

**1999 DRAFTING REQUEST**

**Bill**

Received: 10/7/98

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB: **97-0380**

For: **Administration-Budget**

By/Representing: **Etzler**

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

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies:

**Topic:**

DOA:.....Etzler - Third-party driving skills testing

**Instructions:**

See Attached

**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>
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/P3	nilsepe 01/29/99	gilfokm 01/29/99	jfrantze 01/13/99	_____	lrb_docadmin 01/13/99		State
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Page 2

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T009

**WISCONSIN DEPARTMENT OF TRANSPORTATION  
LEGISLATIVE PROPOSAL FORM  
BUDGET / NON-BUDGET**

SHORT TITLE OF ISSUE: Third Party Class D Driver Skills Testing

DIVISION(S): Motor Vehicles, Bureau of Field Services	DIVISION ADMINISTRATORS' SIGNATURES:
DATE: June 25, 1998	
OPB CONTACT PERSON: Lis Gorenstein	TELEPHONE #: 266-0179
LEAD DIVISION CONTACT PERSON: Julie Clark	TELEPHONE #: 266-2239
OGC CONTACT PERSON: Joe Maassen	TELEPHONE #: 266-7364

**DEFINE PROBLEM PRECISELY**

Driver applicants typically have to wait as long as 4-6 weeks to take their skills test and be issued their driver's license. Two options are being considered to provide improved driver testing services to the public.

- 1 Drivers under 18: Driver education instructors, including private driving schools, could conduct the skills test as part of the driver education program.
- 2) Drivers 18 and over: Allow third party testers to conduct the Class D skills test.

**PROPOSED SOLUTION**

- 1) Amend 343.16(1)(c) to allow driver education and commercial school instructors to conduct the skills test.
- 2) Amend 343.16(1)(b) to allow CDL (Class A, B, & C) third party testers to give Class D skills tests.

**LEGISLATIVE BACKGROUND**

DOA:.....Percy <sup>E+Zler</sup> - Third-party Class D road tests

-0528/PI  
TNP&PEN: KMG

FOR 1997-99 BUDGET — NOT READY FOR INTRODUCTION

1999-01

- 1 AN ACT <sup>no cat</sup> relating to: permitting 3rd-party testers to administer road tests for
- 2 noncommercial motor vehicle drivers

*Analysis by the Legislative Reference Bureau*  
**TRANSPORTATION**

**DRIVERS AND MOTOR VEHICLES**

Under current law, the department of transportation (DOT) may contract with 3rd-party testers to conduct road tests for commercial motor vehicle drivers, abbreviated road tests for school bus drivers and special examinations for school bus drivers.

This bill permits DOT to contract with 3rd-party testers to conduct road tests for noncommercial motor vehicle drivers, except road tests for authorization to operate Type 1 motorcycles.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

insert

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

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

1           343.16 (1) (b) *Third-party testing.* (intro.) The department may contract with  
2 a person, including an agency or department of this state or its political subdivisions  
3 or another state, or a private employer of commercial motor vehicle drivers, to  
4 administer driving skills tests required by par. (a) for authorization to operate "Class  
5 D" vehicles, commercial motor vehicle skills tests required by 49 CFR 383.110 to  
6 383.135, examinations required to be administered under s. 343.12 (2) (h) and  
7 abbreviated driving skills tests required by sub. (3) (b). The department may not  
8 enter into such testing contracts with a private driver training school or other private  
9 institution. A contract with a 3rd-party tester shall include all of the following  
10 provisions:

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

12           343.16 (1) (b) 3. (intro.) At least annually, the department shall conduct an  
13 on-site inspection of the 3rd-party tester to determine compliance with the contract  
14 and with department and federal standards for testing applicants for commercial  
15 driver licenses and with department standards for testing applicants for regular  
16 licenses and school bus endorsements. At least annually, the department shall also  
17 evaluate testing given by the 3rd-party by one of the following means:

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

19           343.16 (1) (b) 4. Examiners of the 3rd-party tester shall meet the same  
20 qualifications and training standards as the department's license examiners to the  
21 extent established by the department as necessary to satisfactorily perform the  
22 driving skills tests required by par. (a) for authorization to operate "Class D" vehicles,  
23 skills tests required by 49 CFR 383.110 to 383.135, examinations required to be  
24 administered under s. 343.12 (2) (h) and abbreviated driving skills tests required by  
25 sub. (3) (b).

