

CR 89-149

CERTIFICATE

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, RONALD R. FIEDLER, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **establishing safety requirements for motor bus equipment and operation, and providing for annual motor bus safety inspections**, was duly approved and adopted by this Department on March 18, 1991.

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 18th day of March, 1991.

Ronald R. Fiedler

RONALD R. FIEDLER, P.E.
Secretary

RECEIVED

MAR 18 1991
4:35 pm
Revisor of Statutes
Bureau

6-1-91

IN THE MATTER OF the a rule to create Trans 330, Wisconsin Administrative Code, relating to establishing safety requirements for motor bus equipment and operation and providing for annual motor bus safety inspections.

ORDER ADOPTING RULE**RECEIVED**

MAR 18 1991

Analysis Prepared by the Wisconsin Department of TransportationRevisor of Statutes
Bureau

General Summary of Rule. This rule implements 1987 Wisconsin Act 235 by establishing safety requirements for motor bus equipment and operation and by providing for annual motor bus safety inspections. A motor bus may be inspected by the Department of Transportation (Department) at 6-month intervals at the request of the owner or lessee. The rule applies to all motor buses that are required to be registered in Wisconsin or for which Wisconsin issues the base registration or is the base jurisdiction.

The fee for inspection by the Department is \$30. A motor bus that fails to pass the inspection may be reinspected within 15 days without payment of an additional fee. Under certain self-inspection conditions, a motor bus operated by an urban mass transit system is not required to be inspected by the Department, but the Department must review the inspection report and may perform an independent inspection of the motor bus.

The rule also establishes qualifications for the inspectors who may perform motor bus inspections and requires the retention of certain maintenance records by the owner or lessee of a motor bus.

Many of the equipment and maintenance record requirements already apply to motor buses operated in either interstate or intrastate commerce under the provisions of chs. Trans 325 and 327, Wisconsin Administrative Code, which implement federal motor carrier regulations. Similar equipment, record keeping and annual inspection requirements currently apply to school buses under ch. Trans 300, Wisconsin Administrative Code.

Authority for Rule. The Department is authorized by s. 110.063, Stats., to promulgate a rule to promote the safe transportation of individuals in motor buses by addressing the design, construction, equipment, inspection and operation of motor buses. The Department is authorized by s. 110.064(1)(b), Stats., to promulgate a rule requiring that a motor bus operated on a special route for the purpose of transporting pupils to or from public or private schools satisfy safety standards that provide an equivalent level of safety as the safety standards for a school bus.

Fiscal Estimate. The Department estimates that motor vehicle inspectors will inspect 2,000 buses annually, excluding school buses. In order to accomplish this, 2.0 FTE motor vehicle inspectors will be reassigned to the motor bus inspection program. Estimated costs associated with these two inspectors are shown below:

Salary and Fringe Benefit Costs	\$56,200
Travel Costs	2,250
Materials and Supplies	<u>3,500</u>
TOTAL	\$61,950

In order to approximately recoup these costs, an inspection fee of \$30 per motor bus has been established. Assuming that 2,000 buses are inspected each year, \$60,000 will be collected annually and deposited in the transportation fund.

Section 110.063(3), Stats., establishes a forfeiture for failure to obtain a motor bus inspection of not less than \$50 nor more than \$200. On the basis of a similar penalty that is currently imposed for failure to obtain a required school bus inspection, it is assumed that the forfeiture imposed for failure to obtain a motor bus inspection will be \$100 for the first offense and \$200 for subsequent offenses. It is anticipated that few, if any, citations will be issued for failure to obtain an inspection.

