

Clearinghouse Rule 97-064

CERTIFICATE

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

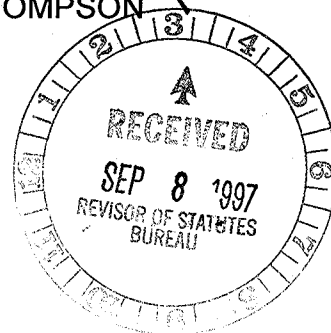
I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **standards for vehicle equipment**, was duly approved and adopted by this Department on September 5, 1997.

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.



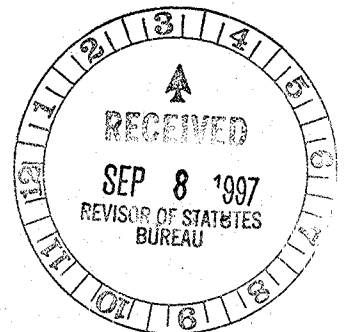
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 5 day of **September**, 1997.

Charles H. Thompson
CHARLES H. THOMPSON
Secretary



11-1-97

The Wisconsin Department of Transportation adopts an order to repeal TRANS 305.05(24) and (25), and 305.24(5); renumber TRANS 305.05(26) and (27m) to (36m), 305.075(2)(c), 305.09(4) and (5), and 305.485(2)(b) to (e); renumber and amend TRANS 305.05(27), 305.15(5) and 305.24(6); amend TRANS 305.02(6), 305.05(19), 305.065(1) and (2)(b), 305.075(1) and (5), 305.08(1), 305.10(1), 305.14(1), 305.15(1), 305.16(1), 305.18(1)(a), 305.19(1) and (2)(b), 305.20(6) and (8), 305.23(4), 305.27(3), 305.29(2), (6) and (7)(b), 305.30(2) and (3), 305.31(4), 305.32(3), 305.33(1), 305.35(1), subch. IV (title), 305.485(2)(a), 305.49(2), 305.50, 305.51(title) and (1) to (3)(intro.), 305.52(3), and 305.57; and create TRANS 305.075(2)(c), 305.09(4), 305.15(5)(b) and 305.485(2)(b) to (e) and (h), relating to standards for vehicle equipment.

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

STATUTORY AUTHORITY: ss. 85.16(1), 110.075, 227.10(1) and 347.35(3)(b), Stats.
STATUTES INTERPRETED: ss. 342.07(2), 342.30 and ch. 347, Stats.

General Summary of Rule. This rule making proposes to make minor changes in the Department's rule on motor vehicle equipment. The rule was renumbered ch. Trans 305 and recreated in 1996. The changes correct oversights in the 1996 rule making and make certain sections of ch. Trans 305 more understandable and easier to enforce. Section 1 clarifies that vehicles brought to Wisconsin from other jurisdictions need to meet Wisconsin equipment requirements for vehicles of the same model year. Sections 2 and 4 delete registered weight from the definitions of heavy and light truck so that small trucks registered with farm plates are not unnecessarily subjected to heavy vehicle equipment requirements. Section 6 makes clear that homemade and reconstructed trailers and semitrailers need not be inspected prior to titling or registration. Section 9 corrects an oversight by providing that auxiliary lights must be properly aimed. This will provide the same protection as similar restrictions applicable to headlamps. Section 10 eliminates the requirement that auxiliary off-road lamps be covered when a vehicle so equipped is operated on a highway.

As it is difficult to determine if older vehicles were originally manufactured with certain types of equipment, this rule proposes to make mandatory equipment requirements apply either to all vehicles or beginning with certain specified model years for clarity and ease of enforcement. This is accomplished in Sections 11, 14-18, 29 and 30.

