

2003 DRAFTING REQUEST**Senate Amendment (SA-SB44)**Received: **04/04/2003**Received By: **agary**Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**By/Representing: **Dyck**This file may be shown to any legislator: **NO**Drafter: **agary**

May Contact:

Addl. Drafters: **phurley**Subject: **Transportation - driver licenses**Extra Copies: **TNF
KMG**Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **Jon.Dyck@legis.state.wi.us**

Pre Topic:

LFB:.....Dyck -

Topic:

MCSIA changes

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>
/?							
/P1	agary 04/15/2003	kgilfoy 04/15/2003	pgreensl 04/21/2003	_____	lemery 04/21/2003		
/P2	agary 04/25/2003 phurley	kgilfoy 04/28/2003	rschluet 04/28/2003	_____	amentkow 04/28/2003		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	04/25/2003			_____			
/1	agary 06/02/2003	kgilfoy 06/02/2003	jfrantze 06/03/2003	_____	sbasford 06/03/2003		

FE Sent For:

<END>

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By/Representing: Dyck

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carol.buekmaster@dot.state.wi.us

*\$ removing
DOT from
"cc list"*

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/P2	agary 04/25/2003	kgilfoy 04/28/2003	rschluet 04/28/2003	_____	amentkow 04/28/2003		

*1-6/2
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6/3*

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

phurley
04/25/2003

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By/Representing: **Dyck**

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May Contact:

Addl. Drafters: **phurley**

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Extra Copies: **TNF
KMG**

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Carbon copy (CC:) to: **Jon.Dyck@legis.state.wi.us
carol.buckmaster@dot.state.wi.us**

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LFB:.....Dyck -

Topic:

MCSIA changes

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/P1	agary 04/15/2003	kgilfoy 04/15/2003	pgreensl 04/21/2003		lemery 04/21/2003		

FE Sent For:

*102-4/28
KMG*

[Signature]

4-28-3

2003 DRAFTING REQUEST

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Received: 04/04/2003

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Dyck

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters: phurley

Subject: Transportation - driver licenses

Extra Copies: TNF
KMG

Submit via email: YES

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carol.buckmaster@dot.state.wi.us

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LFB:.....Dyck, MCSIA -

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/?	agary	1/01-4/15/03 KMG/14/03	4/01 1/01 Re	4/01 PS/10/03			
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FE Sent For:

<END>

Many modifications made at meetings w/ DOT
 on 4/3 & 4/7/03

ALG PSH
 John Schotk
 Alley
 John Baeton
 Karen Eisen
 George Pardo
 Terry Ewing
 Bonnie Anderson
 Mary Jackson

Notes from Meetings reviewing LRB1922/1 relating to MCSIA: March 10 and 12, 2003 – Final review – Below are the sections we have comments on. If the Section is not listed, we are in agreement with the language. All the sections are critical for MCSIA compliance, unless they are labeled “MCSIA-clean-up.” Thanks

General Questions: Do we want to replace other “state” with other “jurisdiction.” Do we want to incorporate into our state law the DLA phrase “jurisdiction of record,” defined as “The jurisdiction that has issued the last license to a person or if a person has not been issued a license, the jurisdiction of the person’s address indicated on the citation or report.”

Section of the Budget Bill	Intent (implementing what section of the federal rule)	Issue/Concern
Section 2523		<p>MCSIA Cleanup:</p> <ul style="list-style-type: none"> “Type 1 motorcycles” should be struck from this language. Motorcycles are a class of license in Wisconsin, not an endorsement. Change lines 24-25: “A regular license may be subject to restrictions including the restrictions which may be contained on the license or on one or more special restrictions cards as provided in s. 343.17(4).”
Section 2524	Eliminate occupational licenses for CDL.	Delete lines 4 – 6 “No license may be issued....Class C vehicles shall be labeled “CDL Occupational”. This action is covered in section 2538-2540. Statute 343.04(2) refers to endorsements except air brakes, which is a restriction.
Section 2526	Requires DMV to ask for information from all states where the CDL applicant has been licensed in the last ten years.	In 343.03(5)(b)2: (line 4, page 971) change “if the department has previously issued a renewal...and, in connection with the previous renewal...” to “if the department has issued a commercial driver license...and, the department recorded on the person’s...”
Section 2528	Requires states to provide driver records to other states within 30 days.	Possibly change this section from “the complete driving record: to “...the driving record, meeting federal requirements...” See section 2557 too!
Section 2529	Specifies to whom the department is required to give the driving record.	Eliminate (c) 2.: Under Wisconsin law the entities listed in subd. 1. already have access to the specified CDL information. Subd. 2. limits the sharing of CDL information with others who are authorized to receive the data under Wisconsin law.

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Section of the Budget Bill	Intent (implementing what section of the federal rule)	Issue/Concern
Section 2530	Requires DMV to notify CDLIS of issuance, renewal or upgrade of CDL.	Although the federal rule appears to limit sharing to other states, conversations with federal motor carrier employees indicate that the intent is to share with other jurisdictions including Canada and Mexico.
Section 2531		
Section 2532		
Section 2533		
Section 2534	Changes reporting from 30 days to 10 days.	343.03(7)(c): change “local law” to local ordinance.
Section 2536	Issuing a commercial instruction permit	“... the state that issued the license” could be replaced with “jurisdiction of record” which would include state that issued the license or state where person resides. Not all drivers are licensed.
Section 2544	Amends this section and changes it to cover operation of school bus that is not a commercial motor vehicle.	Same issues as previous sections on reporting.
		The draft is confusing. Strike “or a combination instruction permit” lines 2 & 3. A combination instruction permit normally refers to a class A combination vehicle. If a driver has a class ABC CDLI with a least a P endorsement, I could operate both combination vehicles and passenger buses on the permit in accordance with the listed restrictions. Classes and endorsements indicate which vehicles I’m eligible to operate on the CDLI. We don’t issue a school bus only instruction permit.
		Why separate operation of a school bus, which is a non-CMV from operation of a school bus, which is CMV? The criteria for operation are similar. This question applies to sections 2544 through 2547. Begin 343.12(2)(intro.) with “Except as provided in sub 343.12(2m), the department ...” 343.12(2)(e) Subject to ss.111.321, 111.322, and 111.335, has not been convicted at any time of a felony or offense against public morals in this state,

