

Clearinghouse Rule 96-062

CERTIFICATE

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

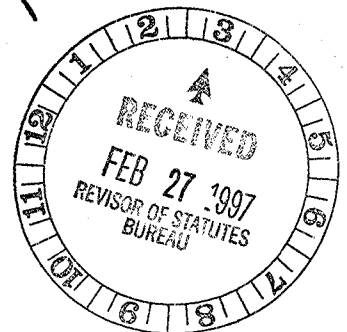
I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **Human Services Vehicles (HSVs)**, was duly approved and adopted by this Department on February 26, 1997.

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.



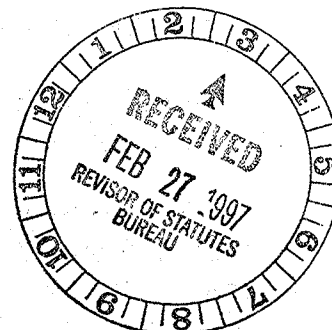
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 26 day of **February**, 1997.

*Charles H. Thompson*  
CHARLES H. THOMPSON  
Secretary



5-1-97

The Wisconsin Department of Transportation adopts an order to repeal TRANS 301.14(2), 301.24(2) and (3), 301.38 and 301.95(3); to renumber TRANS 301.03(4), 301.30(2) and (3) and 301.63; to renumber and amend TRANS 301.03(1), 301.24(4), 301.30(1) and (4), and 301.95(4) to (6); to amend TRANS 301.01, 301.02, 301.05(1), (3), (5) to (12), 301.06, 301.07(1) to (3), 301.10, 301.14(1), 301.15(1), 301.16(1)(intro.), (b) to (d), (f)2. and (2), 301.18, 301.19(1), (2) and (6), 301.21(1), 301.22(1) and (2), 301.23(1)(a), 301.24(1), 301.25(1) and (2), 301.26(1), 301.27(1), 301.28(1)(intro.) and (2), 301.29(2) and (4), 301.32(1), 301.34(2) to (4), 301.60(1) and (2), 301.61(1), (5) and (6), 301.62(2), (5) and (6), 301.64(1) and (2), 301.65(3) and (5), 301.66(3) and 301.95(1) and (2); to repeal and recreate TRANS 301.11, 301.13, 301.23(1)(intro.), 301.29(3), 301.33, 301.35 to 301.37; and to create TRANS 301.03(1), (5) and (6), 301.04, 301.05(14), 301.09, 301.16(4), 301.29(5), 301.62(10) and (11), 301.63(2) and 301.96(title), (1) and (2), Wisconsin Administrative Code, relating to Human Services Vehicles (HSVs).

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

**STATUTORY AUTHORITY:** s. 110.05, Stats.

**STATUTES INTERPRETED:** ss. 110.05, 340.01(23g), 341.25(1)(k), 344.55, 346.475 and 346.94(15), Stats.

**General Summary of Rule.** Chapter Trans 301 was promulgated in 1982 to establish operation and equipment standards for human services vehicles (HSVs) in order to promote safe transportation of elderly (55 or over) or disabled persons in connection with assistance programs for elderly or disabled persons.

In general, this rule changes some of these operation and equipment requirements to conform with changes in federal vehicle safety regulations and federal laws such as the Americans with Disabilities Act of 1990. The changes also reflect the

availability of vehicles other than school buses that are designed and equipped for safe transportation of elderly and persons with disabilities and allows these vehicles to qualify as human services vehicles. The changes clarify, facilitate, and encourage compliance with vehicle inspection requirements. An authorized representative of any transportation assistance program for elderly or disabled persons may notify the department of vehicles that are to be inspected and may be informed of the results of the inspection. The department may require display of a distinctive annual inspection sticker. Other changes are made to reflect the correct cross references in state law regarding human services vehicles.

In addition, there are minor substantive changes to correct practical limitations in the existing rule; for example, the rule is amended to allow personal possessions of elderly or disabled passengers to be transported with them. Finally, the rule expressly prohibits the use of audio headsets by drivers.

In all probability, the changes in the rule will allow more vehicles, properly equipped in accordance with federal standards, to qualify and operate safely as human services vehicles.

**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, technical college district or sewerage district.

**Final Regulatory Flexibility Analysis.** This rule will have no adverse impact on small businesses.

**Preparation and Copies of Rule.** This rule was prepared by Lt. Lyle Walheim, Division of State Patrol. The analysis was written by James S. Thiel, Office of General Counsel. Copies of the rule may be obtained upon request, free of charge, from the Division of State Patrol, P. O. Box 7912, Room 551, Madison, WI 53707-7912, or by calling (608) 266-6936. Hearing-impaired individuals may contact the Department using TDD (608) 266-0396. 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 s. 110.05, Stats., the department of transportation hereby amends a rule interpreting ss. 110.05, 340.01(23g), 341.25(1)(k), 344.55, 346.475 and 346.94(15), Stats. relating to human services vehicles (HSVs).