Section 13 provides that directional signals may not be covered or obscured which is consistent with restrictions applicable to tail and stop lamps and 1995 Wis. Act 346. Section 16 clarifies that when a camper top or similar covering makes a truck 80 or more inches wide, high mounted stop lamps are not required. Section 19 clarifies that doors, hoods and trunks must be capable of being opened and securely closed, but that no particular type of opening and closing device is mandated. The section also makes the restriction on projecting parts on hoods more enforceable by providing an objective point from which measurements should be made. Sections 22 and 23 simplify the provisions on fuel tanks by providing that the installation of fuel tanks must be in accordance with industry standards. Section 24 amends the provision relating to maintenance of airbags to be consistent with federal regulations. Due to concern over potential injury to children and small adults in front seats, the federal government has amended its regulations to allow manufacturers to install manual cutoff switches in certain vehicles until September 1, 2000. The federal government is also proposing a rule to allow deactivation of front seat airbags in all existing vehicles. These provisions are intended to be temporary measures until an improved "smart" airbag is available. The amendment to s. Trans 305.27 would make it legal to operate a vehicle in Wisconsin even if the front passenger or driver side airbags have been deactivated by means of a cutoff switch installed in accordance with federal regulations or by any other means which may be provided by federal law. Section 28 deletes the provision which allowed cloudiness or etching beyond 2 inches from the edge of the rear window if the vehicle had two outside rearview mirrors.

Sections 32 to 39 make modifications to the equipment requirements for heavy trucks. Section 32 corrects an error in a cross reference; section 33 makes additional equipment provisions from subchapter II applicable to heavy trucks; section 35 provides a delayed effective date for new requirements concerning the location of axle control valves at the request of the Wisconsin Truck Dealers Association; section 37 makes the brake requirements of s. Trans 305.51 applicable to heavy trucks as well as trailers and semitrailers; and section 39 makes the requirements for suspension systems contained in s. Trans 305.57 applicable to heavy trucks as well as trailers and semitrailers.

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. The Department also anticipates no fiscal impact on state funds.

Final Regulatory Flexibility Analysis. This rule will not have a significant economic impact on a substantial number of small businesses.

Copies of Rule. Copies of the rule may be obtained upon request, without cost, by writing to Major Michael Moore, Wisconsin State Patrol Academy, 800 South 10th Avenue, Sparta, WI 54656-5164, or by calling (608) 269-2500; or contact Frieda Andreas, Division of State Patrol, by calling (608) 266-6936. 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. 85.16(1), 110.075, 227.10(1) and 347.35(3)(b), Stats., the department of transportation hereby amends a rule interpreting ss. 342.07(2), 342.30 and ch. 347, Stats., relating to standards for vehicle equipment.

SECTION 1. Trans 305.02(6) is amended to read:

Trans 305.02(6) Vehicles that were legally titled and registered in another jurisdiction and that met vehicle equipment standards established by the law of the other jurisdiction shall and are in compliance with Wisconsin equipment requirements for that model year are not be required to update vehicle equipment to meet increased requirements under this chapter upon titling and registration in Wisconsin unless updating is required by ch. 347, Stats.

SECTION 2. Trans 305.05(19) is amended to read:

Trans 305.05(19) "Heavy truck" means a motor truck, truck tractor, or road tractor with a gross vehicle weight rating, ~~registered weight~~ or actual gross weight of more than 10,000 pounds. The term also includes any combination vehicle where one of the vehicles in the combination is a motor truck, truck tractor or road tractor and the gross combination weight rating, ~~registered weight~~ or actual weight of the combination exceeds 10,000 pounds.

SECTION 3. Trans 305.05(24) and (25) are repealed.

SECTION 4. Trans 305.05(26) and (27) are renumbered Trans 305.05(24) and (25) and, as renumbered, Trans 305.05(25) is amended to read:

Trans 305.05(25) "Light truck" means a motor truck, truck tractor, road tractor or combination vehicle with a gross vehicle weight rating, ~~registered weight~~ or actual gross weight of 10,000 pounds or less.

SECTION 5. Trans 305.05(27m) to (36m) are renumbered Trans 305.05(26) to (36).