PROOF w/ 10/19/97

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SECTION 4. 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 regular license and school bus endorsement testing or any provision of the contract. Such action may include immediate termination of testing by the 3rd-party tester and recovery of damages.

*insert*

(END)

*Proof w/ photo.*

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0528/P1ins  
PEN.....

✓  
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↓

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

2 343.16 (1) (a) *General.* The Except as provided in par. (c), the department shall  
3 examine every applicant for an operator's license, including applicants for license  
4 renewal as provided in sub. (3), and every applicant for authorization to operate a  
5 vehicle class or type for which the applicant does not hold currently valid  
6 authorization, other than an instruction permit. Except as provided in sub. (2) (cm)  
7 and (e), the examinations of applicants for licenses authorizing operation of  
8 "Class A", "Class B", "Class C", "Class D" or "Class M" vehicles shall include both a  
9 knowledge test and an actual demonstration in the form of a driving skills test of the  
10 applicant's ability to exercise ordinary and reasonable control in the operation of a  
11 representative vehicle. The department shall not administer a driving skills test to  
12 a person applying for authorization to operate "Class M" vehicles who has failed 2  
13 previous such skills tests unless the person has successfully completed a rider course  
14 approved by the department. The department may, by rule, exempt certain persons  
15 from the rider course requirement of this paragraph. The driving skills of applicants  
16 for endorsements authorizing the operation of commercial motor vehicles equipped  
17 with air brakes, the transportation of passengers in commercial motor vehicles or the  
18 operation of school buses, as provided in s. 343.04 (2) (b), (d) or (e), shall also be tested  
19 by an actual demonstration of driving skills. The department may endorse an  
20 applicant's commercial driver license for transporting hazardous materials, or the  
21 operation of tank vehicles or vehicles towing double or triple trailers, as described  
22 in s. 343.04 (2) (a), (c) or (f), based on successful completion of a knowledge test. In  
23 administering the knowledge test, the department shall attempt to accommodate

↓

1 any special needs of the applicant. Except as may be required by the department for  
2 an "H" or "S" endorsement, the knowledge test is not intended to be a test for literacy  
3 or English language proficiency. This paragraph does not prohibit the department  
4 from requiring an applicant to correctly read and understand highway signs.

History: 1971 c. 164 s. 83; 1973 c. 90, 176; 1975 c. 36, 199; 1977 c. 29 ss. 1456, 1654 (7) (a), (c); 1977 c. 273, 418; 1979 c. 34 ss. 1067m, 2102 (52) (a); 1979 c. 221, 345; 1981 c. 20; 1983 a. 74, 243, 534, 538; 1985 a. 65, 337; 1987 a. 3, 40, 215; 1989 a. 31, 105, 359; 1991 a. 21, 32, 39, 316; 1993 a. 16, 19, 183, 399; 1995 a. 27 s. 9145 (1); 1995 a. 113, 195, 448; 1997 a. 27, 84, 237.

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

6 343.16 (1) (c) ~~intro.~~ <sup>(intro.)</sup> Driver education course. The department may, after ✓  
7 consultation with the department of public instruction and the technical college  
8 system board, provide for administration of and certification of the results of the test  
9 of an applicant's knowledge of the traffic laws and ability to read and understand  
10 highway signs, and of the driving skills test of the applicant's ability to exercise  
11 ordinary and reasonable control in the operation of a representative vehicle, in  
12 conjunction with a course in driver education specified in this paragraph, by an  
13 instructor in that course. ~~The test under this paragraph does not include that part~~  
14 ~~of a driver's examination involving the actual demonstration of ability to exercise~~  
15 ~~ordinary and reasonable control in the operation of a motor vehicle required for the~~  
16 ~~issuance of a license other than an instruction permit. The.~~ Any test under this  
17 paragraph may be administered and certified by an instructor in any of the following:

History: 1971 c. 164 s. 83; 1973 c. 90, 176; 1975 c. 36, 199; 1977 c. 29 ss. 1456, 1654 (7) (a), (c); 1977 c. 273, 418; 1979 c. 34 ss. 1067m, 2102 (52) (a); 1979 c. 221, 345; 1981 c. 20; 1983 a. 74, 243, 534, 538; 1985 a. 65, 337; 1987 a. 3, 40, 215; 1989 a. 31, 105, 359; 1991 a. 21, 32, 39, 316; 1993 a. 16, 19, 183, 399; 1995 a. 27 s. 9145 (1); 1995 a. 113, 195, 448; 1997 a. 27, 84, 237.