**SECTION 1.** Trans 301.01 and 301.02 are amended to read:

**Trans 301.01 PURPOSE.** The purpose of this rule chapter is to promote the safe transportation of persons in a vehicle utilized as a human services vehicle.

**Trans 301.02 SCOPE.** This rule chapter is promulgated under authorization granted in s. ~~346.97~~ 110.05, Stats. This rule chapter is intended to provide specific safety related standards regarding design, construction and equipment requirements for new and in-use human services vehicles. This rule chapter may require different standards for vehicles of various size and use. It provides for the inspection and operation of human services vehicles as defined in this rule chapter.

**SECTION 2.** Trans 301.03(1) is renumbered (4) and amended to read:

Trans 301.03(4) "HSV" means a human services vehicle as identified in s. ~~340.01(56)(b)4. and 5.~~ 340.01(23)(g), Stats., and regulated under s. ~~346.97~~ 110.05, Stats.

**SECTION 3.** Trans 301.03(1) is created to read:

Trans 301.03(1) "Attended" means the driver is in the immediate area of the service door or, in the case of an HSV equipped with a power lift, the driver is assisting a person with a disability to board or exit the HSV operating the power lift controls.

**SECTION 4.** Trans 301.03(4) is renumbered 301.03(7).

**SECTION 5.** Trans 301.03(5) is created to read:

Trans 301.03(5) "Owner" means the owner of the vehicle and includes the lessee or operator of the vehicle, if the owner of the vehicle leases or authorizes the use of the vehicle. **SECTION a.** Trans 301.03(6) is created to read:

Trans 301.03(6) "Placed in operation" means the date entered on the original application for title/registration as an HSV as the date the vehicle was first placed in

operation as an HSV in Wisconsin, regardless of who owned the vehicle or where it was placed in operation. In the case of a vehicle modified or remanufactured for use as an HSV, "placed in operation" means the date of first physical manipulation or activation of any of the controls of the motor vehicle necessary to put it in motion in Wisconsin after modification or remanufacture, regardless of who owned the vehicle or where it was put in motion.

**NOTE:** In the event of transfer of title/registration after the date first placed in operation as an HSV, the very first date of operation as an HSV continues to govern, unless the vehicle is modified or remanufactured.

**SECTION 6.** Trans 301.04 is created to read:

**Trans 301.04 FEDERAL REGULATIONS ADOPTED.** The federal regulations in title 49 CFR part 393 (October 1, 1995), parts and accessories necessary for safe operation, 49 CFR part 571 (October 1, 1995), motor vehicle safety standards, and 36 CFR part 1192 (October 1, 1996), Americans with disabilities act accessibility guidelines for transportation vehicles, that are specified in this chapter shall be enforced in relation to an HSV under this chapter as though the regulations were set out in full in this chapter.

**NOTE:** Copies of the federal regulations may be obtained by contacting the Division of State Patrol, Wisconsin, P. O. Box 7912, Room 551, Madison, Wisconsin 53707-7912.

**SECTION 7.** Trans 301.05(1), (3), (5) to (12) are amended to read:

**Trans 301.05 DRIVER REQUIREMENTS.** (1) The driver shall ~~may~~ not smoke or permit smoking ~~when any minors are aboard the HSV.~~ The driver shall ~~may~~ not operate a an HSV while under the influence of alcohol or controlled substance or permit the use of alcohol or controlled substance on the vehicle.

(3) Prior to the start of any trip the driver shall check the condition of the HSV, giving particular attention to brakes, tires, lights, emergency equipment, mirrors, windows, special equipment, and interior cleanliness of the vehicle. Defects shall be reported to the person in charge of vehicle maintenance. The driver shall be responsible for the cleanliness of the interior of the vehicle. The windshield and mirrors shall be clean before each operation.

(5) ~~Loading stations~~ Passenger loading and unloading locations or points must shall be selected with due regard for traffic and pedestrian safety and s. 346.475, Stats.

(6) Doors ~~must~~ shall be closed securely before starting and ~~must~~ shall remain closed while vehicle is in motion, except as provided in sub. (12). Abrupt starts and stops or sudden maneuvers are prohibited, except in an emergency.

(7) A driver ~~shall~~ may not leave the vehicle unattended with engine running or key in the ~~ignition~~ ignition.

(8) Articles may not be transported within vehicle body if there is or may be interference with passengers or driver, or if aisle, well or steps are obstructed. Articles other than those associated with agency activity or in the personal possession of passengers may not be transported. At no time will animals, except for dogs permitted by s. 174.056, Stats., ~~when harnessed and authorized by an accredited agency for the~~ blind sight or deaf hearing impaired or other animals assisting a person with a disability, or firearms or other weapons unless accompanied by written authorization from the agency administrator be permitted on a an HSV. The driver shall refuse admittance to any person not presenting proper authorization. The driver may designate where items ~~will~~ shall be carried on the vehicle.