SECTION 6. Trans 305.065(1) and (2)(b) are amended to read:

Trans 305.065(1) INSPECTION. Upon completion of assembly or reconstruction, every homemade or reconstructed vehicle shall be inspected prior to being registered or titled for compliance with this chapter and ch. 347, Stats. The inspection shall be performed by an inspector authorized by the department to perform inspections of salvage vehicles under s. 342.07, Stats. This subsection does not apply to trailers or semitrailers.

(2)(b) Replica and street modified vehicles. The department shall issue a title indicating that a vehicle is a replica or street modified vehicle and the make and model year shown on the title shall be the original make and model year of the street modified vehicle or the make and model year of the vehicle being replicated. The installation of reproduction body parts on a previously manufactured and titled vehicle body and frame shall is not be considered by the department to constitute a replica vehicle for purposes of identifying the vehicle on its title. A vehicle shall be considered a replica or a street modified vehicle if it has been certified by the owner to be a replica or a street modified vehicle for purposes of registration under s. 341.268, Stats. A vehicle shall also be

considered a street modified vehicle if the vehicle's engine has been replaced with one which required adaptation beyond ordinary replacement.

SECTION 7. Trans 305.075(1) is amended to read:

Trans 305.075(1) Auxiliary lamps that are fog lamps or adverse weather lamps may not be used in lieu of headlamps during those times when headlamps are required except as expressly allowed by s. 347.26(3), Stats. Other auxiliary lamps shall may not be used in lieu of headlamps.

SECTION 8. Trans 305.075(2)(c) is renumbered Trans 305.075(2)(d).

SECTION 9. Trans 305.075(2)(c) is created to read:

Trans 305.075(2)(c) Every auxiliary lamp shall be properly aimed so as to conform with manufacturers recommendations, and so that glaring light rays from the auxiliary lamp are not directed into the eyes of an approaching driver.

SECTION 10. Trans 305.075(5) is amended to read:

Trans 305.075(5) Motor vehicles may be equipped with auxiliary off-road lamps that may face to the front or rear of the vehicle. The lamps shall be wired independently of all other lighting circuits and, whenever may not be lighted when the vehicle is operated or driven upon a highway, ~~shall be covered or hooded with an opaque hood or cover and turned off.~~

SECTION 11. Trans 305.08(1) is amended to read:

Trans 305.08 BACK-UP LAMP. (1) ~~Every motor vehicle originally equipped with back-up lamps and every motor vehicle originally manufactured after January 1, 1969,~~ shall be equipped with back-up lamps in proper working condition and in conformity with this section and s. 347.26(4), Stats.

SECTION 12. Trans 305.09(4) and (5) are renumbered Trans 305.09(5) and (6).

SECTION 13. Trans 305.09(4) is created to read:

Trans 305.09(4) All directional signal lenses shall be installed and maintained in proper condition and may not be covered or obscured by any object or material.

SECTION 14. Trans 305.10(1) is amended to read:

Trans 305.10 HAZARD WARNING LAMPS. (1) Every ~~motor vehicle originally equipped with hazard warning lamps and every~~ motor vehicle originally manufactured after January 1, 1969, shall be equipped with hazard warning lamps in proper working condition and in conformity with this section and s. 347.26(11), Stats.

SECTION 15. Trans 305.14(1) is amended to read:

Trans 305.14 SIDE MARKER LAMPS, CLEARANCE LAMPS AND REFLECTORS. (1) Every ~~motor vehicle originally equipped with side marker lamps, every~~ motor vehicle manufactured after January 1, 1969, every vehicle registered as a homemade vehicle on or after January 1, 1975, and every vehicle registered as a reconstructed vehicle after ~~[Revisor insert the effective date of this chapter]~~ March 1, 1996 shall be equipped with side marker lamps and reflectors marking at least the front and rear corners of the vehicle.

SECTION 16. Trans 305.15(1) is amended to read:

Trans 305.15 STOP LAMPS. (1) Every ~~motor vehicle originally manufactured with 2 stop lamps, every~~ automobile originally manufactured commencing with the 1950 models, every light truck or motor home originally manufactured commencing with the 1955 models, and every homemade or reconstructed vehicle registered on or after

January 1, 1975, shall be equipped with at least 2 stop lamps. All other motor vehicles shall be equipped with at least one stop lamp.

