

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: **05/28/2003**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Dyck**

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

Drafter: **agary**

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Addl. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **TNF, PJH**

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Carbon copy (CC:) to:

Pre Topic:

LFB:.....Dyck, Paper 775 -

Topic:

Commercial driver's license - hazardous material endorsement

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>
/?	agary 05/28/2003	kgilfoy 05/28/2003					
/1			chaskett 05/30/2003				
/2	agary	kgilfoy	chaskett		lemery		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	06/02/2003	06/02/2003	06/03/2003	_____	06/03/2003		

FE Sent For:

<END>

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1/?	agary	11-5/29 Kmg	11/30 C8 ⁿ	RS/cph 5/20			
FE Sent For:		12-6/3 Kmg	12/6/3 cph	RS/cph 6/3 <END>			



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

PJH
TUE
ARG

May 22, 2003

Joint Committee on Finance

Paper #775

Commercial Driver's License -- Hazardous Material Endorsement (DOT -- Motor Vehicles)

CURRENT LAW

The Department of Transportation issues commercial driver's licenses that are valid for a period of eight years for the operation of certain vehicles defined as commercial motor vehicles. The issuance, renewal, and other regulatory matters associated with these licenses are distinct from the provisions associated with regular "Class D" licenses and, in many cases, are determined by federal law. A commercial driver's license may be "endorsed" to allow the operation of certain specific types of commercial motor vehicles, such as school buses, tank vehicles, and vehicles carrying hazardous materials. The issuance of each of these endorsements requires the applicant to demonstrate a particular set of skills and/or knowledge. Endorsements are generally valid for the same period as the commercial driver's license.

GOVERNOR

No provision.

MODIFICATION

Adopt the following modifications to provisions related to the issuance of a commercial driver's license endorsement for the operation of a vehicle carrying hazardous materials (an "H" endorsement) to comply with recent federal regulations promulgated under the federal USA PATRIOT Act of 2001:

Prohibit DOT from issuing or renewing an "H" endorsement to a commercial driver's license unless all of the following apply: (a) the applicant has submitted to the Department one of the following proofs of United States citizenship, or immigration status: (1) a United States passport; (2) a birth certificate that bears an official seal and was issued by a state, county, municipal authority, or outlying possession of the United States; (3) a certification of birth

abroad issued by the United States Department of State; (4) a certificate of naturalization; (5) a certificate of United States citizenship; (5) a permanent resident card or alien registration receipt card; or (6) other proof specified in 49 CFR 383.71 (a)(9); (b) if the applicant submits proof under numbers "(5)" or "(6)" above, the applicant also submits his or her Bureau of Citizenship and Immigration Services alien registration number; (c) the applicant has passed such knowledge test as the Department may require; and (d) the Department has received notice from the federal Transportation Security Administration that the applicant does not pose a security threat warranting denial of an "H" endorsement, or that the applicant has received a waiver under federal provisions that allow for such a waiver. Specify, notwithstanding these provisions, that the Department may renew a commercial driver's license with an "H" endorsement until such time as the Department receives from the federal Transportation Security Administration a final notice of threat assessment or a notice of no security threat concerning the applicant, or until April 29, 2004, whichever is earlier.

Require DOT to do all of the following actions within 15 days after receiving, from the federal Transportation Security Administration, a notice associated with the corresponding action: (a) update the Department's records to reflect the notice, the issuance, denial, or cancellation of an "H" endorsement and the endorsement's expiration date; (b) notify the commercial driver's license information system of the notice or action; (c) issue the "H" endorsement, if the Department received notice that the applicant does not pose a security threat warranting denial of an "H" endorsement, or that the applicant has received an appropriate waiver; and (d) cancel or deny the "H" endorsement, if the notice is of a final administrative determination that the applicant or licensee poses a security threat warranting denial of an "H" endorsement. Require DOT to keep, in a person's driver record file, any notice from the federal Transportation Security Administration related to the person's eligibility for an "H" endorsement.

Specify that the current law provisions providing for the right to an administrative hearing on agency actions do not apply to actions resulting in the cancellation or denial of an "H" endorsement under the newly-created provisions, reflecting a requirement in the federal regulations that specify that any such administrative hearings would be conducted by the Transportation Security Administration.

