

# Clearinghouse Rule 97-034

## CERTIFICATE

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

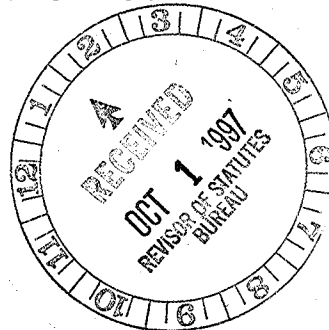
I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **motor carriers**, was duly approved and adopted by this Department on September 30, 1997.

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 30 day of **September**, 1997.

*Charles H. Thompson*  
CHARLES H. THOMPSON  
Secretary



12-1-97

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The Wisconsin Department of Transportation adopts an order to create ch. TRANS 177, relating to motor carriers.

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**ORDER ADOPTING RULE****Analysis Prepared by the Wisconsin Department of Transportation****STATUTORY AUTHORITY:** s. 85.06, Stats.**STATUTES INTERPRETED:** ch. 194, Stats.

**General Summary of Rule.** 1993 Wisconsin Act 16 dissolved the Office of the Commissioner of Transportation and transferred responsibility for granting motor carriers the authority to operate in Wisconsin to the Department of Transportation within Chapter 194, Stats. This rule will replace ch. OCT 2, Wisconsin Administrative Code.

This rule contains changes to update language, make correct references reflecting changes due to 1993 Wisconsin Act 16 and reflect Department procedures.

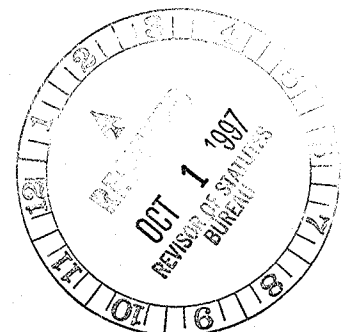
The rule also requires that all carriers providing transportation shall register with the single-state registration system consistent with s. 194.405, Stats., and the standards in 49 USC s. 14504.

**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.

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

**Copies of Rule.** Copies of this rule may be obtained upon request, without cost, by writing to Rick Soletski, Department of Transportation, Division of Motor Vehicles, Room 253, P. O. Box 7909, Madison, WI 53707-7909, or by calling (608) 267-7216. Hearing-impaired individuals may contact the Department using TDD (608) 266-0396. Alternate formats of the rule will be provided to individuals at their request.

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## TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 85.16, Stats., the department of transportation hereby adopts an order to create a rule interpreting ch. 194, Stats., relating to motor carriers.

**SECTION 1.** Chapter Trans 177 is created to read:

### **CHAPTER TRANS 177**

#### **MOTOR CARRIERS**

**Trans 177.01 PURPOSE AND SCOPE.** (1) **PURPOSE.** The chapter establishes standards and procedures for regulating carriers in this state pursuant to ch. 194, Stats.

(2) **SCOPE.** This chapter applies to every person who operates as a carrier in this state.

**Trans 177.02 DEFINITIONS.** The words and phrases defined in s. 194.01, Stats., have the same meaning in this chapter unless a different definition is specifically provided. In this chapter, "carrier" means common motor carrier or contract motor carrier.

**Trans 177.03 APPLICATIONS FOR MOTOR CARRIER AUTHORITY.** (1) An application for carrier authority shall include the following:

(a) The legal or individual name or names of the applicant as shown on the certificate of insurance required by ch. Trans 176 to be filed with the department, the applicant's social security number or federal employer identification number, and U.S. department of transportation number for carriers required by federal law to obtain such numbers.

(b) The applicant's principal place of business.

(c) The appropriate fee as set forth in s. 194.04, Stats.

**NOTE:** Applications for motor carrier authority may be obtained from the Department of Transportation, 4802 Sheboygan Avenue, P.O. Box 7967, Madison, WI 53707-7967, or by calling (608) 266-1356.

(2) All information contained in the application shall be verified by the applicant or the applicant's legal representative.

(3) The department shall verify that the insurance requirements of ss. 194.41 and 194.42, Stats., are met.

(4) The department shall notify the applicant if an application received by the department is incomplete in some manner.

**Trans 177.04 CHANGE OF ADDRESS.** A person authorized as a carrier under ch. 194, Stats., shall notify the department in writing or by telephone of a change in the person's principal place of business within 30 days of the change.

**Trans 177.05 CORPORATE NAME CHANGE.** If the name of a corporation that is authorized as a carrier under ch. 194, Stats., is changed, the corporation shall file the articles of amendment or restated articles of incorporation with the department. Upon receipt of the documents required in this section, the department shall issue an amended certificate or license of authority in the new corporate name. No fee may be charged for issuance of an amended certificate or license of authority under this section.