(end inserts)

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2



THIRD PARTIES PROVIDING CLASS D SKILLS TESTING  
Revised for LRB October 30, 1998

LRB-0528

7009

**SUMMARY:** DOT is proposing to have external parties administer the Class D (regular license) skills test. Participation in this program would be voluntary for schools, instructors and potential drivers.

**I. For those individuals under 18, as part of the driver education process,** driver education instructors teaching a Department of Public Instruction (DPI) approved course (and approved by the Department of Transportation (DOT) in the case of commercial schools) would be able to conduct skills tests for their own students. This would include public, private and commercial driving schools. DOT would audit the driver educators to confirm compliance with DOT standards. DOT does not currently control fees schools charge students for driver education and does not propose to change this policy.

**II. For those 18 and over, third parties (approved by DOT and meeting DOT standards)** would be authorized to administer skills tests. Prospective third parties might include current CDL testers, retired police officers, DMV examiners, driver education instructors, commercial driving schools, etc.. Third parties would be allowed to assess a fee for this service; the fee may be similar to the CDL testing fee which is authorized in Administrative Rule (Trans 113) but, determined through policy (currently capped at a \$70 maximum).

11/3/98

if out call Jerry Bown 6-0428  
David Kussow 6-2743 (bureau dir.)

Section 2 - allow 3rd party testers to also  
admin class D tests

class D -

- driver training to do 3rd party tests for class D  
only

- 3rd party testers can only test aged 18 & over

don't change commercial motor vehicle 3rd party tests

Section 6 - Amend to allow commercial schools

to test persons under age 18 if student in  
commercial school - only test their own students

Review 343.60-073 to allow testing of schools own  
students under age 18.

- 1) don't change current CDL testing
- 2) allow CDL schools to test aged 18 & over
- 3) under 18 can only be tested if enrolled in driver ed. program
- 4) over 18 can be skills tested by an licensed 3rd party tester



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0528/12

PEN:kmg:jf

Handwritten notes: an arrow pointing to the top right, a circled 'P2', and a circled 'D-note'.

DOA:.....Etzler - Third-party driving skills testing

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

Handwritten note: Third-party testers may administer an on-the-road test to any applicant who is at least 18 years of age or, if the applicant is under 18 years of age, who is enrolled in a driving school course taught by the third-party tester.

- 1 AN ACT <sup>Don't  
Gen Cat</sup> relating to: permitting 3rd-party testers to administer road tests for
- 2 noncommercial motor vehicle drivers.

*Analysis by the Legislative Reference Bureau*

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**DRIVERS AND MOTOR VEHICLES**

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This bill permits DOT to contract with 3rd-party testers to conduct ~~AAA~~ tests for noncommercial motor vehicle drivers, except ~~AAA~~ tests for authorization to operate Type 1 motorcycles. On-the-road

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pgs. (b) and

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5 authorization, other than an instruction permit. Except as provided in sub. (2) (cm)  
6 and (e), the examinations of applicants for licenses authorizing operation of  
7 "Class A", "Class B", "Class C", "Class D" or "Class M" vehicles shall include both a  
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11 a person applying for authorization to operate "Class M" vehicles who has failed 2  
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6 or another state, or a private employer of commercial motor vehicle drivers, to  
7 administer and, to persons at least 18 years of age, driving skills tests required by par. (a) for authorization to operate "Class  
8 D" vehicles, commercial motor vehicle skills tests required by 49 CFR 383.110 to  
9 383.135, examinations required to be administered under s. 343.12 (2) (h) ~~and~~ <sup>3</sup>  
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15 of an applicant's knowledge of the traffic laws and ability to read and understand  
16 highway signs, and of the driving skills test of the applicant's ability to exercise  
17 ordinary and reasonable control in the operation of a representative vehicle, in  
18 conjunction with a course in driver education specified in this paragraph, by an  
19 instructor in that course. ~~The test under this paragraph does not include that part~~  
20 ~~of a driver's examination involving the actual demonstration of ability to exercise~~  
21 ~~ordinary and reasonable control in the operation of a motor vehicle required for the~~  
22 ~~issuance of a license other than an instruction permit. The~~ Any test <sup>authorized</sup> under this  
23 paragraph may be administered and certified by an instructor in any of the following:

24 (END)

insert  
4-22

INSEA  
4-22

No person may administer a driving  
skills test under this paragraph to an  
applicant who is under 18 years of age,  
unless the applicant is enrolled in a  
course described in subds. 1. to 3.  
and the driving skills test is administered  
as part of that course.

