

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
 Original Updated Corrected

2. Administrative Rule Chapter, Title and Number
Wis. Admin. Code ch. Trans 115

3. Subject
Third Party Testers

4. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	5. Chapter 20, Stats. Appropriations Affected
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6. Fiscal Effect of Implementing the Rule
 No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)
 State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?
 Yes No

9. Policy Problem Addressed by the Rule
The rule ensures compliance with amendments to federal rules implementing the Commercial Motor Vehicle Safety Act

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.
The rule will impact the third party testing business sector, which could include small business and entities that employ individuals who must hold a commercial driver's license.

11. Identify the local governmental units that participated in the development of this EIA.
N/A

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)
As required by federal law, the rule incorporates the requirement that certain entities obtain a bond if the state is required to retest certain applicants. Currently, WisDOT requires a bond in the amount of \$2,500 for 10 to 300 tests and \$5,000 for 300 or more tests. This will affect the non-governmental entities subject to this requirement as well as the bonding companies that will be providing the bond.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule
The benefits of implementing this rule include, primarily, securing federal funds. The alternative to implementing this rule is to perform the various federal mandates in the absence of implementing state law.

14. Long Range Implications of Implementing the Rule
Ensure compliance with federal law until the next revisions federal regulations implementing the Commercial Motor Vehicle Safety Act.

15. Compare With Approaches Being Used by Federal Government
The rules the federal government has developed apply to both third parties and the state's implementing a third party testing program.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

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Illinois has comparable rules in place; Iowa only very recently adopted a third party testing program and is currently developing implementing regulations; Michigan has laws providing for a third party testing program but it appears that the number of implementing regulations is minimal.

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

The rule will codify a practice already in place. Third party testers must post a bond in an amount that will allow WisDOT to retest individuals in the event the legitimacy of the third party tester's program has been compromised. This practice was prompted by existing federal law. Currently, for entities administering 10 to 300 tests, the bond is \$2,500.00; for entities administering 300 or more tests, the bond is \$5,000.00.

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

The amount of the bond WisDOT requires is the primary data source used to determine impact on small businesses.

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

The amount of the bond WisDOT required is simply the minimum amount that will allow WisDOT to retest any individuals tested by a compromised third party tester.

5. Describe the Rule's Enforcement Provisions

N/A

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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