Specify that an "H" endorsement shall expire on the licensee's birthday four years after the date of issuance or renewal, except that the expiration date for an initial issuance of an "H" endorsement shall be the earlier of the following: (a) the date that the licensee's commercial driver's license expires, except that if the license expires less than 12 months from the date of the issuance of the endorsement and the licensee renews his or her commercial driver's license at the same time as the endorsement, then the expiration date shall be determined under "(b)"; or (b) the date four years before the date that the licensee's commercial driver's license expires.

Specify that the Department shall provide notice, at least 180 days prior to the expiration of an "H" endorsement, that the licensee must pass a security threat assessment screening by the federal Transportation Security Administration of the Department of Homeland Security as part of the application to renew the endorsement. Specify that the notice must: (a) inform the licensee that he or she may commence the federal security threat assessment screening at any

time, but no later than 90 days before the expiration of the endorsement; and (b) be mailed to the last-known address of the licensee. Specify that the failure to receive such a notice shall not be a defense to a charge of operating a motor vehicle without a valid operator's license. Specify that, for an endorsement that expires before May 1, 2004, the Department shall provide as much advance notice as practicable to the holder of the endorsement (in recognition of the fact that the period of time between the effective date of the provision [November 1, 2003] and the expiration of the endorsement would be less than 180 days).

Specify that the Department may require any person who holds a valid "H" endorsement on November 1, 2003, to apply for renewal of that endorsement, if the endorsement expires after November 1, 2008 (to comply with a federal requirement that an existing "H" endorsement not be valid for a period longer than five years). Specify that, in such cases, the Department shall provide notice to the licensee of the security threat assessment requirement, as outlined above. Specify that the Department may cancel the "H" endorsement of any person who fails to renew within the period specified by the Department. Specify that these special provisions for the renewal of endorsements held on November 1, 2003, do not apply to endorsements that are issued or renewed after November 1, 2003.

Prohibit DOT from issuing or renewing an "X" endorsement (a combination of an "H" endorsement and a "N" endorsement for the operation of a tank container vehicle) after November 1, 2003.

Specify that the application form for an "H" endorsement shall include all of the information and statements required under 49 CFR 1572.5 (e), including the following: (a) the list of felony criminal offenses that result in the disqualification of the "H" endorsement that are listed under 49 CFR 1572.103 (b) [includes, in the interim federal rule, various violent crimes as well as other crimes, such as sedition, extortion, identity fraud, robbery, arson, bribery, smuggling, immigration crimes, and controlled substance crimes]; (b) a statement that all of the following apply to the individual signing the application: (1) has not been convicted, or found not guilty by reason of insanity, of any of the disqualifying felony criminal offenses listed on the application [under "(a)"] in any jurisdiction during the seven-year period preceding the date of the application; (2) has not been released from incarceration in any jurisdiction for committing any of the listed disqualifying felony criminal offenses within the five-year period preceding the date of the application; and (3) is not wanted or under indictment for any of the listed disqualifying criminal offenses; (c) a statement that the individual signing the application has been informed that state and federal law require an ongoing obligation to disclose to the Department within 24 hours if he or she is convicted, or found not guilty by reason of insanity, of any of the listed disqualifying felony criminal offenses, or has been adjudicated as a mental defective or committed to a mental institution, while he or she holds an "H" endorsement; and (d) space for the applicant's social security number. Specify that current law provisions that allow a license applicant to exclude his or her social security number from the application form for religious reasons do not apply in the case of the "H" endorsement application.

Require the holder of an "H" endorsement to notify the Department within 24 hours if he or she is convicted, or found not guilty by reason of insanity, of any of the disqualifying felony

criminal offenses listed on application form for an "H" endorsement, or if he or she was adjudicated as a mental defective or committed to a mental institution.

Require DOT, upon receiving a completed application form for an "H" endorsement, to immediately forward the application to the federal Transportation Security Administration. Require DOT to inform the applicant that he or she has a right to obtain a copy of his or her criminal history record by submitting a written request for that record to the federal Transportation Security Administration.

