

CA 93-68

**CERTIFICATE**

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **Occupational Driver's License**, was duly approved and adopted by this Department on June 25, 1993.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 25 day of June, 1993.

*Charles H. Thompson*  
CHARLES H. THOMPSON  
Secretary

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JUN 28 1993

3:40 pm  
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IN THE MATTER OF an **Order Adopting Rule** REPEALING Trans 117.02(2)(c) and (d), and 117.10; RENUMBERING Trans 117.02(2)(a), (e) and (f), and Trans 117.03; AMENDING Trans 117.01(1), 117.05(3) and 117.09(2)(a), REPEALING AND RECREATING Trans 117.08, and CREATING Trans 117.02(2)(a), 117.03(2), 117.04(5) and 117.05(1)(c), Wisconsin Administrative Code, relating to Occupational Driver’s License.

**ORDER ADOPTING RULE**

**Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** ss. 85.16(1), 227.11(2)(a), 343.02(1) and 343.20, Stats.

**STATUTES INTERPRETED:** ss. 161.50, 343.10, 343.20 and 351.07, Stats.

**General Summary of Rule.** This rule amends ch. 117, Occupational Driver’s License, to incorporate the changes brought about by 1991 Wisconsin Acts 39, 269 and 277. It further explains the petition, application and processing issues associated with issuing occupational licenses.

The rule incorporates the substantive and procedural adjustments the Department must make to accommodate the issuing of occupational licenses as prescribed in Acts 39, 269 and 277. Specifically, the amendments to this rule deal with safety responsibility, damage judgments, ignition interlocking devices, drug and drug paraphernalia, and alcohol conviction and assessment.

The rules provide that occupational licenses issued to persons whose operating privileges are revoked for failure to pay a damage judgment or for failure to deposit security as required by s. 344.14, Stats., will expire every four years in the same manner as regular driver licenses. Tests required for renewal of a regular license, such as vision and hazardous materials, will be required at the same interval for occupational licenses.

The rule also amends section Trans 117.09(2)(a) to make clear that the emergency service provider exception to the normal hourly restrictions on occupational licenses only applies to persons who provide essential life sustaining emergency services to the public.

**Fiscal Impact.** The Department estimates that there will be no fiscal effect on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district or sewerage district. The Department estimates that there will be no fiscal effect on state revenues or liabilities.

**Final Regulatory Flexibility Analysis.** This rule will have no significant effect upon small businesses.

**Contact Person.** The person to contact for further information on this rule is Richard Kleist, Wisconsin Department of Transportation, Compliance and Restoration Section, telephone (608) 264-7029. A copy of the rule may be obtained upon request from the Wisconsin Department of Transportation, Division of Motor Vehicles, Room 351, Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin 53707, telephone (608) 266-2237.

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**TEXT OF RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1), 227.11(2)(a) and 343.20, Stats., the department of transportation hereby amends a rule interpreting ss. 161.50, 343.10, 343.20 and 351.07, Stats., relating to occupational driver licenses.

**SECTION 1.** Trans 117.01(1) is amended to read:

Trans 117.01(1) The purpose of this rule is to administratively interpret ss. 161.50, 343.10, 343.20 and 351.07, Stats. The rule supplements the statutory procedure for obtaining an order authorizing the issuance of an occupational license and for applying for the issuance of an occupational license. It establishes department policy regarding the granting of CDL-occupational license petitions.

**SECTION 2.** Trans 117.02(2)(a) is renumbered Trans 117.02(2)(am).

**SECTION 3.** Trans 117.02(2)(a) is created to read:

Trans 117.02(2)(a) "Basic driver license" means a regular license, commercial driver license, motorcycle only license, special restricted license or probationary license, as those terms are used in s. 343.03(3), Stats., that has been revoked, suspended, cancelled or disqualified.

**SECTION 4.** Trans 117.02(2)(c) and (d) are repealed.

**SECTION 5.** Trans 117.02(2)(e) and (f) are renumbered Trans 117.02(2)(c) and (d).

**SECTION 6.** Trans 117.03 is renumbered Trans 117.03(1).

**SECTION 7.** Trans 117.03 (2) is created to read:

(2) The department may not issue an occupational license to a person if the order granting the person's petition for occupational license restricts the person to operating vehicles equipped with an ignition interlock device or if as part of the criminal sentence in the underlying OWI case the person was ordered to have an ignition interlock device installed as a condition of an occupational license, and the person cannot prove that such a device has been installed in each vehicle the person seeks authority to operate under the occupational license. A device shall not be considered to be installed under this section unless it meets all department specifications for ignition interlock devices.

