

Chapter Trans 327

MOTOR CARRIER SAFETY

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Trans 327.01 Definitions. Along with words and phrases defined in s. 340.01, Stats., the following definitions shall apply in the interpretation of this chapter:

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

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

(a) 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;

(b) All time inspecting equipment as required or otherwise inspecting, servicing, or conditioning any motor vehicle at any time;

(c) All driving time as defined in sub. (1);

(d) All time, other than driving time, in or upon any motor vehicle except time spent resting in a sleeper berth;

(e) 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;

(f) All time spent performing the driver requirements and relating to accidents;

(g) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle;

(h) All time performing any other work in the capacity of, or in the employ or service of, a common, contract or private motor carrier.

(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.

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, 1986, 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 rule:

(1) Title 49, Code of Federal Regulations, part 390, federal motor carrier safety regulations — general, except 390.17, 390.40, and 390.45;

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(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 the effective date of this rule;

(5) Title 49, Code of Federal Regulations, part 396, inspection, repair and maintenance;

(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.

**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, employees, and representatives shall comply with the rules in this section, and every intrastate motor carrier shall require that its officers, drivers, agents, employees, and representatives be conversant with the rules in this section.

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

(a) More than 15 hours following 8 consecutive hours off duty; or

(b) For any period after having been on duty 20 hours following 8 consecutive hours off duty.

(4) **TRAVEL TIME.** When a driver at the direction of a motor carrier is traveling, but not driving or assuming any other responsibility to the carrier, the traveling time shall be counted as on-duty time unless the driver is afforded at least 8 consecutive hours off duty when arriving at destination, in which case he or she shall be considered off duty for the entire period.

(5) **DRIVERS RECORD OF DUTY STATUS.** Every motor carrier shall require every driver used by the motor carrier to record his or her duty status, for each 24-hour period. Every driver who operates a motor vehicle shall record his or her duty status, for each 24-hour period. Upon request of a traffic officer or state patrol inspector each driver shall produce his or her duty status record covering the 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 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.

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**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 provision of ss. 194.38 and 194.43, Stats.

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

**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.

(b) Drivers of vehicles operating within an area having a 100 air mile radius from the drivers' home post office or a 100 air mile radius from the official worksite of the vehicle.

(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 marked or 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 vehicles operating within an area having a 100 air mile radius from the drivers' home post office or a 100 air mile radius from the official worksite of the vehicle.

(d) Drivers of motor vehicles used exclusively to transport mail under contract with the U.S. postal service.

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

**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 327.01 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.