Based upon school bus inspection program data, it is anticipated that about 5% of the total inspections (100) will indicate equipment deficiencies. Although citations will not be issued for equipment deficiencies noted under the annual inspection program, it is anticipated that on-the-spot roadside checks will show a similar number of equipment deficiencies and will result in annual forfeitures of \$8,140. This amount will be distributed as follows:

Counties	\$4,070
State General Fund	500
DPI Common School Fund	2,540
DOJ Enforcement Training	700
DPI Alcohol/Drug Programs	120
DH&SS Corrections Officer Training	120
Supreme Court Office Automation	<u>90</u>
Total	\$8,140

It is also possible that some motor bus owners or operators will be cited under s. 110.075(7), Stats., which provides a penalty for the illegal use or manufacture of inspection stickers. A total of 47 citations were issued in 1987 under that provision, and 32 citations were issued in 1988. However, none were issued to school bus operators, and seven were issued to truck operators. Therefore, it is assumed that no citations will be issued to motor bus owners or operators for the illegal use or manufacture of inspection stickers.

Forms. This rule will result in the revision of a current form: DSP - 4162, Human Service Vehicle Inspection Form. The new version will be DSP - 4162, Motor Bus and Human Service Vehicle Inspection Form. A draft of the revised form is included in the report in Part 4.

Contact Persons. Persons having questions about this rule may call Lyle Walheim, Division of State Patrol, Department of Transportation, P.O. Box 7912, Madison, Wisconsin 53707-7912, telephone (608)266-0305.

TEXT OF RULE

SECTION 1. Chapter Trans 330 is created to read:

CHAPTER TRANS 330

MOTOR BUS EQUIPMENT AND INSPECTION

Trans 330.01 PURPOSE AND SCOPE. (1) As authorized by ss. 110.063 and 110.064(1)(b), Stats., the purpose of this chapter is to establish the department's administrative interpretation of ss. 110.063 and 110.064, Stats., relating to promoting the safe transportation of individuals in motor buses by providing safety standards for motor bus design, construction, equipment and operation and providing for annual safety inspections of motor buses.

(2) This chapter applies to any motor bus that is required to be registered in this state or for which this state issues the base registration or is the base jurisdiction. Requirements under this chapter are in addition to requirements that affect a motor bus under chs. Trans 325 and 327.

Trans 330.02 DEFINITIONS. In this chapter, words and phrases have the same meanings set forth in s. 340.01, Stats. In addition, in this chapter:

(1) "Department" means the department of transportation.

(2) "Driver's compartment" means the area forward of the rearmost portion of the driver's seat across the entire width of the bus.

(3) "Secretary" means the secretary of the department of transportation.

Trans 330.03 FEDERAL REGULATIONS ADOPTED. The federal regulations in title 49, Code of Federal Regulations, part 393, parts and accessories necessary for safe operation, and part 571, motor vehicle safety standards, adopted by the United States depart-

ment of transportation and in effect on October 1, 1990, that are specified in this chapter shall be enforced in relation to a motor bus under this chapter as though the regulations were set out in full in this chapter.

Trans 330.04 MAINTENANCE AND MAINTENANCE RECORDS. (1) The owner or lessee of a motor bus shall systematically inspect, repair and maintain any motor bus subject to his or her control so that the parts and accessories of the motor bus are in safe and proper operating condition at all times. Any pushout windows, emergency doors and emergency door marking lights shall be inspected at least every 90 days.

(2) The owner or lessee of a motor bus shall keep a maintenance record file for each motor bus. The maintenance record file shall be kept at the principal repair facility used for the motor bus. If the motor bus owner or lessee does not operate a repair facility, the maintenance record file shall be kept current at another location accessible for inspection. The maintenance record file shall be maintained for the operating life of the motor bus. The owner or lessee shall maintain the maintenance record file for 6 months after the motor bus leaves his or her control. The maintenance record file shall contain all the following:

(a) Identification of the motor bus, including make, model, vehicle identification number, and fleet number, if any.

(b) A record of repairs performed, including the date and nature of repair.

(c) A record of the lubrication and preventive maintenance performed, including date and nature of maintenance.

(d) A record of tests conducted on any pushout windows, emergency doors and emergency door marking lights.

(e) A copy of all records of inspection performed by the department or an urban mass transit system under s. Trans 330.21.

(3) All required records shall be open for inspection and presented to the secretary or his or her agent upon demand. The secretary may periodically authorize deletion or destruction of material contained in the maintenance record file.

(4) For a period of seven calendar days after the defect is repaired, the maintenance record file shall include all written reports of a defect reported under s. Trans 330.05(1) or of a defect discovered during operation.

