

## Report From Agency

STATE OF WISCONSIN  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY

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The State of Wisconsin Department of Transportation  
Proposes an Order to Amend ss. Trans 309.25, relating  
to ambulance inspection standards.

AGENCY REPORT TO  
LEGISLATURE  
CLEARINGHOUSE RULE 23-035

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**I. THE PROPOSED RULE:**

The proposed rule revisions and the analysis are attached.

**II. REFERENCE TO APPLICABLE FORMS:**

No forms are newly required by these rule revisions.

**III. FISCAL ESTIMATE AND EIA:**

The Fiscal Estimate and EIA are attached.

**IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:**

Current Trans 309.25 repeals subch. III of ch. Trans 309 on July 15, 2023, or upon promulgation by the DHS of administrative rules establishing standards and inspections, as well as legislative appropriations of resources for such inspections, whichever comes sooner. Currently, DHS does not have authority to promulgate such rules. Subchapter III of ch. Trans 309 dictates the medical equipment the department must inspect when conducting ambulance inspections. If subch. III is repealed, the department would no longer have authority to inspect necessary equipment.

This rulemaking amends s. Trans 309.25 so that subch. III does not repeal until DHS has authority to promulgate such rules.

**V. SUMMARY OF PUBLIC COMMENTS AND THE DEPARTMENT'S RESPONSES, AND EXPLANATION OF ANY RESULTING MODIFICATIONS TO THE PROPOSED RULES:**

The State of Wisconsin Department of Transportation held a combined public hearing on the emergency and permanent rules ch. Trans 309 on August 31, 2023, at 10:00 a.m., at the Wisconsin Department of Transportation, 4822 Madison Yards Way, Room N134, Madison, WI 53705.

There were no public comments received.

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF COMMENTS:**

Legislative Council recommended recreating subch III. of ch. Trans 309, Wis. Adm. Code, presumably since the permanent rulemaking is assumed to be completed after the date of repeal of that subchapter.

**Department response:** The Department declines this suggestion because EmR2310 kept the subchapter in effect by delaying the repeal date. The emergency rule remains in effect. Since the repeal has not yet taken effect, delaying the repeal date is alone sufficient to keep that subchapter in effect; the subchapter does not have to be recreated since it has never been repealed. Absent a lapse in the emergency rule prior to final publication of this permanent rule, the subchapter establishing medical equipment standards for ambulances has remained in effect and the proposed repeal can be delayed without requiring recreation of the subchapter.

**VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:**

The Department did not receive any statement, suggested changes, or other material from the Small Business Regulatory Review Board.

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