

WISCONSIN STATE LAW / CODE

Wisconsin has state statutes and transportation codes which govern motor vehicles. These can be found at the WI State Legislature Revisor of Statutes Bureau website (<http://www.legis.state.wi.us/rsb/index.html>). A list of pertinent regulations is below:

194 Motor Vehicle Transportation
340 Vehicles – general provisions
341 Registration of Vehicles
346 Rules of the Road
347 Equipment of Vehicles
348 Vehicles – size, weight, load
Trans 305 Standards for Vehicle Equipment
Trans 312 Weight Station Stopping Requirements
Trans 325 Motor Carrier Regulations (Interstate)
Trans 326 Transportation of Hazardous Materials
Trans 327 Motor Carrier Safety (Intrastate)

FEDERAL MOTOR CARRIER CODE

The federal motor carrier regulations can be found at the Federal Motor Carrier Administrations website (www.fmcsa.dot.gov). A list of the regulations is listed below:

390 General (DOT #'s, Vehicle Markings)
391 Driver Qualifications (Federal medical card)
392 Driving (Driver responsibilities)
393 Parts & Accessories (Equipment requirements)
395 Hours of Service (Log book)
396 Inspections & Maintenance

WEIGHT STATIONS

Each state will have different stopping requirements. Read the signs closely as you approach an open weight enforcement facility. When in doubt, STOP at the facility.

Wisconsin requires trucks with a gross weight in excess of 8,000 pounds to stop at open weight stations. Stopping at weight facilities has nothing to do with whether or not the commercial motor vehicle regulations apply to you or not. ALL trucks in excess of 8,000 pounds gross weight must STOP at open

weight facilities in Wisconsin. Drivers must permit the truck to be weighed, measured, and inspected.

REGISTRATION OF VEHICLES

1. Vehicles (trucks, trailers, etc.) with a gross weight over 3,000 pounds must be registered and must have brakes.
2. The registered weight of the vehicle (or trailer) must be equal to or greater than the gross weight.
3. The registration certificate must be carried.
4. Trucks registered with farm truck plates “may not be used in furtherance of any non-farm occupation, trade, profession or other employment, including commuting to or from the place of such non-farm occupation, trade, profession or employment.”
5. To register a vehicle (or trailer) as a mobile home 50% of the floor space must have:
 - a. Permanent sleeping facilities
 - b. Permanent dining facilities
 - c. AND four of the following six:
 - i. Cooking facility
 - ii. Refrigeration device
 - iii. Self contained toilet
 - iv. 110-125 volt electrical supply
 - v. Space heating or AC system
 - vi. Water supply
 - d. Restricted to 45 feet. Measuring from the rear of the trailer to the rear of the vehicle to which it is attached.

OPERATING AUTHORITY

Those engaged in the transportation of someone else's property (horses) for compensation, directly or indirectly, must obtain for-hire operating authority. If you sell a horse and transport it intrastate to the buyer, you are not a for-hire carrier since the horse was your own “product”. Questions can be directed to WI Dept. of Motor Vehicles – Motor Carrier Services at 608-266-1356.

IF YOU ARE TRANSPORTING HORSES STRICKLY FOR RECREATIONAL REASONS, NONE OF THE FOLLOWING INFORMATION APPLIES TO YOU.

DO THE FEDERAL COMMERCIAL VEHICLE REGULATIONS APPLY TO YOU?

1. Do you declare prize money as income from a business for tax purposes?
2. Are the costs for the underlying activities deducted as a business expense for tax purposes?
3. Do you accept products and / or money for advertising a sponsor?
4. Is the transport vehicle being used in the furtherance of a commercial operation?

If you answered “YES” to any of the above questions, continue to question 5. If you answered “NO” to ALL questions (1 – 4), **STOP HERE**. You are not in the furtherance of a commercial operation.

5. Is the “gross vehicle weigh or gross vehicle weight rating” of the single vehicle or combination (truck and trailer) greater than 10,000 pounds?