(9) Minors being transported in a an HSV are prohibited from crossing the road either to be loaded or discharged. The driver shall position the vehicle in such a manner that a minor need not cross the road to be loaded or discharged from the vehicle.

(10) Drivers, transportation supervisors and vehicle owners shall cooperate at all times with authorized department ~~of transportation~~ personnel in carrying out the inspection of equipment, or examination of driver pursuant to law, or to department rules.

(11) ~~The~~ No driver shall ~~not~~ may require or allow any passenger to stand while the vehicle is in motion. The driver shall may not move ~~(start)~~ or start the HSV until all passengers are seated. The driver shall may not permit a passenger to get up from a seated position until the HSV has come to a complete stop. The driver shall may not permit any passengers to sit anywhere except in seats provided. This subsection does not apply to chaperones or monitors in the performance of their duties.

(12) The driver of any vehicle required to stop at a railroad crossing by s. 346.45, Stats., shall come to a full stop at a distance of not less than 15 feet nor more than 50 feet before crossing at grade any track of a railroad. The hazard warning lights shall be used when the HSV is slowing for the stop and shall remain on until the vehicle has resumed normal speed. While the vehicle is so stopped, the driver shall open the service door and listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train. After stopping and upon proceeding when it is safe to do so, the driver of such vehicle shall cross only in such gear of the vehicle as ~~will~~ shall make it unnecessary to manually shift gears while traversing the crossing and shall may not shift gears while traversing the crossing. The door shall remain open until the front wheels of the HSV have cleared the first set of tracks for each required stop.

**SECTION 8.** Trans 301.05(14) is created to read:

Trans 301.05(14) The use of audio headsets by drivers is prohibited.

**SECTION 9.** Trans 301.06 is amended to read:

**Trans 301.06 (title) VEHICLE OWNER AND EMPLOYER REQUIREMENTS.** It is the vehicle owner's and the employer's responsibility to determine that qualified personnel operate the vehicle according to safe practices, including s. 346.94(15), Stats., relating to prohibited towing practices, and that the vehicle is qualified for human services transportation insured as an HSV under s. 344.55, Stats., registered as an HSV under s. 341.25(1)(k), Stats., and inspected as required by s. 110.05, Stats., and this chapter.

**SECTION 10.** Trans 301.07(1) to (3) are amended to read:

Trans 301.07(1) Any vehicle that is found to be in such condition that is unsafe for use on a an HSV ~~will~~ shall have an "out of service" sticker attached to the upper glass in the service door. The vehicle ~~shall~~ may not be used as a an HSV while such sticker is displayed.

(2) A vehicle with an "out of service" sticker displayed shall be reinspected after repairs are completed. The stickers shall be removed by an agent of the department of ~~transportation~~ prior to reuse as a an HSV.

(3) It shall be illegal for any person other than an agent of the department of ~~transportation~~ to remove an "out of service" sticker unless the vehicle has the base registration removed and is reregistered in such a manner so as to prohibit its use as a ~~human services vehicle~~ an HSV.

**SECTION 11.** Trans 301.09 is created to read:



**Trans 301.09 EQUIPMENT STANDARDS.** Any HSV with a passenger-carrying capacity of 16 or more persons, including the operator, shall comply with ch. Trans 330, motor bus equipment and inspection, except s. Trans 330.23, inspection fees. In addition, motor buses used to transport disabled persons shall comply with s. Trans 301.14, communication requirements, and subch. III, special equipment requirements.

**SECTION 12.** Trans 301.10 is amended to read:

**Trans 301.10 AISLE.** Any HSV with a GVWR of more than 10,000 pounds or a vehicle with the aisle through the center of the unit shall have a minimum clearance of 12 inches leading to the emergency door when measured at any point between the seats or between any seat and emergency door frame in the case of a vehicle with a side emergency door. An open area for wheelchairs ~~will~~ may not be considered an aisle.

**NOTE:** For purposes of measurement, the 12-inch aisle clearance is required when measured from a foldaway seat when the seat is in its fully deployed and open position. For purposes of measurement, the 12-inch aisle clearance is required from a flip-up seat that complies with s. Trans 301.29(3) at a side emergency door location when the seat is not occupied and is in its automatically closed position.

**SECTION 13.** Trans 301.11 is repealed and recreated to read:

**Trans 301.11 BRAKES.** Brakes shall conform to the applicable standards under 49 CFR 571.105 and 571.121 and requirements under 49 CFR 393.40 to 393.52.