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Section of the Budget Bill	Intent (implementing what section of the federal rule)	Issue/Concern
Section 2545	Creates a separate section on operation of a school bus that is a commercial vehicle, requires that the person meet all of the requirements for operation of the school bus which is nonCMV and the additional requirements defined in this section.	<p>including a conviction under the law of a federally recognized American Indian tribe or band in this state for an offense which, if the person had been convicted of the offense under the laws of this state, would have constituted a felony or offense against public morals, or in another jurisdiction</p> <p>Question: is it possible to incorporate the federal rules without doing a cross-reference?</p> <p>343.12(2m)(d): Change “To the extent that the test” to “If the test” and add to the end of the section (in line 11) “under this subsection.”</p> <p>343.12(2m)(e) Subject to ss.111.321, 111.322 and 111.335, has not been convicted at any time of a felony or offense against public morals in this state, including a conviction under the law of a federally recognized American Indian tribe or band in this state for an offense which, if the person had been convicted of the offense under the laws of this state, would have constituted a felony or offense against public morals, or in another jurisdiction.</p> <p>343.12(2m)(h) Prior to renewal of the endorsement takes a passes a special examination prescribed by the department and administered by the department or by a 3rd-party tester under s.343.16(1)(b) to determine his or her ability to safely operate a school bus. This special examination may include the examination required under sub. (3).</p>
Section 2546	Amends the language on 70+ to cover operation of a school bus that is not in a commercial motor vehicle.	Similar questions on splitting CMV/non-CMV.

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Section of the Budget Bill	Intent (implementing what section of the federal rule)	Issue/Concern
Section 2547	Creates a separate section on 70+ to cover operation of a school that is in a commercial motor vehicle.	Similar questions on splitting CMV/non-CMV.
Section 2548	Requires a class “S” for a non-resident operating a non-CMV school bus.	Potentially break this section into a list of specifying requirements for: <ul style="list-style-type: none"> ▪ CDL holder in commercial vehicle or non-commercial vehicle ▪ Non-CDL holder in non-commercial vehicle
Section 2550	Adds “type of...” and “being operated...”	Repeal because covered by s.343.12(4)(a)1 or 2.
Section 2551	References new sections on requirements.	May not be needed, if new sections are actually not needed (see questions on those sections).
Section 2553	Commercial License donor info.	Delete all of s.343.175(2)(ag). Amend 343.175(2)(a) to eliminate exception in (2)(ag). Donor information is provided for on the back of all license documents, including commercial licenses.
	Add “disqualifications” to s.343.23(1), (1)(c) and (2)(b) records to be maintained by the department. Include disqualifications by other jurisdictions.	This would provide the department with overall authority for including disqualifications on the record maintained by the department.
Section 2556	Specifies the content of the file transferred to other states.	343.23, with the appropriate additions of the “disqualifications” (see previous row), covers the requirements outlined in this draft section without this new language. 343.23 currently requires a record of all convictions (the definition of convictions includes out-of-state convictions). The only federal requirement not currently covered in 343.23 is the requirement

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Section 2557	References 343.23(2)(am)	<p>detailed in lines 14 – 20 on page 979: “The department may not conceal, withhold, or mask from the department’s file...or alternatively sentencing from a court.” (Eliminate “under this subdivision” in these lines.)</p> <p>If the drafter wishes to retain the draft of 343(2)(am), then the department has significant concerns about other language in the draft.</p> <p>This section will not be needed, if the recommendation for Section 2556 is taken.</p>
Section 2558	Changes the federal reference for determining substantial conformity on alcohol convictions.	<p>MCSIA Clean-up--The “substantially conforms” language has been removed from other sections of Wisconsin law because of State v. Mattson.</p> <p>Recommend that this section of state law replace “in substantial conformity” with Federal Motor Carrier Safety has determined that the law of another jurisdiction is in substantial conformity with...</p>
Section 2560	Deletes final sentence of 343.(2) The department shall revoke the operating privilege of any resident upon receiving notice of the conviction of such person in another jurisdiction for an offense therein which, if committed in this state, would have been cause for revocation under this section or for revocation under s. 343.30 (1q). Such offenses shall include violation of any law of another jurisdiction that prohibits use of a motor vehicle while intoxicated or under the influence of a controlled substance or controlled substance analog, or a combination thereof, or with an excess or specified range of alcohol concentration, or under the influence of any drug	<p>MCSIA Clean-up--Recommend deleting final two sentences: Upon receiving similar notice with respect to a nonresident, the department shall revoke the privilege of the nonresident to operate a motor vehicle in this state. Such revocation shall not apply to the operation of a commercial motor vehicle by a nonresident who holds a valid commercial driver license issued by another state.</p> <p>Add: “This subsection does not apply if the person was not a resident of Wisconsin when he or she committed the offense and the person has reinstated or is eligible to reinstate his or her operating privilege in the other jurisdiction.”</p>

Notes from Meetings reviewing LRBI922/1 relating to MCSIA: March 10 and 12, 2003 – Final review – Below are the sections we have comments on. If the Section is not listed, we are in agreement with the language. All the sections are critical for MCSIA compliance, unless they are labeled “MCSIA-clean-up.” Thanks

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Section of the Budget Bill	Intent (implementing what section of the federal rule)	Issue/Concern
	<p>to a degree that renders the person incapable of safely driving, as those or substantially similar terms are used in that jurisdiction's laws. Upon receiving similar notice with respect to a nonresident, the department shall revoke the privilege of the nonresident to operate a motor vehicle in this state. Such revocation shall not apply to the operation of a commercial motor vehicle by a nonresident who holds a valid commercial driver license issued by another state.</p>	
Section 2561	<p>Amends 343.31(2m) The department may suspend or revoke, respectively, the operating privilege of any resident upon receiving notice of the conviction of that person under a law of another jurisdiction or a federally recognized American Indian tribe or band in this state for an offense which, if the person had committed the offense in this state and been convicted of the offense under the laws of this state, would have permitted suspension or revocation of the person's operating privilege under s. 343.30 (1g). Upon receiving similar notice with respect to a nonresident, the department may suspend or revoke the privilege of the nonresident to operate a motor vehicle in this state. The suspension or revocation shall not apply to the operation of a commercial motor vehicle by a nonresident who holds a valid commercial driver license issued by another state. A suspension or</p>	<p>MCSIA Clean-Up--Recommend striking additional text: Upon receiving similar notice with respect to a nonresident, the department may suspend or revoke the privilege of the nonresident to operate a motor vehicle in this state. The suspension or revocation shall not apply to the operation of a commercial motor vehicle by a nonresident who holds a valid commercial driver license issued by another state. A suspension or revocation under this subsection shall be for any period not exceeding 6 months.</p> <p>Add: “This subsection does not apply if the person was not a resident of Wisconsin when he or she committed the offense and the person has reinstated or is eligible to reinstate his or her operating privilege in the other jurisdiction.”</p>