YES – You must follow the appropriate regulations for the location(s) you travel in.

NO – STOP HERE! You are not subject to the federal commercial vehicle regulations.

Gross Vehicle Weight (GVW) is the weight of the vehicle equipped for service plus the weight that the vehicle is carrying as a load.

Gross Vehicle Weight Rating (GVWR) means the value specified by the vehicle manufacturer, including secondary or final stage manufacturer, as the loaded weight of a vehicle.

DO NOT use the registered weight on the vehicle license plate(s) to determine your GVW or GVWR.

Federal Motor Carrier Safety Regulation Interpretation for part 390.3

Does the exemption in 390.3(f)(3) for the “occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise” apply to persons who occasionally used commercial motor vehicles (vehicle or combination over 10,000 pounds) to transport horses to races, tournaments, shows, or other similar events even if prize money is offered.

Guidance:

The exception would apply to this kind of transportation, provided; (1) the underlying activities are not undertaken for profit, i.e. (a) prize money is declared as ordinary income for tax purposes, and (b) the cost of the underlying activity is not deducted as a business expense for tax purposes; and, where relevant (2) corporate sponsorship is not involved. Drives must confer with their State of licensure to determine the licensing provisions to which they are subject.

INTRASTATE REQUIREMENTS

(Operate only in Wisconsin without crossing state borders.)

****Vehicles registered with farm truck plates or dual purpose farm truck plates are exempt from parts 390, 391, 392, 393, 395, 396 & 397 of the federal code and vehicle markings when combined with a horse trailer if the vehicle combination’s gross combination weight rating, registered weight, and actual weight do not exceed 26,000 pounds. These vehicles are also exempt from needing for-hire operating authority under WI state statute 194.05(4). This is only applicable when operating intrastate.**

The vehicle/combination’s GVW is greater than 10,000 pounds:

- Driver must be at least 18
- Equipment requirements apply
 - Federal code part 393 & 396
- Record keeping requirements
- Vehicle markings

The vehicle/combination’s GVW is greater than 26,000 pounds:

- Driver must possess an appropriate Commercial Driver’s License (CDL)
- Recreational vehicle operators (not longer than 45 feet) and not engaged in commercial activity will not need a CDL.
- Driver must possess a valid federal medical card or be grandfathered
- Hours of service requirements apply
 - State Trans 327.05
 - Exempt if operating within 150 air miles of the work reporting location
- Drug and alcohol testing requirements

INTERSTATE REQUIREMENTS

(Travel into another state.)

The vehicle/combination’s GVW is greater than 10,000 pounds:

- Driver must be at least 21 and possess a valid federal medical card
- Hours of service requirements apply
 - Federal code 395
- Equipment requirements apply
 - Federal code 393 & 396
- Record keeping requirements apply
- Vehicle markings

The vehicle/combination’s GVW is greater than 26,000 pounds:

- Driver must possess an appropriate Commercial Driver’s License
- Fuel Tax and additional registration restrictions may be applicable. Check with each state you will be entering.
- Drug and alcohol testing requirements

ADDITIONAL INFORMATION

WI State Patrol – New Entrant Safety Program
(<http://www.dot.wisconsin.gov/statepatrol/docs/new-entrant-safety-prog.pdf>)

WI Motor Carrier Information Line 608-267-9762

TRANSPORTATION OF HORSES



HORSE SHOWS

COMPETITIVE EVENTS

TRAIL / RECREATIONAL RIDING

****CAUTION**CAUTION**CAUTION****

This is only a synopsis of the regulations in Wisconsin. It is not meant to be all inclusive. There are many regulations and exceptions to those regulations. There may be other regulations that apply to you. For specific questions contact your local WI State Patrol Post and speak with one of their Motor Carrier Inspectors. You can also get information from the WI State Patrol website (<http://www.dot.wisconsin.gov/statepatrol>).