



2021 SENATE BILL 642

October 20, 2021 - Introduced by Senators PETROWSKI, CARPENTER, COWLES and BALLWEG, cosponsored by Representatives SPIROS, MOSES, MURSAU, SUBECK and WICHGERS. Referred to Committee on Insurance, Licensing and Forestry.

1 **AN ACT to renumber and amend** 343.06 (3), 343.07 (1m) (intro.), 343.07 (1m)
2 (a), 343.07 (1m) (am) 2. and 343.16 (1) (a); **to consolidate, renumber and**
3 **amend** 343.07 (1m) (am) 1. (intro.), a., b. and c.; **to amend** 343.12 (2) (h), 343.72
4 (5m) and 343.72 (6); and **to create** 343.06 (3) (d), 343.07 (1m) (ag) 1., 343.07
5 (1m) (ag) 2., 343.07 (1m) (ag) 3., 343.07 (1m) (ag) 4. and 343.16 (1) (a) 4. c. of the
6 statutes; **relating to:** entry-level training requirements for applicants for
7 commercial driver licenses and certain endorsements.

Analysis by the Legislative Reference Bureau

A recently promulgated federal regulation requires certain applicants for commercial driver's licenses (CDLs) to successfully complete entry-level driver training, as specified in the federal regulations, before being licensed. Specifically, those who apply for a CDL for the first time, who upgrade their CDL, or who seek to obtain a passenger, school bus, or hazardous materials endorsement for the first time must complete the training. This bill integrates these entry-level driver training requirements into the statutes governing the Department of Transportation's issuance of CDLs.

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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.** 343.06 (3) of the statutes is renumbered 343.06 (3) (intro.) and
2 amended to read:

3 343.06 (3) (intro.) The department shall may not issue a commercial driver
4 license valid for use in interstate commerce to any person ~~who is less~~ to whom any
5 of the following apply:

6 (a) The person is less than 21 years of age or who.

7 (b) The person does not meet the physical qualifications for drivers contained
8 in 49 CFR 391 ~~or rules.~~

9 (c) The person does not satisfy the rules of the department concerning
10 qualifications of drivers in interstate commerce.

11 **SECTION 2.** 343.06 (3) (d) of the statutes is created to read:

12 343.06 (3) (d) The person has not satisfied the entry-level training
13 requirements contained in 49 CFR 380, subparts F and G.

14 **SECTION 3.** 343.07 (1m) (intro.) of the statutes is renumbered 343.07 (1m) (ag)
15 (intro.) and amended to read:

16 343.07 (1m) (ag) (intro.) Upon application ~~therefor by a person at least 18 years~~
17 ~~of age who holds a valid operator's license issued under this chapter and who, except~~
18 ~~for lack of training in the operation of a commercial motor vehicle or school bus, is~~
19 ~~qualified to obtain authorization for the operation of such vehicle including having~~
20 ~~passed the applicable knowledge tests,~~ the department may issue an instruction

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1 permit for commercial motor vehicle or school bus operation.—A to a person who
2 satisfies all of the following:

3 (bm) A permit under this subsection that is limited to commercial motor vehicle
4 instructional operation entitles the permittee to operate only a commercial motor
5 vehicle upon the highways. A permit under this subsection that is limited to school
6 bus instructional operation entitles the permittee to operate only a school bus upon
7 the highways. ~~Both permits are~~

8 (cm) (intro.) A permit under this subsection is subject to the following
9 restrictions:

10 **SECTION 4.** 343.07 (1m) (a) of the statutes is renumbered 343.07 (1m) (cm) 1.
11 and amended to read:

12 343.07 (1m) (cm) 1. Except as provided in ~~par. (am)~~ subd. 2., the permittee may
13 not operate a commercial motor vehicle or school bus unless accompanied by a
14 qualified instructor or a licensed person 21 years of age or older with a valid license
15 authorizing the person to operate such vehicle, occupying the seating position
16 nearest to the driver. No passengers are allowed in the vehicle, except that when the
17 accompanying operator is a qualified instructor up to 3 other permittees also being
18 trained may occupy seats in the vehicle. The permittee may operate a commercial
19 motor vehicle carrying property under this ~~paragraph~~ subdivision.

