

## 2013 DRAFTING REQUEST

**Bill**

Received:	9/27/2012	Received By:	agary
Wanted:	As time permits	Same as LRB:	
For:	Jerry Petrowski (608) 266-2502	By/Representing:	Anna Richter
May Contact:		Drafter:	agary
Subject:	Transportation - driver licenses	Addl. Drafters:	
		Extra Copies:	EVM

Submit via email: YES  
Requester's email: Sen.Petrowski@legis.wisconsin.gov  
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

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### Pre Topic:

No specific pre topic given

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### Topic:

Out of service disqualifications for commercial drivers NB 1315-1

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### Instructions:

See attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 10/4/2012			_____			
/P1	emueller 7/22/2013	jdye 10/23/2012	phenry 10/23/2012	_____	sbasford 10/23/2012		State
/1		scalvin 7/22/2013	jfrantze 7/22/2013	_____	lparisi 7/22/2013	lparisi 7/22/2013	State

FE Sent For:

@ intro.

<END>

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/1	EUM 7/22/13	1 sac 07/22/2013		<i>[Signature]</i> 7/22			

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Wanted: As time permits Companion to LRB:  
For: Transportation By/Representing: Anna Richter  
May Contact: Drafter: agary  
Subject: Transportation - driver licenses Addl. Drafters:  
Extra Copies: EVM

Submit via email: YES  
Requester's email: Anna.Richter@dot.wi.gov  
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

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**Topic:**

Out of service disqualifications for commercial drivers NB 1315-1

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**Instructions:**

See attached

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/?	agary	PI 10/23 jld	10/23 p				

FE Sent For:

<END>

**LEGISLATIVE BUDGET/NON-BUDGET PROPOSAL**  
**2013-2015 BIENNIUM**

Wisconsin Department of Transportation

DT1586 6/2012

**Instructions:** Complete this form for any budget/non-budget legislative initiative for which a Division requests the Secretary's Office (SO) approval. Check the budget box only if the proposal has a fiscal impact on department expenditures or revenue. This form must be signed by the Division Administrator(s). Include this form with your budget submittal materials or return one completed copy to the Office of Policy, Budget & Finance (OPBF), Attention: Paul Hammer. The form is available at: <http://dotnet/forms/authorized.htm>.

Short Title of Topic Out of Service Disqualifications for Commercial Drivers			
Type of Proposal <input type="checkbox"/> Budget <input checked="" type="checkbox"/> Non-Budget	OGC OFFICE USE ONLY "T" Number Assigned	"B" Number Assigned	"NB" Number Assigned 1315-1
Date Submitted 7/18/2012	Division(s) Motor Vehicles		
OPBF Contact Person Anna Richter	(Area Code) Telephone Number 608 267-7304		
Lead Division Contact Person Vicki Harkins	(Area Code) Telephone Number 608 266-1449		
OGC Contact Person Paul Nilsen	(Area Code) Telephone Number 608 261-0126		
Define Problem Precisely Federal law requires commercial drivers to be disqualified for no less than 180 days or more than 1 year when convicted of violating an out-of-service order when transporting nonhazardous materials. Current Wisconsin law only requires a minimum of 90 days disqualification for violation of an out-of-service order when transporting nonhazardous material.			
Description of Proposed Change Amend s.343.315(2)(h) to change the minimum disqualification period for an out-of service violation from 90 days to 180 days.			
Justification for Change This change will bring the department into compliance with federal law 49 CFR 383.51(e)(1)			
Describe any legislative history and related statutory language 343.315(2)(h) 49 CFR 383.51(e)(1)			

**X** \_\_\_\_\_ (Date)  
 (Division Administrator Signature)

**X** \_\_\_\_\_ (Date)  
 (Division Administrator Signature)

**X** \_\_\_\_\_ (Date)  
 (Division Administrator Signature)



State of Wisconsin  
2013 - 2014 LEGISLATURE

in  
10/4



LRB-0162/P1  
ARG: ^:...

JLD

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

X  
1

Gen

AN ACT ...; relating to: commercial motor vehicle out-of-service violations.

*Analysis by the Legislative Reference Bureau*

Current law prohibits a person from operating a commercial motor vehicle (CMV) while the person or the CMV is ordered out-of-service under state or federal law or while the motor carrier responsible for safety of the CMV has in effect a federal out-of-service order for unsatisfactory safety compliance (out-of-service violation). A person who commits an out-of-service violation must forfeit \$2,500 for the first offense and \$5,000 for any subsequent offense within a 10-year period and, with an exception, is further disqualified from operating a CMV for 90 days for the first offense, two years for a second offense within a 10-year period, or three years for a third or subsequent offense within a 10-year period.

\*  
\*  
\*

Under this bill, a person who commits a first offense out-of-service violation is disqualified from operating a CMV for 180 days, rather than 90 days.

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:*

2 SECTION 1. 343.315 (2) (h) of the statutes is amended to read:

3 343.315 (2) (h) Except as provided in par. (i), a person shall be disqualified for  
4 a period of 90 180 days from operating a commercial motor vehicle if convicted of an

1 out-of-service violation, or 2 years if convicted of 2 out-of-service violations, or 3  
2 years if convicted of 3 or more out-of-service violations, arising from separate  
3 occurrences committed within a 10-year period while operating a commercial motor  
4 vehicle. A disqualification under this paragraph shall be in addition to any penalty  
5 imposed under s. 343.44. In this paragraph, "out-of-service violation" means  
6 violating s. 343.44 (1) (c) or a law of another jurisdiction for an offense therein which,  
7 if committed in this state, would have been a violation of s. 343.44 (1) (c), if the  
8 operator holds a commercial driver license or is required to hold a commercial driver  
9 license to operate the commercial motor vehicle.

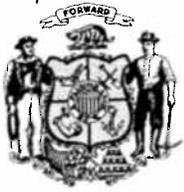
History: 1989 a. 105; 1991 a. 39, 277; 1995 a. 113, 448; 1997 a. 84, 258; 1999 a. 85, 140; 2001 a. 38, 109; 2003 a. 33, 97; 2007 a. 20; 2009 a. 28, 103; 2011 a. 32, 101, 244, 258; 2011 a. 260 s. 81.

10 **SECTION 2. Initial applicability.**

11 (1) This act first applies to violations committed on the effective date of this  
12 subsection, ✓ but does not preclude the counting of other violations as prior violations  
13 for purposes of administrative action by the department of transportation ✓ or  
14 sentencing by a court.

15

(END)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0162/PT

ARG:jld:pb

RMR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

No Changes

7/22/13

Today

1 AN ACT to amend 343.315 (2) (h) of the statutes; relating to: commercial motor  
2 vehicle out-of-service violations.

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Current law prohibits a person from operating a commercial motor vehicle (CMV) while the person or the CMV is ordered out-of-service under state or federal law or while the motor carrier responsible for safety of the CMV has in effect a federal out-of-service order for unsatisfactory safety compliance (out-of-service violation). A person who commits an out-of-service violation must forfeit \$2,500 for the first offense and \$5,000 for any subsequent offense within a ten-year period and, with an exception, is further disqualified from operating a CMV for 90 days for the first offense, two years for a second offense within a ten-year period, or three years for a third or subsequent offense within a ten-year period.

Under this bill, a person who commits a first offense out-of-service violation is disqualified from operating a CMV for 180 days, rather than 90 days.

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**Parisi, Lori**

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**From:** Fiocchi, Tim  
**Sent:** Monday, July 22, 2013 2:50 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -0162/1 Topic: Out of service disqualifications for commercial drivers  
NB 1315-1

Please Jacket LRB -0162/1 for the SENATE.