

**ADMINISTRATIVE RULES
FISCAL ESTIMATE AND
ECONOMIC IMPACT ANALYSIS**

Type of Estimate and Analysis

Original Updated Corrected

Administrative Rule Chapter, Title and Number

Chapter Trans 327, Motor Carrier Safety

Subject

Procedures for commercial driver's to certify driving type, provide federal medical certificate to the department, and define procedures for downgrade of commercial driver's license (interstate only) if no valid federal medical certificate is on file.

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Chapter 20 , Stats. Appropriations Affected

20.395 (5)(CQ)

Fiscal Effect of Implementing the Rule

No Fiscal Effect
 Indeterminate

Increase Existing Revenues
 Decrease Existing Revenues

Increase Costs
 Could Absorb Within Agency's Budget
 Decrease Costs

The Rule Will Impact the Following (Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

Policy Problem Addressed by the Rule

Changes in federal regulations 49 CFR 383 and 384 require commercial drivers operating in interstate commerce to notify the department of their type of driving (interstate vs. intrastate / excepted vs. non-excepted). Additionally, interstate, non-excepted drivers must keep a valid copy of their federal medical certificate on file with the department. Failure to maintain a valid certificate on file will result in a downgrade of their commercial operating privileges. These changes are required, effective January 30, 2012.

2011 Wisconsin Act 32 also created s. 343065 (3) which allows the department to downgrade any commercial driver's license authorizing operation in interstate commerce if the driver does not file a current federal medical certificate. In addition, this section requires the department to promulgate rules to define the downgrade process in accordance with the federal regulations, as well as to establish the process for reinstating a downgraded license after a valid federal medical certificate is received.

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)

All commercial drivers operating in interstate commerce are already required to carry a valid federal medical card in their possession. This rulemaking requires that these drivers (or their employers) notify us of their driving type. In addition, drivers operating in interstate commerce are required to keep a copy of a valid federal medical certificate on file with the department.

Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Implementing this rule will ensure Wisconsin's compliance with federal regulations. Failure to comply with federal regulations could result in Wisconsin being found in non-compliance, per 49 CFR 384. Penalties for non-compliance are up to 10% of federal highway funding annually (over \$50 million), loss of MCSAP

funding (about \$4 million annually) and decertification of Wisconsin Commercial Driver's License program. As such, the only alternative is to implement the rule.

In addition, the rule helps ensure commercial drivers are medically competent.

Long Range Implications of Implementing the Rule

Implementing this rule allows Wisconsin to remain in compliance with federal regulations on commercial driver's licenses.

Failure to comply with federal regulations could result in Wisconsin being found in non-compliance, per 49 CFR 384. Penalties for non-compliance are up to 10% of federal highway funding annually (over \$50 million), loss of MCSAP funding (about \$4 million annually) and decertification of Wisconsin Commercial Driver's License program.

Compare With Approaches Being Used by Federal Government

The federal government is requiring all states to comply with these requirements. However, the states have some flexibility to determine how to downgrade their drivers.

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

State	Method for Certifying Driving Type	Downgrade Process	Reinstatement Process
Iowa	Drivers can self-certify in person, by mail, by fax, or via the web	A courtesy letter will be sent prior to the expiration date of the federal medical certificate. If no updated card is received, the driver will lose their commercial privileges immediately upon the expiration of the federal medical certificate.	Drivers can get their commercial license back by self certifying they are no longer operating in interstate commerce, or by providing an updated federal medical certificate. No fee is required.
Michigan	Drivers can self-certify in person, by mail, by fax, or via the web	A courtesy letter will be sent 10 days prior to the expiration date of the federal medical certificate. If no updated card is received, the driver will lose their commercial privileges immediately upon the expiration of the federal medical certificate.	Drivers can get their commercial license back by self certifying they are no longer operating in interstate commerce, or by providing an updated federal medical certificate. A \$25 fee is required.
Minnesota	Drivers can self-certify in person, by mail, or by fax	A courtesy letter will be sent 45 days prior to the expiration date of the federal medical certificate. If no updated card is received, the driver will lose their	Drivers can get their commercial license back by self certifying they are no longer operating in interstate commerce, or by providing an updated federal medical

		commercial privileges 60 days after the expiration date of the federal medical certificate.	certificate. No fee is required.
Wisconsin	Drivers can self-certify in person, by mail, by fax, or via the web	A courtesy letter will be sent 60 days prior to the expiration date of the federal medical certificate. If no updated card is received, the driver will lose their commercial privileges 10 days after the expiration date of the federal medical certificate.	Drivers can get their commercial license back by self certifying they are no longer operating in interstate commerce, or by providing an updated federal medical certificate. No fee is required.

Please note: several attempts were made to contact Illinois. No one responded to our repeated messages.

Name and Phone Number of Contact Person

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