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Section 2562	<p>revocation under this subsection shall be for any period not exceeding 6 months.</p> <p>Deletes “while driving or operating a commercial motor vehicle.”</p>	<p>Do not delete “while driving or operating a commercial motor vehicle.”. Add “or in any motor vehicle on or after September 30, 2005,” (if a holder of a CDL or required to hold a CDL).</p>
Section 2563	<p>Makes it a disqualification to operate a CMV when revoked, suspended, canceled, or disqualified from operating a CMV.</p>	<p>Matches #7 in Table 1 (federal 383.51) – line 22, however, is not needed “based on the person’s operation of a commercial motor vehicle.” Draft can end with “disqualified from operating a commercial motor vehicle.”</p>
Section 2564	<p>Adds “Causing a fatality through negligent or criminal operation of a commercial motor vehicle.”</p>	<p>Matches #8 in Table 1 (federal 383.51).</p>
Section 2565	<p>Changes the law from uses “commercial” to “any” motor vehicle.</p>	<p>Do not delete “a commercial” Add “or in any motor vehicle on or after September 30, 2005,” (if a holder of a CDL or required to hold a CDL)</p>
Section 2566	<p>Amends law to limit “serious traffic violations” to offenses committed while operating a commercial motor vehicle or offenses while operating any motor vehicle if the offense results in the rev/cancel/sus of a person’s operator’s license or operating.</p>	<p>Discussion: Change the draft to “A CDL holder or person who operates a commercial motor vehicle when committing a offense described below.” If offense is one of the federal “serious traffic violations” and the offense by itself requires a mandatory withdrawal, then the offense has an impact on CMV, even when it occurs in non-CMV. If offense is not a mandatory withdrawal, then non-CMV operation does not have an impact on CDL. For example, if SE causes 15-day suspension, it could</p>

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Section of the Budget Bill	Intent (implementing what section of the federal rule)	Issue/Concern
Section 2567	References new section on driving CMV when revoked, suspended, cancelled, or disqualified.	have an impact, but if speeding is used in a point case, the point case does not have an impact.
Section 2571	Creates the authority for a person to be disqualified because continued operation would create “an imminent hazard.”	Instead of “or violations to which par. (a)7. applies” to “or an offense as described in par (a)7.”
Add	Change 343.38(2) Reinstatement of nonresident’s operating privilege after revocation by Wisconsin. A nonresident’s operating privilege revoked under the laws of this state is reinstated as a matter of law when the period of revocation has expired and such nonresident obtains a valid operator’s license issued by the jurisdiction of the nonresident’s residence and the nonresident pays the fee specified in s. 343.21 (1) (j).	Change to saying that a person is disqualified if the federal authority notifies the department that the person is disqualified under 49 CFR 383.52(d). This change is consistent with and necessary to making changes in 343.31(2) and (2m).
Add	Change 343.38(4)(intro.) (4) First issuance of license in Wisconsin after suspension or revocation by another state. The department may issue an operator’s license to a person moving to this state whose operating privileges have privilege has been previously suspended or revoked in another state when <u>their</u> his or her operating privilege has been reinstated, <u>or is</u> eligible for reinstatement, in that state and the	This change is consistent with and necessary to making changes in 343.31(2) and (2m).

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	<p>following conditions have been met: Repeal: 343.38(4)(a) When the period of suspension or revocation required by law for conviction for the same traffic violation in this state has terminated. 343.38(4)(b) Acceptable proof of financial responsibility has been filed.</p>	
Add	Change 343.44(1)(c)	Change to “no person shall operate a commercial motor vehicle while the person or the commercial motor vehicle are ordered out-of-service.”
Section 2574	Creates a new penalty for out of service orders of no less than \$1,100 and no more than \$2,750 or imprisonment up to one year.	Required in 49CFR, 383.53(b)

Gary, Aaron

From: Gary, Aaron
Sent: Thursday, April 10, 2003 2:05 PM
To: Sobotik, John
Cc: Hurley, Peggy; Baetsen, Karen
Subject: RE: MCSIA

One other thing (for now): In the DOT chart, for bill sections 2530 to 2534, DOT proposed using the term "jurisdiction of record" so that unlicensed persons would be covered as well. I have prepared the definition but wonder about its application here: As drafted, bill section 2532 applies only to CDL holders and section 2533 applies only to a CDL holder or other DL holder. For the change to incorporate "jurisdiction of record" to make sense, these sections would be expanded to incorporate persons who are not license holders. Such an expansion is not required by MCSIA and in fact results in DOT imposing on itself a wider reporting requirement than is specified under MCSIA. (see 49 USC 31311 (a) (8) and (a) (9); 49 CFR 384.209.) Do you in fact want these bill provisions changed to incorporate the "jurisdiction of record" concept and if so, what specific changes do you want? Thanks.

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Gary, Aaron
Sent: Thursday, April 10, 2003 1:43 PM
To: Sobotik, John
Cc: Hurley, Peggy; Baetsen, Karen
Subject: MCSIA

John,

We are slowly working our way through the MCSIA morass, bit by bit. With regard to the "reciprocity" issue, 49 USC 31311 (a) (8) specifically contemplates actions against a CDL holder by a non-issuing state prohibiting CMV operation in that state. I don't know how to reconcile this with the "overarching" reciprocity policy under federal law, but this seems to be a primary component of MCSIA. On another issue, we are including requested "clean up" items where possible; but if clean up impacts other statutory provisions such that making the change would create potential inconsistencies or would require treatment of additional statutory units that are not already in the bill to avoid such inconsistencies, we are not making the change - this is consistent with our understanding of LFB's intent.

