

# Clearinghouse Rule 00-072

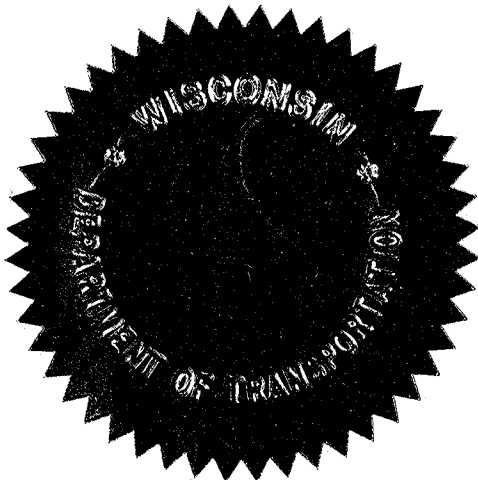
## CERTIFICATE

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )

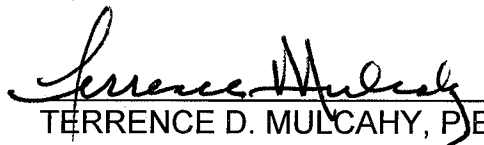
TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

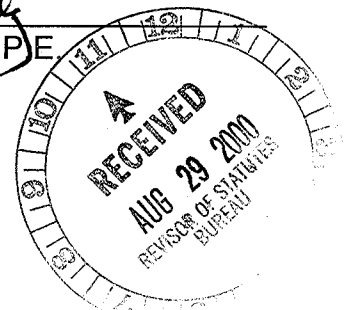
I, TERRENCE D. MULCAHY, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **motor carrier safety requirements**, was duly approved and adopted by this Department on August 28, 2000.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 28 day of **August**, 2000.

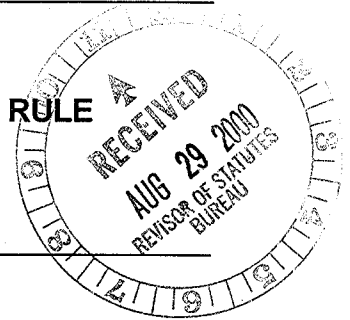
  
TERRENCE D. MULCAHY, PE  
Secretary



00-072

11-1-00

The Wisconsin Department of Transportation adopts an order to renumber TRANS 327.09(6); amend TRANS 327.03(intro.) and (2); and create TRANS 327.09(6)(b), relating to motor carrier safety requirements.

**ORDER ADOPTING RULE****Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** ss. 110.07, 110.075, 194.38, 194.43 and 227.11, Stats.

**STATUTES INTERPRETED:** ss. 110.07 and 110.075, and ch. 194, Stats.

**General Summary of Rule.** This rule making will amend ch. Trans 327, relating to intrastate motor carrier safety regulations, to bring it into compliance with the most recent changes to the Federal Motor Carrier Safety Regulations which go into effect on October 1, 2000. Amendment of this rule will assure State Patrol inspectors and troopers are enforcing the most recent Federal Motor Carrier Safety regulations for intrastate carriers. The update of this rule will also keep the Department in compliance to qualify for continued Motor Carrier Safety Assistance Program (MCSAP) funding.

The Department annually updates ch. Trans 327 to keep current with the most recent changes to 49 CFR parts 390, 391, 392, 393, 396 and 397 which contains exceptions and hours-of-service requirements currently found in this chapter.

**Fiscal Impact.** The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district or sewerage district. The Department estimates that there will be no fiscal impact on state revenues or liabilities.

**Copies of Rule.** Copies of the rule may be obtained upon request, without cost, by writing to Lyle Walheim, Division of State Patrol, P. O. Box 7912, Room 551, Madison, WI 53707-7912, or by calling (608) 264-9963. Alternate formats of the rule will be provided to individuals at their request.

---

**TEXT OF RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 110.07, 110.075, 194.38, 194.43 and 227.11, Stats., the department of

transportation hereby amends a rule interpreting ss. 110.07 and 110.075, and ch. 194, Stats., relating to motor carrier safety requirements.

**SECTION 1.** Trans 327.03(intro.) and (2) are amended to read:

**Trans 327.03 Federal regulations adopted.** (intro.) The following federal motor carrier safety regulations adopted by the United States department of transportation and in effect on ~~November~~ October 1, 1994 ~~2000~~, are adopted by the department and shall be enforced in relation to those carriers, drivers or vehicles which operate in intrastate commerce in the same manner as though the regulations were set out in full in this chapter:

(2) Title 49, Code of Federal Regulations, part 391, qualifications of drivers, except 391.11(b)(1), and 391.41(b)(3) if, in the alternative a driver with diabetes controlled by insulin obtains statements from 2 licensed physicians indicating, on a form provided by the department of transportation, that the diabetes is not likely to cause loss of ability to control or operate a motor vehicle ~~, and 391.69;~~

**SECTION 2.** Trans 327.09(6) is renumbered Trans 327.09(6)(a).

**SECTION 3.** Trans 327.09(6)(b) is created to read:

Trans 327.09(6)(b) Drivers returning to normal duty following the end of a declared emergency and when s. Trans 327.05 hours of service have been exceeded shall be off duty for at least 24 consecutive hours.


---

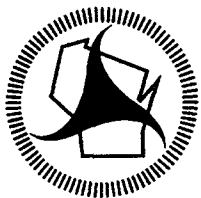
**(END OF RULE TEXT)**

---

**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 28 day of August, 2000.

  
TERRENCE D. MULCAHY, P.E.  
Secretary  
Wisconsin Department of Transportation



# Wisconsin Department of Transportation

www.dot.state.wi.us

Tommy G. Thompson  
Governor

Terrence D. Mulcahy, P.E.  
Secretary

Office of General Counsel  
4802 Sheboygan Ave., Rm. 115B  
P.O. Box 7910  
Madison, WI 53707-7910

Telephone: 608-266-8810  
FAX: 608-267-6734  
E-Mail: ogc\_exec@dot.state.wi.us

August 29, 2000

Mr. Gary Poulson  
Deputy Revisor of Statutes  
131 West Wilson Street, Suite 800  
Madison, Wisconsin 53703

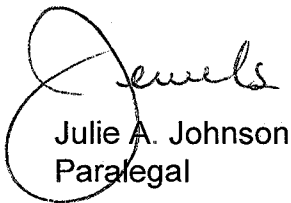
RE: **CLEARINGHOUSE RULE 00-072**

In the Matter of the Adoption of **TRANS 327**, Wisconsin Administrative Code,  
relating to **motor carrier safety requirements**

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 00-072**, an administrative rule relating to the above-mentioned matter.

Sincerely,

  
Julie A. Johnson  
Paralegal



Enclosures

cc: Mike Goetzman  
Alice Morehouse  
David Schumacher  
Lt. Bob DeFrang