



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4917/1
EVM:jld&emw

2017 BILL

1 **AN ACT** *to repeal* 194.03 (5); and *to amend* 194.03 (5m) (a), 194.03 (5m) (b),
2 194.04 (1) (title), 194.04 (1) (b) and 194.04 (1) (c) of the statutes; **relating to:**
3 certain references to obsolete federal motor carrier law (suggested as remedial
4 legislation by the Department of Transportation).

Analysis by the Legislative Reference Bureau

Currently, two statutory provisions reference the no longer extant Interstate Commerce Commission. This bill replaces those references with references to the federal Surface Transportation Board. Also under current law, three statutory provisions reference state motor carrier certificates for interstate operation that are no longer authorized under federal law. This bill removes these references.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Transportation and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

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1 **SECTION 1.** 194.03 (5) of the statutes is repealed.

2 **SECTION 2.** 194.03 (5m) (a) of the statutes is amended to read:

3 194.03 **(5m)** (a) A person may assert as a defense to the claim the existence of
4 a freight charge agreement between the person and the motor carrier which applies
5 to the carriage of the freight at issue and which has not been filed as a tariff with the
6 ~~interstate commerce commission~~ federal surface transportation board.

7 **SECTION 3.** 194.03 (5m) (b) of the statutes is amended to read:

8 194.03 **(5m)** (b) A court shall request the ~~interstate commerce commission~~
9 federal surface transportation board or other appropriate federal agency to issue an
10 advisory opinion on any issue which the court determines is within the primary
11 jurisdiction of that agency.

NOTE: SECTIONS 2 and 3 eliminate references to the no longer extant Interstate
Commerce Commission and replace those references with references to the federal
Surface Transportation Board.

12 **SECTION 4.** 194.04 (1) (title) of the statutes is amended to read:

13 194.04 **(1)** (title) AUTHORITY TO OPERATE IN INTRASTATE COMMERCE.

14 **SECTION 5.** 194.04 (1) (b) of the statutes is amended to read:

15 194.04 **(1)** (b) Every applicant for a certificate shall pay a fee of \$500 for a
16 common motor carrier of property certificate or \$50 for a common motor carrier of
17 passengers certificate, ~~except that an applicant for a certificate under the federal~~
18 ~~motor carrier act of 1935 or for authority to transport in interstate commerce~~
19 ~~commodities which are exempt from regulation by the interstate commerce~~
20 ~~commission shall pay a fee of \$25.~~

21 **SECTION 6.** 194.04 (1) (c) of the statutes is amended to read:

22 194.04 **(1)** (c) Every applicant for a license shall pay a fee of \$500, ~~except that~~
23 ~~an applicant for a license under the federal motor carrier act of 1935 or for authority~~

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1 ~~to transport in interstate commerce commodities which are exempt from regulation~~
2 ~~by the interstate commerce commission shall pay a fee of \$25.~~

NOTE: SECTIONS 1, 4, 5, and 6 eliminate references to state motor carrier certificates
for interstate operation that are no longer required by federal law.

3 **(END)**