Trans 330.05 DRIVER REQUIREMENTS. (1) Prior to the start of any trip, the driver shall check the condition of the bus, giving particular attention to brakes, tires, lights, emergency equipment, mirrors, windows and interior cleanliness of the bus. Defects shall be reported in writing to the person in charge of bus maintenance or the appropriate maintenance supervisor. The driver shall ensure that the windshield and mirrors are clean before each motor bus operation.

(2) The driver may not permit the transportation of any article within the body of the motor bus that would interfere with passengers or with the safe operation of the motor bus. The driver may not permit any article to obstruct the aisle, stepwell or steps. This subsection does not apply to a dog trained to lead blind or deaf persons or to provide support for mobility-impaired persons under s. 174.056(1), Stats.

Trans 330.06 OUT OF SERVICE. (1) If upon inspection under this chapter or pursuant to s. 110.075, Stats., the department finds that a motor bus is in such poor condition that it is unsafe for passenger transportation, the department shall attach an out-of-service sticker to the lower right corner of the windshield. The vehicle may not be used as a motor bus while the sticker is displayed.

(2) The department shall remove the out-of-service sticker only after reinspecting the motor bus and determining that the unsafe condition has been corrected.

(3) No person other than an agent of the department may remove, conceal or obstruct an out-of-service sticker unless the motor bus registration of the vehicle is cancelled and the vehicle is re-registered in a manner that prohibits its use as a motor bus.

Trans 330.07 CONVERTED SCHOOL BUS. If a motor bus originally manufactured or otherwise equipped as a school bus is converted to use as a motor bus as provided in s. 347.44(4), Stats., and s. Trans 300.19, instead of complying with the equipment standards under this chapter, that motor bus shall continue to comply with the equipment standards for a school bus under ch. Trans 300. The vehicle shall be inspected under this chapter for compliance with the equipment standards under ch. Trans 300.

Trans 330.10 EQUIPMENT REQUIREMENTS AND STANDARDS. A motor bus shall comply with the following equipment requirements and standards:

(1) AISLE WIDTH. The center aisle shall have a minimum clearance of 12 inches in width. The center aisle shall extend from the driver's compartment to the rear of the vehicle or to the seat of a bench seat installed across the rear width of the vehicle.

(2) BATTERY. The battery shall be securely installed to prevent dislocation in the event of an accident in the manner provided in 49 C.F.R. 393.30, except that the battery may not be installed in the passenger compartment.

(3) BRAKES. Brakes shall conform to the requirements under 49 C.F.R. 393.40 to 393.52 and applicable standards under 49 C.F.R. 571.105 and 571.121.

(4) BUMPERS. The front bumper shall have at least an 8-inch face and shall extend at least between the frame rails. The bumper shall be of sufficient strength and shall be posi-

tioned to permit pushing a vehicle of similar weight without permanent distortion to the bumper, chassis or body. The rear bumper shall be of sufficient strength and shall be positioned as specified in 49 C.F.R. 393.86 to permit the motor bus to be pushed without permanent distortion to either the bumper or body. Bumpers may not be missing, loosely attached or protruding beyond the confines of the vehicle so as to create a hazard.

(5) DEFROSTER. The defrosting system shall comply with the requirements under 49 C.F.R. 393.79.

(6) DRIVE SHAFT AND UNIVERSAL JOINTS. The drive shaft shall be protected as provided in 49 C.F.R. 393.89. The universal joints and center bearing may not be loose or worn.

(7) EMERGENCY EQUIPMENT. Emergency equipment, including fire extinguishers, shall conform to the requirements under 49 C.F.R. 393.95, except that the warning devices for a stopped motor bus may not include liquid-burning emergency flares.

(8) EMERGENCY EXITS. Emergency exits shall conform to the requirements under 49 C.F.R. 393.61, 393.62, 393.63 and 393.92 and the applicable standards under 49 C.F.R. 571.217.