SECTION 17. Trans 305.15(5) is renumbered 305.15(5)(a) and amended to read:

Trans 305.15(5)(a) The high-mounted stop lamp of every motor vehicle originally manufactured with a high-mounted stop lamp shall be maintained in proper working condition and shall may not be covered or obscured by any object or material. ~~Camper tops and other similar coverings may be placed over the cargo area of a light truck provided that if a high-mounted stop lamp is installed on or in the cab of the truck, a comparable high-mounted stop lamp shall be installed on the rear of the truck and maintained in proper working condition. This subsection paragraph does not apply to the temporary covering or obscuring of a high mounted stop lamp by property carried on or in the motor vehicle or in a trailer towed by the motor vehicle.~~

SECTION 18. Trans 305.15(5)(b) is created to read:

Trans 305.15(5)(b) Camper tops and other similar coverings may be placed over the cargo area of a light truck provided that if a high-mounted stop lamp is installed on or in the cab of the truck, a comparable high-mounted stop lamp shall be installed on the rear of the truck and maintained in proper working condition. This paragraph does not apply if a camper top or other similar covering placed over the cargo bed of a light truck causes the vehicle to be 80 or more inches in width.

SECTION 19. Trans 305.16(1) is amended to read:

Trans 305.16 TAIL LAMPS. (1) ~~Every motor vehicle originally manufactured with 2 tail lamps, every~~ automobile originally manufactured commencing with the 1950 models, every light truck or motor home originally manufactured commencing with the 1955 models, and every homemade or reconstructed vehicle registered on or after

January 1, 1975, shall be equipped with 2 tail lamps. All other motor vehicles shall be equipped with at least one tail lamp.

SECTION 20. Trans 305.18(1)(a) is amended to read:

Trans 305.18 BUMPERS. (1)(a) Every ~~motor vehicle originally manufactured with bumpers, and every~~ motor vehicle manufactured after September 1, 1972, and required by federal law to be equipped with bumpers or crash resistance protection, or both, shall be equipped with bumpers which shall be maintained in good condition and in conformity with this section. Replacement equipment shall be the same type as originally required or of equivalent size, strength and surface area. The bumpers may be mounted externally on the vehicle or installed within the front and rear extremes of the vehicle.

SECTION 21. Trans 305.19(1) and (2)(b) are amended to read:

Trans 305.19 DOORS, HOODS, LOCKS AND LATCHES. (1) ~~All locks, latches and hinges on every~~ Every door, hood and trunk lid of a motor vehicle shall be maintained in proper working condition. ~~Each door, hood and trunk lid shall be equipped with sufficient hinges and latches so it can be~~ opened and securely closed.

(2)(b) The hood or engine of a vehicle shall have no protrusions that will restrict the driver's view ~~over the fender and front line of the vehicle~~ by extending more than 3 inches ~~while seated in the driver's position~~ above a line that extends from the center of the hood at the base of the windshield, forward and parallel with the highway.

SECTION 22. Trans 305.20(6) and (8) are amended to read:

Trans 305.20(6) The exhaust system shall may not be modified so as to pass through the passenger compartment.

(8) All air pollution control equipment required under sub. (7) shall be maintained in proper working condition and in conformity with s. 144.42(6) 285.30(6), Stats., and ch. Trans 131.

SECTION 23. Trans 305.23(4) is amended to read:

Trans 305.23(4) The vehicle may not be noticeably out of wheel alignment due to inadequate or improper repair or modification of the frame.

SECTION 24. Trans 305.24(5) is repealed.

SECTION 25. Trans 305.24(6) is renumbered Trans 305.24(5) and amended to read:

Trans 305.24(5) Replacement, auxiliary and alternate fuel tanks may be installed by the owner of the vehicle or by a person in the business of fuel system installation. All fuel tanks shall meet or exceed industry standards for commercially manufactured fuel tanks which are certified for use in the type of vehicle in which the fuel tank is installed and for use with the type of fuel the tank is intended to contain. All installations shall be in accordance with commercially acceptable practices.