(end insert)

-0528/P2 dn

John Etzler =  
z z

The changes in this draft were suggested by Mr. Jerry Bown of WisDOT DMV.  
z z z z z z z z z z

Under the draft, applicants<sup>nts</sup> who are at least 18 years of age may take driving skills tests administered by driving schools or by current CDL 3rd-party testers. Persons under age 18 may only be tested by driving schools in which they are enrolled. OK?

I didn't see any conflicts with this draft in ss. 343.60 to 343.73.

-PEN



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0528/P2dn  
PEN:kmg:lp

November 9, 1998

John Etzler:

The changes in this draft were suggested by Mr. Jerry Bown of Wis DOT DMV.

Under the draft, applicants who are at least 18 years of age may take driving skills tests administered by driving schools or by current CDL 3rd-party testers. Persons under age 18 may only be tested by driving schools in which they are enrolled. OK?

I didn't see any conflicts with this draft in ss. 343.60 to 343.73.

Paul E. Nilsen  
Legislative Attorney  
261-6926

**Nilsen, Paul**

**From:** Etzler, John [John.Etzler@doa.state.wi.us]  
**Sent:** Thursday, January 07, 1999 11:47 AM  
**To:** Nilsen, Paul  
**Subject:** FW: LRB Draft (Third Party Class D Skills Testing)

Paul -- Please make the following changes to LRB 0528/2. Thanks.

> -----Original Message-----

> From: Gorenstein, Elisabeth  
> Sent: Tuesday, December 15, 1998 4:39 PM  
> To: Etzler, John  
> Cc: Smith, Thomas; ~~BOWN, GERALD~~; Buckmaster, Carol; 'Nilsen, Paul'  
> Subject: LRB Draft (Third Party Class D Skills Testing)

266-0428

> John - DOT has the following comments:

> LRB 0528/P2 (Third party driving skills testing):  
> DOT has suggestions for additional clarifications within the analysis to  
> further help people understand the two components of the proposal: (1)  
> third party testers who can conduct tests for those 18 and older and (2)  
> driver education instructors that may conduct tests for those under 18 who  
> are their students:

> Specific suggested language is the following: "This bill permits DOT to  
> contract with third party testers to conduct on-the-road tests for  
> noncommercial motor vehicle drivers, except on-the-road tests for  
> authorization to operate Type 1 motorcycles. Third party testers may  
> administer an on-the-road test to any applicant who is at least 18 years  
> of age.

> This bill permits DOT to provide for the administration of and  
> certification of the results of the on-the-road tests for noncommercial  
> motor vehicle drivers, except on-the-road tests for authorization to  
> operate Type 1 motorcycles, in conjunction with a course in driver  
> education for persons under 18 years of age, approved by the department of  
> transportation, department of public instruction and the technical college  
> system board."

> Page 3, line 12: Rather than the current language "The department may not  
> enter into such testing contracts with a private driver training school or  
> other private institution." it was suggested "The department may not  
> enter into such testing contracts with a driver training school licensed  
> by the department under s.343.60 or other private institution to  
> administer a driver skills test for a Class A, B or C commercial motor  
> vehicle." Since these schools do Class D training, we intend to allow  
> them to do Class D tests.

- policy change

> Page 4, line 18: Replace "representative" with Class D.

- NO. + his section <sup>might</sup> applies to other vehicles, not just "class D". See 343.01 (2)(f)

> Page 4, line 20: Insert language which restricts these skills tests to  
> persons under 18. The following was suggested: "The administration of a  
> skills test under this paragraph is restricted to persons under 18 years  
> of age."

> Page 5, line 1: Change number three "3" to four "4". 4 applies to private  
> driving schools.

- there is no 4.