(9) EXHAUST SYSTEM. In addition to the requirements under 49 C.F.R. 393.83, the exhaust system, including exhaust manifolds, joining gaskets, pipes from the muffler, tail pipe and pipes from the exhaust manifold, may not enter the passenger compartment at any location. The complete exhaust system shall be tightly connected and free of leaks.

(10) FENDERS. Each motor bus shall be equipped with fenders or shall have a body construction that provides protection from debris thrown by the vehicle's tires. All tire tread shall be within the fenders or protective body construction.

(11) FLOOR. The floor shall conform to the requirements under 49 C.F.R. 393.84.

(12) FRAME. The frame shall conform to the requirements under 49 C.F.R. 393.201. Frames may be modified only as specified by a manufacturer to ensure conformity with applicable federal motor vehicle safety standards.

(13) FUEL SYSTEM. In addition to the requirements under 49 C.F.R. 393.65, 393.67 and 393.69, the fuel tanks and fuel system shall be maintained free of leaks. The fuel tank shall be attached to the motor bus in a manner that prevents movement of the tank while the vehicle is in motion.

(14) HEATER. (a) In addition to the requirements under 49 C.F.R. 393.77, a heater shall be capable of maintaining an inside temperature throughout the motor bus of not less than 50° fahrenheit at average minimum January temperatures as established by the U.S. department of commerce weather bureau for the area in which the motor bus is operated.

(b) The heater hose shall be adequately supported to guard against excessive wear or abrasion and shall not interfere with or restrict the operation of any engine function. Heater lines inside the passenger compartment shall be shielded to prevent accidental contact by the driver or passengers.

(15) HORN. A motor bus shall be equipped with a horn in good working order and capable of emitting a sound audible under normal traffic conditions from a distance of not less than 200 feet.

(16) INSTRUMENTS AND GAUGES. Every motor bus originally equipped with any of the following instruments, warning devices or gauges shall be maintained with that equipment or a comparable replacement in good working condition:

(a) Air pressure or vacuum gauge, where air or vacuum brakes are used, with a low energy supply warning system.

(b) Electrical output gauge.

- (c) Fuel gauge.
- (d) Odometer or hubodometer.
- (e) Oil pressure gauge.
- (f) Speedometer.
- (g) Coolant temperature gauge.

(17) LIGHTS, LAMPS AND REFLECTORS. Lighting devices and reflectors shall conform to the requirement for color, position and type under 49 C.F.R 393.9 to 393.26.

(18) MIRRORS. (a) There shall be 2 outside rearview mirrors, one to the right and one to the left of the driver. Each mirror shall be firmly supported and adjustable to give the driver a clear view past both the right and left rear of the bus as provided under 49 C.F.R. 393.80 and 571.111.

(b) In addition to the mirrors under par. (a), there may be an adjustable convex mirror mounted on the left and right front sides of the motor bus to provide an additional close-in field of vision of the front of the bus and rearward. The convex mirror may be mounted separately or attached to the mirrors under par. (a) in a manner that does not reduce the driver's view. Mirrors may not be broken, cracked or discolored.

(19) OPENINGS. All openings in the floorboard or firewall between chassis and passenger compartment, such as for the gear shift lever and auxiliary brake lever, shall be sealed to prevent fumes or foreign material from entering the passenger compartment. The motor bus shall be free of rusted or deteriorated areas that could permit foreign substances to enter the interior of the vehicle.

(20) SEATING. (a) All seats shall be securely fastened to that part or parts of the body that support them. Any seat cushions shall be fastened so as to prevent them from

disengaging from the seat frames in event of an accident. Seat cushions and seat backs may not have any torn or worn-through covering material.

(b) A motor bus may not be equipped with aisle seats unless those seats are so designed and installed as to automatically fold when they are unoccupied and leave a clear aisle with a minimum clearance of 12 inches in width.

(21) FRONT SERVICE DOOR. (a) The front service door shall be under control of the driver and so designed as to prevent accidental opening or closing.

(b) The front service door shall be located on the right side of the bus and within the view of the driver.

(c) The front service door shall have a minimum horizontal opening of 24 inches and a minimum vertical opening of 68 inches.