SECTION 26. Trans 305.27(3) is renumbered Trans 305.27(3)(a) and amended to read:

Trans 305.27(3)(a) The Except as provided in par. (b), the restraining devices, including air bags, of every motor vehicle shall be maintained in proper working condition and in conformity with this section and s. 347.48, Stats. All required and optional restraining devices, including air bags, shall remain installed or be replaced by like equipment.

SECTION 27. Trans 305.27(3)(b) is created to read:

Trans 305.27(3)(b) Front passenger side and driver side airbags may be deactivated by use of a manual cutoff switch installed in accordance with federal law or by any other means expressly permitted by federal law or when deactivation has been approved in writing by the United States department of transportation. Front passenger side airbags may be deactivated through use of a rear-facing child restraint system which automatically deactivates the airbag for the period of time in which the child seat is placed in the front passenger seat.

NOTE: For regulations relating to deactivation of front passenger side or driver side airbags, see 49 CFR Part 571.208 and 49 CFR Part 595.

SECTION 28. Trans 305.29(2), (6) and (7)(b) are amended to read:

Trans 305.29(2) The steering linkage shall may not be worn, jammed or bind, nor shall the steering system have excessive lash. Lash of more than 1/8 of one complete turn of the steering wheel is excessive.

(6) All springs, shackles and cross stabilization linkage, including torsion bars, shall be in proper adjustment and shall may not be loose, disconnected or broken.

(7)(b) All shock absorbing devices shall be in proper and effective working condition, free of leaks, and securely attached to the unit mountings. The mountings and housings shall may not be loose or weakened. Shock absorbing devices are ineffective when the vehicle continues a free rocking motion for more than 2 cycles. The inspection procedure for shock absorbing devices is as follows: With the vehicle on a level surface, push down on one corner of the vehicle and release. Note the number of cycles of free rocking motion. Repeat the procedure at the other corners of the vehicle.

SECTION 29. Trans 305.30(2) and (3) are amended to read:

Trans 305.30(2) Every tire shall have ~~no less than~~ at least 2/32 inch tread depth in all every major tire ~~grooves~~ groove measured at 2 points no less than 15 inches apart.

(3) The tires on any vehicle required to have fenders shall ~~shall~~ may not protrude more than 2 inches beyond the fender line at the highest point of the tire. The measurement shall be from the original fender line of the vehicle as equipped by the original manufacturer.

SECTION 30. Trans 305.31(4) is amended to read:

Trans 305.31(4) No person may operate any vehicle which has a fixed part of the vehicle located in a position that would contact the road surface before the wheel rim in the event of tire failure.

SECTION 31. Trans 305.32(3) is amended to read:

Trans 305.32(3) The vent, side and ~~front-side~~ rear windows may not have cloudiness or etching in excess of 2 inches from any edge. ~~The rear window may not have cloudiness or etching in excess of 2 inches from any edge unless the vehicle is equipped with an outside rearview mirror on the left and right side of the driver's compartment.~~

SECTION 32. Trans 305.33(1) is amended to read:

Trans 305.33 WINDSHIELD DEFROSTER-DEFOGGER. (1) Every motor vehicle ~~originally equipped with a windshield defroster-defogger and every motor vehicle~~ manufactured after January 1, 1955, shall be equipped with a defroster-defogger system. Any motor vehicle lawfully manufactured and operated without a roof, doors or side windows is exempt from the requirements of this section.

SECTION 33. Trans 305.35(1) is amended to read:

Trans 305.35 WINDSHIELD WIPERS. (1) ~~All motor vehicles originally equipped with 2 wiper arms and 2 wiper blades, one set on the driver's side and one set on the passenger side, shall have both in place. Every motor vehicle manufactured after January 1, 1950, and every homemade or reconstructed vehicle registered after January 1, 1975,~~ shall have a system of windshield wipers capable of clearing the windshield critical area.