**Trans 177.06 TRANSFER OF CERTIFICATE OR LICENSE.** When the holder of a certificate dies, the certificate holder's personal representative, heirs or surviving spouse shall notify the department. If that person desires to operate under that

certificate, that person may request permission from the department to operate for a reasonable period not to exceed 2 years. That person shall provide a copy of the death certificate and documentation supporting his or her relationship with the decedent. The department shall determine when the period shall end and shall notify the personal representative, heirs or surviving spouse of its decision. No additional fees may be charged by the department for this permission.

**Trans 177.07 LEASE OF MOTOR VEHICLES.** (1) No carrier authorized under ch. 194, Stats., may operate a leased power unit on the highways of Wisconsin without complying with the provisions of subs. (2) through (4), except for power units owned by a lending institution and operated under a contract between the owner and the operating carrier for purchase of the vehicle.

(2) The lease shall be in writing and shall include all of the following:

(a) Name of the lessor and individual or legal name of the lessee.

(b) Year, make and vehicle identification number of the motor vehicle as shown on the registration card issued for the vehicle.

(c) The date of the lease.

(d) The period of the lease.

(e) Any restrictions, including limitations as to area, cargo and operators.

(f) A statement that the lessee is fully responsible to the public, the shippers and the regulatory agencies having jurisdiction during the period of the lease.

(3) A copy of the lease shall be carried in the power unit specified therein during the entire period of the lease or agreement and the lease or agreement shall be made available for inspection immediately upon the request of any law enforcement officer.

(4) For the purpose of this section only, a carrier who subleases power units it has on lease shall be considered the owner of the leased equipment for the purpose of subleasing that equipment.

**Trans 177.08 AUTHORITY CANCELLATION.** A carrier authorized under ch. 194, Stats., who wishes to have its motor carrier authority cancelled shall notify the department in writing specifically requesting that the authority be cancelled. The request shall be signed by the carrier, its authorized agent or, in the case of a partnership, a general partner. Upon receipt of a request that complies with this section to cancel an authority, the authority shall be cancelled effective immediately.

**Trans 177.09 REVOCATION OR SUSPENSION OF AUTHORITIES AND PERMITS.** (1) The department, pursuant to s. 194.46, Stats., may revoke or suspend an authority or permit issued under ch. 194, Stats., if the department determines that any of the following exist:

(a) The carrier does not have on file with the department proof of continuous bond or insurance coverage in the amounts specified in s. 194.41, Stats., or ch. Trans 176 or has not maintained a continuous exemption from insurance undertaking granted by the department as provided for in s. 194.42, Stats.

(b) The carrier is unfit to carry on operations by reason of noncompliance with department motor carrier safety regulations.

(c) The carrier is unfit to carry on operations by reason of its reliability and service records.

(d) The carrier has failed to pay any fees or taxes due the department.

(2) For purposes of sub. (1)(b) and (c), a pattern of safety violations or a pattern of unreliable or inadequate service shall be sufficient to warrant suspension or revocation of an authority or permit.

(3) Any authority suspended under this section shall be reinstated upon expiration of the suspension period. In the case of a permit suspended under this section, the permit shall be reinstated upon expiration of the suspension period except in the case where the permit itself has expired. A carrier whose authority has been revoked under this section may apply for a new authority in the manner provided for in s. Trans 177.04 one year from the date of revocation.

(4) A carrier may appeal the department's adverse determination relating to the carrier's application or authority within 20 days of the determination to the division of hearings and appeals.

**Trans 177.10 SINGLE-STATE INSURANCE REGISTRATION SYSTEM.** (1) All interstate carriers providing transportation shall register using the single-state registration system.

(2) Registration with another state's single-state registration system consistent with the standards in 49 USC s. 14504 shall satisfy the single-state registration requirements of this state.

(3) An interstate carrier exempt from federal regulation as an interstate carrier shall register with this state's single-state registration system.

(4) A carrier shall carry a single-state registration receipt in each of its commercial motor vehicles.


(5) Persons who own or operate commercial motor vehicles that are not in compliance with this section may be subject to the penalties imposed under s. 194.17, Stats.

(END OF RULE TEXT)

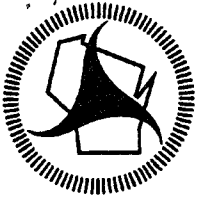
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**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 30 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

October 1, 1997

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

**RE: CLEARINGHOUSE RULE 97-34**

In the Matter of the Adoption of **TRANS 177**, Wisconsin Administrative Code,  
relating to **motor carriers**.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 97-34**, 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: Gene Kussart  
Mike Goetzman  
Director/OPB  
Roger Cross  
Tom Cantwell  
Rick Soletski  
Carson Frazier

