

Chapter Trans 177

MOTOR CARRIERS

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Trans 177.01 Purpose and scope. (1) PURPOSE. The chapter establishes standards and procedures for regulating carriers in this state pursuant to ch. 194, Stats.

(2) SCOPE. This chapter applies to every person who operates as a carrier in this state.

History: Cr., Register, November, 1997, No. 503, eff. 12-1-97.

Trans 177.02 Definitions. The words and phrases defined in s. 194.01, Stats., have the same meaning in this chapter unless a different definition is specifically provided. In this chapter, "carrier" means common motor carrier or contract motor carrier.

History: Cr., Register, November, 1997, No. 503, eff. 12-1-97.

Trans 177.03 Applications for motor carrier authority. (1) An application for carrier authority shall include the following:

(a) The legal or individual name or names of the applicant as shown on the certificate of insurance required by ch. Trans 176 to be filed with the department, the applicant's social security number or federal employer identification number, and U.S. department of transportation number for carriers required by federal law to obtain such numbers.

(b) The applicant's principal place of business.

(c) The appropriate fee as set forth in s. 194.04, Stats.

Note: Applications for motor carrier authority may be obtained from the Department of Transportation, 4802 Sheboygan Avenue, P.O. Box 7967, Madison, WI 53707-7967, or by calling (608) 266-1356.

(2) All information contained in the application shall be verified by the applicant or the applicant's legal representative.

(3) The department shall verify that the insurance requirements of ss. 194.41 and 194.42, Stats., are met.

(4) The department shall notify the applicant if an application received by the department is incomplete in some manner.

History: Cr., Register, November, 1997, No. 503, eff. 12-1-97.

Trans 177.04 Change of address. A person authorized as a carrier under ch. 194, Stats., shall notify the department in writing or by telephone of a change in the person's principal place of business within 30 days of the change.

History: Cr., Register, November, 1997, No. 503, eff. 12-1-97.

Trans 177.05 Corporate name change. If the name of a corporation that is authorized as a carrier under ch. 194, Stats., is changed, the corporation shall file the articles of amendment or restated articles of incorporation with the department. Upon receipt of the documents required in this section, the department shall issue an amended certificate or license of authority in the new corporate name. No fee may be charged for issuance of an amended certificate or license of authority under this section.

History: Cr., Register, November, 1997, No. 503, eff. 12-1-97.

Trans 177.06 Transfer of certificate or license. When the holder of a certificate dies, the certificate holder's personal representative, heirs or surviving spouse shall notify the department. If that person desires to operate under that certificate, that person may request permission from the department to operate for

a reasonable period not to exceed 2 years. That person shall provide a copy of the death certificate and documentation supporting his or her relationship with the decedent. The department shall determine when the period shall end and shall notify the personal representative, heirs or surviving spouse of its decision. No additional fees may be charged by the department for this permission.

History: Cr., Register, November, 1997, No. 503, eff. 12-1-97.

Trans 177.07 Lease of motor vehicles. (1) No carrier authorized under ch. 194, Stats., may operate a leased power unit on the highways of Wisconsin without complying with the provisions of subs. (2) through (4), except for power units owned by a lending institution and operated under a contract between the owner and the operating carrier for purchase of the vehicle.

(2) The lease shall be in writing and shall include all of the following:

(a) Name of the lessor and individual or legal name of the lessee.

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

(c) The date of the lease.

(d) The period of the lease.

(e) Any restrictions, including limitations as to area, cargo and operators.

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

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

History: Cr., Register, November, 1997, No. 503, eff. 12-1-97.

Trans 177.08 Authority cancellation. A carrier authorized under ch. 194, Stats., who wishes to have its motor carrier authority cancelled shall notify the department 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, a general partner. Upon receipt of a request that complies with this section to cancel an authority, the authority shall be cancelled effective immediately.

History: Cr., Register, November, 1997, No. 503, eff. 12-1-97.

Trans 177.09 Revocation or suspension of authorities and permits. (1) The department, pursuant to s. 194.46, Stats., may revoke or suspend an authority or permit issued under ch. 194, Stats., if the department determines that any of the following exist:

(a) The carrier does not have on file with the department 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 as provided for in s. 194.42, Stats.

(b) The carrier is unfit to carry on operations by reason of non-compliance with department motor carrier safety regulations.

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

(d) The carrier has failed to pay any fees or taxes due the department.

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

(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 carrier whose authority has been revoked under this section may apply for a new authority in the manner provided for in s. Trans 177.04 one year from the date of revocation.

(4) A carrier may appeal the department's adverse determination relating to the carrier's application or authority within 20 days of the determination to the division of hearings and appeals.

History: Cr., Register, November, 1997, No. 503, eff. 12-1-97.

Trans 177.10 Single-state insurance registration system. (1) All interstate carriers providing transportation shall register using the single-state registration system.

(2) Registration with another state's single-state registration system consistent with the standards in 49 USC s. 14504 shall satisfy the single-state registration requirements of this state.

(3) An interstate carrier exempt from federal regulation as an interstate carrier shall register with this state's single-state registration system.

(4) A carrier shall carry a single-state registration receipt in each of its commercial motor vehicles.

(5) Persons who own or operate commercial motor vehicles that are not in compliance with this section may be subject to the penalties imposed under s. 194.17, Stats.

History: Cr., Register, November, 1997, No. 503, eff. 12-1-97.