
The Wisconsin Department of Transportation adopts an order to renumber TRANS 327.03(1) to (3) and (5) to (8); renumber and amend TRANS 327.03(4) and (9); and amend TRANS 327.03(intro.) and 327.09(8)(intro.) and (b), relating to motor carrier safety requirements.

ORDER ADOPTING RULE

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 110.07, 110.075, 194.38, 194.43 and 227.11, Stats.

STATUTES INTERPRETED: ss. 110.07 and 110.075, and ch. 194, Stats.

General Summary of Rule. This rule making will amend ch. Trans 327, relating to intrastate motor carrier safety regulations, to bring it into compliance with the most recent changes to the Federal Motor Carrier Safety Regulations which will go into effect on January 4, 2004. Amendment of this rule will assure State Patrol inspectors and troopers are enforcing the most recent Federal Motor Carrier Safety regulations for intrastate carriers. The update of this rule will also keep the Department in compliance to qualify for continued Motor Carrier Safety Assistance Program (MCSAP) funding.

The Department annually updates ch. Trans 327 to keep current with the most recent changes to 49 CFR parts 390, 391, 392, 393, 396 and 397.

In addition, the adoption of Trans 327 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. The Department estimates that there will be no fiscal impact on state revenues or liabilities.

Final Regulatory Flexibility Analysis. This rule will have minimal adverse impact on small businesses.

Copies of Rule. Copies of the rule may be obtained upon request, without cost, by writing to Charles Teasdale, Division of State Patrol, P. O. Box 7912, Room 551, Madison, WI 53707-7912, or by calling (608) 266-0305. 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 ss. 110.07, 110.075, 194.38, 194.43 and 227.11, Stats., the department of transportation hereby amends a rule interpreting ss. 110.07 and 110.075, and ch. 194, Stats., relating to motor carrier safety requirements.

SECTION 1. Trans 327.03(intro.) is amended to read:

Trans 327.03 Federal regulations adopted. (intro.) The following federal motor carrier safety regulations adopted by the United States department of transportation and in effect on ~~November 1, 2002~~ January 4, 2004, are adopted by the department and shall be enforced in relation to those carriers, drivers or vehicles which operate in intrastate commerce in the same manner as though the regulations were set out in full in this chapter:

SECTION 2. Trans 327.03(1) to (3) are renumbered Trans 327.03(8), (9) and (1), respectively.

SECTION 3. Trans 327.03(4) is renumbered Trans 327.03(2) and amended to read:

Trans 327.03(2) Title 49, Code of Federal Regulations, part 391, qualifications of drivers, except 391.11(b)(1), and 391.41(b)(3) if, in the alternative a driver with diabetes controlled by insulin obtains statements from 2 licensed physicians indicating, on a form provided by the department of transportation, that the diabetes is not likely to cause loss of ability to control or operate a motor vehicle, ~~and 391.69;~~

SECTION 4. Trans 327.03(5) to (8) are renumbered Trans 327.03(3) to (6).

SECTION 5. Trans 327.03(9) is renumbered Trans 327.03(7) and amended to read:

Trans 327.03(7) 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 ~~2002~~ 2003 North American uniform out-of-service criteria.

SECTION 6. Trans 327.09(8)(intro.) and (b) are amended to read:

Trans 327.09(8)(intro.) The provisions of s. Trans 327.05(3) do not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a the state if the transportation:

(b) Is conducted during the planting and harvesting seasons within the state, as ~~determined by the state~~ defined in s. Trans 325.01.

NOTE: ~~The planting and harvest season means the period of time beginning March 15 through December 15 of each year.~~

(END OF RULE TEXT)

Effective Date. This rule shall take effect on January 4, 2004.

Signed at Madison, Wisconsin, this ____ day
of November, 2003.

FRANK J. BUSALACCHI
Secretary
Wisconsin Department of Transportation