Require DOT to accept the voluntary surrender of an "H" endorsement and specify, upon accepting the surrender, that the Department shall immediately cancel the endorsement if the licensee is not eligible for the endorsement. Specify that, following such a cancellation, the Department shall update the Department's records to reflect the cancellation and notify the commercial driver's license information system of the cancellation. Specify that, following the voluntary surrender of an "H" endorsement from a person for whom the Department would not be prohibited from issuing an "H" endorsement, the Department may remove the "H" endorsement from the person's commercial driver's license as a temporary surrender, but prohibit DOT from then issuing an "H" endorsement to such a person unless the person applies for an initial issuance of an "H" endorsement.

Modify general provisions related to the transport of hazardous materials and "H" endorsements so that these provisions apply also to the transport of any quantity of material listed as a select agent or toxin under federal regulations related to potentially hazardous biological agents.

Prohibit the holder of a commercial driver's license instructional permit from transporting hazardous materials or any quantity of material listed as a select agent or toxin under federal regulations related to potentially hazardous biological agents.

Specify that these provisions take effect on November 1, 2003, or on the day after publication, whichever is later.

Explanation: These changes to statutory provisions related to the transport of hazardous materials are required under interim rules, published on May 5, 2003, that were promulgated pursuant to the federal USA PATRIOT Act of 2001. States that fail to adopt these provisions are subject to the loss of federal highway aid. DOT estimates that the loss of federal highway aid under these provisions would be \$19.6 million in federal fiscal year 2004 and \$40.0 million in federal fiscal year 2005.

Prepared by: Jon Dyck

LRB Number: 60272, 1

Nonsubmittal Form

**WPOs: DO NOT FORWARD THIS DRAFT FOR SUBMITTAL,
UNLESS INSTRUCTED TO DO SO BY THE DRAFTING
ATTORNEY.**



Return everything to the primary drafting attorney.

After you have completed typing this draft, return the camera-ready copy to the primary drafting attorney, along with the drafting file. Also, forward the electronic file to the primary drafting attorney for the task of drafting.



Return only the camera-ready copy to the primary drafting attorney.

After you have completed typing this draft, clip this form to the camera-ready copy and return these materials to the primary drafting attorney. Place the drafting file in the HOLD basket in the WPO room. Forward the electronic file to Typing -- lrb_wpo, so that the electronic file can be viewed by all WPOs.

When the attorney finishes reviewing the draft, the attorney will bring the camera-ready copy back to the WPO room. If the attorney has found any typos or minor corrections, correct the draft as indicated and print out a new camera-ready copy. Take the final camera-ready copy, retrieve the drafting file from the HOLD basket in the WPO room, discard this form, place the camera-ready copy and the drafting file in the PA submit basket and forward the electronic file to the PAs for submitting. (If, after reviewing the draft, the attorney decides to redraft it, give the attorney the drafting file and forward the electronic file to the attorney for drafting.)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb027218 /
ARG:.....
mg

LFB:.....Dyck, Paper 775 – Commercial driver’s license – hazardous material endorsement

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,
TO 2003 SENATE BILL 44

1 At the locations indicated, amend the bill as follows:

2 ✓1. Page 967, line 21: after that line insert:

3

insert
1-3

4 ✓2. Page 969, line 12: after that line insert:

insert
1-4

5 ✓3. Page 973, line 10: after that line insert:

insert
1-5

6

insert
1-6

7 ✓4. Page 974, line 10: after that line insert:

8

insert
1-8

9 ✓5. Page 977, line 20: after that line insert:

10

insert
1-10

insert
2-2 ✓
2 →

✓ 6. Page 978, line 4: after that line insert:

insert
2-4 ✓
4 →

✓ 7. Page 978, line 11: after that line insert:

insert
2-6 ✓
6 →

✓ 8. Page 978, line 18: after that line insert:

insert
2-8 ✓
8 →

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

insert
2-10 ✓
10 →

✓ 10. Page 980, line 25: after that line insert:

insert
2-12 ✓
12 →

✓ 11. Page 983, line 2: after that line insert:

insert
2-14 ✓
14 →

✓ 12. Page 984, line 19: after that line insert:

insert
2-16 ✓
16 →

✓ 13. Page 987, line 6: after that line insert:

insert
2-17 ✓
17 →

✓ 14. Page 1096, line 17: after that line insert:

insert
2-18 ✓
18 →

✓ 15. Page 1135, line 24: after that line insert:

