



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1062/P1  
EHS:kjf:rs

DOA:.....Tyler Byrnes, BB0379 – Bulk milk tanker licensing requirements

**FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**AGRICULTURE**

Current law prohibits the operation of a bulk milk tanker without a valid license issued annually by DATCP. Also under current law, no person may operate a bulk milk tanker to transport milk in bulk for sale or distribution without a valid grade A bulk milk tanker permit issued annually by DATCP (tanker permit).

This bill eliminates the requirement to obtain a license to operate a bulk milk tanker. The bill requires a tanker permit in order to transport milk in bulk for sale or distribution as grade A milk or grade A milk products. The bill requires an applicant for a tanker permit to provide proof that the bulk milk tanker has passed an inspection conducted by DATCP or an individual certified by DATCP. The bill also allows a permit issued by an equivalent regulatory agency in another state to satisfy the tanker permit requirement.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

**SECTION 1.** 93.135 (1) (km) of the statutes is amended to read:

93.135 (1) (km) A license under s. 97.21 (2) ~~or~~ (3).

**SECTION 2.** 97.21 (2) (a) of the statutes is repealed.

**SECTION 3.** 97.21 (2) (b) (title) of the statutes is repealed.

**SECTION 4.** 97.21 (2) (b) of the statutes is renumbered 97.21 (2) and amended to read:

97.21 (2) BULK MILK TANKER; LICENSE; GRADE A PERMIT. No person may operate a bulk milk tanker to transport milk or fluid milk products in bulk for sale or distribution as grade A milk or grade A milk products without a valid grade A bulk milk tanker permit issued annually by the department or an equivalent regulatory agency in another state for that bulk milk tanker. A grade A bulk milk tanker permit is not transferable between persons or bulk milk tankers. ~~A permit may be issued in the form of an endorsement on a bulk milk tanker license under par. (a).~~ An application for a permit shall be made on a form provided by the department, ~~and may be included with a license application under par. (a).~~ The. An applicant shall include with an application for a permit proof that the bulk milk tanker has passed an inspection conducted within the preceding year by the department or an individual certified by the department to conduct bulk milk tanker inspections. Except as provided in sub. (4), the department may not charge a fee for a grade A bulk milk tanker permit issued under this paragraph.

**SECTION 5.** 97.21 (4) (a) of the statutes is amended to read:

97.21 (4) (a) *License fee.* An applicant for a ~~bulk milk tanker or~~ milk distributor license shall pay the license fee specified under sub. (4m).

**SECTION 6.** 97.21 (4) (b) of the statutes is amended to read:

97.21 (4) (b) *Reinspection fee.* If the department reinspects a bulk milk tanker or the vehicle or facilities of a milk distributor because the department finds a

violation of this chapter or rules promulgated under this chapter, the department shall charge the bulk milk tanker operator or milk distributor the reinspection fee specified under sub. (4m). The reinspection fee is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a license permit renewal application to the bulk milk tanker operator or a license renewal application to the milk distributor.

**SECTION 7.** 97.21 (4) (c) of the statutes is amended to read:

97.21 (4) (c) *Surcharge for operating without a license.* An applicant for a ~~bulk milk tanker operator or~~ milk distributor license shall pay a license fee surcharge of \$100 or twice the amount of the annual license fee specified under sub. (4m), whichever is less, if the department determines that, within one year prior to submitting the license application, the applicant operated without a license ~~or grade A permit~~ in violation of this section. Payment of this license fee surcharge does not relieve the applicant of any other civil or criminal liability which that results from a violation of sub. ~~(2) or~~ (3), but does not constitute evidence of any violation of law.

**SECTION 8.** 97.21 (4m) (intro.) of the statutes is renumbered 97.21 (4m) and amended to read:

97.21 (4m) FEE AMOUNTS. ~~Unless otherwise established by~~ The department ~~rule,~~ shall establish the fees required under sub. (4) (a) and (b) ~~are:~~ by rule.

**SECTION 9.** 97.21 (4m) (a) of the statutes is repealed.

**SECTION 10.** 97.21 (4m) (b) of the statutes is repealed.

**SECTION 11.** 97.21 (5) of the statutes is amended to read:

97.21 (5) LICENSING AND PERMITTING CONTINGENT ON PAYMENT OF FEES. The department may not issue or renew a grade A bulk milk tanker permit or milk

distributor license unless the permit or license applicant pays all fees ~~which~~ that are due and payable by the applicant under sub. (4), as set forth in a statement from the department. The department shall refund a fee paid under protest if the department determines that the fee was not due and payable as a condition of permitting or licensing under this section.

**(END)**