20 **SECTION 5.** 343.07 (1m) (ag) 1. of the statutes is created to read:

21 343.07 (1m) (ag) 1. The person is at least 18 years of age.

22 **SECTION 6.** 343.07 (1m) (ag) 2. of the statutes is created to read:

23 343.07 (1m) (ag) 2. The person holds a valid operator's license issued under this
24 chapter.

25 **SECTION 7.** 343.07 (1m) (ag) 3. of the statutes is created to read:

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1 343.07 (1m) (ag) 3. Except for lack of training in the operation of a commercial
2 motor vehicle or school bus, the person is qualified to obtain authorization for the
3 operation of a commercial motor vehicle or school bus.

4 **SECTION 8.** 343.07 (1m) (ag) 4. of the statutes is created to read:

5 343.07 (1m) (ag) 4. The person has passed the applicable knowledge test and,
6 for an applicant for a permit authorizing operation of a commercial motor vehicle
7 under s. 343.04 (2) (a), has satisfied the entry-level training requirements contained
8 in 49 CFR 380, subparts F and G.

9 **SECTION 9.** 343.07 (1m) (am) 1. (intro.), a., b. and c. of the statutes are
10 consolidated, renumbered 343.07 (1m) (cm) 2. a. and amended to read:

11 343.07 (1m) (cm) 2. a. A permittee may operate a commercial motor vehicle or
12 school bus, other than a vehicle type specified in s. 343.04 (2) (a), (c) or (f), within this
13 state unaccompanied by a qualified instructor or a licensed person 25 years of age
14 or older with at least 2 years of licensed driving experience in a representative
15 vehicle and a valid license authorizing the person to operate such vehicle if the
16 permittee has taken and passed the applicable knowledge tests ~~and all of the~~
17 ~~following requirements are met:~~ a. ~~The, the~~ permittee is operating the vehicle in
18 connection with a driver training course or program approved by the department. ~~b.~~
19 ~~The, the~~ vehicle is being used by the permittee exclusively for driver training
20 purposes and not for the purposes of carrying property or passengers. ~~c. Direct, and~~
21 direct, uninterrupted audio or audiovisual electronic communication between a
22 qualified instructor and the permittee is maintained at all times the permittee is
23 operating the vehicle.

24 **SECTION 10.** 343.07 (1m) (am) 2. of the statutes is renumbered 343.07 (1m) (cm)
25 2. b. and amended to read:

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1 343.07 **(1m)** (cm) 2. b. This ~~paragraph~~ subdivision shall apply to the extent
2 permitted under federal law.

3 **SECTION 11.** 343.12 (2) (h) of the statutes is amended to read:

4 343.12 **(2)** (h) Prior to the initial issuance or renewal of the endorsement, takes
5 and passes a special examination prescribed by the department and administered
6 by the department or by ~~a~~ an authorized 3rd-party tester under s. 343.16 (1) (b) to
7 determine his or her ability to safely operate a school bus. This special examination
8 may include the examination required under sub. (3). The department may renew
9 the endorsement without retesting the licensee, except under sub. (3).

10 **SECTION 12.** 343.16 (1) (a) of the statutes is renumbered 343.16 (1) (a) 1. and
11 amended to read:

12 343.16 **(1)** (a) 1. Except when examination by ~~a~~ an authorized 3rd-party tester
13 is permitted under pars. (b) to (c), the department shall examine every applicant for
14 an operator's license, including applicants for license renewal as provided in sub. (3),
15 and every applicant for authorization to operate a vehicle class or type for which the
16 applicant does not hold currently valid authorization, other than an instruction
17 permit.

18 2. a. Except as provided in sub. (2) (cm) and (e), the examinations of applicants
19 for licenses authorizing operation of "Class A", "Class B", "Class C", "Class D" or
20 "Class M" vehicles shall include both a knowledge test and an actual demonstration
21 in the form of a driving skills test of the applicant's ability to exercise ordinary and
22 reasonable control in the operation of a representative vehicle.