“(3) ²²COMMERCIAL DRIVER LICENSE HAZARDOUS MATERIALS ENDORSEMENTS. The treatment of sections 340.01 (8) (d), 343.03 (1) (a) (by SECTION 2521^W), 343.04 (1) (c) and 2. ~~343.04~~ (2) (a), 343.055 (3), 343.07 (1m) (d), 343.125, 343.14 (2g), 343.16 (1) (a), 343.17 (3) (d) 1m., ~~343.17~~ (3) (d) 6., 343.20 (1) (a) ~~343.20~~ (2) (b), 343.23 (2) (a) (intro.),

and and

20
21
22
23

① 343.245 (2) (a) 1., 343.265 (1r), 343.28 (1), ~~343.28~~ ^{and} (2), 343.315 (2) (b), ~~343.315~~ ^{and} (i), ~~and~~
 ② 345.11 (2m) (b) of the statutes, ~~and~~ the renumbering and amendment of section
 ③ 343.20 (2) of the statutes, ²² and SECTION 9153 (3) of this act takes effect on November
 4 1, 2003, or on the day after publication, whichever is later.”.

5

(END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0272/lins
ARG:.....

INSERT 1-5: ✓

✓ **1.** Page 969, line 13: after "statutes" insert ", as affected by 2003 Wisconsin Act
.... (this act),".

✓ **2.** Page 969, line 15: after "383" insert "and 384". ✓

INSERT 2-17: ✓

✓ **3.** Page 1123, line 20: after "343.03 (1) (a)" insert "(by SECTION 2522)". ✓

✓ **4.** Page 1135, line 12: after "343.03 (1) (a)" insert "(by SECTION 2522)". ✓

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to renumber and amend* 343.20 (2); *to amend* 340.01 (8) (d), 343.03
 2 (1) (a), 343.04 (1) (c) 2., 343.04 (2) (a), 343.055 (3), 343.16 (1) (a), 343.17 (3) (d)
 3 1m., 343.17 (3) (d) 6., 343.20 (1) (a), 343.23 (2) (a) (intro.), 343.245 (2) (a) 1.,
 4 343.28 (1), 343.28 (2), 343.315 (2) (b), 343.315 (2) (i) and 345.11 (2m) (b); and *to*
 5 *create* 343.07 (1m) (d), 343.125, 343.14 (2g), 343.20 (2) (b) and 343.265 (1r) of
 6 the statutes; **relating to:** authorization to operate vehicles transporting
 7 certain hazardous materials.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

SECTION ^{2512m} 1. 340.01 (8) (d) of the statutes is amended to read:

340.01 (8) (d) The vehicle is transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR

73. " .

✓
insert
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(8)
(11)

Handwritten notes at top left: "see attached 'msx' 1-5", "2521", and a circled "W".

" SECTION 2. 343.03 (1) (a) of the statutes is amended to read:

343.03 (1) (a) The department shall institute a classified driver license system meeting all federal standards under 49 USC 31301 to 31317 and 49 CFR 383 and 384."

" SECTION 3. 343.04 (1) (c) 2. of the statutes is amended to read:

343.04 (1) (c) 2. The vehicle is transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73.

SECTION 4. 343.04 (2) (a) of the statutes is amended to read:

343.04 (2) (a) *Hazardous materials transporter.* Hazardous materials transporter vehicles are vehicles transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73.

SECTION 5. 343.055 (3) of the statutes is amended to read:

343.055 (3) VEHICLES TRANSPORTING HAZARDOUS MATERIALS, CARRYING PASSENGERS OR TOWING DOUBLE OR TRIPLE TRAILERS NOT WAIVED. Nothing in this section authorizes the operation of a combination vehicle with double or triple trailers, a vehicle transporting hazardous materials requiring placarding except as provided in sub. (1) (c), a vehicle transporting any quantity of a material listed as a select agent or toxin under 42 CFR 73, or a vehicle carrying or designed to transport the driver and 15 or more persons, by a person who does not hold a valid operator's license properly endorsed to permit such operation. "

" SECTION 6. 343.07 (1m) (d) of the statutes is created to read:

343.07 (1m) (d) No person holding an instruction permit issued under this subsection may operate a vehicle transporting hazardous materials requiring

Vertical handwritten notes on the left margin: "msx 1-4", "msx 1-6", "msx 1-8", and circled numbers 1 through 24.