SECTION 34. Trans 305 subch. IV (title) is amended to read:

SUBCHAPTER IV

HEAVY TRUCKS, TRAILERS AND SEMI-TRAILERS SEMITRAILERS

SECTION 35. Trans 305.485(2)(a) is amended to read:

Trans 305.485(2)(a) Trans ~~305.07~~ 305.075, auxiliary lamps.

SECTION 36. Trans 305.485(2)(b) to (e) are renumbered Trans 305.485(2)(f), (g), (i) and (j), respectively.

SECTION 37. Trans 305.485(2)(b) to (e) and (h) are created to read:

Trans 305.485(2)(b) Trans 305.11, headlamps.

(c) Trans 305.19(1), doors, hoods, locks and latches.

(d) Trans 305.20(3), exhaust shields.

(e) Trans 305.24, fuel systems.

(h) Trans 305.33, defroster and defogger.

SECTION 38. Trans 305.49(2) is amended to read:

Trans 305.49(2) This section applies to vehicles ~~first registered in this state or manufactured on or after [Revisor: insert effective date of this chapter]~~ manufactured commencing with the 1998 model year.

SECTION 39. Trans 305.50 is amended to read:

Trans 305.50 BED AND BODY ON TRAILERS AND SEMITRAILERS. The bed or body of a trailer or semitrailer shall may not contain holes, cracks or other openings which would allow the vehicle contents to drop, leak or spill upon the highway.

SECTION 40. Trans 305.51(title) and (1) to (3)(intro.) are amended to read:

TRANS 305.51 (title) BRAKES ON HEAVY TRUCKS, TRAILERS AND SEMITRAILERS. (1) The brake system on every heavy truck, trailer or ~~semi-trailer~~ semitrailer required by s. 347.35(3), Stats., to have brakes shall be maintained in proper working condition and in conformity with this section.

(2) Every ~~semi-trailer and~~ heavy truck, semitrailer or trailer over 10,000 pounds gross weight and required to have brakes shall have braking ability on every wheel, except as exempted by s. Trans 327.03(4) or other applicable law.

(3) No person may operate any heavy truck, trailer or ~~semi-trailer~~ semitrailer upon a highway if:

SECTION 41. Trans 305.52(3) is amended to read:

Trans 305.52(3) When used as part of a fifth wheel assembly on a truck tractor, the king pin shall fit snugly into the upper and lower halves, but shall may not bind.

SECTION 42. Trans 305.57 is amended to read:

Trans 305.57 (title) SUSPENSION SYSTEM ON HEAVY TRUCKS, TRAILERS AND SEMITRAILERS. (1) All parts of the suspension system of a heavy truck, trailer or semitrailer, including the springs, shackles, shock absorbers and cross stabilization linkage, including torsion bars, air lines, air valves, air bags and all attachment parts, shall be in proper adjustment.


(2) No heavy truck, trailer or semitrailer may have any loose, disconnected, leaking or broken suspension parts.

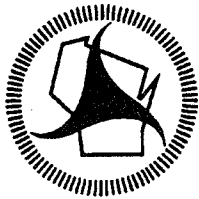
(3) The suspension system of a heavy truck, trailer or semitrailer may not cause the vehicle to track noticeably out of alignment with the towing unit.

(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 5 day of September, 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

September 8, 1997

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

RE: **CLEARINGHOUSE RULE 97-64**

In the Matter of the Adoption of **TRANS 305**, Wisconsin Administrative Code,
relating to **standards for vehicle equipment**.

Dear *Gary* Poulson:

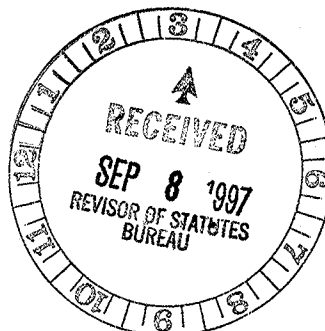
Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 97-64**, an administrative rule relating to the above-mentioned matter.

