

Chapter Trans 327

MOTOR CARRIER SAFETY

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Trans 327.01 Definitions. Words and phrases defined in s. 340.01, Stats., and 49 CFR part 390.5 have the same meaning in this chapter. However, the definition of a word or phrase in s. 340.01, Stats., except s. 340.01 (8), Stats., shall apply when the word or phrase is defined in both s. 340.01, Stats., and 49 CFR part 390.5.

(2) In this chapter:

(a) "Driver's record of duty status" means a form for all drivers, when required by this chapter, to record all off-duty time, on-duty time and driving time.

(b) "Driving time" shall include all time spent at the driving controls of a motor vehicle in operation.

(c) "Emergency" means the result of any natural activities including, but not limited to, tornado, windstorm, thunderstorm, snowstorm, ice storm, blizzard, drought, mud slide, flood, high water, earthquake, forest fire, explosion, blackout or other occurrence, natural or manmade, which interrupts the delivery of essential services, such as electricity, medical care, sewer, water, telecommunication transmissions, or essential supplies, such as food and fuels, or otherwise threatens human life or public welfare.

(d) "On-duty time" means that time period from the time a driver begins to work until the time the driver is relieved from work and all responsibility for performing work. The term "on-duty" time shall include:

1. All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;
2. All time inspecting equipment as required or otherwise inspecting, servicing, or conditioning any motor vehicle at any time;
3. All driving time as defined in subd. 2.;
4. All time, other than driving time, in or upon any motor vehicle except time spent resting in a sleeper berth;
5. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time spent performing the driver requirements and relating to accidents;
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle;
8. All time performing any other work in the capacity of, or in the employ or service of, a common, contract or private motor carrier.
9. All time performing any compensated work for any non-motor carrier entity.

(4) "Twenty-four hour period" means any 24 consecutive hour period beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87; emerg. r. and recr. (intro.), renun. (1) and (2) to be (2) (b) and (d), cr. (1), (2) (intro.), (a), (c), (d) 9., eff. 4-1-95; r. and recr. (intro.), renun. (1) and (2) to be (2) (b) and (d) and am. (2) (d) (intro.) and 3., cr. (2) (a), (c) and (d) 9., Register, August, 1995, No. 476, eff. 9-1-95.

Trans 327.03 Federal regulations adopted. The following federal motor carrier safety regulations adopted by the United States department of transportation and in effect on November 1, 1994, are adopted by the department and shall be enforced in relation to those carriers, drivers or vehicles which operate in intrastate commerce in the same manner as though the regulations were set out in full in this chapter:

(1) Title 49, Code of Federal Regulations, part 390, federal motor carrier safety regulations—general, except 390.23 (a) (3);

(2) Title 49, Code of Federal Regulations, part 391, qualifications of drivers, except 391.11 (b) (1), and 391.41 (b) (3) if, in the alternative a driver with diabetes controlled by insulin obtains statements from 2 licensed physicians indicating, on a form provided by the department of transportation, that the diabetes is not likely to cause loss of ability to control or operate a motor vehicle, and 391.69;

(3) Title 49, Code of Federal Regulations, part 392, driving of motor vehicles, except 392.16;

(4) Title 49, Code of Federal Regulations, part 393, parts and accessories necessary for safe operation, except 393.42 shall not apply to vehicles placed in operation in common, contract or private carriage prior to June 1, 1987;

(5) Title 49, Code of Federal Regulations, part 396, inspection, repair and maintenance, except 396.17, 396.19, 396.21, 396.23 and 396.25;

(6) Title 49, Code of Federal Regulations, part 397, transportation of hazardous materials; driving and parking rules.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87; emerg. am. (intro.), (1), (4) and (5), eff. 4-1-95; am. (intro.), (1), (4) and (5), Register, August, 1995, No. 476, eff. 9-1-95.

Trans 327.05 Hours of service of drivers. (1) GENERAL. Except as provided in s. Trans 327.09 (4), every intrastate motor carrier, its officers, drivers, agents, employes, and representatives shall comply with the provisions in this section, and every intrastate motor carrier shall require that its officers, drivers, agents, employes, and representatives be conversant with the provisions in this section.

(2) **REGULATORY GUIDANCE.** The hours of service provisions in this chapter shall be interpreted in a manner consistent with the regulatory guidance provisions of 49 CFR part 395 when applicable.

(3) **MAXIMUM DRIVING AND ON DUTY TIME.** Except as provided in s. Trans 327.09, no motor carrier shall permit or require any driver to drive nor shall any driver drive:

(a) More than 12 hours following 8 consecutive hours off duty.

(b) For any period after having been on duty 16 hours following 8 consecutive hours off duty.

(c) After having been on duty for 70 hours in any period of 7 consecutive days.

(d) After having been on duty for 80 hours in any period of 8 consecutive days.

