

CR 90-147

**CERTIFICATE**

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, RONALD R. FIEDLER, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **the waiver of the commercial driver license skills test**, was duly approved and adopted by this Department on **November 12, 1990**.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 12th day of November, 1990.

*Donald R. Fiedler, Deputy*  
for RONALD R. FIEDLER, P.E.  
Secretary

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1-1-91

IN THE MATTER OF a rule to create ch. Trans 116 of the Wisconsin Administrative Code, relating to the waiver of the commercial driver license skills test.

**ORDER ADOPTING RULE**

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Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 85.16(1) and 343.02, Stats.

STATUTES INTERPRETED: s. 343.03(8)(b), Stats.

General Summary of Rule. This rule creates Chapter Trans 116 to establish the Department's policies and procedures relating to the issuance of commercial motor vehicle driver licenses to persons who are eligible for a waiver of the commercial driver license skills test.

1. Trans 116.01 designates the purpose, scope and authority for adoption of the rule.
2. Trans 116.02 establishes the terms used in the chapter.
3. Trans 116.03 establishes eligibility standards for the commercial driver license skills test waiver. Eligibility for the waiver is based on the driver's experience operating a commercial motor vehicle and his or her driving record regardless of the type of vehicle operated.
4. Trans 116.04 designates the necessary forms and proof required for commercial driver license certification for the waiver.
5. Trans 116.05 establishes penalties for providing false information.
6. Trans 116.06 establishes expiration date of rule authority.

Final Regulatory Flexibility Analysis. This rule has no impact on small business.

Fiscal Impact. No fiscal impact is anticipated from the promulgation of this rule.

Contact Persons. The persons to contact for further information are Robert Tribbey, (414) 548-5611, or Dianne Maglio Terry (608) 266-6943.

## TEXT OF RULE

Under the authority vested in the Wisconsin department of transportation by ss. 85.16(1) and 343.02, Stats., the department of transportation hereby creates Chapter Trans 116, Wis. Admin. Code., implementing s. 343.03(8)(b), Stats., as created by 1989 Wisconsin Act 105 as follows:

**SECTION 1.** Chapter Trans 116 of the Wisconsin Administrative Code is created to read:

### CHAPTER TRANS 116

#### WAIVER OF COMMERCIAL DRIVER LICENSE SKILLS TEST

**TRANS 116.01 PURPOSE AND SCOPE.** (1) The purpose of this chapter is to establish the department's administrative interpretation of s. 343.03(8)(b), Stats., in relation to the issuance of commercial motor vehicle driver licenses to persons who are eligible for a waiver of the CDL skills test.

(2) This chapter applies to any person applying for a CDL.

**TRANS 116.02 DEFINITIONS.** The words and phrases defined or used in ss. 340.01, 343.01 and 343.17, Stats., have the same meaning in this chapter unless a different definition is specifically provided in this chapter. In addition, in this chapter:

(1) "Application date" means the commercial driver license issuance date.

(2) "CDL" means commercial driver license.

(3) "Commercial driver license skills test" means the test of a person's ability to drive a CMV by performing the pre-trip, basic control and road test maneuvers required by ch. Trans 104.

(4) "CMV" means commercial motor vehicle.

(5) "Self-certification" means completion of Wisconsin certification for waiver of CDL skills test form.

(6) "Violated" means a conviction of a law of this state, or a local ordinance in conformity with, or any law of another jurisdiction relating to motor vehicle traffic control.

**TRANS 116.03 WAIVER ELIGIBILITY.** (1) A person applying for a CDL is eligible for a waiver of the CDL skills test beginning January 1, 1991, and ending on March 31, 1992, if the person meets all of the following:

(a) Had a valid operating privilege during the entire two years immediately preceding the application date.

(b) Provides self-certification of regular employment in a job requiring operation of a CMV.

(c) Has either operated a representative vehicle for which the person is seeking a CDL for at least two years preceding the application date or has taken and passed a driving skills test administered in a representative vehicle by a state with a classified licensing and testing system.

(2) Each person who applies for a waiver shall certify as provided in s. 343.03(8)(c), Stats., as created by 1989 Wisconsin Act 105 that in the two years prior to the application date he or she has not:

(a) Held more than one operator's license at a time, except that a school bus or chauffeur license issued under s. 343.12 or 343.125, 1987 Stats., shall be counted with a regular license issued by the department as a single license.

(b) Had any license or operating privilege revoked, suspended or cancelled.

(c) Been found at fault in any motor vehicle accident.

(d) Violated and been convicted of any of the following, as provided in s. 343.315, Stats., as created by 1989 Wisconsin Act 105, in a motor vehicle in this or any other jurisdiction:

1. Operating under the influence of an intoxicant, controlled substance, or other drug or combination thereof.
2. Operating a CMV with an alcohol concentration of .04 or more.
3. Operating a CMV with any measurable alcohol concentration.
4. Leaving the scene of, or failing to report, an accident.
5. Using a motor vehicle in the commission of a felony.
6. Refusing to submit to chemical testing.
7. Causing or inflicting injury, great bodily harm or death through use of a motor vehicle while under the influence of an intoxicant, controlled substance or any other drug.
8. Exceeding speed limit by 15 or more miles per hour.
9. Reckless or careless driving.
10. Following too closely, improper lane or erratic lane changes or improper passing.
11. Having violated a traffic control law other than a parking violation in connection with any traffic accident.

(3) A Wisconsin school bus operator who has completed the Wisconsin school bus operators driving skills test meets the requirements of sub. (1)(c) for "classes B and C" only, as set forth in s. 343.04, Stats., as created by 1989 Wisconsin Act 105.

**TRANS 116.04 SELF-CERTIFICATION AND PROOF.** Each person who applies for a waiver shall complete an application for operator's license and self-certification.

**TRANS 116.05 FALSIFYING INFORMATION.** The department shall cancel the CDL of a person who falsifies any information required for purposes of s. Trans 116.03 including self-certification.

**TRANS 116.06.** This rule will expire at 12:01 AM, April 1, 1992.

**NOTE:** This rule requires revised form MV3001 (application for operator's license) and new form MV3545 (commercial driver license skills test waiver). A sample copy of these forms may be obtained, free of charge, from the Wisconsin Department of Transportation, Bureau of Driver Licensing, P. O. Box 7917, Madison, WI 53707-7917.

(END OF RULE TEXT)

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**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin this 12th day of November, 1990.

*for* Donald H. Janssen, Deputy  
Ronald R. Fiedler, P.E.  
Secretary  
Wisconsin Department of Transportation

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## Wisconsin Department of Transportation

Tommy G. Thompson  
Governor

Ronald R. Fiedler, PE  
Secretary

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

November 12, 1990

Mr. Gary Poulson  
Assistant Revisor of Statutes  
119 Martin Luther King, Jr. Blvd.  
2nd Floor  
Madison, Wisconsin 53703

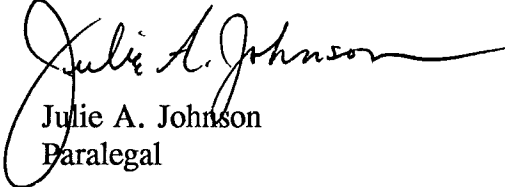
RE: **CLEARINGHOUSE RULE 90-147**

In the Matter of the Adoption of **TRANS 116**, Wisconsin Administrative Code, relating to the waiver of the commercial driver license skills test.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 90-147**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

  
Julie A. Johnson  
Paralegal

Enclosures

cc: Tom Walker  
Linda Thelke  
Sandy Beaupre  
Joyce Gelderman  
Wes Geringer  
Bob Tribbey

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