> Page 5, line 4: Create sub. 4 for "s.343.16(1)c4. A course in driver

- 
- > education in driver <sup>training</sup> schools licensed by the department under
  - > ~~s 343.60.~~
  - > <sup>343.61</sup>
  - > If you have any questions, please let me know.
  - >
  - > Lis Gorenstein
  - > Office of Policy and Budget (Rm. 132-B)
  - > (608) 266-0179
  - > Email: [elisabeth.gorenstein@dot.state.wi.us](mailto:elisabeth.gorenstein@dot.state.wi.us)
  - >



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0528/P2  
PEN:kmg:lp

P3

DOA:.....Etzler - Third-party driving skills testing

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

an approved driver education

1 AN ACT <sup>Certain</sup> <sup>Dot</sup> <sup>Gen. Cat.</sup>; relating to: permitting 3rd-party testers to administer road tests for  
2 noncommercial motor vehicle drivers.

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**DRIVERS AND MOTOR VEHICLES**

Under current law, the department of transportation (DOT) may contract with 3rd-party testers to conduct on-the-road tests for commercial motor vehicle drivers, abbreviated on-the-road tests for school bus drivers and special examinations for school bus drivers.

This bill permits DOT to contract with 3rd-party testers to conduct on-the-road tests for noncommercial motor vehicle drivers, except on-the-road tests for authorization to operate Type 1 motorcycles. Third-party testers may administer an on-the-road test to any applicant who is at least 18 years of age or, if the applicant is under 18 years of age, who is enrolled in ~~a driving school~~ <sup>an approved driver education</sup> course taught by the third-party tester.

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:*

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

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6 currently valid authorization, other than an instruction permit. Except as provided  
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25 required by the department for an "H" or "S" endorsement, the knowledge test is not

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8 administer commercial motor vehicle skills tests required by 49 CFR 383.110 to  
9 383.135, examinations required to be administered under s. 343.12 (2) (h) ~~and,~~  
10 abbreviated driving skills tests required by sub. (3) (b) and, to persons at least 18  
11 years of age, driving skills tests required by par. (a) for authorization to operate  
12 “Class D” vehicles. The department may not enter into such testing contracts with  
13 a private driver training school or other private institution. A contract with a  
14 3rd-party tester shall include all of the following provisions: for vehicles other than  
“Class D” vehicles

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

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18 and with department and federal standards for testing applicants for commercial  
19 driver licenses and with department standards for testing applicants for regular  
20 licenses and school bus endorsements. At least annually, the department shall also  
21 evaluate testing given by the 3rd-party by one of the following means:

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23 343.16 (1) (b) 4. Examiners of the 3rd-party tester shall meet the same  
24 qualifications and training standards as the department’s license examiners to the  
25 extent established by the department as necessary to satisfactorily perform the

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8 department or federal standards for commercial driver license testing, department  
9 standards for regular license and school bus endorsement testing or any provision  
10 of the contract. Such action may include immediate termination of testing by the  
11 3rd-party tester and recovery of damages.

12 **SECTION 6.** 343.16 (1) (c) (intro.) of the statutes is amended to read:

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17 highway signs, and of the driving skills test of the applicant's ability to exercise  
18 ordinary and reasonable control in the operation of a ~~representative~~ vehicle, in <sup>"CLASS D"</sup>  
19 conjunction with a course in driver education specified in this paragraph, by an  
20 instructor in that course. ~~The test under this paragraph does not include that part~~  
21 ~~of a driver's examination involving the actual demonstration of ability to exercise~~  
22 ~~ordinary and reasonable control in the operation of a motor vehicle required for the~~  
23 ~~issuance of a license other than an instruction permit. The No person may~~  
24 administer a driving skills test under this paragraph to an applicant who is under  
25 18 years of age, unless the applicant is enrolled in a course described in subds. 1. to

1 <sup>4.</sup> ~~and~~ and the driving skills test is administered as part of that course. Any test  
2 authorized under this paragraph may be administered and certified by an instructor  
3 in any of the following:  
4 (END)

① Sec. #. CR; 343.16 (1)(c) 4.  
② 343.16 (1)(c) 4. A course in driver education  
in driver schools licensed under s. 343.61.



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**Nilsen, Paul**

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**From:** Etzler, John  
**Sent:** Friday, January 29, 1999 5:01 PM  
**To:** Nilsen, Paul  
**Subject:** LRB 0528

Paul -- Section 6 (page 4) of draft 0528 is needs to be revised to include something along the following statement:

"The administration of a skills test under this paragraph is limited to persons under 18 years of age."