**SECTION 14.** Trans 301.13 is repealed and recreated to read:

**Trans 301.13 CONSTRUCTION.** (1) Every HSV manufactured in accordance with federal school bus standards after the effective date of this chapter...[revisor inserts date] shall meet the requirements of 49 CFR 571.220, school bus rollover protection.

(2) Every van modified with a raised roof or doors, or both, placed in operation after the effective date of this chapter...[revisor inserts date] shall meet the requirements of 49 CFR 571.220, school bus rollover protection.

(3) A modified van with raised roof or doors, or both, placed in operation prior to the effective date of this chapter...[revisor inserts date] may continue operation for 5 years after the effective date of this chapter...[revisor inserts date] without modification, if it meets the accessibility guidelines for transportation vehicles in 36 CFR part 1192, subpart B, including the door height standard in 36 CFR 1192.25(c).

**NOTE:** 36 CFR 1192.25(c) reads as follows: "For vehicles in excess of 22 feet in length, the overhead clearance between the top of the door opening and the raised lift platform, or highest point of a ramp, shall be a minimum of 68 inches. For vehicles of 22 feet in length or less, the overhead clearance between the top of the door opening and the raised lift platform, or highest point of a ramp, shall be a minimum of 56 inches."

**SECTION 15.** Trans 301.14(1) is amended to read:

**Trans 301.14 COMMUNICATIONS.** (4) Every HSV shall be equipped with some type of 2-way communication system. This system shall be of such design and installation that the vehicle operator shall at all times be able to communicate with either the base of operations or another intermediary party that could communicate with the base of operations.

**SECTION 16.** Trans 301.14(2) is repealed.

**SECTION 17.** Trans 301.15(1) is amended to read:

Trans 301.15(1) All defrosting equipment shall keep the windshield and the glazing to the left and right of the driver clear of fog and frost. The defroster outlets shall may not be restricted in any way.

**SECTION 18.** Trans 301.16(1)(intro.), (b) to (d), (f)2. and (2) are amended to read:

Trans 301.16(1) Every HSV with a GVWR of more than 10,000 pounds shall be provided with emergency exits that comply with 49 CFR 571.217, bus emergency exits and window retention and release, and the following requirements:

(b) There ~~shall~~ may not be any steps leading to the emergency door.

(c) The upper and lower portion of the central rear emergency door shall be equipped with approved safety glass, the exposed area of which shall be not less than 400 square inches in the upper portion and not less than 280 square inches in the lower portion. The left side emergency door shall be equipped with safety glass in the upper portion and lower portion shall be of at least the same gauge metal as the body. The emergency door shall be on the right side if it is in the rear of the bus and on the front side if it is in the left side and shall open only outward. Control from the driver's seat ~~shall~~ may not be permitted.

(d) The emergency door shall be equipped with a slide bar, cam-operated latch which shall have a minimum stroke of one inch. The latch shall be equipped with a suitable electric plunger-type switch connected with a distinctive audible signal, automatically operated which shall clearly indicate the unlatching of this door. A cutoff switch ~~shall~~ may not be installed in the circuit. The switch shall be enclosed in a metal case and wires leading from the switch shall be concealed in the body. The switch shall be so installed that the plunger contacts the farthest edge of the slide bar in such a manner that any movement of the slide bar ~~will immediately~~ shall immediately close the circuit and activate the signal. The door latch shall be equipped with an interior handle which shall be capable of quick release but shall be protected against accidental release. It shall lift up to release the latch. The outside handle shall be so constructed as to minimize hitching and shall be a nondetachable device.

(f)2. A distinctive audible signal, automatically operated shall clearly indicate to the driver the unlatching of any emergency window and no cutoff switch shall may be installed in the circuit.

(2) Each HSV of 10,000 pounds or less GVWR need not have a specific emergency exit providing there are ~~two~~ 2 separate openings where persons could exit the vehicle under normal circumstances.

(3) All doors shall be capable of being opened easily from the inside and outside including the rear ~~door(s)~~ door of a van.

**SECTION 19.** Trans 301.16(4) is created to read:

Trans 301.16(4) Motor buses used as an HSV shall have emergency exits that conform to the requirements under 49 CFR 393.61, 393.62, 393.63 and 393.92 and the applicable standards under 49 CFR 571.217.

**SECTION 20.** Trans 301.18 is amended to read:

**Trans 301.18 EXHAUST SYSTEM.** The exhaust system which includes the exhaust manifolds, joining gaskets, piping leading from the exhaust manifold, ~~muffler(s)~~ muffler, catalytic converter, and tail ~~pipe(s)~~ pipe may not enter the HSV at any location. The exhaust system pipes shall be of nonflexible tubing. The exhaust system pipes shall extend to, but not beyond the rear limit of the bumper or to the body limits on the left side of the bus behind the driver's compartment, or may exit to the right side of the vehicle to the rear of the rear wheel. The complete exhaust system shall be tightly connected and free from leaks and shall be properly insulated from the electrical wirings or any combustible part of the vehicle.