1 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR
2 73. "

3 " SECTION 343.125 of the statutes is created to read:

4 **343.125 Endorsements for transporting certain hazardous materials.**

5 (1) In this section, "H" endorsement" means an endorsement specified in s.
6 343.17 (3) (d) 1m.

7 (2) The department may not issue or renew an "H" endorsement to a
8 commercial driver license unless all of the following apply:

9 (a) The applicant has submitted to the department documentary proof, in one
10 or more of the following forms, that the applicant is a U.S. citizen or that the
11 applicant's permanent presence in the United States is authorized under federal law:

12 1. A U.S. passport.

13 2. A birth certificate bearing an official seal or other mark of authentication and
14 issued by a state, county, or municipality within the United States or by a territory
15 or possession of the United States.

16 3. A certification of birth abroad issued by the federal department of state.

17 4. A certificate of naturalization.

18 5. A certificate of U.S. citizenship.

19 6. A permanent resident card or alien registration receipt card.

20 7. Any other proof specified in 49 CFR 383.71 (a) (9).

21 (b) If the applicant submits proof described under par. (a) 6. or 7., the applicant
22 submits his or her bureau of citizenship and immigration services alien registration
23 number.

24 (c) The applicant has passed any knowledge test required by the department.

insert
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2551c

1 (d) The department of transportation has received notice from the federal
2 transportation security administration of the federal department of homeland
3 security that the applicant does not pose a security threat warranting denial of an
4 "H" endorsement or that the applicant has received a waiver under 49 CFR 1572.143.

5 (3) (a) An "H" endorsement shall expire 4 years after the licensee's next
6 birthday after the date of issuance or renewal.

7 (b) Notwithstanding par. (a), the initial period for which an "H" endorsement
8 is valid is the earlier of the following, but not less than 12 months:

9 1. The date on which the licensee's commercial driver license expires. This
10 subdivision does not apply if the licensee renews his or her commercial driver license
11 at the same time that the "H" endorsement is issued.

12 2. The date 4 years before the date on which the licensee's commercial driver
13 license expires.

14 (4) Within 15 days after receiving notice from the federal transportation
15 security administration of the federal department of homeland security, the
16 department of transportation shall do all of the following:

17 (a) Update the department's records to reflect the notice received, the issuance,
18 denial, or cancellation of an "H" endorsement, and, if applicable, the expiration date
19 of the "H" endorsement.

20 (b) Notify the commercial driver license information system of the notice
21 received and the department's action.

22 (c) Issue the "H" endorsement, if the department received notice described in
23 sub. (2) (d) and the applicant is otherwise eligible for issuance of the "H"
24 endorsement.

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cont'd

1 (d) Cancel or deny the "H" endorsement, if the notice is of a final administrative
2 determination that the applicant or licensee poses a security threat warranting
3 denial of an "H" endorsement.

4 (5) Notwithstanding s. 227.42, there is no right to a hearing on any cancellation
5 or denial of an "H" endorsement under this section.

6 (6) Notwithstanding sub. (3) and s. 343.20 (1) (a), the department may require
7 any person who holds a valid "H" endorsement on November 1, 2003, to apply for
8 renewal of that endorsement, if that endorsement expires after November 1, 2008.
9 The department shall provide the notice required under s. 343.20 (2) (b). The
10 department may cancel the "H" endorsement of any person who fails to renew within
11 the period specified by the department under this subsection. This subsection does
12 not apply to "H" endorsements that are issued or renewed after November 1, 2003.

13 SECTION ^{2551e} 343.14 (2g) of the statutes is created to read:

14 343.14 (2g) (a) Notwithstanding ss. 111.321, 111.322, and 111.335 and any
15 other provision of law, in addition to the information required under sub. (2), the
16 application form for an "H" endorsement specified in s. 343.17 (3) (d) 1m. shall
17 include all of the information and statements required under 49 CFR 1572.5 (e),
18 including all of the following:

19 1. The list of disqualifying felony criminal offenses specified in 49 CFR
20 1572.103 (b).

21 2. A statement that the individual signing the application meets all of the
22 following requirements:

23 a. The individual has not been convicted, or found not guilty by reason of
24 insanity, of any disqualifying felony criminal offense described in subd. 1. in any
25 jurisdiction during the 7-year period preceding the date of the application.