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
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aaron.gary@legis.state.wi.us

Gary, Aaron

From: Sobotik, John
Sent: Monday, April 14, 2003 4:21 PM
To: Gary, Aaron; Hurley, Peggy
Cc: Baetsen, Karen; Alley, John; Jackson, Mary
Subject: MCSIA Matters



49 usc 31311.txt



49 usc 31310.txt



343_12 budget draft
comments.d...



CDLIS SPM
9810-FINAL.pdf

[DQ = Disqualification]

#1 -- DISQUALIFICATION, LICENSE WITHDRAWAL & RECIPROCITY

Ok, I talked to Bob Redmond at FMCSA, and here is how things should work for OUT OF STATE school bus drivers:

(1) A driver who comes to Wisconsin and commits a DQ offense should be DQ'd and should not be able to drive in Wisconsin until the DQ is over. 343.315 requires that this happen, now.

(2) A driver who comes to Wisconsin and commits an offense that is NOT a DQ offense, such as drug possession, may have his or her operating privileges suspended. No DQ is required. The person, at that point, can operate CMVs in Wisconsin on their valid out-of-state CDL. 49 USC 31311(14). The person cannot operate Class D or M vehicles.

Wisconsin can report the conviction to the driver's home state. If the home state suspends his/her license, then the driver cannot operate a motor vehicle in Wisconsin. 343.05, Stats.

(3) A driver who commits a violation in another state that would result in revocation of suspension of operating privileges here may have their operating privileges revoked or suspended here (such as happens under 343.31(2), Stats.). It is the driver's HOME state's responsibility to take DQ and licensing action against the individual. (The convicting state should also DQ the driver; but we don't, because the person hasn't committed a DQing offense here.)

If the person comes to Wisconsin with a valid CDL (i.e. the home state did not DQ the individual), reciprocity requirements of 49 USC 31311(14) require we honor that out-of-state CDL for CMV operation purposes. The person cannot, however, operate a non-CMV in Wisconsin.

So, I believe no amendment to s. 343.31(2) or (2m) is appropriate in the budget draft. The current provision which permits out-of-state CDL drivers to operate here even if their Wisconsin operating privileges are suspended or revoked so long as they have a valid out-of-state CDL remain appropriate. I cannot recall if there are additional similar provisions elsewhere in the draft.

#2 SCHOOL BUS ENDORSEMENTS

As I feared at our last meeting, Redmond concurs that Wisconsin may NOT impose additional licensing requirements on out-of-state drivers with valid CDLs endorsed to permit School Bus operation.

We CAN, however, impose conditions on employment of school bus drivers in Wisconsin. s. 343.12(4)(b), Stats. Redmond opined that such regulations would not violate the reciprocity provisions of 49 USC 31311(14). If this is desired, (4)(b) should be drafted to permit regulation of drivers from all 50 states who come to Wisconsin. (Currently, authority only applies to drivers from the neighboring states who are allowed to operate here.)

I have marked up a copy of the current statute with an idea on how to accomplish this. Feel free to make whatever use of it you like. [I created it by just turning track changes on, so the adds and deletes appear as your software is configured.]

From a policy perspective, and a simplicity of the LAW perspective, I personally would prefer that we just treat all out-of-state drivers alike and not distinguish between Class ABC and Class D school bus operators. I see no benefit in doing so. DMV, however, should give direction on this point. What I drafted creates a distinction not present in current law between Class ABC and Class D school bus drivers.

I have not had a chance to look at the 343.23(2)(am) stuff, yet. Mary Jackson, however, provided the CDLIS state procedural manual (attached). She suggested we look at sections 2.2 and 3.3.1. Those sections are the only ones I know about that might help. (2.2 defines "jurisdiction of record."; 3.3.1 deals with unknown driver issues.

John Alley -- would you please share with the committee.

- John

Addl. background materials:

49 USC 31311(14) continues to require WisDOT to honor out-of-state CDLs unless the driver is disqualified:

The State shall allow an individual to operate a commercial motor vehicle in the State if--

(A) the individual has a commercial driver's license issued by another State under the minimum standards prescribed by the Secretary under section 31305(a) of this title;

(B) the license is not revoked, suspended, or canceled; and

(C) the individual is not disqualified from operating a commercial motor vehicle.

49 USC 31311(15) requires WisDOT to disqualify drivers who commit disqualifying offenses. But, authority to disqualify for non-CMV offenses was limited by congress. FMCSA may only disqualify for offenses "involving a motor vehicle". 49 USC 31310(g)(1)(A). Drug suspensions do NOT qualify a driver for a disqualification. 49 USC 31310(g)(1)(B). Nor may FMCSA impose disqualification penalties on non-CMV drivers more severe than are imposed on CMV operators committing like offenses. 49 USC 31310(g)(2).

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343.12(4)(a)

(a) Notwithstanding sub. (1), a person may operate a school bus in this state if one or more of the following requirements are met:

343.12(4)(a)1.

1. The person is a nonresident holding a valid commercial driver license with a "P" "S" passenger endorsement and any additional endorsements required by the person's home jurisdiction for the operation of a school bus and the origin or destination of the trip is in another state and is operating a commercial motor vehicle.

[NOTE: This does not permit Class D school busses to be operated by out-of-state drivers at all.]

~~343.12(4)(a)2.~~

~~2. The person is a resident of Iowa, Illinois, Michigan or Minnesota and was licensed under s. 343.12 (2) (e), 1987 stats. This subdivision applies only for 2 years after December 20, 1989.~~

[current draft deletes this provision.]

343.12(4)(a)3.

3. The person is a resident of Iowa, Illinois, Michigan or Minnesota and holds a valid operator's license authorizing the operation of a school bus that is a Class D vehicle, and the person is operating a class D vehicle.

[This permits operation of Class D vehicles school busses only by our neighboring states.]

