



1999 ASSEMBLY BILL 57

January 21, 1999 – Introduced by Representatives BRANDEMUEHL, M. LEHMAN, OTT, GOETSCH, KELSO, SYKORA, TURNER, HAHN, OLSEN, ALBERS and RYBA, cosponsored by Senators BRESKE, DARLING and FARROW. Referred to Committee on Transportation.

1 **AN ACT to repeal** 340.01 (72m) (b); **to consolidate, renumber and amend**
2 340.01 (72m) (intro.) and (a); and **to amend** 343.06 (2), 343.06 (2) and 343.315
3 (4) of the statutes; **relating to:** eligibility to operate commercial motor vehicles
4 and the transport of hazardous materials.

Analysis by the Legislative Reference Bureau

Current law requires the disqualification of a person licensed to drive a commercial motor vehicle upon conviction of that person for committing certain major traffic-related offenses or for violating other requirements related to operating a commercial motor vehicle. No person may drive a commercial motor vehicle during a period of disqualification. This bill specifies that, except for 24-hour disqualifications, the period of disqualification begins on the date that the department of transportation notifies the operator of the disqualification, instead of commencing on the date of conviction for the offense giving rise to the disqualification.

The bill also changes the definition of “transporting hazardous materials” so that provisions of law applicable to transporting hazardous materials apply only to vehicles that are required to be placarded under federal law.

ASSEMBLY BILL 57

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 340.01 (72m) of the statutes is repealed and recreated to read:

2 340.01 **(72m)** “Transporting hazardous materials” means transporting any
3 material that is classified in 49 CFR 173.2 in a vehicle that is required to be placarded
4 as provided in 49 CFR 172.504.

5 **SECTION 2.** 343.06 (2) of the statutes is amended to read:

6 343.06 **(2)** The department shall not issue a commercial driver license,
7 including a renewal, occupational or reinstated license, to any person during any
8 period of disqualification under s. 343.315 or 49 CFR 383.51 or the law of another
9 jurisdiction in substantial conformity therewith, as the result of one or more
10 disqualifying offenses committed on or after July 1, 1987. Any person who is known
11 to the department to be subject to disqualification under s. 343.315 (1) (a) shall be
12 disqualified by the department, ~~unless the required period of disqualification has~~
13 ~~already expired~~ as provided in s. 343.315.

14 **SECTION 3.** 343.06 (2) of the statutes, as affected by 1997 Wisconsin Act 84, is
15 amended to read:

16 343.06 **(2)** The department shall not issue a commercial driver license,
17 including a renewal, occupational or reinstated license, to any person during any
18 period of disqualification under s. 343.315 or 49 CFR 383.51 or the law of another
19 jurisdiction in substantial conformity therewith, as the result of one or more
20 disqualifying offenses committed on or after July 1, 1987. Any person who is known
21 to the department to be subject to disqualification under s. 343.315 (1) (a) shall be

ASSEMBLY BILL 57

1 disqualified by the department, ~~unless the required period of disqualification has~~
2 ~~already expired as provided in s. 343.315.~~

3 **SECTION 4.** 343.315 (4) of the statutes is amended to read:

4 343.315 (4) NOTIFICATION AND COMMENCEMENT. Beginning on April 1, 1992, the
5 department shall send the notice of disqualification by 1st class mail to a person's
6 last-known residence address. A period of disqualification ordered under this
7 section commences on the date on which the notice is sent under this subsection. This
8 subsection does not apply to disqualifications under sub. (2) (g).

9 **SECTION 5. Initial applicability.**

10 (1) COMMERCIAL DRIVERS LICENSES.

11 (a) The treatment of sections 343.06 (2) (by SECTION 2) and 343.315 (4) of the
12 statutes first applies to disqualifying offenses committed on the effective date of this
13 paragraph.

14 (b) The treatment of section 343.06 (2) (by SECTION 3) of the statutes first
15 applies to disqualifying offenses committed on the effective date of this paragraph.

16 **SECTION 6. Effective dates.** This act takes effect on the day after publication,
17 except as follows:

18 (1) The treatment of section 343.06 (2) (by SECTION 3) of the statutes and
19 SECTION 5 (1) (b) of this act take effect on May 1, 2000, or on the date applicable to
20 that section stated in the notice published under section 85.515 of the statutes,
21 whichever is earlier.

22 (END)