1 b. The individual has not been released from incarceration in any jurisdiction
2 for committing any disqualifying felony criminal offense described in subd. 1. within
3 the 5-year period preceding the date of the application.

4 c. The individual is not wanted or under indictment for any disqualifying felony
5 criminal offense described in subd. 1.

6 d. The individual is a U.S. citizen who has not renounced that citizenship, or
7 is lawfully admitted for permanent residence to the United States. If the applicant
8 is lawfully admitted for permanent residence to the United States, the applicant
9 shall provide the applicant's alien registration number issued by the federal
10 department of homeland security.

11 3. A statement that the individual signing the application has been informed
12 that s. 343.245 (2) (a) 1. and federal regulations under 49 CFR 1572.5 impose an
13 ongoing obligation to disclose to the department within 24 hours if the individual is
14 convicted, or found not guilty by reason of insanity, of any disqualifying felony
15 criminal offense described in subd. 1., or adjudicated as a mental defective or
16 committed to a mental institution, while he or she holds an "H" endorsement
17 specified in s. 343.17 (3) (d) 1m.

18 4. Notwithstanding sub. (2) (br) and the provisions of any memorandum of
19 understanding entered into under s. 49.857 (2), the applicant's social security
20 number.

21 (b) Upon receiving a completed application form for an "H" endorsement
22 specified in s. 343.17 (3) (d) 1m., the department of transportation shall immediately
23 forward the application to the federal transportation ^{Security} ~~safety~~ administration of the
24 federal department of homeland security. The department of transportation shall
25 also inform the applicant that the applicant has a right to obtain a copy of the

insert
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cont'd

1 applicant's criminal history record by submitting a written request for that record
2 to the federal transportation security administration.

3 SECTION ^{2551g} 343.16 (1) (a) of the statutes is amended to read:

4 343.16 (1) (a) *General.* The department shall examine every applicant for an
5 operator's license, including applicants for license renewal as provided in sub. (3),
6 and every applicant for authorization to operate a vehicle class or type for which the
7 applicant does not hold currently valid authorization, other than an instruction
8 permit. Except as provided in sub. (2) (cm) and (e), the examinations of applicants
9 for licenses authorizing operation of "Class A", "Class B", "Class C", "Class D" or
10 "Class M" vehicles shall include both a knowledge test and an actual demonstration
11 in the form of a driving skills test of the applicant's ability to exercise ordinary and
12 reasonable control in the operation of a representative vehicle. The department shall
13 not administer a driving skills test to a person applying for authorization to operate
14 "Class M" vehicles who has failed 2 previous such skills tests unless the person has
15 successfully completed a rider course approved by the department. The department
16 may, by rule, exempt certain persons from the rider course requirement of this
17 paragraph. The driving skills of applicants for endorsements authorizing the
18 operation of commercial motor vehicles equipped with air brakes, the transportation
19 of passengers in commercial motor vehicles or the operation of school buses, as
20 provided in s. 343.04 (2) (b), (d) or (e), shall also be tested by an actual demonstration
21 of driving skills. The department may endorse an applicant's commercial driver
22 license for transporting hazardous materials requiring placarding or any quantity
23 of a material listed as a select agent or toxin under 42 CFR 73, subject to s. 343.125,
24 or for the operation of tank vehicles or vehicles towing double or triple trailers, as
25 described in s. 343.04 (2) (a), (c) or (f), based on successful completion of a knowledge

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

7 " SECTION ^{2552g} 343.17 (3) (d) 1m. of the statutes is amended to read:

8 343.17 (3) (d) 1m. "H" endorsement, which authorizes the driver to operate
 9 vehicles transporting hazardous materials requiring placarding or any quantity of
 10 a material listed as a select agent or toxin under 42 CFR 73.

11 SECTION ^{2552j} 343.17 (3) (d) 6. of the statutes is amended to read:

12 343.17 (3) (d) 6. "X" endorsement, which is an optional endorsement that may
 13 be used to indicate that the licensee holds both "H" and "N" endorsements. The
 14 department may not issue or renew an endorsement under this subdivision after the
 15 effective date of this subdivision [revisor inserts date].