(d) Any translucent panel in the front service door shall be of safety glass, plexiglass, polycarbonate or a similar material that provides an equivalent level of safety.

(22) REAR EXIT DOOR. A motor bus equipped with a separate exit door shall conform to the following:

(a) The exit door shall be located on the right side to the rear of the center of the passenger section.

(b) The exit door shall be a double or single folding-type door, or a 2-section push-type door. Each section of a double-folding door shall have a pliant edge at least 2 inches wide, and each single-folding door shall have a pliant edge at least 3 inches wide. Each section of a push-type door shall have a pliant edge of at least one-half inch wide.

(c) The exit door shall have a minimum horizontal open clearance of 24 inches at the center, 22 inches at the top and bottom, and a minimum vertical open clearance of 68 inches. The exit door may not open inwardly.

(d) The exit door shall have all the following:

1. The words "EXIT DOOR" conspicuously lettered on the interior of the door or immediately adjacent to the door, in letters at least 1½ inches high.

2. An interlocking device to prevent the bus from moving when the exit door is open.

(e) The pliant edges of a folding-type exit door shall be sensitized so as to actuate reverse action of the door. The pliant edges of a folding-type exit door shall be connected to a warning signal.

(f) Push-type exit doors need not be equipped with sensitized edges if the door control mechanism is designed to do all the following:

1. Delay release of the brake interlock until after the doors are completely closed.

2. Prevent the doors from being unlocked by the driver's door control while pressure is applied on the inside of the doors.

3. Lock the doors closed mechanically in case of electric power failure.

4. Illuminate a light above the door that indicates the door is unlocked and may be opened.

(g) The exit door may not be used when the motor bus is operated under contract as provided in s. 121.55(1)(a) or (d), Stats., to transport pupils to or from a public or private school or is otherwise operated on a special route for the purpose of transporting pupils to or from public or private schools, except in an emergency.

(23) STANDEE LINE OR BAR. A motor bus designed and constructed to allow standees shall conform to the marking and operation requirements under 49 C.F.R. 393.90.

(24) STEERING. The steering system shall conform to the requirements under 49 C.F.R. 393.209. The steering system shall be maintained in accordance with the manufacturer's specifications.

(25) STEPS. (a) The first step at the front service door may not be more than 16 inches from the ground.

(b) The riser of any step may not be more than 15 inches in height. If there are two or more risers, each shall be approximately equal in height.

(c) Except for a retractable step that is extended when passengers enter or leave the motor bus, a step may not protrude beyond the widest part of the body.

(d) Each step shall be covered with or constructed of nonskid material.

(e) All steps shall be enclosed to prevent the accumulation of ice or snow.

(f) Any stepwell light designed to illuminate the steps automatically upon opening the service door shall be operational during the hours of darkness.

(g) Each motor bus shall be equipped with a grab handle at least 10 inches in length, located inside the front service door entrance, for assistance when entering or leaving the vehicle.

(26) SUNSHIELD. Each motor bus shall have an interior sunshield not less than 6 by 16 inches in size installed above the windshield in front of the driver's seat.

(27) SUSPENSION SYSTEM. In addition to the requirements under 49 C.F.R. 393.207, all suspension parts, including mountings, shackles, U-bolts, airbags and all connecting air lines, shall be maintained in good working order.

(28) TIRES. In addition to the requirements for motor bus tires under 49 C.F.R. 393.75, a motor bus may not be operated with tires of a different size on the same axle.

(29) WHEELS. Wheels shall conform to requirements for wheel integrity under 49 C.F.R. 393.205.

(30) WINDOWS AND WINDSHIELDS. Windows and windshields shall conform to the applicable requirements under 49 C.F.R. 393.60, 393.61, 393.62, 393.63 and 571.217 and to the following:

(a) All windows that open shall operate freely. Any side window latches shall be capable of holding the window securely in place in all positions.

(b) All exposed edges shall be banded or ground to eliminate sharp or rough areas.

(c) If an emergency window is originally equipped with an automatically operated, audible signal to indicate to the driver that the window is unlatched when the ignition is in the "on" position, no cut-off may be installed in the audible signal circuit.