343.12(4)(b)

(b) The department may, by rule, establish standards for the employment by an employer of a person under par. (a) 1. or 3. as an operator of a school bus in this state. The rules may require the person to meet the qualifications contained in sub. (2) or (3) and any rules of the department applicable to residents.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0062/P1
ARG&PJH: King

soon
turned in
4/15

D-Note

LFB:.....Dyck/MCSIA - MCSIA changes

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO 2003 SENATE BILL 44

LPS:
Print
w/ line #'s

At the locations indicated, amend the bill as follows:

- ✓ 1. Page 967, line 17: delete the material beginning with ~~the second~~ "the" and ending with "106-159," on line 19 and substitute ^{of} "the federal commercial motor vehicle safety act of 1986, 49 USC 31301 to 31317".
- ✓ 2. Page 969, line 6: delete lines 6 to 12.
- ✓ 3. Page 969, line 15: after "USC" insert "30304 (e)".
- ✓ 4. Page 969, line 15: delete "any" and substitute "384".
- ✓ 5. Page 969, line 16: delete that line.
- ✓ 6. Page 970, line 4: delete "No license may".
- ✓ 7. Page 970, line 5: delete that line and substitute ^{plain period} "issued under s. 343.10 authorizing the operation of "Class A", "Class B" or "Class".

of A
and
plain period

- ✓ 8. Page 970, line 6: delete "C" vehicles" and substitute "C" vehicles".
- #. Page 970, line 6: delete ". ΔΔ An" and substitute ". ΔΔ An".
- ✓ 9. Page 970, line 7: delete "be" and substitute "be".
- ✓ 10. Page 970, line 8: delete "endorsed to" and substitute "endorsed to".
- ✓ 11. Page 970, line 11: delete "SECTION 6m" and substitute "SECTION 2524r".
- ✓ 12. Page 971, line 1: delete "state" and substitute "jurisdiction".
- ✓ 13. Page 971, line 2: delete "complete". before the period
- ✓ 14. Page 971, line 2: after the second "person" insert "as required under 49 CFR 384.206 (a) (2) (ii)".
- ✓ 15. Page 971, line 4: delete "a renewal of the" and substitute "or renewed a".
- ✓ 16. Page 971, line 6: ~~after~~ "previous" insert "issuance or".
- ✓ 17. Page 971, line 12: delete "states" and substitute "jurisdictions". the
- ✓ 18. Page 971, line 12: delete "complete" the complete
- ✓ 19. Page 971, line 13: after "department" insert ", as required under 49 CFR 384.206 (a) (2) (iii)".
- ✓ 20. Page 971, line 15: delete "1."
- ✓ 21. Page 971, line 16: on ~~line~~ lines 16 and 17, delete "343.23 (2) (am) 2. and 4." and substitute "343.23 (2) (am) 1. b. and c.".
- ✓ 22. Page 971, line 18: delete "a." and substitute "1."
- ✓ 23. Page 971, line 19: delete "b." and substitute "2."
- ✓ 24. Page 971, line 20: delete "c." and substitute "3."
- ✓ 25. Page 971, line 22: delete "d." and substitute "4."
- ✓ 26. Page 971, line 22: delete "state" and substitute "jurisdiction".

This is in the technical amdt.

- ✓ 27. Page 971, line 22: delete "e." and substitute "5."
- ✓ 28. Page 971, line 25: delete "f." and substitute "6."
- ✓ 29. Page 971, line 25: delete "1. a. to e." and substitute "1. to 5."
- ✓ 30. Page 972, line 1: delete lines 1 to 3.
- ✓ 31. Page 972, line 13: on lines 13, 23 and 25, delete "state" and substitute "jurisdiction".
- ✓ 32. Page 972, line 19: delete the first "state" and substitute "jurisdiction".
- ✓ 33. Page 972, line 19: delete "law" and substitute "ordinance".
- ✓ 34. Page 973, line 4: delete the first "state" and substitute "jurisdiction".
- ✓ 35. Page 973, line 4: delete "law" and substitute "ordinance".
- ✓ 36. Page 973, line 8: on lines 8 and 10, delete "state" and substitute "jurisdiction".
- ✓ 37. Page 973, line 13: delete ", occupational," and substitute "occupational,"
- ✓ 38. Page 973, line 17: delete "operator's license or".
- ✓ 39. Page 973, line 20: delete lines 20 to 25.
- ✓ 40. Page 974, line 1: delete lines 1 to 10.
- ✓ 41. Page 975, line 19: delete "The" and substitute "Except as provided in sub. (2m), the".
- ✓ 42. Page 975, line 20: delete that line and substitute "person".
- ✓ 43. Page 975, line 23: on lines 23 and 24, delete the comma
- ✓ 44. Page 976, line 3: delete "Holds" and substitute "Has been or is at the same time issued".

23

subds.

5

subd.

for

for

state or local

state law or local

for

with

state or local

state law or local

for

This is in the tech. amend.

The

✓45. Page 976, line 9: delete "To the extent that" and substitute "If".

✓46. Page 976, line 11: after "required" insert "under this paragraph".

✓47. Page 976, line 13: delete "The" and substitute ^{The} "Notwithstanding sub. (2) (a) and (g), the".

✓48. Page 976, line 13: after "endorsement" insert "under sub. (2)".

✓49. Page 976, line 14: delete the material beginning with ", authorizing" and ending with "vehicle," on line 15.

✓50. Page 976, line 18: after ~~sub. (2) (g)~~ insert "Notwithstanding sub. (2) (a) and (g), the department may issue a school bus endorsement under sub. (2m) to a person who is more than 70 years of age if the person meets the requirements specified in subs. (2) (c) to (f) and (h) and (2m) (a) to (d) before issuance of the endorsement and annually takes and passes a physical examination prior to issuance or renewal of the endorsement to determine ~~that~~ the person meets the physical standards established under sub. (2) (g).".

LPS:
No changes here.

whether
keep

✓51. Page 976, line 19: delete lines 19 to 24.

✓52. Page 977, line 1: delete lines 1 and 2.

✓53. Page 977, line 3: delete lines 3 to 9 and substitute:

"SECTION 2547^t. 343.12 (4) (a) (intro.) and 1. of the statutes are consolidated, renumbered 343.12 (4) (a) and amended to read:

343.12 (4) (a) Notwithstanding sub. (1), a person may operate a school bus in this state if ~~one or more of the following requirements are met:~~ 1. ~~The~~ ^{the} person is a nonresident holding a valid commercial driver license with a ^{strike space} "P" passenger an "S" endorsement and the school bus is a commercial motor vehicle or, if the school bus

is not a commercial motor vehicle, the person is a nonresident holding a valid driver license and any additional endorsements required by the person's home jurisdiction for the operation of a school bus and the origin or destination of the trip is in another state."