**NOTE:** Ignition interlock devices are governed by Ch. Trans 313.

**SECTION 8.** Trans 117.04(5) is created to read:

Trans 117.04(5) In addition to the requirements contained in this section, persons ordered by the court to install an ignition interlock device must include a copy of the order and proof of installation in their petition for an occupational license.

**SECTION 9.** Trans 117.05(1)(c) is created to read:

Trans 117.05(1)(c) The fee required under s. 343.10(6), Stats.

**SECTION 10.** Trans 117.05(3) is amended to read:

Trans 117.05(3) The application for a CDL-occupational license of a person whose license is revoked or suspended under s. 161.50, ch. 343 or 344, Stats., shall include a petition to the department for issuance of a CDL-occupational license and the fee specified in s. 343.10(6), Stats.

**SECTION 11.** Trans 117.08 is repealed and recreated to read:

**Trans 117.08 EXPIRATION OF OCCUPATIONAL LICENSES.** (1) A CDL

occupational driver license issued to a person whose operating privilege is revoked under ch. 344, Stats., shall expire:

(a) No later than the expiration date of the person's basic driver license if the person's operating privilege is revoked for failure to pay a damage judgment under s. 344.25, Stats., or if the person's operating privilege is revoked under s. 344.14, Stats., and notice of a civil action against the person has been filed with the department.

(b) One year from the date of revocation if the person's license is revoked under s. 344.14, Stats., and notice of the commencement of a civil action has not been filed with the department.

(c) At the end of the longest running revocation or suspension of the person's operating privilege in effect at the time the occupational license is issued if the person's operating privilege is also suspended or revoked for any reason other than under ss. 344.14 or 344.25, Stats..

(2) A person whose CDL occupational license would expire under sub. (1)(a), less than one year from the date of application, may apply for a license which would expire 4 years from that person's next birthday if the person completes all examinations required to renew his or her basic driver license.

(3) A person whose CDL occupational license would expire under sub. (1)(a), less than 90 days from the date of application, shall submit to all examinations required to renew the person's basic driver license. The person's occupational license shall expire 4 years from the person's next birthday.

(4) A person whose CDL occupational license expires under sub. (1)(a) or (b) may extend his or her occupational license upon completion of all examinations required to renew the person's basic driver license.

(5) Notwithstanding subs. (1) to (4) or any expiration date stated on the face of an occupational license, an occupational license shall expire immediately upon the end of all cancellations, suspensions, revocations and disqualifications of the driver's operating privilege in effect at the time the occupational license was issued.

**SECTION 12.** Trans 117.09(2)(a) is amended as follows:

TRANS 117.09(2)(a) "Emergency service provider" means a person who is employed by a unit of government, is providing services to a unit of government, or is employed by a public utility or medical services provider, and whose occupation involves providing essential life sustaining emergency services to the public. The term includes, but is not limited to, law enforcement officers, fire fighters, forest rangers, correctional officers, snow plow and emergency vehicle drivers, doctors, emergency medical technicians, certified first responders, paramedics and electric, telephone and natural or propane gas repair technicians. A person who claims to be an emergency service provider may be required to provide documentation to the department proving they provide the person provides essential life sustaining emergency services to the public as part of their the person's occupation.

**SECTION 13.** Trans 117.10 is repealed.


**(END OF RULE TEXT)**

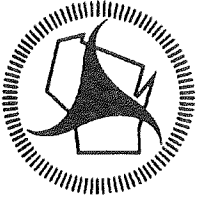
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**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 25 day of June, 1993.

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\_\_\_\_\_  
CHARLES H. THOMPSON  
Secretary  
Wisconsin Department of Transportation



## Wisconsin Department of Transportation

Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

June 28, 1993

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Mr. Gary Poulson  
Deputy Revisor of Statutes  
131 West Wilson Street, Suite 800  
Madison, Wisconsin 53703

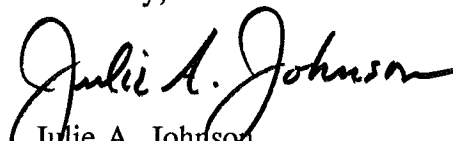
RE: **CLEARINGHOUSE RULE 93-68**

In the Matter of the Adoption of **TRANS 117**, Wisconsin Administrative Code, relating to **Occupational Driver's License**.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 93-68**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

  
Julie A. Johnson  
Paralegal

Enclosures

cc: Tom Walker  
Dorothy Kapke  
Jim McDonnell  
Roger Cross  
Wes Geringer  
Rick Kleist