(31) WINDSHIELD WIPERS AND WASHERS. (a) In addition to the requirements for windshield wipers under 49 C.F.R. 393.78, the windshield wiper system shall have at least 2 speeds or a variable speed motor.

(b) If a motor bus is originally equipped with a windshield washer system that provides fluid for the windshield wipers to clean the windshield, the system shall be maintained in operational condition.

(32) WIRING. Wiring shall conform to the requirements under 49 C.F.R. 393.27 to 393.29, 393.31 and 393.33.

Trans 330.11 RETROFITTING, REPLACEMENT EQUIPMENT AND MODIFICATIONS. Except as provided under s. Trans 330.10(19)(a), a motor bus is not required to be retrofitted in order to comply with s. Trans 330.10 if the motor bus was manufactured and equipped in accordance with the applicable regulations under 49 C.F.R. 393 and 571 and is maintained according to the manufacturer's specifications. All replacement equipment and modifications of a motor bus shall meet the applicable requirements and standards under 49 C.F.R. 393 and 571 and this chapter.

Trans 330.14 FEDERAL MOTOR VEHICLE SAFETY STANDARDS. (1) This chapter is not intended to establish any safety standard for an item of equipment or for an element of design or construction that is not identical to the applicable federal motor vehicle safety standard under 49 C.F.R. 571.

NOTE: Under 15 U.S.C. 1392(d), states and their subdivisions are prohibited from establishing motor vehicle safety standards. Those standards are specified in 49 C.F.R. 571. That prohibition does not apply to the federal motor carrier safety regulations under 49 C.F.R. 390 to 399.

(2) Nothing in this chapter is intended to allow any person to knowingly render inoperative, in whole or in part, any device or element of design installed on or in a motor bus or any item of equipment required for compliance with an applicable federal motor vehicle standard.

NOTE: Under 49 U.S.C. 1397(a)(2)(A), such acts are prohibited.

Trans 330.20 INSPECTION BY DEPARTMENT. (1) Except as provided in s. Trans 330.21, at least annually, the owner, lessee or operator shall present at the time and place designated by the department each motor bus required to be inspected. The department may, at its option, inspect a motor bus at the owner's or lessee's place of business. The department shall issue a certificate of inspection decal for a motor bus that passes an annual inspection under this section.

(2) Upon request of the owner or lessee, the department shall inspect a motor bus at an interval of 6 months following the date of its annual inspection under sub. (1). The department shall provide the owner or lessee of a motor bus that passes an inspection under this subsection with a copy of the record of that inspection showing the date the inspection was performed.

Trans 330.21 URBAN MASS TRANSIT SYSTEM SELF INSPECTION. (1) A

motor bus operated by an urban mass transit system, as defined in s. 85.20(1)(L), Stats., is exempt from the requirement of annual inspection by the department if all of the following conditions are satisfied:

(a) The urban mass transit system inspects the motor bus at least annually for compliance with the equipment standards and requirements under s. Trans 330.10.

(b) The inspection is performed by a person who is qualified as provided in s. Trans 330.22.

(c) The inspection is performed as specified in the inspection form prescribed by the department.

(d) Upon completion of the inspection, the urban mass transit system submits a copy of the record of inspection of the motor bus to the department. The record of inspection shall be on the inspection form prescribed by the department.

(e) The urban mass transit system complies with all of the maintenance record requirements of s. Trans 330.04.

(f) The department reviews the records of inspection submitted by the urban mass transit system and determines that the motor bus inspected by the urban mass transit system is in compliance with this chapter.

(2) The department may audit the performance of an inspection conducted under this section by observation or by conducting an independent inspection of a motor bus operated by the urban mass transit system.

(3) The department may require an urban mass transit system that does not comply with this section to present any or all of its motor buses for inspection by the department.

(4) An urban mass transit system may elect to have its motor buses inspected by the department in lieu of inspecting them under this section.

Trans 330.22 QUALIFICATIONS FOR INSPECTORS. To qualify to perform the inspection under s. Trans 330.20 or 330.21, a person must meet all of the following requirements:

(1) Understand the inspection criteria for a motor bus under this chapter.

