



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0140/1
ARG:sac:rs

DOA:.....Byrnes, BB0252 – Intrastate compliance reviews for motor carriers

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Under current law, with limited exceptions, a person who transports passengers or property for hire by motor vehicle on the highways is a common motor carrier or a contract motor carrier and a person other than a common motor carrier or contract motor carrier that transports property on the highways by motor vehicle other than automobile or automobile and trailer is a private motor carrier (collectively motor carrier). Current law includes certain regulation of motor carriers engaged in interstate commerce. With limited exceptions, a common motor carrier or contract motor carrier engaged in interstate commerce must operate under a motor carrier certificate of authority or license and must meet certain insurance requirements. Various other state laws, including laws relating to vehicle equipment and vehicle inspection, govern motor carriers engaged in interstate commerce. Federal laws, including federal motor carrier safety standards, also govern motor carriers engaged in interstate commerce. DOT has authority under state law to promulgate rules regulating the safety of interstate motor carrier operations, including rules implementing federal motor carrier safety standards.

Under this bill, these provisions of current law relating to interstate motor carriers, including DOT's regulatory authority over interstate motor carriers, also apply to motor carriers engaged in intrastate commerce.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 194.03 (title) of the statutes is amended to read:

194.03 (title) ~~Interstate and foreign commerce~~ and intrastate commerce.

SECTION 2. 194.03 (1) of the statutes is amended to read:

194.03 (1) This chapter shall apply to motor carriers engaged in interstate ~~and foreign~~ commerce upon the public highways of this state, in all particulars and provisions lawful under the constitution of the United States and to motor carriers engaged in intrastate commerce upon the public highways of this state.

SECTION 3. 194.03 (2) of the statutes is amended to read:

194.03 (2) Fees and taxes provided in this chapter shall be assessed against operations in interstate ~~and foreign~~ commerce and intrastate commerce and collected from the carriers performing such operations, as partial compensation for the use of the highways and policing of the same.

SECTION 4. 194.03 (6) of the statutes is renumbered 194.01 (6m) and amended to read:

194.01 (6m) Whenever the term “interstate Interstate commerce” is used in this chapter it shall be interpreted as including includes foreign commerce.

SECTION 5. 194.20 (title) of the statutes is amended to read:

194.20 (title) ~~Certificates and licenses for carriers in interstate and foreign commerce~~ and intrastate commerce.

SECTION 6. 194.20 (1) of the statutes is amended to read:

194.20 (1) Motor carriers operating in interstate ~~and foreign~~ commerce or intrastate commerce shall obtain certificates and licenses as provided in ss. 194.23 and 194.34. ~~Certificates~~ These certificates and licenses ~~which involve operations in interstate and foreign commerce~~ may be denied by the department if it finds that the record and experience of the applicant evinces a disposition to violate or evade the laws or regulations of the state applicable to the operations proposed by the applicant.

SECTION 9345. Initial applicability; Transportation.

(1) INTRASTATE MOTOR CARRIERS. The treatment of sections 194.03 (title), (1), (2), and (6) and 194.20 (title) and (1) of the statutes first applies to motor carrier operations occurring on, and fees and taxes assessed on, the effective date of this subsection.

SECTION 9445. Effective dates; Transportation.

(1) INTRASTATE MOTOR CARRIERS. The treatment of sections 194.03 (title), (1), (2), and (6) and 194.20 (title) and (1) of the statutes and SECTION 9345 (1) of this act take effect on January 1, 2014, or on the day after publication, whichever is later.

(END)