**SECTION 21.** Trans 301.19(1), (2) and (6) are amended to read:

Trans 301.19(1) Each HSV shall be equipped with a fire extinguisher mounted in full view in the driver's compartment or mounted inside a compartment in the driver's area if the compartment is in plain view and is labeled "Fire Extinguisher" in red letters to indicate its location. An automobile or station wagon may have the fire extinguisher mounted in the luggage area provided there is an indication on the dash that the fire extinguisher is so located.

(2) Fire extinguishers may be locked or kept in a locked compartment provided it is not locked when passengers are being transported. This subsection ~~shall~~ may not apply to the cargo area of an automobile.

(6) CO<sub>2</sub> extinguishers are prohibited from use in a an HSV.

**SECTION 22.** Trans 301.21(1) is amended to read:

Trans 301.21(1) ~~All~~ In addition to the requirements under 49 CFR 393.65, 393.67 and 393.69, all fuel systems and tanks shall be maintained free of leaks.

**SECTION 23.** Trans 301.22(1) and (2) are amended to read:

Trans 301.22(1) ~~An~~ In addition to the requirements under 49 CFR 393.77, a heater shall maintain an inside temperature of not less than 50° fahrenheit throughout the HSV at average minimum January temperatures as established by the U.S. department of commerce, weather bureau, for the area in which the ~~vehicle~~ bus is to be operated ~~shall be maintained throughout the HSV.~~

(2) The heater hose shall be adequately supported to guard against excessive wear or abrasion and ~~shall~~ may not interfere with or restrict the driver. Heater hose or lines inside the driver or passenger compartment shall be shielded to prevent accidental contact by driver or passengers.

**SECTION 24.** Trans 301.23(1)(intro.) is repealed and recreated to read:

**Trans 301.23 INSTRUMENTS AND GAUGES.** (1) Every HSV originally equipped with any of the following instruments, warning devices, or gauges shall be maintained with that equipment or a comparable replacement in good working condition:

**SECTION 25.** Trans 301.23(1)(a) is amended to read:

Trans 301.23(1)(a) Air pressure ~~ef~~ or vacuum, where air or vacuum brakes are used with low energy supply warning system.

**SECTION 26.** Trans 301.24(1) is amended to read:

Trans 301.24(1) The interior of a an HSV shall be free of all unnecessary projections likely to cause injury. This standard requires inner lining on ceilings and walls.

**SECTION 27.** Trans 301.24(2) and (3) are repealed.

**SECTION 28.** Trans 301.24(4) is renumbered 301.24(2) and amended to read:

Trans 301.24(2) The interior of the HSV shall be kept free of litter or debris.

**SECTION 29.** Trans 301.25(1) and (2) are amended to read:

Trans 301.25(1) The lights, lamps, and reflectors required for a an HSV shall be these conform to the requirements for color, position and type under 49 CFR 393.9 to 393.26, and required by ch. 347, Stats.

(2) All lights and lamps shall be operational and the reflectors ~~shall~~ may not be damaged or broken.

**SECTION 30.** Trans 301.26(1) is amended to read:

Trans 301.26(1) Every HSV mirrors shall comply with the requirements of 49 CFR 571.111. In addition, every HSV with a GVWR of more than 10,000 pounds shall have an interior rearview mirror at least 6 x 30 inches overall. There shall also be 2 exterior

clear view outside rearview mirrors, one to the left and one to the right of the driver. Area of each mirror shall be not less than 50 square inches overall. Each mirror shall be firmly supported and adjustable to give driver clear views past left rear and right rear of vehicle. The right outside mirror mounts shall include a side angle adjustable convex mirror to provide an additional close-in field of vision located so as not to reduce the visual field of the flat surfaced mirror below 50 square inches, or as an option, have a front mounted mirror; these shall provide a view from the service door rearward.

**SECTION 31.** Trans 301.27(1) is amended to read:

Trans 301.27(1) Every HSV shall have all openings between the engine and passenger compartments adequately sealed to prevent engine fumes from entering the passenger compartment. Every HSV shall have doors which have a weathershield ~~(weatherstrip)~~ or weatherstrip to prevent drafts or inclement weather from entering the vehicle.

**SECTION 32.** Trans 301.28(1)(intro.) and (2) are amended to read:

Trans 301.28(1) Every HSV originally manufactured to federal and state school bus standards with a GVWR of more than 10,000 pounds shall comply with the following requirements:

(2) ~~Human services vehicles~~ An HSV with a GVWR of 10,000 pounds or less are is not required to have rub rails.