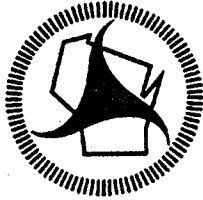
Sincerely,

Julie A. Johnson
Julie A. Johnson
Paralegal

Enclosures

cc: Gene Kussart
Mike Goetzman
Jim McDonnell
Bill Singletary
Michael Moore
Terry Bengtson





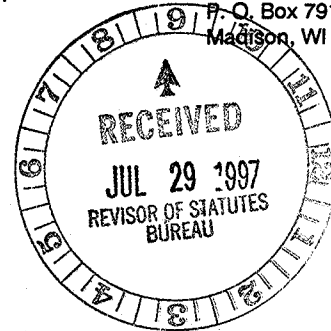
Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

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

July 25, 1997



The Honorable Senator Kimberly Plache
Chairman, Senate Transportation Committee
Room 305
100 North Hamilton
Madison, Wisconsin 53707

The Honorable Representative David Brandemuehl
Chairman, Assembly Committee on Highways & Transportation
Room 317 North, State Capitol
Madison, Wisconsin 53702

**RE: Proposed Administrative Rule
Chapter Trans 305, Wisconsin Administrative Code
Clearinghouse Rule No. 97-64**

Gentlemen:

The Wisconsin Department of Transportation is submitting the following germane amendment to Clearinghouse Rule 97-64, relating to standards for vehicle equipment:

On page 9, the amendment to s. Trans 305.20(8) [section 22] should read:

(8) All air pollution control equipment required under sub. (7) shall be maintained in proper working condition and in conformity with s. ~~144.42(6)~~ 285.30(6), Stats., and ch. Trans 131.

1993 Wis. Act 288 renumbered s. 144.42, Stats., to be s. 285.30, Stats.

Accordingly, pursuant to §227.19(4)(b)3, Stats., the Department proposes the germane modification to this proposed rule as shown on the attached redlined version. The preparation feature used shows the changes made by shading the new language and deleting the old language. Please replace page 9 originally submitted with the attached replacement page.

This germane amendment will not extend the committees' review period.

Thank you for your consideration of this proposal.

Sincerely,

Julie A. Johnson
Paralegal

cc: Senator Richard Grobschmidt/Representative Glenn Grothman/Gary Poulson/Bill Singletary/
Michael Moore/Terry Bengtson

maintained in proper working condition. ~~Each door, hood and trunk lid shall be equipped with sufficient hinges and latches so it can be opened and securely closed.~~

(2)(b) The hood or engine of a vehicle shall have no protrusions that will restrict the driver's view ~~over the fender and front line of the vehicle by extending more than 3 inches while seated in the driver's position~~ above a line that extends from the center of the hood at the base of the windshield, forward and parallel with the highway.

SECTION 22. Trans 305.20(6) and (8) are amended to read:

Trans 305.20(6) The exhaust system shall may not be modified so as to pass through the passenger compartment.

(8) All air pollution control equipment required under sub. (7) shall be maintained in proper working condition and in conformity with s. ~~144.42(6)~~ ~~285.30(6)~~, Stats., and ch. Trans 131.

SECTION 23. Trans 305.23(4) is amended to read:

Trans 305.23(4) The vehicle may not be noticeably out of wheel alignment due to inadequate or improper repair or modification of the frame.

SECTION 24. Trans 305.24(5) is repealed.

SECTION 25. Trans 305.24(6) is renumbered Trans 305.24(5) and amended to read:

Trans 305.24(5) Replacement, auxiliary and alternate fuel tanks may be installed by the owner of the vehicle or by a person in the business of fuel system installation. All fuel tanks shall meet or exceed industry standards for commercially manufactured fuel tanks which are certified for use in the type of vehicle in which the fuel tank is installed and for use with the type of fuel the tank is intended to contain. All installations shall be in accordance with commercially acceptable practices.



