

# Clearinghouse Rule 96-146

## 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 **motor carrier safety regulations, motor carrier safety requirements for transportation of hazardous materials, and motor carrier safety requirements for intrastate transportation of hazardous materials**, was duly approved and adopted by this Department on December 11, 1996.

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.



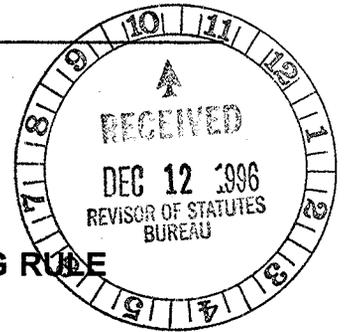
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 11 day of **December**, 1996.

*Terrence Mulcahy, Dep Sec*  
\_\_\_\_\_  
CHARLES H. THOMPSON  
Secretary



2-1-97

The Wisconsin Department of Transportation adopts an order to renumber TRANS 325.02; amend TRANS 325.02(intro.), 326.01(intro.) and 328.03(intro.); and create TRANS 325.01, relating to motor carrier safety regulations, motor carrier safety requirements for transportation of hazardous materials, and motor carrier safety requirements for intrastate transportation of hazardous materials.

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

**STATUTORY AUTHORITY:** ss. 110.075(6), 194.38(2), 194.43 and 346.45(4), Stats.  
**STATUTES INTERPRETED:** ss. 110.07, 110,075, 194.38 and 194.43, Stats.

**General Summary of Rule.** This rule making amends three existing rules to bring them into compliance with changes to the federal regulations which have gone into effect as of November 1, 1996. These changes are as follows:

**Chapter Trans 325** adopted motor carrier safety regulations of the United States Department of Transportation in effect on November 1, 1995. This amendment changes the date from November 1, 1995 to November 1, 1996. This change allows Wisconsin to enforce the most recent motor carrier safety regulations. All vehicles operating in interstate commerce are already subject, under federal law, to any changes that have been adopted between November 1, 1995 and November 1, 1996.

The Department is also incorporating recent changes to federal regulations that became effective April 3, 1996, that affects the agricultural industry in Wisconsin. The new federal rules provide exceptions to hours of service requirements for drivers transporting agricultural commodities or farm supplies for agricultural purposes within a 100 air mile radius from the source of the commodities or the distribution point of the farm supplies. The exception will apply during the "planting and harvesting season within the state" as determined by the state. The Department proposes the planting and harvesting season to be from March 15 to December 15 each year. The proposal will be consistent with surrounding state declarations.

**Chapter Trans 326** adopted motor carrier safety requirements for transportation of hazardous materials of the United States Department of Transportation in effect on November 1, 1995. This amendment changes the date from November 1, 1995 to November 1, 1996. This change allows Wisconsin to enforce the most recent version of the motor carrier safety requirements for transportation of hazardous materials. All

vehicles operating in interstate commerce are already subject under federal law to any changes that have been adopted between November 1, 1995 and November 1996.

**Chapter Trans 328** adopted motor carrier safety requirements for intrastate transportation of hazardous materials of the United States Department of Transportation in effect on November 1, 1995. This amendment changes the date from November 1, 1995 to November 1, 1996. This change allows Wisconsin to enforce the most recent version of the motor carrier safety requirements for intrastate transportation of hazardous materials.

**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, sewerage district, or any federally-recognized tribes or bands.

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

**Copies of Rule.** This rule was prepared by Lt. Lyle Walheim, Division of State Patrol. 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.

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### **TEXT OF RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 110.075(6), 194.38(2), 194.43 and 346.45(4), Stats., the department of transportation hereby amends rules interpreting ss. 110.07, 110,075, 194.38 and 194.43, Stats., relating to motor carrier safety regulations, motor carrier safety requirements for transportation of hazardous materials, and motor carrier safety requirements for intrastate transportation of hazardous materials.

**SECTION 1.** Trans 325.01 is renumbered 325.02.

**SECTION 2.** Trans 325.01 is created to read:

**Trans 325.01 DEFINITION.** In this chapter, "planting and harvesting season" means the period of time beginning March 15 through December 15 of each year.

**SECTION 3.** Trans 325.02(intro.), as renumbered, is amended to read:

**Trans 325.02 FEDERAL RULES ADOPTED.** (intro.) The following federal motor carrier safety regulations adopted by the United States department of transportation and in effect on November 1, ~~1995~~ 1996, are adopted by the department and shall be enforced in relation to those carriers, drivers or vehicles to which these federal rules apply in the same manner as though the regulations were set out in full in this chapter:

**SECTION 4.** Trans 326.01(intro.) is amended to read:

**Trans 326.01 FEDERAL RULES ADOPTED.** The following federal motor carrier safety regulations adopted by the United States department of transportation and in effect on November 1, ~~1995~~ 1996, are adopted by the department and shall be enforced in relation to those carriers, drivers or vehicles to which these federal rules apply in the same manner as though the regulations were set out in full in this chapter:

**SECTION 5.** Trans 328.03(intro.) is amended to read:

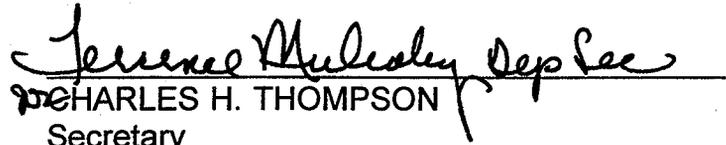
**Trans 328.03 FEDERAL RULES ADOPTED.** The following federal motor carrier safety regulations adopted by the United States department of transportation and in effect on November 1, ~~1995~~ 1996, are adopted by the department and shall be enforced in relation to those carriers, drivers or vehicles to which these federal rules apply in the same manner as though the regulations were set out in full in this chapter:

**(END OF RULE TEXT)**

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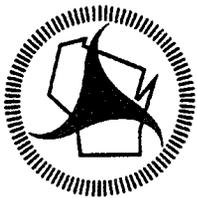
**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 11 day of December, 1996.

  
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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

December 12, 1996

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

RE: **CLEARINGHOUSE RULE 96-146**

In the Matter of the Adoption of **TRANS 325, 326 & 328**, Wisconsin Administrative Code, relating to **motor carrier safety regulations, motor carrier safety requirements for transportation of hazardous materials, and motor carrier safety requirements for intrastate transportation of hazardous materials.**

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 96-146**, an administrative rule relating to the above-mentioned matter.

Sincerely,

  
Julie A. Johnson  
Paralegal

Enclosures

cc: Ann Agnew  
Dorothy Kapke  
Jim McDonnell  
Bill Singletary  
Lyle Walheim

