



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0429/2
EVM&ARG:cjs:ph

DOA:.....Byrnes, BB0124 - Implement federal CDL regulations related to medical certification

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Under current law, DOT issues commercial driver licenses (CDLs) authorizing the licensee to operate certain commercial motor vehicles (CMVs). CMVs are motor vehicles that are designed or used to transport property or passengers and that weigh more than 26,000 pounds, transport 15 or more passengers plus the driver, or transport hazardous materials. An application to DOT for a CDL authorizing interstate operation of CMVs must include a certification by the applicant that he or she meets certain driver qualification requirements under federal law or federally-approved requirements established by DOT rule, including physical qualifications. If the application is for a CDL authorizing only intrastate operation of CMVs, the application to DOT must include a certification by the applicant that he or she meets driver qualification requirements for drivers in intrastate commerce established by DOT rule, including physical qualifications. If an applicant for a CDL does not meet the physical qualification requirements for CMV drivers operating in interstate commerce but is otherwise qualified to operate a CMV, DOT may issue to the applicant a CDL restricted to authorizing the operation of CMVs that are not in interstate commerce.

Under this bill, if a person issued a CDL authorizing operation of CMVs in interstate commerce does not have on file with DOT a current certification covering the person's physical qualifications to operate CMVs in interstate commerce, DOT may downgrade the CDL to a restricted CDL and impose a "K" restriction on the CDL restricting the licensee from operating CMVs in interstate commerce. DOT must promulgate rules to define "downgrade" in accordance with federal law and regulations or guidance from the applicable federal agency and to establish the process for downgrading a CDL and reinstating a CDL after it has been downgraded.

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

SECTION 1. 343.065 (3) of the statutes is created to read:

343.065 (3) (a) If a person issued any commercial driver license under this chapter authorizing operation of commercial motor vehicles in interstate commerce does not have on file with the department a current certification specified in s. 343.14 (2) (i) 1. covering the person's physical qualifications, the department may downgrade the commercial driver license to a restricted commercial driver license under this section and impose a "K" restriction on the license.

(b) The department shall promulgate rules to define "downgrade" in accordance with federal law and regulations or guidance from the applicable federal agency, to establish the process for downgrading a commercial driver license and whether or not a new commercial driver license document will be issued after a commercial driver license is downgraded, and to establish the process for reinstating a downgraded commercial driver license after the department receives from the licensee a valid medical certification or other appropriate certification of physical qualifications.

(END)