



# JERRY PETROWSKI

WISCONSIN STATE SENATOR

## Senate Bill 240

August 22, 2013

Thank you, members of the committee, for the opportunity to speak today on Senate Bill 240.

Under 2007 Act 162, veterans holding a military commercial driver's license are able to convert it to a Wisconsin CDL without taking the knowledge and skills tests that other applicants must take. This was implemented as one part of a greater effort to assist in providing veterans with a smooth transition from military to civilian life.

The DOT has been subsequently notified by the Federal Motor Carrier Safety Administration (FMCSA) that it cannot, under federal law, waive the knowledge test requirement when issuing state CDL's based on military-issued CDL's. I have provided a copy of this letter with my testimony for your information.

Preliminary cost estimates from DOT indicate the penalty to be \$25 million in federal aid in the first year, and double that amount each year thereafter. This bill brings Wisconsin law back into harmony with federal law by requiring a knowledge test in these instances, while still allowing the skills test portion to be waived.

I would like to thank the committee members for the opportunity to speak on this topic, and would be happy to answer any questions at this time.

---

29TH SENATE DISTRICT

STATE CAPITOL: P.O. Box 7882 • MADISON, WISCONSIN 53707-7882  
SEN.PETROWSKI@LEGIS.WISCONSIN.GOV • TELEPHONE: (608) 266-2502 • FAX: (608) 282-3569



US Department  
Of Transportation  
Federal Motor Carrier  
Safety Administration

January 10, 2013

Lynne Judd  
Administrator, Division of Motor Vehicles  
Wisconsin Department of Transportation  
4802 Sheboygan Ave  
Madison, WI 53707

Dear Ms. Judd:

In May, 2011, the Federal Motor Carrier Safety Administration finalized the Commercial Learner's Permit rule. Within that rule is a provision that gives State Driver Licensing Agencies (SDLA) the authority to substitute two years of CMV safe driving experience in military equivalents of commercial motor vehicles, for the skills test portion of the commercial driver license skills test. **The current rule, as well as previous Federal CDL regulations, does not allow the waiver of a CDL knowledge test when transferring a military CDL to a State CDL license.**

The regulation, 49 CFR 383.77, provides guidance for SDLAs which requires the applicant to certify: 1) his/ her safe driving experience; 2) that he or she has not held more than one license (except a military DL) in the past two years; 3) has not had his/her base State issued driver license suspended, revoked or cancelled; and, 3) has not had convictions in any type of motor vehicle for the disqualifying CDL offenses listed elsewhere in the regulations.

There are also other requirements that States must recognize in order to take advantage of this Skills Test Waiver, but the process allows States to assist veterans and active duty personnel in their transition from their military occupation to a civilian career.

In reviewing Wisconsin statute 343.16(2)(f), we noted Wisconsin law allows waiver of both the skills test and knowledge test for holders of military CDL licenses transferring to a Wisconsin CDL. **Wisconsin must require military CDL holders take a CDL Knowledge test to obtain a Wisconsin CDL in order to comply with Federal Commercial Driver License (CDL) regulations.**

Sincerely,

Mark G. Oesterle  
Division Administrator