**SECTION 33.** Trans 301.29(2) is amended to read:

Trans 301.29(2) The top corners and at least 10 inches of the top of the back surface of the seat backs shall be padded sufficiently to reduce the likelihood of injury. Hand holds may be incorporated on ~~the aisle side of~~ a seat back. These holds are exempt from the padding requirement.

**SECTION 34.** Trans 301.29(3) is repealed and recreated to read:

Trans 301.29(3)(intro.) For purposes of this subsection, a "foldaway seat" is a single or double seat designed so the seat back folds down or the seat bottom folds up and includes seats where the entire folded assembly may lock securely along the interior wall of the vehicle. Foldaway seats shall comply with the requirements in 49 CFR 571.207. A "flip-up seat" may be used at a side emergency door location. A flip-up seat shall conform to the following requirements:

(a) The automatic flip-up seat shall be designed and constructed to inhibit passenger limbs from becoming lodged between the seat cushion and seat back.

(b) The working mechanism under the seat shall be covered to eliminate any tripping hazard.

(c) The bottom of the flip-up seat shall be covered with sheet metal or other material of equal strength and durability and any sharp edges padded to prevent injury or snagging clothing.

(d) The seat shall be designed and constructed to rise to a vertical position automatically when not occupied.

**SECTION 35.** Trans 301.29(4) is amended to read:

Trans 301.29(4) All passengers aboard a an HSV shall be seated in a permanently mounted seat. The department ~~will~~ shall interpret the removable seat in a van as being a permanently mounted seat. This subsection does not apply to persons transported in a wheelchair or some other device which would make this provision impractical.

**SECTION 36.** Trans 301.29(5) is created to read:

Trans 301.29(5) Rear or center facing seats in a station wagon are not permitted.



**SECTION 37.** Trans 301.30(1) is renumbered 301.03(7) and is amended to read:

Trans 301.03(6) ~~The service door shall be~~ "Service door" means the ~~door(s)~~ door usually used by the majority of the passengers for entering and leaving the HSV. In a vehicle commonly referred to as a van, this may be either the right front door or the ~~door(s)~~ door located near the center of the vehicle on the right side. The van door may be either on a sliding glideway or may open outward.

**SECTION 38.** Trans 301.30(2) and (3) are renumbered 301.30(1) and (2).

**SECTION 39.** Trans 301.30(4) is renumbered 301.30(3) and amended to read:

Trans 301.30(3) In a vehicle of more than 10,000 pounds GVWR, the lower as well as upper panels shall be of safety glass as follows:-

(a) The bottom of the lower glass panel shall may not be more than 35 inches from the ground when vehicle is unloaded.

(b) The upper glass shall be hermetically sealed or the vehicle shall be equipped with a defrosting device to assure the driver has a clear view out of the service door glass. ~~This paragraph shall apply to any HSV manufactured after January 1, 1982.~~

**SECTION 40.** Trans 301.32(1) is amended to read:

Trans 301.32(1) The first step at the service door shall be not more than ~~46~~ 18 inches ~~from~~ above the ground when the vehicle is empty. The use of a portable step shall may not be considered in meeting this requirement.

**SECTION 41.** Trans 301.33 is repealed and recreated to read:

**Trans 301.33 SUSPENSION SYSTEM.** (1) In addition to conforming to the requirements under 49 CFR 393.207, all suspension parts, including mountings,

shackles, U-bolts, airbags and all connecting air lines shall be maintained in good working order.

**SECTION 42.** Trans 301.34(2) to (4) are amended to read:

Trans 301.34(2) A An HSV shall may not be operated with regrooved, recapped or retreaded tires on the front wheels.

(3) A An HSV shall may not be operated with cuts or chunks missing exposing the cord, recaps peeled loose or off, or showing an indication of ply separation.

(4) Tires of different size or ply rating may be used except that all tires on an axle ~~must~~ shall be the same size and ply rating.

**SECTION 43.** Trans 301.35, 301.36 and 301.37 are repealed and recreated to read:

**Trans 301.35 WINDOWS AND WINDSHIELDS.** Windows and windshields shall conform to the applicable requirements under 49 CFR 393.60, 393.61, 393.62, 393.63 and 571.217 and to the following:

(1) All windows that open shall operate freely. Any side window latches shall be capable of holding the window securely in place in all positions.

(2) All exposed edges shall be banded or ground to eliminate sharp or rough areas.

(3) If an emergency window is originally equipped with an automatically operated, audible signal to indicate to the driver that the window is unlatched when the ignition is in the "on" position, no cut-off may be installed in the audible signal circuit.

**Trans 301.36 WINDSHIELD WIPERS AND WASHERS.** (1) In addition to the requirements for windshield wipers under 49 CFR 393.78, the windshield wiper system shall have at least 2 speeds or a variable speed motor.

(2) If an HSV is originally equipped with a windshield washer system that provides fluid for the windshield wipers to clean the windshield, the system shall be maintained in operational condition.