✓ 54. Page 977, line 11: delete lines 11 to 14 and substitute:

"SECTION 2550^d~~g~~. 343.12 (4) (a) 3. of the statutes is repealed."

✓ 55. Page 977, line 17: delete "3." and substitute "3."

✓ 56. Page 977, line 19: delete "(3), or (3m)" and substitute "or (3)".

✓ 57. Page 978, line 5: delete lines 5 to 11 and substitute:

"SECTION 2553^a~~g~~^(X). 343.175 (2) (a) of the statutes is amended to read:

343.175 (2) (a) ~~Except as provided in par. (ag), a~~ ^{strike space} A part of the reverse side of each license shall be printed to serve as a document of gift under s. 157.06 (2) (b) and (c) or a document of refusal to make an anatomical gift under s. 157.06 (2) (i).

SECTION 2553^b~~f~~. 343.175 (2) (ag) of the statutes is repealed."

✓ 58. Page 978, line 12: delete lines 12 to 18.

✓ 59. Page 978, line 23: after that line insert:

"SECTION 2555^g. 343.23 (1) (intro.) of the statutes is amended to read:

343.23 (1) (intro.) The department shall maintain a record of every application for license, permit, or endorsement received by it and of every suspension, revocation and, cancellation, and disqualification by the department and shall maintain suitable indexes containing:

SECTION 2555^m. 343.23 (1) (c) of the statutes is amended to read:

343.23 (1) (c) The name of every person whose license or operating privilege has been suspended, revoked, or canceled, [✓] or who is disqualified ⁽²⁾ by the department and note thereon the reason for such action. ”.

- ✓ 60. Page 978, line 25: after “(am)” insert “1.”.
- ✓ 61. Page 979, line 1: delete “1.” and substitute “a.”.
- ✓ 62. Page 979, line 2: on lines 2, 4, [✓] and 7, delete “state or”.
- ✓ 63. Page 979, line 7: delete “in conformity with 49 USC 31311 (a) (8)”.
- ✓ 64. Page 979, line 8: delete “2.” and substitute “b.”.
- ✓ 65. Page 979, line 9: delete lines 9 to 25 and substitute [✓] “a record of any violation in another jurisdiction of any law of that jurisdiction, including any local law of that jurisdiction, or of any law of a federally recognized American Indian tribe or band in that jurisdiction, in conformity with any law of this state relating to motor vehicle traffic control, other than a parking violation, as specified in any notice received from that jurisdiction. The department shall record this information within 10 days after receipt of the notice.”.
- ✓ 66. Page 980, line 1: delete “4.” and substitute “c.”.
- ✓ 67. Page 980, line 1: delete “any state,” and substitute “this state or another jurisdiction,”.
- ✓ 68. Page 980, line 2: delete “state or local law” and substitute “state law or local ordinance”.
- ✓ 69. Page 980, line 4: delete “state law” and substitute “law of this state”.
- ✓ 70. Page 980, line 6: after that line insert:

text: treat

(# Page 987, line 16: delete "1987" and substitute "1987,"

"2. In maintaining the department's file specified in subd. 1. and par. (a), the department may not conceal, withhold, or mask from the department's file, or otherwise allow in any way a person to avoid the department's recording in the department's file of, any information required to be recorded in the department's file under 49 CFR 384.225 and 384.226, regardless of whether the person has obtained deferral of imposition of judgment, been allowed to enter a diversion program, or otherwise obtained delayed or suspended judgment or alternative sentencing from a court."

✓ 71. Page 980, line 11: after "withheld" insert ", or the person disqualified,".

✓ 72. Page 981, line 9: delete lines 9 to 24.

✓ 73. Page 982, line 1: delete lines 1 to 12.

✓ 74. Page 982, line 17: delete that line and substitute "while driving or operating a commercial motor vehicle or committed on or after September 30, 2005 while driving or operating any motor vehicle:"

✓ 75. Page 982, line 22: delete the material beginning with "based" and ending with "vehicle" on line 23.

✓ 76. Page 983, line 5: delete "~~a commercial~~ any" and substitute "a commercial".

✓ 77. Page 983, line 6: after "1987," insert ", or uses any motor vehicle on or after September 30, 2005,".

✓ 78. Page 983, line 15: delete "~~a commercial~~ any" and substitute "a commercial".

✓ 79. Page 983, line 16: after "vehicle" insert "or while driving or operating any motor vehicle if the person holds a commercial driver license".

strike a space

✓ 80. Page 984, line 3: delete "to which par. (a) 7. applies" and substitute "described in par. (a) 8."

✓ 81. Page 985, line 2: after that line insert:

"SECTION 2571. 343.44 (1) (c) of the statutes is amended to read:

343.44 (1) (c) *Operating while ordered out-of-service.* No person may operate a commercial motor vehicle while the person or the commercial motor vehicle is ordered out-of-service under state or federal law."

✓ 82. Page 1123, line 20: delete "343.02 (1),".

✓ 83. Page 1123, line 21: delete "343.07 (1m) (intro.),".

✓ 84. Page 1123, line 22: delete "(3m),".

✓ 85. Page 1123, line 23: delete "(a) 1.,". and substitute "(a) (intro.), 1., 2."

✓ 86. Page 1123, line 23: delete "343.175 (2) (ag),". and substitute "343.175 (2) (a) and (ag),".

✓ 87. Page 1123, line 23: delete "343.20 (1) (d),".

✓ 88. Page 1123, line 24: delete "343.23 (2) (am) and (b),". and substitute "343.23 (1) (intro.) and (c) and (2) (am) and (b),".

✓ 89. Page 1123, line 24: delete "343.31 (2) and (2m),".

90. Page 1124, line 2: after "statutes," insert "the consolidation, renumbering, and amendment of section 343.12 (4) (a) of the statutes,"

✓ 91. Page 1124, line 6: delete "(3m),".

✓ 92. Page 1124, line 6: ~~delete~~ "(2)." insert "(4) (a) (intro.), 1., 2., and 3.".

delete and substitute

25714

✓ **93.** Page 1124, line 6: delete "343.23 (2) (am) and (b)," and substitute "343.23 (1) (intro.) and (c) and (2) (am) and (b),".