Thanks.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0528/23  
PEN:kmg:jf

DOA:.....Etzler - Third-party driving skills testing

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

Don't  
Gen. Cat.

**AN ACT** relating to: permitting 3rd-party testers to administer road tests for certain noncommercial motor vehicle drivers.

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**DRIVERS AND MOTOR VEHICLES**

Under current law, the department of transportation (DOT) may contract with 3rd-party testers to conduct on-the-road tests for commercial motor vehicle drivers, abbreviated on-the-road tests for school bus drivers and special examinations for school bus drivers.

This bill permits DOT to contract with 3rd-party testers to conduct on-the-road tests for noncommercial motor vehicle drivers, except on-the-road tests for authorization to operate Type 1 motorcycles. Third-party testers may administer an on-the-road test to any applicant who is at least 18 years of age or, if the applicant is under 18 years of age, who is enrolled in an approved driver education course taught by the third-party tester.

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 as provided in 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 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. 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:

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**SECTION 3.** 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 regular licenses and school bus endorsements. At least annually, the department shall also evaluate testing given by the 3rd-party by one of the following means:

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

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extent established by the department as necessary to satisfactorily perform the driving skills tests required by par. (a) for authorization to operate "Class D" vehicles, 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).

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The administration of a skills test under this paragraph is limited to persons under 18 years of age.

the applicant is enrolled in a course described in subds. 1. to 4. and the driving skills test is administered as part of that course. Any test authorized under this paragraph may be administered and certified by an instructor in any of the following:

**SECTION 7.** 343.16 (1) (c) 4. of the statutes is created to read:

343.16 (1) (c) 4. A course in driver education in driver schools licensed under s. 343.61.

**(END)**



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0528/4  
PEN:kmg:km

12

DOA:.....Etzler - Third-party driving skills testing

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

Today

1 <sup>Don't  
Gen Cat.</sup> AN ACT **relating to:** permitting 3rd-party testers to administer road tests for  
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*Analysis by the Legislative Reference Bureau*

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 8 s. 343.61.

9 (END)

and the applicant is  
under 18 years of age

*[Faint handwritten notes and scribbles at the bottom of the page, including the word "perhaps" and some illegible phrases.]*



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0528/2  
PEN:kmg:km

TODAY

Handwritten initials and a circled number '3' with an arrow pointing to the text above.

DOA:.....Etzler - Third-party driving skills testing

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

do not gen

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*Analysis by the Legislative Reference Bureau*

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**DRIVERS AND MOTOR VEHICLES**

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5 authorization to operate a vehicle class or type for which the applicant does not hold  
6 currently valid authorization, other than an instruction permit. Except as provided  
7 in sub. (2) (cm) and (e), the examinations of applicants for licenses authorizing  
8 operation of "Class A", "Class B", "Class C", "Class D" or "Class M" vehicles shall  
9 include both a knowledge test and an actual demonstration in the form of a driving  
10 skills test of the applicant's ability to exercise ordinary and reasonable control in the  
11 operation of a representative vehicle. The department shall not administer a driving  
12 skills test to a person applying for authorization to operate "Class M" vehicles who  
13 has failed 2 previous such skills tests unless the person has successfully completed  
14 a rider course approved by the department. The department may, by rule, exempt  
15 certain persons from the rider course requirement of this paragraph. The driving  
16 skills of applicants for endorsements authorizing the operation of commercial motor  
17 vehicles equipped with air brakes, the transportation of passengers in commercial  
18 motor vehicles or the operation of school buses, as provided in s. 343.04 (2) (b), (d) or  
19 (e), shall also be tested by an actual demonstration of driving skills. The department  
20 may endorse an applicant's commercial driver license for transporting hazardous  
21 materials, or the operation of tank vehicles or vehicles towing double or triple  
22 trailers, as described in s. 343.04 (2) (a), (c) or (f), based on successful completion of  
23 a knowledge test. In administering the knowledge test, the department shall  
24 attempt to accommodate any special needs of the applicant. Except as may be  
25 required by the department for an "H" or "S" endorsement, the knowledge test is not

1 intended to be a test for literacy or English language proficiency. This paragraph  
2 does not prohibit the department from requiring an applicant to correctly read and  
3 understand highway signs.

