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Chapter Trans 326

MOTOR CARRIER SAFETY REQUIREMENTS FOR TRANSPORTATION OF HAZARDOUS MATERIALS

Trans 326.01 Federal rules adopted.
Trans 326.05 Enforcement.
Trans 326.07 Exclusions.
Trans 326.09 Demerit points not applicable.
Trans 326.15 Copies of rules.

Note: Chapter Trans 326 was created as an emergency rule effective 4–4–85.

Trans 326.01 Federal rules adopted. The following federal motor carrier safety regulations adopted by the United States department of transportation and in effect on June 1, 2002, are adopted by the department and shall be enforced in relation to those carriers, drivers or vehicles to which these federal rules apply in the same manner as though the regulations were set out in full in this chapter:

(1) Title 49, Code of Federal Regulations, part 107, hazardous materials program procedures.

(2) Title 49, Code of Federal Regulations, part 171, hazardous materials regulations.

(3) Title 49, Code of Federal Regulations, part 172, hazardous materials tables and hazardous materials communications regulations.

(4) Title 49, Code of Federal Regulations, part 173, general requirements for shipments and packagings.

(5) Title 49, Code of Federal Regulations, part 177, carriage by public highway.

(6) Title 49, Code of Federal Regulations, part 178, shipping container specifications.

(7) Title 49, Code of Federal Regulations, part 180, qualification and maintenance of cargo tanks.

(8) Every traffic officer and state patrol inspector employed under the authority of s. 110.07, Stats., is authorized to declare vehicles and drivers out–of–service in accordance with the 2002 North American uniform out–of–service criteria.

Note: The North American Uniform Out–of–Service Criteria is on file with the offices of the Revisor of Statutes, the Secretary of State, and the Department of Transportation, Division of State Patrol. Copies may be obtained by writing to the Division of State Patrol, P.O. Box 7912, Madison, WI 53707–7912, or to the Commercial Vehicle Safety Alliance, 5430 Grosvenor Lane, Suite 130, Bethesda, MD 20814.

History: Cr. Register, December, 1985, No. 360, eff. 1–1–86; am. (intro.), Register, September, 1988, No. 393, eff. 10–1–88; am. Register, April, 1993, No. 448, eff. 5–1–93; am. (intro.), cr. (7), Register, June, 1994, No. 462, eff. 7–1–94; am. (intro.), Register, December, 1995, No. 480, eff. 1–1–96; am. (intro.), Register, January, 1997, No. 493, eff. 2–1–97; am. (intro.), cr. (8), Register, January, 1999, No. 517, eff. 2–1–99; am. (intro.) and (8), Register, August, 2000, No. 536, eff. 9–1–00; **CR 02–003: am. (intro.) and (8) Register June 2002 No. 558, eff. 7–1–02**..

Trans 326.05 Enforcement. The provisions of s. Trans 326.01 shall be enforced under the provisions of ss. 110.07, 346.45 (4), Stats., and ch. 194, Stats.

History: Cr. Register, December, 1985, No. 360, eff. 1–1–86.

Trans 326.07 Exclusions. (1) The provisions of s. Trans 326.01 (6) do not apply to cargo tanks and portable tanks used in intrastate commerce and placed in operation prior to January 1, 1986.

(2) The provisions of s. Trans 326.01 (4), (6) and (7) do not apply to a nonspecification, nonbulk metal tank permanently secured to a transport vehicle and protected against leakage or damage in the event of a turnover, having a capacity of less than 119 gallons used by intrastate carriers in intrastate commerce only to transport flammable liquid petroleum products.

(3) (a) The provisions of s. Trans 326.01 (3), (4), (6) and (7) do not apply to the transportation of agricultural products other than class 2 materials, or compressed gases, over local roads other than the national interstate and defense highway system between fields of the same farm by a farmer who operates as an intrastate private carrier.

(b) The transportation of an agricultural product to or from a farm within 150 miles of the farm is excepted from the requirements in s. Trans 326.01 (3), 49 CFR part 172 subpart G, emergency response information, subpart H, training requirements, and from the specific packaging requirements when it is transported by a farmer who is an intrastate private motor carrier and the total amount of agricultural products being transported in a single vehicle does not exceed any of the following:

1. 16,094 pounds of ammonium nitrate fertilizer properly classed as division 5.1 PG III in a bulk packaging.
2. 502 gallons for liquid or gases.
3. 5,070 pounds for solids of any other agricultural product.

History: Cr. Register, December, 1985, No. 360, eff. 1–1–86; renum. Trans 326.07 to be (1), cr. (2) and (3), Register, January, 1999, No. 517, eff. 2–1–99.

Trans 326.09 Demerit points not applicable. No demerit points may be assessed for violations of s. Trans 326.01.

History: Cr. Register, December, 1985, No. 360, eff. 1–1–86.

Trans 326.15 Copies of rules. The department shall advise carriers that copies of the federal regulations cited in s. Trans 326.01 may be obtained by contacting the division of state patrol.

History: Cr. Register, December, 1985, No. 360, eff. 1–1–86.