✓ **94.** Page 1124, line 6: delete "343.31".

✓ **95.** Page 1124, line 7: delete "(2) and (2m),".

✓ **96.** Page 1124, line 8: delete "343.44 (1) (d), ~~(2)(b) intro~~" and substitute "343.44 (1) (c) and (d) ^{and} ~~(2)(b) intro~~".

97. Page 1124, line 11: after "statutes," insert "the consolidation, renumbering, and amendment of section 343.12 (4) (a) of the statutes,".

✓ **98.** Page 1135, line 9: delete "and 343.12 (4) (a) 2." and substitute "343.12 (4) (a) 2., 343.12 (4) (a) 3., and 343.175 (2) (ag)".

✓ **99.** Page 1135, line 11: after "statutes," insert "the consolidation, renumbering, and amendment of section 343.12 (4) (a) ^{(intro.) and 1.} of the statutes,".

✓ **100.** Page 1135, line 11: delete "343.02 (1),".

✓ **101.** Page 1135, line 13: delete "343.07 (1m) (intro.),".

✓ **102.** Page 1135, line 14: delete "343.12 (4) (a) 1., 343.12 (4) (a) 3.,".

✓ **103.** Page 1135, line 15: delete "(ag), 343.20 (1) (d)," and substitute "(a),".

✓ **104.** Page 1135, line 15: delete "343.31 (2), 343.31".

✓ **105.** Page 1135, line 16: delete "(2m),".

✓ **106.** Page 1135, line 16: after "343.315 (2) (f) 2.," insert "343.44 (1) (c),".

✓ **107.** Page 1135, line 19: delete "343.12 (3m),".

#. Page 1135, line 15: before (END) "343.23" insert "343.23 (1)(intro.), 343.23 (1)(c),".

D - NOTE

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0062/P1dn

ARG&PJH:/:....

kmq

ATTN: John Dyck and John Sobotik

Please review the attached draft carefully to ensure that it is consistent with your intent.

With regard to "clean-up" items requested by DOT in the attached amendment in order to facilitate administration of the commercial driver licensing system, the attached amendment incorporates the requested changes if the changes were minor and relatively "self-contained." However, where the "clean up" would either create significant statutory inconsistency between the "cleaned up" statutory units and those that have not yet been "cleaned up" or would require treatment of significant new statutory provisions that are not already included in SB-44 to maintain statutory consistency, we have omitted the requested "clean up."

hyphen

no hyphen

CS The amendment does not define or include "jurisdiction of record" with relation to bill sections 2530 to 2534, which would encompass unlicensed persons. The applicable federal law relating to these provisions imposes requirements only with regard to holders of commercial driver licenses or other driver licenses. See 49 USC 31311 (a) (8) and (a) (9) and 49 CFR 384.209. Accordingly, we believe it is unnecessary to also include reporting requirements for unlicensed persons.

that

In preparing this amendment, we reviewed the "masking" provisions of 49 CFR 384.226, in conjunction with 49 CFR 384.225, and determined that the existing provision in created s. 343.23 (2) (am) 2. may be too narrow to meet the federal requirement. We have accordingly renumbered created s. 343.23 (2) (am) and redrafted this "masking" provision into its own statutory unit.

In preparing the amendment, we also noticed that the cross-reference in s. 343.315 (2) (f) 2. is incorrect; it should have been changed in one of the redrafts to par. (a) 8. See 49 USC 31301 (12) (C) and 49 USC 31310 (b) (1) (E).

The amendment treats s. 343.44 (1) (c) to specify that an out-of-service violation may occur with respect to either the person or the vehicle being ordered out-of-service. We believe the term "out-of-service violation" in s. 343.315 (2) (h) would include a violation of s. 343.44 (1) (c) based upon either the person or the vehicle being ordered out-of-service and we therefore believe no additional treatment of s. 343.315 (2) (h) is necessary.

*no change
here* →

We have prepared the attached amendment as a "preliminary draft"; we have attempted to prepare the amendment as expeditiously as possible, expecting that further review will be necessary and there may be additional changes. Please advise if any additional changes are necessary or whether the draft is acceptable in its present form. Peggy and I will also be reviewing the draft again before we convert it to a "1".

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

WPS: → add PJH's name here

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0062/P1dn
ARG&PJH:kmg:pg

April 21, 2003

ATTN: John Dyck and John Sobotik

Please review the attached draft carefully to ensure that it is consistent with your intent.

With regard to "clean-up" items requested by DOT in the attached amendment in order to facilitate administration of the commercial driver licensing system, the attached amendment incorporates the requested changes if the changes were minor and relatively "self-contained." However, where the "clean up" would either create significant statutory inconsistency between the "cleaned up" statutory units and those that have not yet been "cleaned up" or would require treatment of significant new statutory provisions that are not already included in SB-44 to maintain statutory consistency, we have omitted the requested "clean up."

The amendment does not define or include "jurisdiction of record" with relation to bill SECTIONS 2530 to 2534, which would encompass unlicensed persons. The applicable federal law relating to these provisions imposes requirements only with regard to holders of commercial driver licenses or other driver licenses. See 49 USC 31311 (a) (8) and (a) (9) and 49 CFR 384.209. Accordingly, we believe that it is unnecessary to also include reporting requirements for unlicensed persons.

In preparing this amendment, we reviewed the "masking" provisions of 49 CFR 384.226, in conjunction with 49 CFR 384.225, and determined that the existing provision in created s. 343.23 (2) (am) 2. may be too narrow to meet the federal requirement. We have accordingly renumbered created s. 343.23 (2) (am) and redrafted this "masking" provision into its own statutory unit.

In preparing the amendment, we also noticed that the cross-reference in s. 343.315 (2) (f) 2. is incorrect; it should have been changed in one of the redrafts to par. (a) 8. See 49 USC 31301 (12) (C) and 49 USC 31310 (b) (1) (E).

The amendment treats s. 343.44 (1) (c) to specify that an out-of-service violation may occur with respect to either the person or the vehicle being ordered out-of-service. We believe the term "out-of-service violation" in s. 343.315 (2) (h) would include a violation of s. 343.44 (1) (c) based upon either the person or the vehicle being ordered out-of-service and we therefore believe no additional treatment of s. 343.315 (2) (h) is necessary.