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

5 343.16 (1) (b) *Third-party testing.* (intro.) The department may contract with  
6 a person, including an agency or department of this state or its political subdivisions  
7 or another state, or a private employer of commercial motor vehicle drivers, to  
8 administer commercial motor vehicle skills tests required by 49 CFR 383.110 to  
9 383.135, examinations required to be administered under s. 343.12 (2) (h) and,  
10 abbreviated driving skills tests required by sub. (3) (b) and, to persons at least 18  
11 years of age, driving skills tests required by par. (a) for authorization to operate  
12 “Class D” vehicles. The department may not enter into such testing contracts with  
13 a private driver training school or other private institution for vehicles other than  
14 “Class D” vehicles. A contract with a 3rd-party tester shall include all of the  
15 following provisions:

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

17 343.16 (1) (b) 3. (intro.) At least annually, the department shall conduct an  
18 on-site inspection of the 3rd-party tester to determine compliance with the contract  
19 and with department and federal standards for testing applicants for commercial  
20 driver licenses and with department standards for testing applicants for regular  
21 licenses and school bus endorsements. At least annually, the department shall also  
22 evaluate testing given by the 3rd-party by one of the following means:

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

24 343.16 (1) (b) 4. Examiners of the 3rd-party tester shall meet the same  
25 qualifications and training standards as the department’s license examiners to the

1 extent established by the department as necessary to satisfactorily perform the  
2 driving skills tests required by par. (a) for authorization to operate "Class D" vehicles,  
3 skills tests required by 49 CFR 383.110 to 383.135, examinations required to be  
4 administered under s. 343.12 (2) (h) and abbreviated driving skills tests required by  
5 sub. (3) (b).

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

7 343.16 (1) (b) 5. The department shall take prompt and appropriate remedial  
8 action against the 3rd-party tester in the event that the tester fails to comply with  
9 department or federal standards for commercial driver license testing, department  
10 standards for regular license and school bus endorsement testing or any provision  
11 of the contract. Such action may include immediate termination of testing by the  
12 3rd-party tester and recovery of damages.

13 **SECTION 6.** 343.16 (1) (c) (intro.) of the statutes is amended to read:

14 343.16 (1) (c) *Driver education course.* (intro.) The department may, after  
15 consultation with the department of public instruction and the technical college  
16 system board, provide for administration of and certification of the results of the test  
17 of an applicant's knowledge of the traffic laws and ability to read and understand  
18 highway signs, and of the driving skills test of the applicant's ability to exercise  
19 ordinary and reasonable control in the operation of a "Class D" vehicle, in conjunction  
20 with a course in driver education specified in this paragraph, by an instructor in that  
21 course. ~~The test under this paragraph does not include that part of a driver's~~  
22 ~~examination involving the actual demonstration of ability to exercise ordinary and~~  
23 ~~reasonable control in the operation of a motor vehicle required for the issuance of a~~  
24 ~~license other than an instruction permit. The~~ No person may administer a driving  
25 skills test under this paragraph to an applicant, unless the applicant is enrolled in

✓ Under 18 years of age

1 a course described in subds. 1. to 4. the driving skills test is administered as part of  
2 that course ~~and the applicant is under 18 years of age.~~ Any test authorized under  
3 this paragraph may be administered and certified by an instructor in any of the  
4 following:

5 **SECTION 7.** 343.16 (1) (c) 4. of the statutes is created to read:

6 343.16 (1) (c) 4. A course in driver education in driver schools licensed under  
7 s. 343.61.

8 (END)





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0528/3  
PEN:kmg&jlg:lp

DOA:.....Etzler - Third-party driving skills testing

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

- 1 AN ACT ...; relating to: permitting 3rd-party testers to administer road tests for  
2 certain noncommercial motor vehicle drivers.

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*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**DRIVERS AND MOTOR VEHICLES**

Under current law, the department of transportation (DOT) may contract with third-party testers to conduct on-the-road tests for commercial motor vehicle drivers, abbreviated on-the-road tests for school bus drivers and special examinations for school bus drivers.

