



State of Wisconsin
1999 - 2000 LEGISLATURE

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1999 ASSEMBLY BILL 56

January 21, 1999 - Introduced by Representatives BRANDEMUEHL, OTT, SYKORA, LA FAVE, TURNER, OLSEN, OWENS, ALBERS, HAHN and POWERS, cosponsored by Senators BRESKE and COWLES. Referred to Committee on Transportation.

1 **AN ACT to amend** 194.17, 194.23 (1), 194.34 (1), 194.38 (5), 194.405, 194.41 (1)
2 and 194.41 (6) (a) of the statutes; **relating to:** motor carriers and the
3 single-state insurance registration system and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from operating as a motor carrier (generally, persons who, for compensation, transport passengers or property by motor vehicle) unless the person possesses the appropriate authorization issued by the department of transportation (DOT), files with DOT proof of liability insurance and registers the vehicle in this state. Also under current law, this state participates in a federal single-state registration system, under which motor carriers that travel between states are required to obtain authorization, file proof of liability insurance and register the vehicle with the motor carrier's base state, instead of with each state in which the carrier operates.

This bill clarifies that motor carriers registered by another state under the single-state registration system may operate in this state without having to obtain authorization and register with this state. Also under the bill, motor carriers that are registered by another state under that system may operate in this state without having to file proof of liability insurance with DOT.

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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:

1 **SECTION 1.** 194.17 of the statutes is amended to read:

2 **194.17 Penalties.** Every common motor carrier of property or of passengers,
3 every contract motor carrier and every private motor carrier to which this chapter
4 applies and every person who operates without obtaining a certificate under s.
5 194.23 or license under s. 194.34, except a license for transporting exempt
6 commodities, or without meeting the insurance requirements under s. 194.405 or
7 194.41, shall forfeit not less than \$500 nor more than \$5,000. Any person who
8 violates any other provisions of this chapter including the requirement to obtain a
9 license to transport exempt commodities or the requirement to obtain a permit or
10 who violates orders issued by the division of hearings and appeals or orders or rules
11 issued by the secretary shall forfeit not less than \$50 nor more than \$100. Each
12 violation constitutes a separate offense. In construing and enforcing the provisions
13 of this section, the act, omission or failure of any officer, agent or servant or other
14 person acting for or employed by any common motor carrier of property or of
15 passengers, any contract motor carrier or any private motor carrier, done within the
16 scope of employment is deemed to be the act, omission, or failure of the common motor
17 carrier of property or of passengers, contract motor carrier or private motor carrier.

18 **SECTION 2.** 194.23 (1) of the statutes is amended to read:

19 **194.23 (1)** No person may operate any motor vehicle as a common motor carrier
20 ~~without first obtaining~~ unless the person first obtains a certificate and, if required
21 under this chapter, a permit issued by the department, or unless the person is

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1 registered by another state under a single-state registration system consistent with
2 the standards under 49 USC 14504, for the operation of the vehicle, except that no
3 permit is required for the operation of a semitrailer. The department may issue or
4 refuse to issue any certificate. The department may attach to the exercise of the
5 privilege granted by a certificate any terms or conditions which are permitted under
6 this chapter.

7 **SECTION 3.** 194.34 (1) of the statutes is amended to read:

8 194.34 (1) No person may operate any motor vehicle as a contract motor carrier
9 ~~without first obtaining~~ unless the person first obtains a license and, if required under
10 this chapter, a permit issued by the department, or unless the person is registered
11 by another state under a single-state registration system consistent with the
12 standards under 49 USC 14504, for the operation of the motor vehicle, except that
13 no permit is required for the operation of a semitrailer. The department may refuse
14 to issue any license or may attach to the exercise of the privilege granted by a license
15 any terms or conditions which are permitted under this chapter.

16 **SECTION 4.** 194.38 (5) of the statutes is amended to read:

17 194.38 (5) To act in accordance with 49 USC ~~11506~~ 14504 by making any
18 finding, determination and otherwise doing any other thing necessary to proceed
19 under that statute. Nothing in this subsection shall permit the department to extend
20 the length or weight of motor vehicles.

21 **SECTION 5.** 194.405 of the statutes is amended to read:

22 **194.405 Single-state insurance registration system.** The department
23 may participate in and do all things necessary to implement and administer a
24 single-state insurance registration system for motor carriers in accordance with 49
25 USC ~~11506~~ 14504. The annual fee required under this section for a motor vehicle

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1 that is operated in this state and which is subject to the single-state insurance
2 registration system shall be \$5.

3 **SECTION 6.** 194.41 (1) of the statutes is amended to read:

4 194.41 (1) No permit or vehicle registration may be issued to a common motor
5 carrier of property, contract motor carrier or rental company, no permit or vehicle
6 registration may remain in force to operate any motor vehicle under the authority
7 of this chapter and no vehicle registration may be issued or remain in force for a
8 semitrailer unless the carrier or rental company has on file with the department and
9 in effect an approved certificate for a policy of insurance or other written contract in
10 such form and containing such terms and conditions as may be approved by the
11 department issued by an insurer authorized to do a surety or automobile liability
12 business in this state under which the insurer assumes the liability prescribed by
13 this section with respect to the operation of such motor vehicles. The certificate or
14 other contract is subject to the approval of the department and shall provide that the
15 insurer shall be directly liable for and shall pay all damages for injuries to or for the
16 death of persons or for injuries to or destruction of property that may be recovered
17 against the owner or operator of any such motor vehicles by reason of the negligent
18 operation thereof in such amount as the department may require. Liability may be
19 restricted so as to be inapplicable to damage claims on account of injury to or
20 destruction of property transported, but the department may require a certificate or
21 other contract protecting the owner of the property transported by carriers from loss
22 or damage in the amount and under the conditions as the department may require.
23 No permit or vehicle registration may be issued to a common motor carrier of
24 passengers by any motor vehicle, or other carrier of passengers by motor bus, except
25 those registered in accordance with s. 341.26 (2) (a) and (d), and no permit or vehicle

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1 registration may remain in force to operate any motor vehicle unless it has on file
2 with the department a like certificate or other contract in the form and containing
3 the terms and conditions as may be approved by the department for the payment of
4 damages for injuries to property and injuries to or for the death of persons, including
5 passengers, in the amounts as the department may require. This subsection does not
6 apply to a motor carrier that is registered by another state under a single-state
7 registration system consistent with the standards under 49 USC 14504.

8 **SECTION 7.** 194.41 (6) (a) of the statutes is amended to read:

9 194.41 **(6)** (a) Except as provided under par. (b), the minimum insurance
10 required under sub. (1) is the minimum level of insurance established under 49 USC
11 ~~10927~~ 13906 (a) (1).

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(END)