(2) Be knowledgeable about and have mastered the methods, procedures, tools and equipment used when performing an inspection.

(3) Be capable of performing an inspection by reason of experience or training or both as follows:

(a) Have successfully completed a state or federal-sponsored training program or have a certificate from a state or Canadian province which qualifies the person to perform commercial motor vehicle safety inspections.

(b) Have training or experience or both totaling at least one year consisting of any of the following:

1. Participation in a motor bus manufacturer-sponsored training program or similar commercial training program designed to train students in motor bus operation and maintenance.

2. Experience as a motor bus mechanic or inspector in a motor carrier maintenance program.

3. Experience as a mechanic or inspector in motor bus maintenance at a commercial garage, fleet leasing company or similar facility.

4. Experience as a commercial motor vehicle inspector for a state, provincial or federal agency.

Trans 330.23 INSPECTION FEE. The department shall charge a \$30 fee for each annual or more frequent inspection of a motor bus, except that a motor bus may be reinspected for compliance within 15 days after failing an inspection without payment of an additional fee.

Trans 330.24 INSPECTION CERTIFICATIONS. (1) Beginning on January 1, 1992, a motor bus subject to annual inspection by the department under s. Trans 330.20 may not be operated on any highway unless it displays on the body of the motor bus, as close as practicable to the lower right-hand corner of the windshield, an unexpired certificate of inspection decal issued by the department. The department shall issue a certificate of inspection decal for a motor bus only after determining by inspection that the motor bus is in compliance with this chapter.

(2) Beginning on January 1, 1992, a motor bus that is exempt from annual inspection by the department under s. 110.063(2), Stats., and s. Trans 330.21 may not be operated on any highway unless a copy of its most recent record of inspection under s. Trans 330.21 is carried on the motor bus and indicates that the inspection was performed within the preceding 12 months and that the motor bus was in compliance with this chapter at the time of inspection. If the motor bus was inspected by the department under s. Trans 330.21(4) and displays an unexpired certificate of inspection decal as specified in sub. (1), the record of inspection need not be carried on the motor bus.

Trans 330.25 ENFORCEMENT. (1) This chapter shall be enforced under the applicable provisions of ss. 110.063, 110.064, 110.07 and 110.075, Stats.

(2) The enforcement policy of the department shall consider the age, condition, and equipment of motor buses before granting approval for their continued use. The department

may not permit the use of any motor bus for transportation purposes if the department finds it unsafe or unfit for service.

(3) In construing and enforcing the provisions of this chapter, the act, omission or failure of any officer, employe, agent, servant or other person acting for or employed by the registered owner or the lessee of the bus, whoever has control, done within the scope of employment or on behalf of the registered owner or lessee, is deemed to be the act, omission or failure of the registered owner or lessee. This subsection does not apply to violations of ch. 346, Stats.

TRANS 330.40 COPIES OF FEDERAL REGULATIONS. Copies of the federal regulations cited in s. Trans 330.03 may be obtained by contacting the division of state patrol, Wisconsin department of transportation.

(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)(intro.), Stats.

Signed at Madison, Wisconsin, this 18th day of March, 1991.



Ronald R. Fiedler, P.E.

Secretary

Wisconsin Department of Transportation

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MAR 18 1991

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Bureau



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Ronald R. Fiedler, PE
Secretary

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March 18, 1991

Mr. Gary Poulson
Assistant Revisor of Statutes
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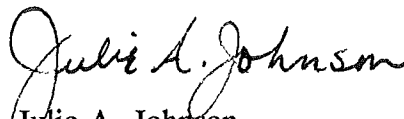
RE: **CLEARINGHOUSE RULE 89-149**

In the Matter of the Adoption of **TRANS 330**, Wisconsin Administrative Code, relating to **establishing safety requirements for motor bus equipment and operation, and providing for annual motor bus safety inspections.**

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 89-149**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,


Julie A. Johnson
Paralegal

Enclosures

cc: Tom Walker
Linda Thelke
Sandy Beaupre
Ted Meekma
Lyle Walheim
Marsha Wiley