This bill permits DOT to contract with third-party testers to conduct on-the-road tests for noncommercial motor vehicle drivers, except on-the-road tests for authorization to operate Type 1 motorcycles. Third-party testers may administer an on-the-road test to any applicant who is at least 18 years of age or, if the applicant is under 18 years of age, who is enrolled in an approved driver education course taught by the third-party tester.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2           343.16 (1) (a) *General.* The Except as provided in pars. (b) and (c), the  
3 department shall examine every applicant for an operator's license, including  
4 applicants for license renewal as provided in sub. (3), and every applicant for  
5 authorization to operate a vehicle class or type for which the applicant does not hold  
6 currently valid authorization, other than an instruction permit. Except as provided  
7 in sub. (2) (cm) and (e), the examinations of applicants for licenses authorizing  
8 operation of "Class A", "Class B", "Class C", "Class D" or "Class M" vehicles shall  
9 include both a knowledge test and an actual demonstration in the form of a driving  
10 skills test of the applicant's ability to exercise ordinary and reasonable control in the  
11 operation of a representative vehicle. The department shall not administer a driving  
12 skills test to a person applying for authorization to operate "Class M" vehicles who  
13 has failed 2 previous such skills tests unless the person has successfully completed  
14 a rider course approved by the department. The department may, by rule, exempt  
15 certain persons from the rider course requirement of this paragraph. The driving  
16 skills of applicants for endorsements authorizing the operation of commercial motor  
17 vehicles equipped with air brakes, the transportation of passengers in commercial  
18 motor vehicles or the operation of school buses, as provided in s. 343.04 (2) (b), (d) or  
19 (e), shall also be tested by an actual demonstration of driving skills. The department  
20 may endorse an applicant's commercial driver license for transporting hazardous  
21 materials, or the operation of tank vehicles or vehicles towing double or triple  
22 trailers, as described in s. 343.04 (2) (a), (c) or (f), based on successful completion of  
23 a knowledge test. In administering the knowledge test, the department shall  
24 attempt to accommodate any special needs of the applicant. Except as may be  
25 required by the department for an "H" or "S" endorsement, the knowledge test is not

1 intended to be a test for literacy or English language proficiency. This paragraph  
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8 administer commercial motor vehicle skills tests required by 49 CFR 383.110 to  
9 383.135, examinations required to be administered under s. 343.12 (2) (h) and,  
10 abbreviated driving skills tests required by sub. (3) (b) and, to persons at least 18  
11 years of age, driving skills tests required by par. (a) for authorization to operate  
12 “Class D” vehicles. The department may not enter into such testing contracts with  
13 a private driver training school or other private institution for vehicles other than  
14 “Class D” vehicles. A contract with a 3rd-party tester shall include all of the  
15 following provisions:

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17 343.16 (1) (b) 3. (intro.) At least annually, the department shall conduct an  
18 on-site inspection of the 3rd-party tester to determine compliance with the contract  
19 and with department and federal standards for testing applicants for commercial  
20 driver licenses and with department standards for testing applicants for regular  
21 licenses and school bus endorsements. At least annually, the department shall also  
22 evaluate testing given by the 3rd-party by one of the following means:

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

24 343.16 (1) (b) 4. Examiners of the 3rd-party tester shall meet the same  
25 qualifications and training standards as the department’s license examiners to the

1 extent established by the department as necessary to satisfactorily perform the  
2 driving skills tests required by par. (a) for authorization to operate “Class D” vehicles,  
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12 3rd-party tester and recovery of damages.

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14 343.16 (1) (c) *Driver education course.* (intro.) The department may, after  
15 consultation with the department of public instruction and the technical college  
16 system board, provide for administration of and certification of the results of the test  
17 of an applicant’s knowledge of the traffic laws and ability to read and understand  
18 highway signs, and of the driving skills test of the applicant’s ability to exercise  
19 ordinary and reasonable control in the operation of a “Class D” vehicle, in conjunction  
20 with a course in driver education specified in this paragraph, by an instructor in that  
21 course. ~~The test under this paragraph does not include that part of a driver’s~~  
22 ~~examination involving the actual demonstration of ability to exercise ordinary and~~  
23 ~~reasonable control in the operation of a motor vehicle required for the issuance of a~~  
24 ~~license other than an instruction permit. The~~ No person may administer a driving  
25 skills test under this paragraph to an applicant, unless the applicant is under 18

1 years of age, enrolled in a course described in subds. 1. to 4. and the driving skills test  
2 is administered as part of that course. Any test authorized under this paragraph  
3 may be administered and certified by an instructor in any of the following:

4 **SECTION 7.** 343.16 (1) (c) 4. of the statutes is created to read:

5 343.16 (1) (c) 4. A course in driver education in driver schools licensed under  
6 s. 343.61.

7 (END)