

1993 Assembly Bill 303

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1993 WISCONSIN ACT 19

AN ACT *to repeal* 343.055 (1) (e) to (g); *to renumber* 343.17 (3) (d) 1; *to amend* 343.055 (1) (a), 343.055 (5) and 343.16 (1) (a); and *to create* 343.16 (2) (e) and 343.17 (3) (d) 1g of the statutes, **relating to:** authorizing the operation of certain commercial motor vehicles by seasonal farm service industry employees and granting rule-making authority.

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

SECTION 1c. 343.055 (1) (a) of the statutes is amended to read:

343.055 (1) (a) *General.* Except as provided in subs. (3) and (4) and notwithstanding s. 343.05 (2), operators of certain commercial motor vehicles specified in pars. (b) to (h) or any rule of the department promulgated under sub. (5) are not required to hold commercial driver licenses, if the operator holds a valid operator's license not limited to "Class M" vehicles.

SECTION 1e. 343.055 (1) (e) to (g) of the statutes are repealed.

SECTION 1g. 343.055 (5) of the statutes is amended to read:

343.055 (5) **RULES.** As soon as possible after the federal commercial motor vehicle safety act, 49 USC 2701 to 2716, or the regulations adopted under that act permit any commercial driver license waiver ~~under this section~~, the department shall promulgate rules governing eligibility for the waiver. This subsection applies to waivers not permitted by federal law on May 12, 1992.

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

343.16 (1) (a) *General.* 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) and s. 343.03 (8) (b) and (c), 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 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, or 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. 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 3. 343.16 (2) (e) of the statutes is created to read:

343.16 (2) (e) *Farm service industry employe waiver.* To the extent permitted under applicable federal law or

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regulation, the department may waive any knowledge test and shall waive the commercial driver license driving skills test of a person applying for an “F” endorsement, except as provided under s. 343.16 (5) or (6).

SECTION 4. 343.17 (3) (d) 1. of the statutes is renumbered 343.17 (3) (d) 1m.

SECTION 5. 343.17 (3) (d) 1g of the statutes is created to read:

343.17 (3) (d) 1g. “F” endorsement, which authorizes a seasonal employe of a farm service industry employer who is eligible for a restricted commercial driver license under applicable federal law or regulation to operate “Class B” and “Class C” vehicles as described in s. 343.04 (1) (b) and (c) for a seasonal period not to

exceed 180 days in any calendar year. This endorsement permits the transporting of liquid fertilizers in vehicles or implements of husbandry with total capacities of 3,000 gallons or less, solid fertilizers that are not transported with any organic substance or 1,000 gallons or less of diesel fuel, but no combination of these materials. The endorsement does not permit operation of a commercial motor vehicle beyond 150 miles of the farm service industry employer’s place of business or, in the case of custom harvesters, the farm currently being served.

SECTION 6. Initial applicability. This act first applies to authorization to operate commercial motor vehicles or issuance of an endorsement on the effective date of this SECTION.
