

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: SPS 210

Relating to: Transportation Network Companies

Rule Type: Permanent and Emergency

1. Finding/nature of emergency (Emergency Rule only):

Not applicable per Section 6 of 2015 Wisconsin Act 16

2. Detailed description of the objective of the proposed rule:

The purpose of the proposed rule is to implement the statutory changes enacted under 2015 Wisconsin Act 16.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Pursuant to the enactment of 2015 Wisconsin Act 16, the Department of Safety and Professional Services is authorized to execute and enforce a statewide uniform licensure program for transportation network companies. Currently, the Wisconsin Administrative Code does not address transportation network companies. The proposed rule will implement and delineate the requirements enacted under 2015 Wisconsin Act 16 for the regulation of transportation network companies.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency's rule-making authority, stating an agency, "may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation."

Section 227.11 (2) (b), Stats., sets forth the parameters of an agency's rule-making authority, stating an agency, "may prescribe forms and procedures in connection with any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute, but this paragraph does not authorize the imposition of a substantive requirement in connection with a form or procedure."

Section 440.415 (1) (a), Stats., requires transportation network company applicants to submit an initial application that includes, “any other information required by the department by rule.”

Section 440.415 (2) (a), Stats., requires licensed transportation network company to submit a renewal application that includes, “any other information required by the department by rule.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

200 hours

6. List with description of all entities that may be affected by the proposed rule :

Transportation network companies

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

To comply with the assurances under 49 USC 47107 a city, village, town or county may impose fees or charges under s. 114.14 (1) for the use of an airport by participating drivers engaged in transportation network services.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will not impose an impact on Wisconsin’s economy that is not already imposed by the enactment of 2015 Wisconsin Act 16.

The proposed rule will have minimal to no economic impact on small businesses and the state’s economy as a whole.

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