

CR 91-85

CERTIFICATE

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STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )

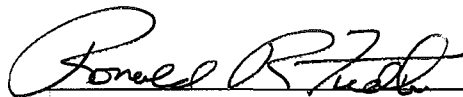
TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

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 **qualifications for commercial driver licenses**, was duly approved and adopted by this Department on September 17<sup>th</sup>, 1991.

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 17<sup>th</sup> day of September, 1991.

  
\_\_\_\_\_  
RONALD R. FIEDLER, P.E.  
Secretary

11-1-91

IN THE MATTER OF a rule to repeal Trans 112.05(3)(b)5; to amend Trans 104.03(4)(a) and (b), Trans 104.07(11)(b), Trans 112.03(2), Trans 112.03(3)(d) and Trans 112.05(3)(b)4; to renumber and amend Trans 112.10(3)(c)6; to renumber Trans 112.10(3)(c)6a and b, of the Wisconsin Administrative Code, relating to qualifications for commercial driver licenses.

ORDER ADOPTING RULE  
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Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 85.16(1) and 343.02(1), 343.16(2)(a), Stats.  
STATUTES INTERPRETED: ss. 343.06, 343.12, 343.14 and 343.16, Stats.

General Summary of Rules. The amendments to Trans 104 and 112 are technical amendments to commercial driver license administrative rules.

The amendment to Trans 104 removes the requirement that every applicant for a Class "A" license take a test of knowledge of air brakes systems. Not all Class "A" vehicles are equipped with air brakes and therefore not all drivers have knowledge of air brake systems. If the person does not take the test of knowledge of air brakes or fails the test, his or her license is restricted to driving vehicles without air brakes.

The amendment also removes the requirement that a driver must wait 7 days after obtaining an instruction permit for a commercial drivers license before taking the skills test. Many applicants for a commercial drivers license have extensive experience. Therefore, requiring all drivers to wait 7 days prior to taking a skills test is not deemed necessary in all cases.

The amendment to Trans 112 clarifies the "mechanics exception" that allows a person to operate a passenger-carrying vehicle for non-passenger carrying purposes. People who do not meet CDL physical requirements and who do not need to transport passengers, such as mechanics conducting "road tests" before or after repairing vehicles, may operate a vehicle under this exception. Up to 2 passengers in addition to the driver may be in the vehicle. But, the rule that transporting school children for school purposes is not permitted will not be affected. The title of the paragraph is changed to "Exceptions" to more clearly state that persons other than mechanics may obtain a license with this restriction.

A scrivener's error in the original rule resulted in two sections prohibiting persons from receiving school bus or passenger endorsements if they evidenced any chemical abuse or dependency. Section Trans 112.05(3)(b)4 provided for a mandatory one-year period of no dependency or abuse; s. Trans 112.05(3)(b)5 provided for a two-year period. The corrected rule

provides that a person who has evidenced abuse more than one year before licensing and less than two years before licensing may receive an endorsement if treatment has controlled the problem. The original intent of the rule will now be put into effect.

The provisions of Trans 112.10(3)(c)6 are moved to a section devoted to Commercial Driver Licenses after requests from the public in order to make the information in that section easier to find.

Finally, references to "intrastate only" driver license restrictions are changed to reference the statutory term "'K' restriction." Section 343.17(3)(e)1 provides that "K" restrictions allow intrastate operation of motor vehicles that are not engaged in interstate commerce.

Fiscal Estimate. No fiscal impact is anticipated from the amendments to these rules.

Contact Persons. The person to contact for further information on Trans 104 is Wes Geringer (608) 266-0614, and the contact persons for Trans 112 are Linda Sunstad (608) 266-0194 or Linda Kuhn (608) 266-7361.

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## TEXT OF RULES

Under the authority vested in the state of Wisconsin department of transportation, by ss. 85.16(1) and 343.02(1), Stats., the department of transportation hereby amends rules interpreting ss. 343.06, 343.12, 343.14 and 343.16, Stats., as follows:

**SECTION 1.** Trans 104.03(4)(a) and (b) are amended to read:

Trans 104.03(4)(a) The tests for a classification "A" license shall include a commercial driver license general knowledge test, ~~an air brakes test~~ and a combination vehicle test. An applicant shall be restricted from operating air brake equipped vehicles unless the applicant completes and passes an air brake test.

(b) The tests for a classification "B" or "C" license shall include a commercial driver license general knowledge test ~~and an air brakes test if the applicable representative vehicle is equipped with air brakes.~~ An applicant shall be restricted from operating air brake equipped vehicles unless the applicant completes and passes an air brake test.

**SECTION 2.** Trans 104.07(11)(b) is amended to read:

Trans 104.07(11)(b) There is no waiting period for a skills test if:

1. a The person renews an instruction permit that expired one year or less prior to the time of renewing the instruction permit, unless a waiting period is required because of a the person failed a skills test.

2. The person is applying for a commercial drivers license, unless a waiting period is required because the person failed a skills test.

**SECTION 3.** Trans 112.03(2) is amended to read:

Trans 112.03(2) **RESTRICTED COMMERCIAL DRIVER LICENSES.** A person who does not comply with the physical qualifications for drivers of 49 CFR 391.41 or who does not present a medical certificate of physical examination required by 49 CFR 391.43, who meets the requirements of this chapter may be eligible for a commercial driver license that is ~~restricted to intrastate operation~~ subject to a "K" restriction.

**NOTE:** "K" restrictions are defined in s. 343.17(3)(e)1, Stats.

**SECTION 4.** Trans 112.03(3)(d) is amended to read:

Trans 112.03(3)(d) Exceptions. The department may issue a passenger ~~or school bus~~ endorsement to a person who does not meet all of the medical review standards for passenger or school bus endorsement, but the person's license shall be subject to a "K" restriction and restricted to intrastate travel and to prohibit transporting more than 2 passengers in a commercial motor vehicle.

**SECTION 5.** Trans 112.05(3)(b)4 is amended to read:

Trans 112.05(3)(b)4. The person has evidenced any chemical abuse or dependency within the past 2 years, unless the abuse or dependency occurred prior to the past year and is controlled by treatment.

**SECTION 6.** Trans 112.05(3)(b)5 is repealed.

SECTION 7. Trans 112.10(3)(c)6 is renumbered Trans 112.10(3)(bm)(intro.) and amended to read:

Trans 112.10(3)(bm) Medical standards for commercial driver licenses. For issuance of A person who applies for, renews, or holds a commercial driver license ~~there are no~~ may not have been subject to any episodes of altered consciousness or loss of bodily control caused by a neurological condition unless one of the following apply:

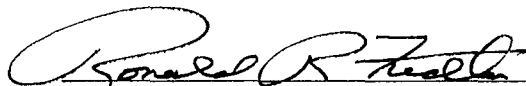
SECTION 8. Trans 112.10(3)(c)6a and b are renumbered Trans 112.10(3)(bm)1 and 2.

(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 17<sup>th</sup> day of September, 1991.



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, P.E.  
Secretary

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

September 17, 1991

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


RE: **CLEARINGHOUSE RULE 91-85**

In the Matter of the Adoption of **TRANS 104 & 112**, Wisconsin Administrative Code,  
relating to **qualifications for commercial driver licenses**.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 91-85**,  
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  
Dorothy Kapke  
Sandy Beaupre  
Roger Cross  
Wes Geringer