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

OFFICE OF THE SECRETARY
P. O. Box 7910
Madison, WI 53707-7910

The Honorable Senator Kimberly Plache
Chairman, Senate Transportation Committee
Room 305
100 North Hamilton
Madison, Wisconsin 53707

August 19, 1997

The Honorable Representative David Brandemuehl
Chairman, Assembly Committee on Highways & Transportation
Room 317 North, State Capitol
Madison, Wisconsin 53702

**RE: Proposed Administrative Rule
Chapter Trans 305, Wisconsin Administrative Code
Clearinghouse Rule No. 97-64**

Gentlemen:

The Wisconsin Department of Transportation is submitting its **second** germane amendment to Clearinghouse Rule 97-64, relating to standards for vehicle equipment. The amendment is as follows:

On page 11, the amendment to s. Trans 305.30(2) [section 29] should read:

(2) Every tire shall have ~~no less than~~ at least 2/32 inch tread depth in all every major tire ~~grooves~~ groove measured at 2 points no less than 15 inches apart.

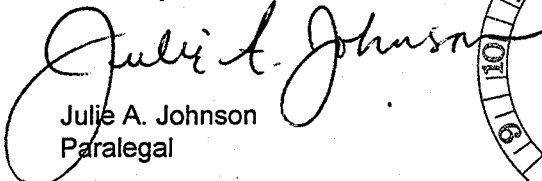
This amendment is intended to clarify that each major tire groove must have the required minimum depth. The original amendment may have given the impression that if one major tire groove had the required depth, the tire was legal.

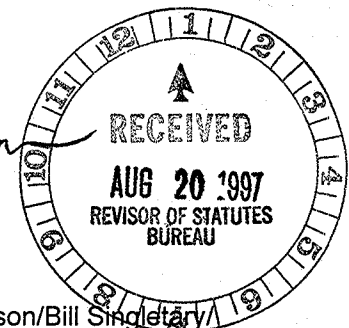
Accordingly, pursuant to §227.19(4)(b)3, Stats., the Department proposes the germane modification to this proposed rule as shown on the attached redlined version. The preparation feature used shows the changes made by shading the new language and deleting the old language. Please replace page 11 originally submitted with the attached replacement page.

This germane amendment will extend each of the committees' review period by an additional 10 working days, expiring on September 4, 1997. This expiration date has taken into consideration the Labor Day weekend.

Thank you for your consideration of this proposal.

Sincerely,


Julie A. Johnson
Paralegal



cc: Senator Richard Grob Schmidt/Representative Glenn Grothman/Gary Poulson/Bill Singletary/
Michael Moore/Terry Bengtson

(7)(b) All shock absorbing devices shall be in proper and effective working condition, free of leaks, and securely attached to the unit mountings. The mountings and housings shall may not be loose or weakened. Shock absorbing devices are ineffective when the vehicle continues a free rocking motion for more than 2 cycles. The inspection procedure for shock absorbing devices is as follows: With the vehicle on a level surface, push down on one corner of the vehicle and release. Note the number of cycles of free rocking motion. Repeat the procedure at the other corners of the vehicle.

SECTION 29. Trans 305.30(2) and (3) are amended to read:

Trans 305.30(2) Every tire shall have ~~no less than~~ at least 2/32 inch tread depth in all every major tire ~~grooves~~ groove measured at 2 points no less than 15 inches apart.

(3) The tires on any vehicle required to have fenders shall may not protrude more than 2 inches beyond the fender line at the highest point of the tire. The measurement shall be from the original fender line of the vehicle as equipped by the original manufacturer.

SECTION 30. Trans 305.31(4) is amended to read:

Trans 305.31(4) No person may operate any vehicle which has a fixed part of the vehicle located in a position that would contact the road surface before the wheel rim in the event of tire failure.

SECTION 31. Trans 305.32(3) is amended to read:

Trans 305.32(3) The vent, side and ~~front side~~ rear windows may not have cloudiness or etching in excess of 2 inches from any edge. ~~The rear window may not have cloudiness or etching in excess of 2 inches from any edge unless the vehicle is equipped with an outside rearview mirror on the left and right side of the driver's compartment.~~