**Trans 301.37 WIRING.** Wiring shall conform to the requirements under 49 CFR 393.27 to 393.29, 393.31 and 393.33.

**SECTION 44.** Trans 301.38 is repealed.

**SECTION 45.** Trans 301.60(1) and (2) are amended to read:

Trans 301.60(1) Vehicles used for transporting handicapped persons with a disability shall comply with current Wisconsin statutes and rules except for modifications necessary for the installation of special equipment. Such modifications or exceptions are set forth in this section through s. Trans 301.66. In addition, new, used or remanufactured buses and vans placed in operation after February 25, 1992, and used to transport disabled persons shall comply with all requirements in 36 CFR 1192, subparts A and B.

(2) Any HSV used for transporting handicapped persons with a disability in wheelchairs shall be equipped with a side ramp or a lift located on the right side of the body. The side ramp or lift may not be attached to the exterior of the body, but shall be completely contained and securely fastened within the perimeter of the vehicle body when not in operation. ~~A ramp or a lift utilizing a HSV rear door may not be used to load or discharge any person on a highway as defined by s. 340.01(22), Stats. Unless otherwise prohibited, however, An HSV equipped with a ramp or a lift utilizing a using the HSV rear door may not be used to load or discharge a person persons in an area other than on a highway as defined by s. 340.01(22), Stats. If a HSV equipped with a ramp or a lift using the HSV rear door is used to load or discharge persons only in areas other than a highway as defined by s. 340.01(22), Stats., and is never used to load or~~

~~discharge persons on the highway, or where otherwise prohibited, the.~~ An HSV need not be equipped with a side ramp or lift located on the right side of the body.

**SECTION 46.** Trans 301.61(1), (5) and (6) are amended to read:

Trans 301.61(1) There shall be an enclosed door opening located on the right side of the HSV and far enough to the rear so that any forward mounted door when fully opened ~~will~~ may not obstruct or interfere with the normal operation of the regular service door.

(5) The door shall be equipped with a device that ~~will~~ shall actuate an audible or visual signal located in the driver's compartment when door is not securely closed and latched and may deactivate when door is fully opened. This subsection shall be applicable to vehicles manufactured after January 1, 1982.

(6) Door ~~panel(s)~~ panels shall enclose the complete opening in the body made necessary by the installation of a side ramp or power lift.

**SECTION 47.** Trans 301.62(2), (5) and (6) are amended to read:

Trans 301.62(2) All power lift ~~mechanism(s)~~ mechanisms shall be enclosed.

(5) ~~Platform~~ The platform floor surface shall be of nonskid material.

(6) ~~Platform~~ The platform shall lock mechanically when in the stored position. A power lift designed to remain in a rigid position with the power off is exempt from having a mechanical lock. The intent of this ~~paragraph~~ subsection is to prevent a lift from having any movement while the vehicle is in motion.

**SECTION 48.** Trans 301.62(10) and (11) are created to read:

Trans 301.62(10) The lift control shall be interlocked with the vehicle brakes, transmission or door, or shall provide other appropriate mechanisms or systems, to

ensure that the vehicle cannot be moved when the lift is not stowed and so the lift cannot be deployed unless the interlocks or systems are engaged.

(11) New, used or remanufactured buses and vans placed in operation after February 25, 1992, and used to transport physically disabled persons shall comply with the requirements found in 36 CFR 1192.21 and 1192.23.

**SECTION 49.** Trans 301.63 is renumbered 301.63(1).

**SECTION 50.** Trans 301.63(2) is created to read:

Trans 301.63(2) New, used or remanufactured buses and vans placed in operation after February 25, 1992, and used to transport the physically disabled shall comply with the requirements found in 36 CFR 1192.21 and 1192.23.

**SECTION 51.** Trans 301.64(1) and (2) are amended to read:

Trans 301.64(1) Barriers shall be furnished to provide a restraint for passengers. If the vehicle is a van and has only seats with no area for wheelchairs, it is exempt from having barriers. The most forward seat behind an open area for wheelchair use and the most forward seat behind a power lift or ramp shall be protected by a barrier. ~~Barriers and stanchions shall be padded.~~ This subsection does not apply to vehicles equipped with seat belts and shoulder restraints that meet 49 CFR 571.208, occupant crash protection requirements, and that are used in accordance with s. 347.48, Stats.

(2) All inside and rear facing surfaces except the platform surface of a lift shall be padded. Barriers and stanchions shall be padded.

**SECTION 52.** Trans 301.65(3) and (5) are amended to read:

Trans 301.65(3) There shall may be no wheelchair attachment to any door.

(5) A webbing belt used to secure the wheelchair to the body frame shall may not be used to secure the passenger to the wheelchair.