We have prepared the attached amendment as a "preliminary draft"; we have attempted to prepare the amendment as expeditiously as possible, expecting that further review will be necessary and there may be additional changes. Please advise if any additional changes are necessary or whether the draft is acceptable in its present form. Peggy and I will also be reviewing the draft again before we convert it to a "/1".

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Gary, Aaron

From: Gary, Aaron
Sent: Thursday, April 24, 2003 9:03 AM
To: Dyck, Jon
Cc: Sobotik, John; Hurley, Peggy
Subject: RE: MCSIA draft

Just for clarification - some change to s. 343.12 (4) (a) for non-CMV school bus operation by non-residents has to be made for MCSIA. To meet MCSIA but limit the change to what MCSIA requires (i.e. not change state law more than is necessary to meet MCSIA), I would propose redrafting the amendment so that on page 5, line 1 the term "nonresident" is replaced with "resident of Iowa, Illinois, Michigan, or Minnesota". The other alternative would be on p. 5, lines 1 to 4, to more or less mimic the language of the existing s. 343.12 (4) (a) 3. My preference is the former, but either works. Please let me know which is your preference. Thanks. Aaron

Aaron R. Gary
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Legislative Reference Bureau
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608.264.6948 (fax)
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Dyck, Jon
Sent: Wednesday, April 23, 2003 5:53 PM
To: Gary, Aaron
Cc: Sobotik, John; Hurley, Peggy
Subject: RE: MCSIA draft

Thanks for the clarification. I think I'm inclined to leave out the treatment of non-CMV school bus operation by non-residents change. As reasonable as the policy change may seem, I think I'd better err on the side of purity on this one. Likewise, even if the organ donation thing reflects current practice, that change probably shouldn't be made in the budget bill. That would be a good thing for a DOT remedial legislation bill. The out-of-service change, on the other hand, could stay, since it is related to federal terminology.

Jon Dyck, Fiscal Analyst
Legislative Fiscal Bureau
1 E. Main, Suite 301
(608) 266-9919

-----Original Message-----

From: Gary, Aaron
Sent: Wednesday, April 23, 2003 4:32 PM
To: Dyck, Jon
Cc: Sobotik, John; Hurley, Peggy
Subject: RE: MCSIA draft

Jon,

I think your characterization of the reciprocity issue re school buses is correct. I think a little more explanation is necessary re non-resident non-CMV school bus operators. The change that the draft makes is to basically expand the non-CMV exception that is under s. 343.12 (4) (a) 3. under existing law to apply to residents of all states, not just border states. However, I think it is not quite accurate to say that the draft allows them to operate in WI because what the draft actually does is allow DOT to establish by rule the requirements that allow them to operate a non-CMV school bus in WI - as is the case for non-residents of border states under existing law (s. 343.12 (4) (b).) Otherwise, I think it is fair to say, as you note, that the school bus changes are required by fed law. I don't know if this would be controversial or not, but if you would like it changed, that would be easy - the provision would basically stay as drafted in b0062 but a qualifying clause would be inserted to limit the non-resident non-CMV provision to residents of Iowa, Illinois, Michigan, and Minnesota.

For the most part, "clean up" items discussed in our meetings (including changes to eliminate obsolete statutory language or reflect DOT current practice) were NOT included in the amendment because they were not "self-contained." I can't think of any changes that were not based upon the federal law or interpretation of the federal law other than those noted in this e-mail (above and below). For examples, the changes in many places of the word "state" to "jurisdiction" was the result (as I understand) of guidance from the feds that MCSIA, despite its limiting "state" language, was actually intended to apply to all CDL holders covered by federal law, including those operating from Canada.

Other than the school bus area you point out, the only other areas I can think of where changes might not be considered to be derivative of the requirements of the federal law are as follows:

1. At b0062, p. 5, lines 10-14: As I recall this change reflects current DOT practice of putting the document of gift on the reverse of all licenses, including CDLs.
2. At b0062, p. 8, lines 6-9, this change was made to bring state law into compliance with federal motor carrier enforcement re out-of-service violations, but is not a provision that is specifically dictated by MCSIA.

John and Peggy, feel free to correct me or add anything if you believe I am mistaken or have forgotten anything.

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-----Original Message-----

From: Dyck, Jon
Sent: Wednesday, April 23, 2003 3:55 PM
To: Gary, Aaron
Cc: Sobotik, John
Subject: MCSIA draft

Aaron,

I've looked at the school bus provisions in 0062/P1 again following our conversation yesterday. My question now is, are all of the changes related to the operation of a non-CMV school bus in Wisconsin by a non-resident required for federal compliance? The reason I ask is that the LFB paper on this issue will be a "modification" as opposed to an issue paper. Generally, the Committee has trust in us that modification papers involve only non-controversial changes. In this case, although the changes go beyond "technical," they are needed to be in compliance with federal law, so in that sense they should be non-controversial. We need to be particularly careful, therefore, that we're not suggesting a modification that goes much beyond getting ourselves into compliance with federal law. This is particularly the case in light of the Committee's sensitivity to inserting "policy" in the budget. Now, I'm okay with fairly minor modifications that go beyond strict federal compliance to make the law "administerable," but I think we should be careful where we draw that line.

The way I read this, we currently allow school bus "reciprocity" with the surrounding states, regardless of whether the school bus is a CMV or a non-CMV. We also allow the operation of a school bus by any non-resident who has a CDL with a P endorsement if the trip originates or terminates in another state. The draft would allow reciprocity for CMV school buses if the driver has a CDL with S, regardless of the origin or destination of the trip. I assume that this is required under federal law. But the draft would also allow reciprocity for a non-CMV school bus, regardless of the origin or destination of the trip. This would seem to be a change to state law and, since it doesn't involve commercial driver's license issues, I'm guessing (but don't know for sure) that federal law doesn't apply.

So, would it be possible, when the P1 draft is redrafted to remove this if it is not necessary for federal compliance? Also, are there other aspects of the draft that you think go beyond federal compliance? Again, I can accept minor changes that are needed for ease of administration (minor "clean-up", but I think our position has to be fairly conservative on this.

(John, Feel free to weigh in on this.)

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