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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Transportation, Tourism,  
Forestry, and Natural Resources (SC-TTFNR)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                      (**sr** = Senate Resolution)                      (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

## Senate

### Record of Committee Proceedings

#### **Committee on Transportation, Tourism, Forestry, and Natural Resources**

##### **Senate Bill 438**

Relating to: the operation of minitrucks on highways and providing a penalty.

By Senators Leibham and Grothman; cosponsored by Representatives Suder, Gunderson and Zigmunt.

December 23, 2009 Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

January 20, 2010 **PUBLIC HEARING HELD**

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (0) None.

##### Appearances For

- Joe Leibham — 9th Senate District
- Daniel Dumas, Saukville

##### Appearances Against

- Paul Nilsen — WI DOT

##### Appearances for Information Only

- None.

##### Registrations For

- None.

##### Registrations Against

- None.

##### Registrations for Information Only

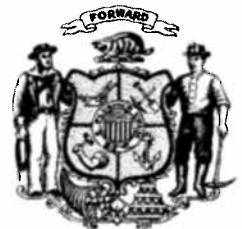
- None.

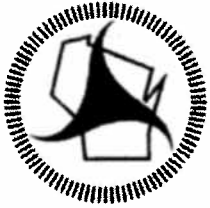
April 22, 2010 Failed to pass pursuant to Senate Joint Resolution 1.

Elizabeth Novak  
Committee Clerk



# WISCONSIN STATE LEGISLATURE





## Wisconsin Department of Transportation

www.dot.wisconsin.gov

File w/bill jacket...

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January 22, 2010

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Senate Committee on Transportation, Tourism, Forestry, and Natural Resources  
Senator Jim Holperin, Chair  
Room 409 South  
State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

Re: 2009 Senate Bill 438, relating to: the operation of minitrucks on highways

Dear Chairperson Holperin,

The Department of Transportation OPPOSES 2009 Senate Bill 438. Minitrucks are not legal for sale as on-road vehicles in this country and are imported and sold as off-road vehicles. Minitrucks are right-hand drive vehicles and have a 40% higher crash rate than left-hand drive vehicles in right-lane driving countries like ours.

This bill proposes to allow 'mini-trucks' or "Kei" Class trucks on roads in this state. Kei class trucks are not legal for manufacture, sale, or distribution in this country as new motor vehicles because they do not meet US on-road safety standards. The National Highway Traffic Safety Administration ("NHTSA") is the agency in US DOT that prescribes and administers vehicle safety standards. In July 2009, in an advisory legal opinion, NHTSA wrote "Because these vehicles are not manufactured to meet U.S. safety standards, NHTSA cannot endorse their use on public highways."

Mini trucks are made for use in other countries, and are especially popular in Japan, China and Korea. In Japan, vehicle registration fees rise as the vehicle ages, in order to keep a new, increasingly fuel-efficient fleet. Within 10 or 15 years, as registration fees rise, it becomes cheaper to replace the vehicle with a new one. The discarded vehicles are then exported to countries like ours, or Canada where import laws are looser.

Federal law requires imported motor vehicles to meet US on-road standards until it is 25 years old. Because mini-trucks do not meet US on-road standards and are less than 25 years old when they hit the used market, the importers have to declare them as agricultural machinery or as parts, because on-road vehicle standards do not apply to those. Once the 'agricultural machinery' or 'parts' clear the dock, they drive to a DMV for plates. In effect, this bill will condone importation fraud, by registering for on-road use a vehicle that does not meet US on-road standards, and that evaded those standards by falsely claiming the vehicle was intended for something other than on-road use. If you look at websites offering mini-trucks for sale, including Badgerland Mini Trucks here in Wisconsin, you will see they take pains to say clearly that they are "limited to off-road use" or are "for off-highway use only", in order to avoid trouble with the federal government.

Sen. Holperin  
2009 SB 438, minitrucks  
January 22, 2010

Many mini-trucks are right hand drive, since many Asian countries drive on the left side of the road. A long-term study by British Columbia determined that right-hand drive vehicles had a greater than 40% increased risk of crashing over that of similar LHD vehicles, due mainly to reduced visibility caused by driver position, especially while passing and turning left at intersections. This increased risk of crashing is even more significant given the absence of on-road safety equipment. (The study is available through ICBC's website at <http://www.icbc.com/>.)

Mini trucks are not widely used in other states. In a survey of states last fall, only 10 states allow the use of mini-trucks on roads. Of those 10, 9 limited use in various ways including prohibiting from Interstate highways, on state roads or on roads with speed limits over 35 mph. Only Alabama allowed unrestricted use.

Mini trucks are imported for off-highway use, and sold for off-highways use. It is not unfair to limit them to off-highway use. They do not meet US on-road standards and pose a threat to their operators. They also pose an unnecessary cost and inconvenience to the public whenever an on-road accident occurs, due to response costs, road closures and traffic delays.

Please vote no, and keep these off-road vehicles off our roads.

Very truly yours,

/s/

Paul E. Nilsen  
Assistant General Counsel

cc: Sen. Leibham

Encl. "The Safety of Right-Hand-Drive Vehicles in British Columbia", Peter Cooper, Wayne Meckle, et al, May 7, 2007  
<http://www.badgerlandminitrucks.com/>  
<http://isearch.nhtsa.gov/files/09-001270as.htm>