

## Chapter Trans 328

### MOTOR CARRIER SAFETY REQUIREMENTS FOR INTRASTATE TRANSPORTATION OF HAZARDOUS MATERIALS

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**Trans 328.01 Definitions.** The words and phrases defined in s. 340.01, Stats., shall apply in the interpretation of this chapter.

**History:** Cr Register, October, 1993, No. 430, eff. 11-1-91.

**Trans 328.03 Federal rules adopted.** The following federal motor carrier safety regulations adopted by the United States department of transportation and in effect on August 1, 1998, are adopted by the department and shall be enforced in relation to those carriers, drivers or vehicles to which these rules apply in the same manner as though the regulations were set out in full in this chapter:

(1) Title 49, Code of Federal Regulations, part 171, hazardous materials regulations, general information, regulations and definitions.

(2) Title 49, Code of Federal Regulations, part 172, hazardous materials tables and hazardous materials communications regulations.

(3) Title 49, Code of Federal Regulations, part 173, general requirements for shipments and packagings, except 173.33 for cargo and portable tanks used in intrastate commerce and placed in operation prior to November 1, 1991.

(4) Title 49, Code of Federal Regulations, part 177, carriage by public highway.

(5) Title 49, Code of Federal Regulations, part 180, continuing qualification and maintenance of packagings.

(6) Every traffic officer and state patrol inspector, employed under the authority of s. 110.07, Stats., is authorized to declare vehicles and drivers out of service in accordance with the 1998 North American uniform out-of-service criteria.

**Note:** The North American Uniform Out-of-Service Criteria is on file with the offices of the Revisor of Statutes, the Secretary of State, and the Department of Transportation, Division of State Patrol, P.O. Box 7912, Madison, WI 53707-7912, or to the Commercial Vehicle Safety Alliance, 5430 Grosvenor Lane, Suite 130, Bethesda, MD 20814.

**History:** Cr Register, October, 1991, No. 430, eff. 11-1-91; am. (intro.) cr. (5), Register, June, 1994, No. 462, eff. 7-1-94; am. (intro.), Register, December, 1995, No. 480, eff. 1-1-96; am. (intro.), Register, January, 1997, No. 493, eff. 2-1-97; emerg. am. (intro.) and (1), cr. (6), eff. 9-15-98; am. (intro.) and (1), cr. (6), Register, January, 1999, No. 517, eff. 2-1-99.

**Trans 328.04 Exclusions and exceptions.** (1) The provisions of s. Trans 328.03 (3), (4) and (5) do not apply to a non-specification, nonbulk metal tank permanently secured to a transport vehicle and protected against leakage or damage in the event of a turnover, having a capacity of less than 119 gallons used by intrastate carriers in intrastate commerce only to transport flammable liquid petroleum products.

(2) (a) The provisions of s. Trans 328.03 (2), (3), (5) and (6) do not apply to the transportation of agricultural products other than class 2 materials, or compressed gases over local roads other than the national interstate and defense highway system between fields of the same farm by a farmer who operates as an intrastate private carrier.

(b) The transportation of an agricultural product to or from a farm within 150 miles of the farm is excepted from the requirements s. Trans 328.03 (2), 49 CFR parts 172 subpart G, emergency response information, subpart H, training requirements, and from the specific packaging requirements when it is transported by a farmer who is an intrastate private motor carrier and the total amount of agricultural products being transported in a single vehicle does not exceed any of the following:

1. 16,094 pounds of ammonium nitrate fertilizer properly classed as division 5.1 PG III in a bulk packaging.
2. 502 gallons for liquid or gases.
3. 5,070 pounds for solids of any other agricultural product.

**History:** Cr Register, January, 1999, No. 517, eff. 2-1-99.

**Trans 328.05 Enforcement.** The provisions of s. Trans 328.03 shall be enforced under the provisions of ss. 110.07, 110.075, 194.38, 194.43, 346.45 (4) and ch. 194, Stats.

**History:** Cr Register, October, 1991, No. 430, eff. 11-1-91.

**Trans 328.07 Demerit points not applicable.** No demerit points may be assessed for violations of s. Trans 328.03.

**History:** Cr Register, October, 1991, No. 430, eff. 11-1-91.

**Trans 328.09 Copies of federal regulations.** The department shall advise carriers that copies of the federal regulations cited in s. Trans 328.03 may be obtained by contacting the division of state patrol.

**History:** Cr Register, October, 1991, No. 430, eff. 11-1-91.