2009 DRAFTING REQUEST

Bill

Received: **11/11/2008**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Joseph Leibham (608) 266-2056**

By/Representing: **Sean Stephenson**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Sen.Leibham@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Allowing third-party testing for driving skills test for Class D operator's licenses

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Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	agary 11/21/2008	bkraft 12/01/2008		_____ _____			State
/1			jfrantze 12/01/2008	_____ _____	lparisi 12/01/2008	sbasford 01/23/2009	

for Senate
per
Cullen

FE Sent For:

<END>

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/?	agary	/1 bjk 11/28					

FE Sent For:

<END>

Gary, Aaron

To: Stephenson, Sean
Subject: RE: Bill Drafts

From: Stephenson, Sean
Sent: Monday, November 10, 2008 1:17 PM
To: Gary, Aaron
Subject: Bill Drafts

Aaron,

Can you please redraft the following LRBs / Senate Bills from the 2007-08 legislative session?

LRB 3339 / SB 424- Allowing 3rd party testing for driving skills test for Class D operator's license

Thank you.

Sean Stephenson
Office of Senator Joe Leibham
Sean.Stephenson@legis.wisconsin.gov
888.295.8750
P.O. Box 7882
Madison, WI 53707-7882

2007 – 2008 LEGISLATURE

LRB-3339/1
ARG:bjk:rs

2007 SENATE BILL 424

January 29, 2008 – Introduced by Senators LEIBHAM, HARSDORF and KEDZIE, cosponsored by Representatives NERISON, J. FITZGERALD, ALBERS, BALLWEG, GUNDERSON, HAHN, JESKEWITZ, KERKMAN, LEMAHIEU, NASS, NYGREN, A. OTT, OWENS, STRACHOTA, TAUCHEN, TOWNSEND, VAN ROY, VOS, VUKMIR, M. WILLIAMS and ZIPPERER. Referred to Committee on Transportation and Tourism.

AN ACT ***to amend*** 343.16 (1) (a), 343.16 (1) (b) (intro.), 343.16 (1) (b) 2., 343.16 (1) (b) 3. (intro.), 343.16 (1) (b) 4. and 343.16 (1) (b) 5. of the statutes; **relating to:** permitting third–party testers to administer driving skills tests for certain noncommercial motor vehicle drivers.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, applicants for an operator's license are required to successfully complete a knowledge test and a driving skills (road) test. Generally Department of Transportation (DOT) examiners must administer road tests except that DOT may contract with third–party testers to conduct road tests for commercial motor vehicle operators and school bus operators.

This bill permits DOT to contract with third–party testers to conduct road tests for "Class D" vehicle operators. "Class D" vehicles include most noncommercial motor vehicles other than Type 1 motorcycles.

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:

SECTION 1. 343.16 (1) (a) of the statutes is amended to read:

343.16 **(1)** (a) *General.* ~~The~~ Except when examination by a 3rd–party tester is permitted under pars. (b) and (c), the department shall examine every applicant for an operator's license, including applicants for license renewal as provided in sub. (3), and every applicant for authorization to operate a vehicle class or type for which the applicant does not hold currently valid authorization, other than an instruction permit. Except as provided in sub. (2) (cm) and (e), the examinations of applicants for licenses authorizing operation of "Class A", "Class B", "Class C", "Class D" or "Class M" vehicles shall include both a knowledge test and an actual demonstration in the form of a driving skills test of the applicant's ability to exercise ordinary and reasonable control in the operation of a representative vehicle. The department shall not administer a driving skills test to a person applying for authorization to operate "Class M" vehicles who has failed 2 previous such skills tests unless the person has successfully completed a rider course approved by the department. The department may, by rule, exempt certain persons from the rider course requirement of this paragraph. The department may not require a person applying for authorization to operate "Class M" vehicles who has successfully completed a basic rider course approved by the department to hold an instruction permit under s. 343.07 (4) prior to the department's issuance of a license authorizing the operation of "Class M" vehicles. The department may not require a person applying for authorization to operate "Class M" vehicles who holds an instruction permit under s. 343.07 (4) to hold it for a minimum period of time before administering a driving skills test. The driving skills of applicants for endorsements authorizing the operation of commercial motor vehicles equipped with air brakes, the transportation of passengers in commercial motor vehicles or the operation of school buses, as provided in s. 343.04 (2) (b), (d) or (e), shall also be tested by an actual demonstration of driving

skills. The department may endorse an applicant's commercial driver license for transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73, subject to s. 343.125, or for the operation of tank vehicles or vehicles towing double or triple trailers, as described in s. 343.04 (2) (a), (c) or (f), based on successful completion of a knowledge test. In administering the knowledge test, the department shall attempt to accommodate any special needs of the applicant. Except as may be required by the department for an "H" or "S" endorsement, the knowledge test is not intended to be a test for literacy or English language proficiency. This paragraph does not prohibit the department from requiring an applicant to correctly read and understand highway signs.

SECTION 2. 343.16 (1) (b) (intro.) of the statutes is amended to read:

343.16 **(1)** (b) *Third–party testing.* (intro.) The department may contract with a person, including an agency or department of this state or its political subdivisions or another state, or a private employer of commercial motor vehicle drivers, to administer commercial motor vehicle skills tests required by 49 CFR 383.110 to 383.135, examinations required to be administered under s. 343.12 (2) (h) ~~and~~, abbreviated driving skills tests required by sub. (3) (b), or driving skills tests required by par. (a) for authorization to operate "Class D" vehicles, or any combination of these tests and examinations. The department may not enter into such testing contracts with a private driver training school or other private institution except a private employer of commercial motor vehicle drivers. A contract with a 3rd–party tester shall include all of the following provisions:

SECTION 3. 343.16 (1) (b) 2. of the statutes is amended to read:

343.16 **(1)** (b) 2. The department~~, the federal highway administration~~ or its representative, or the federal highway administration with respect to testing for

commercial driver licenses, may conduct random examinations, inspections, and audits of the 3rd–party tester without any prior notice.

SECTION 4. 343.16 (1) (b) 3. (intro.) of the statutes is amended to read:

343.16 **(1)** (b) 3. (intro.) At least annually, the department shall conduct an on–site inspection of the 3rd–party tester to determine compliance with the contract and with department and federal standards for testing applicants for commercial driver licenses and with department standards for testing applicants for school bus endorsements and applicants for operators' licenses to operate "Class D" vehicles. At least annually, the department shall also evaluate testing given by the ~~3rd party~~ 3rd-party tester by one of the following means:

SECTION 5. 343.16 (1) (b) 4. of the statutes is amended to read:

343.16 **(1)** (b) 4. Examiners of the 3rd–party tester shall meet the same qualifications and training standards as the department's license examiners to the extent established by the department as necessary to satisfactorily perform the skills tests required by 49 CFR 383.110 to 383.135, examinations required to be administered under s. 343.12 (2) (h) ~~and~~, abbreviated driving skills tests required by sub. (3) (b), and driving skills tests required by par. (a) for authorization to operate "Class D" vehicles.

SECTION 6. 343.16 (1) (b) 5. of the statutes is amended to read:

343.16 **(1)** (b) 5. The department shall take prompt and appropriate remedial action against the 3rd–party tester in the event that the tester fails to comply with department or federal standards for commercial driver license testing, department standards for school bus endorsement testing or testing for operators' licenses to

1 operate "Class D" vehicles, or any provision of the contract. Such action may include
2 immediate termination of testing by the 3rd–party tester and recovery of damages.
3 **(END)**