**SECTION 53.** Trans 301.66(3) is amended to read:

Trans 301.66(3) Vehicles manufactured and placed in operation prior to August 25, 1990, that are designed to transport wheelchairs may have aisle facing seats over the wheel housing provided they are equipped with a device to prevent a passenger from sliding off either end. A seat belt ~~will~~ may not in itself meet this requirement. The seat shall be permanently mounted and ~~shall~~ may not fold up or down.

**SECTION 54.** Trans 301.95(1) and (2) are amended to read:

Trans 301.95(1) Any item if covered by a standard in this ~~rule~~ chapter shall, upon replacement, be replaced with an item meeting the original standard. Any modification of a an HSV shall be made to conform to federal and state regulations at the time of ~~modification~~ modification.

(2) A panel truck ~~shall~~ may not be used as a an HSV. ~~A station wagon having a wood body shall not be used as a HSV.~~

**SECTION 55.** Trans 301.95(3) is repealed.

**SECTION 56.** Trans 301.95(4) to (6) are renumbered 301.96(3) to (5) and amended to read:

Trans 301.96(3)(a) It is the responsibility of the owner or operator to have the HSV inspected annually. After notification by the owner or operator, or the authorized representative of any transportation assistance program for elderly or disabled persons, that vehicles are to be inspected, the department shall attempt to inspect the ~~vehicle(s)~~ vehicles, contingent on other duties, at the earliest time available.

(b) During subsequent inspection periods, the department ~~will~~ shall attempt to perform the inspections without notification; however, the responsibility remains with the owner to have the HSV inspected.

(c) The department may arrange to inform the authorized representative of any transportation assistance program for elderly or disabled persons when and if vehicles have been inspected and the results of any inspection.

(d) The department may require display of a distinctive annual inspection sticker on any HSV. No vehicle required to be inspected by s. 110.05, Stats., or this chapter, or s. HSS 105.39 may be operated on any highway unless it displays on the body of the vehicle, as close as practicable to the lower right-hand corner of the windshield, an unexpired certificate of inspection decal issued by the department.

(4) Any person violating ~~s. Trans 301.05(9)~~ shall be prosecuted as set forth in ~~s. 346.97(4)(b), Stats.~~ Violations of any other provision of this rule ~~chapter~~ shall be prosecuted as set forth under s. ~~346.97(3)(e)~~ 110.05(4), Stats. In addition to or in lieu of any other penalty provided by law, the department may refuse to register or suspend, or both, any or all registrations of persons that do not comply with this chapter, including annual inspection requirements, and may require the surrender of any registration plates. Any registration suspended under this section shall remain suspended until the person complies with this chapter and makes application for registration or re-registration and the required fee for registration is paid.

(5) This rule ~~chapter~~ applies to all HSVs except vehicles owned by volunteers. Human services vehicles formerly in compliance as school buses may continue to meet those requirements, or may convert to meet the requirements of this rule ~~chapter~~. In the event that the vehicle is converted from a school bus, all identification requirements of a school bus ~~must shall~~ be removed. Upon conversion, the owner ~~must shall~~ repaint a vehicle meeting the yellow-black color scheme to some other color ~~by January 1, 1987~~. The stop arm, school bus sign and alternating flashing red lights ~~must shall~~ be removed

immediately upon conversion. Human services vehicles ~~put into service~~ placed in operation in Wisconsin after the effective date of this rule chapter...[revisor insert date] shall comply with the requirements in effect at the time they are inspected as a an HSV.

**SECTION 57.** Trans 301.96(title), (1) and (2) are created to read:

**TRANS 301.96 ENFORCEMENT.** (1) The enforcement policy of the department shall consider the age, condition and equipment of HSVs before granting approval for their continued use. The department may not permit the use of any HSV for transportation purposes if the department finds it unsafe or unfit for service.


(2) In construing and enforcing the provisions of this chapter, the act, omission or failure of any officer, employe, agent, servant or other person acting for or employed by the registered owner or the lessee of the HSV, whoever has control, done within the scope of employment or on behalf of the registered owner or lessee, is deemed to be the act, omission or failure of the registered owner or lessee. This subsection does not apply to violations of ch. 346, Stats.

**(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 26 day  
of February, 1997.

  
CHARLES H. THOMPSON  
Secretary  
Wisconsin Department of Transportation





## Wisconsin Department of Transportation

Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

February 27, 1997

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

RE: **CLEARINGHOUSE RULE 96-62**

In the Matter of the Adoption of **TRANS 301**, Wisconsin Administrative Code, relating to **Human Services Vehicles (HSVs)**.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 96-62**, an administrative rule relating to the above-mentioned matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie A. Johnson".

Julie A. Johnson  
Paralegal

Enclosures

cc: Gene Kussart  
Dorothy Kapke  
Jim McDonnell  
Bill Singletary  
Lyle Walheim

