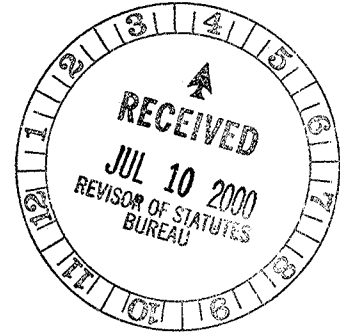


Clearinghouse Rule 00-069

CERTIFICATE

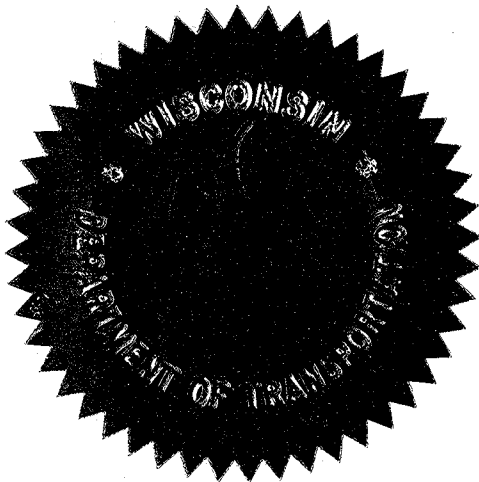
STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )



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 regulations**, was duly approved and adopted by this Department on July 10, 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.

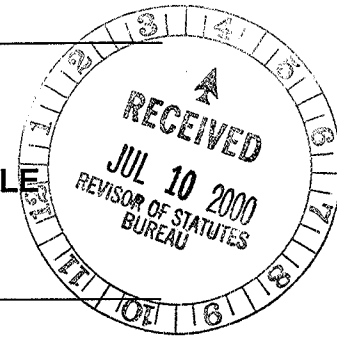


IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 10 day of **July**, 2000.

*Terrence Mulcahy*  
TERRENCE D. MULCAHY, P.E.  
Secretary

9/1/02

The Wisconsin Department of Transportation adopts an order to repeal Ch. TRANS 328; and amend TRANS 325.02(intro.) and (8), 326.01(intro.) and (8), Wisconsin Administrative Code, relating to motor carrier safety regulations.

**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 will amend two existing chapters to bring them into compliance with changes to the federal regulations which have gone into effect as of April 1, 2000. These changes are as follows:

**Chapter Trans 325** adopted motor carrier safety regulations of the United States Department of Transportation in effect on August 1, 1998. This amendment changes the date from August 1, 1998 to April 1, 2000. 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 August 1, 1998 and April 1, 2000.

**Chapter Trans 326** adopted motor carrier safety requirements for transportation of hazardous materials of the United States Department of Transportation in effect on August 1, 1998. This amendment changes the date from August 1, 1998 to April 1, 2000. 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 and intrastate commerce are already subject under federal law to any changes that have been adopted between August 1, 1998 and April 1, 2000.

**Chapter Trans 328** is being repealed. 49 CFR Parts 171, 172, 173, 177 and 180 now apply to intrastate operations. There is no longer a need for this chapter.

In addition, the adoption of Trans 325 and 326 will give the Department the authority to use federal standards by which traffic officers and state patrol inspectors declare vehicles and drivers out of service. The offices of the Attorney General and the Revisor of Statutes Bureau have consented to the incorporation by reference of the revised North American Uniform Out-of-Service Criteria under the provision of § 227.21(2), Stats.

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

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

**Copies of Rule.** Copies of this rule can be obtained, without cost, by writing to Lyle Walheim, Division of State Patrol, 4802 Sheboygan Avenue, Room 551, P. O. Box 7912, Madison, WI 53707-7912, or by calling (608) 266-0305. Alternate formats of the rule will be available to individuals upon 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.

**SECTION 1.** Trans 325.02(intro.) and (8) are amended to read:

**Trans 325.02 Federal rules adopted.** The following federal motor carrier safety regulations adopted by the United States department of transportation and in effect on ~~August 1, 1998~~ April 1, 2000, are adopted by the department and shall be enforced in relation to those carriers, drivers or vehicles to which these rules apply in the same manner as though the regulations were set out in full in this chapter:

(8) Every traffic officer and state patrol inspector employed under the authority of s. 110.07, Stats., is authorized to declare vehicles and drivers out-of-service in accordance with the ~~1998~~ 2000 North American uniform out-of-service criteria.

**SECTION 2.** Trans 326.01(intro.) and (8) are 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 ~~August 1, 1998~~ April 1, 2000, 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:

(8) Every traffic officer and state patrol inspector employed under the authority of s. 110.07, Stats., is authorized to declare vehicles and drivers out-of-service in accordance with the ~~1998~~ 2000 North American uniform out-of-service criteria.


**SECTION 3.** Chapter Trans 328 is repealed.

**(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 10 day of July, 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

July 10, 2000

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

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

RE: **CLEARINGHOUSE RULE 00-069**

In the Matter of the Adoption of **TRANS 325/326/328**, Wisconsin Administrative Code, relating to **motor carrier safety regulations**

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 00-069**, an administrative rule relating to the above-mentioned matter.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".

Julie A. Johnson  
Paralegal

Enclosures

cc: Mike Goetzman  
Alice Morehouse  
David Schumacher  
Lyle Walheim  
Bob Defrang

