein during the entire period of the lease or agreement and such lease or agreement shall be made available for inspection immediately upon the request of any law enforcement officer.

(5) Any lease or interchange agreement meeting the requirements of the interstate commerce commission in cases involving interstate commerce, will be deemed sufficient to meet the requirements of subs. (2) and (3) notwithstanding any provision herein to the contrary.

(6) For the purpose of this section only, a carrier who subleases or interchanges power units it has on lease shall be considered the owner of the leased equipment for the purpose of subleasing or interchanging that equipment.

(7) The lease of equipment and drivers to private carriers for interstate and intrastate vehicle operations on Wisconsin highways shall be administered and enforced in accordance with the regulations of the interstate commerce commission pertaining to interstate operations.

History: Cr. Register, October, 1982, No. 322, eff. 11-1-82; am. (6), Register, August, 1986, No. 368, eff. 9-1-86.

OCT 2.06 Copy of authority to be carried. A photocopy of a carrier's authority to operate intrastate and its authority to transport commodities interstate on the highways of Wisconsin if exempt from interstate commerce commission regulation shall be carried in its vehicles at all times while operating on the highways of Wisconsin and shall be made available for inspection immediately upon the request of any law enforcement officer.

History: Cr. Register, October, 1982, No. 322, eff. 11-1-82.

OCT 2.07 Abandoned authority. (1) A carrier authorized under ch. 194, Stats., shall be presumed to have abandoned authority where, for a period of 2 years, the carrier has not had on file an appropriate certificate for a policy of insurance or an approved contract of insurance as required by s. 194.41, Stats., or a current order exempting the carrier from the insurance undertaking requirements as provided by s. 194.42, Stats.

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(2) Upon good cause being shown, a motor carrier may obtain permission from the office to suspend operation for a period of more than 2 years. Where permission is obtained under this subsection, a motor carrier authority shall be presumed to have been abandoned upon expiration of the granted suspension period unless the carrier requests a further suspension period or provides evidence of current operation.

History: Cr. Register, August, 1986, No. 368, eff. 9-1-86.

OCT 2.08 Authority revocation. A motor carrier authority granted under ch. 194, Stats., which is presumed to be abandoned under OCT 2.07 shall be revoked upon a finding, after notice to the carrier and an opportunity to be heard, that service under the motor carrier authority has been abandoned under the provisions of s. 194.46, Stats. Failure of a motor carrier to respond within 20 days after notice is given under this section shall result in a finding that the motor carrier authority has been abandoned and shall be revoked without hearing.

History: Cr. Register, August, 1986, No. 368, eff. 9-1-86.

OCT 2.09 Carriers entering armed forces. A motor carrier authority granted under ch. 194, Stats., held by any person who has entered the armed forces of the United States during a national war emergency shall not be presumed to have been abandoned under OCT 2.07 until 6 months after the authorized carrier's discharge from military service, or until a later date that the commissioner considers appropriate under the circumstances.

History: Cr. Register, August, 1986, No. 368, eff. 9-1-86.

OCT 2.10 Authority cancellation. A carrier authorized under ch. 194, Stats., who wishes to have its motor carrier authority cancelled shall notify the office in writing specifically requesting that the authority be cancelled. The request shall be signed by the carrier, its authorized agent or in the case of a partnership, the general partners. Upon receipt of an acceptable request to cancel an authority the authority shall be cancelled effective immediately.

History: Cr. Register, August, 1986, No. 368, eff. 9-1-86.

OCT 2.11 Revocation or suspension of authorities and permits. (1) The office, pursuant to s. 194.46, Stats., may revoke or suspend an authority or permit issued under ch. 194, Stats., if after opportunity to be heard the commissioner determines that the motor carrier:

(a) Does not have on file with the department of transportation proof of continuous bond or insurance coverage in the amounts specified in s. 194.41, Stats., or ch. Trans 176 or has not maintained a continuous exemption from insurance undertaking granted by the department of transportation as provided for in s. 194.42, Stats.

(b) Is unfit to carry on operations by reason of noncompliance with department of transportation motor carrier safety regulations.

(c) Is unfit to carry on operations by reason of its reliability and service records.

(2) For purposes of sub. (1) (b) and (c), a pattern of safety violations or a pattern of unreliable or inadequate service will be sufficient to warrant suspension or revocation of an authority or permit.

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(3) Any authority suspended under this section shall be reinstated upon expiration of the suspension period. In the case of a permit suspended under this section, the permit shall be reinstated upon expiration of the suspension period except in the case where the permit itself has expired. A motor carrier whose authority has been revoked under this section may apply for a new authority in the manner provided for in s. OCT 2.01 one year from the date of revocation.

History: Cr. Register, August, 1986, No. 368, eff. 9-1-86.

OCT 2.12 Investigations. (1) The office may employ an investigator who shall enforce the provisions of ch. 194, Stats., and this chapter.

(2) Pursuant to s. 194.11, Stats., the investigator may at any time enter the facilities and other property located within this state occupied by any motor carrier and any motor vehicle operated in this state by any motor carrier.

(3) The investigator shall file with the office a report detailing the results of any investigation. Violations may be reported to the state patrol for the purpose of issuing citations or the investigator may file a complaint in the office of the district attorney in the county where the violation occurred. The report to the office may result in a hearing as provided for in s. OCT 2.11 to determine whether any motor carrier authorities or permits should be revoked or suspended.

(4) Any person may file with the office a complaint alleging a violation of ch. 194, Stats. After a complaint is filed on forms provided by the office, an investigation shall be carried out under this section.

History: Cr. Register, August, 1986, No. 368, eff. 9-1-86.