(4) **TRAVEL TIME.** When a driver at the direction of a motor carrier is traveling, but not driving or assuming any other responsibility

ity to the carrier, the driver's traveling time shall be counted as on-duty time unless the driver is afforded at least 8 consecutive hours off duty when arriving at his or her destination, in which case the driver shall be considered off duty for the entire period.

(5) **DRIVER'S RECORD OF DUTY STATUS.** Every motor carrier shall require every driver used by the motor carrier to record the driver's duty status for each 24-hour period. All drivers' records of duty status shall be maintained by each motor carrier for a period of 6 months. Every driver who operates a motor vehicle shall record the driver's duty status for each 24-hour period. Upon request of a traffic officer or state patrol inspector, each driver shall produce the driver's duty status record covering the current 24-hour period.

(6) **DRIVERS DECLARED OUT OF SERVICE.** Every traffic officer and state patrol inspector, as set forth in s. 110.07, Stats., is authorized, except in the case of an emergency, to declare a driver out of service and to notify the motor carrier of that declaration, upon finding that a driver has been driving or been on duty in excess of the maximum period permitted in sub. (2).

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87; emerg. am. (1), (4) to (6), renum. (2) to be (3) and am., cr. (2), (3) (c) and (d), eff. 4-1-95; am. (1), (4) to (6), renum. (2) to be (3) and am., cr. (2), (3) (c) and (d), Register, August, 1995, No. 476, eff. 9-1-95.

Trans 327.07 Enforcement. (1) The provisions of s. Trans 327.03 (4) and (5) shall be enforced under the provisions of ss. 110.07 and 110.075, Stats.

(2) The provisions of ss. Trans 327.03 (2), (3) and (6), and 327.05 shall be enforced under the provisions of ss. 194.38 and 194.43, Stats.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87; emerg. am. (2), eff. 4-1-95; am. (2), Register, August, 1995, No. 476, eff. 9-1-95.

Trans 327.09 Exemptions. (1) The provisions of s. Trans 327.03 do not apply to a driver or school bus when the school bus is being used for authorized educational or extracurricular or charter activities.

(2) The provisions of s. Trans 327.03 (2) do not apply to the following:

(a) Drivers who operate motor vehicles which have a manufacturers' gross vehicle weight rating equal to or less than 26,000 pounds, except that this provision does not apply to vehicles transporting hazardous materials requiring placarding or vehicles transporting 16 or more passengers including the driver.

(b) Drivers who have met state medical qualifications and have been issued a valid Wisconsin commercial driver's license, or CDL, prior to July 29, 1996, which has not been revoked, and who continue to meet state medical requirements as found in ch. Trans 112.

(3) The provisions of s. Trans 327.03 (6) do not apply to drivers and vehicles transporting hazardous materials by a motor vehicle which is not required to be placarded.

(4) The provisions of s. Trans 327.05 do not apply to the following:

(a) Drivers of authorized emergency vehicles as defined in s. 340.01 (3), Stats.

(b) Drivers who operate motor vehicles which have a manufacturers' gross vehicle weight rating equal to or less than 26,000 pounds.

(c) Drivers of tow trucks as defined in s. 340.01 (67n), Stats., operating at the request of a law enforcement officer.

(5) The provisions of s. Trans 327.05 (5) do not apply to drivers of vehicles operating within an area having a 150 air mile radius from the drivers' home post office or a 150 air mile radius from the official worksite of the vehicle if:

(a) The driver returns to the work reporting location and is released within 12 consecutive hours.

(b) At least 8 consecutive hours off duty separate each 12 hours on duty.

(c) The driver does not exceed 12 hours maximum driving time following 8 consecutive hours off duty.

(d) The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:

1. The time the driver reports for duty each day.
2. The total number of hours the driver is on duty each day.
3. The time the driver is released from duty each day.

(6) The provisions of ss. Trans 327.03 (2) and 327.05 do not apply to drivers of motor vehicles when transporting property or passengers during a declared emergency as defined in s. Trans 327.01 (2) (c). Each employer must declare and document that the emergency is necessary to assure the protection of public health and safety or to provide other essential assistance to the public. Each employer shall maintain such documentation for one year and shall make it available upon request of a traffic officer or state patrol inspector.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87; emerg. am. (2) (a) and (3), r. and recr. (2) (b), renum. (4) (c) to be (5), cr. (4) (c), eff. 4-1-95; am. (2) (a) and (3), r. and recr. (2) (b), renum. (4) (c) to be (5) (intro.) and am., cr. (4) (c), (5) (a) to (d) and (6), r. (4) (d), Register, August, 1995, No. 476, eff. 9-1-95.

Trans 327.11 Demerit points not applicable. No demerit points may be assessed for violations of the regulations adopted in this chapter.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87.

Trans 327.13 Copies of federal regulations. The department shall advise carriers that copies of the federal regulations cited in s. Trans 327.03 may be obtained by contacting the division of state patrol, Wisconsin department of transportation.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87; emerg. am. eff. 4-1-95; am. Register, August, 1995, No. 476, eff. 9-1-95.