23 3. The department shall not administer a driving skills test to a person
24 applying for authorization to operate "Class M" vehicles who has failed 2 previous
25 such skills tests unless the person has successfully completed a rider course

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1 approved by the department. The department may, by rule, exempt certain persons
2 from the rider course requirement of this paragraph. The department may not
3 require a person who is applying for authorization to operate “Class M” vehicles and
4 who has successfully completed a rider course approved by the Wisconsin
5 department of transportation motorcycle safety program to hold an instruction
6 permit under s. 343.07 (4) prior to the department’s issuance of a license authorizing
7 the operation of “Class M” vehicles. The department may not require a person
8 applying for authorization to operate “Class M” vehicles who holds an instruction
9 permit under s. 343.07 (4) to hold it for a minimum period of time before
10 administering a driving skills test.

11 4. a. The driving skills of applicants for endorsements authorizing the
12 operation of commercial motor vehicles equipped with air brakes, the transportation
13 of passengers in commercial motor vehicles or the operation of school buses, as
14 provided in s. 343.04 (2) (b), (bm), (d) or (e), shall also be tested by an actual
15 demonstration of driving skills.

16 4. b. The department may endorse an applicant’s commercial driver license for
17 transporting hazardous materials requiring placarding or any quantity of a material
18 listed as a select agent or toxin under 42 CFR 73, subject to s. 343.125, or for the
19 operation of tank vehicles or vehicles towing double or triple trailers, as described
20 in s. 343.04 (2) (a), (c), or (f), based on successful completion of a knowledge test.

21 2. b. In administering the knowledge test, the department shall attempt to
22 accommodate any special needs of the applicant.

23 2. c. Except as may be required by the department for an “H” or “S”
24 endorsement, the knowledge test is not intended to be a test for literacy or English

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1 language proficiency. This ~~paragraph~~ subdivision does not prohibit the department
2 from requiring an applicant to correctly read and understand highway signs.

3 **SECTION 13.** 343.16 (1) (a) 4. c. of the statutes is created to read:

4 343.16 (1) (a) 4. c. The department or an authorized 3rd-party tester may not
5 administer a driving skills test to any applicant for an initial commercial driver
6 license, a commercial driver license upgrade, or an initial issuance of an “H”
7 endorsement specified in s. 343.17 (3) (d) 1m., “P” endorsement specified in s. 343.17
8 (3) (d) 3., or “S” endorsement specified in s. 343.17 (3) (d) 4. who has not satisfied the
9 entry-level training requirements contained in 49 CFR 380, subparts F and G.

10 **SECTION 14.** 343.72 (5m) of the statutes is amended to read:

11 343.72 (5m) No driver school may represent that completion of a course of
12 instruction will guarantee that the student will pass the driving skills test
13 administered by the department or by ~~a~~ an authorized 3rd-party tester under s.
14 343.16 (1) (bm). A driver school may only represent by means of a certificate of
15 completion that the student has satisfactorily completed the required course.

16 **SECTION 15.** 343.72 (6) of the statutes is amended to read:

17 343.72 (6) All licensees must ascertain from the department the routes in the
18 licensee’s locale on which road tests are given by state license examiners and by
19 authorized examiners of authorized 3rd-party testers under s. 343.16 (1) (bm). No
20 licensee may instruct on these routes, except that driver schools may operate on
21 these routes if comparable training location opportunities are not otherwise
22 available in the locale.

23 **SECTION 16. Nonstatutory provisions.**

24 (1) The department of transportation shall notify the legislative reference
25 bureau when the federal motor carrier safety administration regulations relating to

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1 entry-level commercial motor vehicle driver training requirements take effect. The
2 legislative reference bureau shall publish a notice in the Wisconsin Administrative
3 Register that specifies that date.

4 **SECTION 17. Effective date.**

5 (1) This act takes effect on the date specified in the notice published in the
6 Wisconsin Administrative Register under SECTION 16 (1) of this act.

7 (END)