

**CERTIFICATE**

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **Third Party Testers**, was duly approved and adopted by this Department on April 21, 1992.

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 21 day of April, 1992.

*Charles H. Thompson*  
\_\_\_\_\_  
CHARLES H. THOMPSON  
Secretary

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APR 23 1992

3:55  
Revisor of Statutes  
Bureau

7-1-92

An Order Adopting Rule to repeal s. Trans 115.04(1)(a)7, and amend ss. Trans 115.04(3)(d), 115.04(3)(d)8, 115.04(3)(e), 115.05(1)(b), 115.05(5)(c), and 115.06(7), Wisconsin Administrative Code, relating to Third Party Testers.

ORDER ADOPTING RULE

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Analysis Prepared by the Wisconsin Department of Transportation

Revisor of Statutes  
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**STATUTORY AUTHORITY:** ss. 85.16(1) and 343.02, Stats.

**STATUTES INTERPRETED:** s. 343.16(1)(b), Stats.

**General Summary of Rule.** The amendment removes the requirement that applicants for Third Party Testing subject to Federal Motor Carrier Regulations maintain a Federal Highway Administration safety rating of "satisfactory." This requirement is not relevant or equitable to all Third Party Tester applicants. Applicants not subject to FMCSR are not required to meet this standard.

The amendment also changes the requirement that certain records be retained by the tester from a period of 5 years to a period of 2 years. Five years is both unnecessary and burdensome.

The amendment also deletes the option of possessing a valid Wisconsin chauffeur or school bus license until 60 days after the Department begins issuing CDLs. The Department is now issuing CDLs, therefore, this option is no longer necessary.

The amendment lowers the annual number of CDL skills tests administered by Third Party Testers and conducted by Third Party Examiners from 25 to 12. This is a more realistic number for testers serving less populated areas, yet sufficient to retain necessary examining skills.

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

**Final Regulatory Flexibility Analysis.** These rule amendments will have no adverse impact on small businesses.

**Contact Persons.** The persons to contact for further information are Michael Cradler (608) 266-8684 or Wesley Geringer (608) 266-0614.

## TEXT OF RULE

Under the authority vested in the state of Wisconsin department of transportation, by s. 85.16(1), Stats., the department of transportation hereby adopts a rule interpreting s. 343.16, Stats., as follows:

**SECTION 1.** Trans 115.04(1)(a)7 is repealed.

**SECTION 2.** Trans 115.04(3)(d) is amended to read:

Trans 115.04(3)(d) Maintain at the primary place of business an alphabetical driver file listing each CDL skills test conducted, whether the driver passes or fails the test. Each record shall be maintained for a minimum of ~~5~~ 2 years and include the following:

**SECTION 3.** Trans 115.04(3)(d)8 is amended to read:

Trans 115.04(3)(d)8 The make, ~~model~~ and registration number of the CMVs used during the testing.

**SECTION 4.** Trans 115.04(3)(e) is amended to read:

Trans 115.04(3)(e) Maintain at the primary place of business an annual log of CDL skills tests conducted, whether the driver passes or fails the test. Each record shall be maintained for a minimum of ~~5~~ 2 years and include all of the following:

**SECTION 5.** Trans 115.05(1)(b) is amended to read:

Trans 115.05(1)(b) Possess a valid Wisconsin CDL with classification and endorsements necessary for operation of the class and type of CMV used in the CDL skills tests conducted by the examiner. ~~In lieu of the CDL requirement, a person may possess a valid Wisconsin chauffeur or school bus license as required by s. 343.01(2)(a), Stats., until 60 days after the department begins issuing CDLs.~~

**SECTION 6.** Trans 115.05(5)(c) is amended to read:

Trans 115.05(5)(c) Conduct a minimum of ~~25~~ 12 CDL skills ~~test-tests~~ per year in accordance with this chapter and current instructions provided by the department.

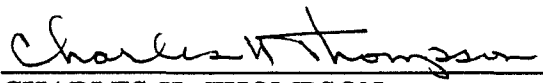
**SECTION 7.** Trans 115.06(7) is amended to read:

Trans 115.06(7) All renewal application forms and fees shall be submitted to the department not less than 30 days prior to the time the previous authorization or examiner's identification certificate expires.

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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 21 day of April, 1992.

  
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CHARLES H. THOMPSON  
Secretary  
Wisconsin Department of Transportation

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## Wisconsin Department of Transportation

Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

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April 23, 1992

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Mr. Gary Poulson  
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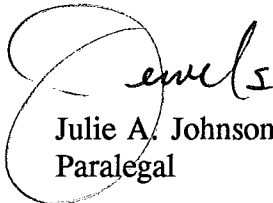
**RE: CLEARINGHOUSE RULE 91-198**

In the Matter of the Adoption of **TRANS 115**, Wisconsin Administrative Code, relating to **Third Party Testers**.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 91-198**, 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  
Steve Watters  
Roger Cross  
Wes Geringer  
Mike Cradler