16 " SECTION ^{2553m} 343.20 (1) (a) of the statutes is amended to read:

17 343.20 (1) (a) Except as otherwise expressly provided in this chapter,
 18 reinstated licenses, probationary licenses issued under s. 343.085 and original
 19 licenses other than instruction permits shall expire 2 years from the date of the
 20 applicant's next birthday. All Subject to s. 343.125 (3), all other licenses and license
 21 endorsements shall expire 8 years after the date of issuance. The department may
 22 institute any system of initial license issuance which it deems advisable for the
 23 purpose of gaining a uniform rate of renewals. In order to put such a system into
 24 operation, the department may issue licenses which are valid for any period less than
 25 the ordinary effective period of such license. If the department issues a license that

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1 is valid for less than the ordinary effective period as authorized by this paragraph,
2 the fees due under s. 343.21 (1) (a), (b) and (d) shall be prorated accordingly. "

3 " SECTION ^{2554g} ~~48.~~ 343.20 (2) of the statutes is renumbered 343.20 (2) (a) and
4 amended to read:

5 343.20 (2) (a) The department shall mail to the last-known address of a
6 licensee at least 30 days prior to the expiration of the license a notice of the date upon
7 which such the license must be renewed.

8 (c) Failure to receive notice to renew such a license or endorsement shall not
9 be a defense to a charge of operating a motor vehicle without a valid operator's license
10 or endorsement.

11 SECTION ^{2554h} ~~48.~~ 343.20 (2) (b) of the statutes is created to read:

12 343.20 (2) (b) Notwithstanding par. (a), at least 180 days prior to the expiration
13 of an "H" endorsement specified in s. 343.17 (3) (d) 1m., the department of
14 transportation shall mail a notice to the last-known address of the licensee that the
15 licensee is required to pass a security threat assessment screening by the federal
16 transportation security administration of the federal department of homeland
17 security as part of the application to renew the endorsement. The notice shall inform
18 the licensee that the licensee may commence the federal security threat assessment
19 screening at any time, but no later than 90 days before expiration of the
20 endorsement. "

21 " SECTION ^{2555m} ~~15.~~ 343.23 (2) (a) (intro.) of the statutes is amended to read:

22 343.23 (2) (a) (intro.) The department shall maintain a file for each licensee or
23 other person containing the application for license, permit or endorsement, a record
24 of reports or abstract of convictions, any notice received from the federal
25 transportation security administration concerning the person's eligibility for an "H"

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1 endorsement specified in s. 343.17 (3) (d) 1m., the status of the person's authorization
 2 to operate different vehicle groups, a record of any out-of-service orders issued
 3 under s. 343.305 (7) (b) or (9) (am) and a record of any reportable accident in which
 4 the person has been involved, including specification of any type of license and
 5 endorsements issued under this chapter under which the person was operating at
 6 the time of the accident and an indication whether or not the accident occurred in the
 7 course of any of the following: "

8 " SECTION ^{2557g} ~~16~~. 343.245 (2) (a) 1. of the statutes is amended to read:

9 343.245 (2) (a) 1. 'To state.' A person, after applying for or receiving a
 10 commercial driver license issued by this state, who is convicted of violating in a motor
 11 vehicle any law of this state or local ordinance adopted in conformity therewith or
 12 a law enacted by a federally recognized American Indian tribe or band in this state
 13 which is in conformity with any law of this state, or the law of another jurisdiction,
 14 relating to motor vehicle traffic control, other than parking violations, shall notify
 15 the department of the conviction in the manner specified by the department within
 16 30 days after the date of conviction. Notwithstanding any other provision of law, a
 17 person who holds an "H" endorsement specified in s. 343.17 (3) (d) 1m. shall notify
 18 the department within 24 hours if the person is convicted, or found not guilty by
 19 reason of insanity, of any disqualifying felony criminal offense described in s. 343.14
 20 (2g) (a) 1., or adjudicated as a mental defective or committed to a mental institution.

21 SECTION ²⁵⁵⁷ⁱ ~~17~~. 343.265 (1r) of the statutes is created to read:

22 343.265 (1r) Notwithstanding sub. (1), the department shall accept the
 23 voluntary surrender of an "H" endorsement specified in s. 343.17 (3) (d) 1m. Upon
 24 accepting the surrender, the department shall immediately cancel the endorsement
 25 if the licensee is not eligible for the endorsement. Following cancellation under this

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1 subsection, the department shall take the actions required in s. 343.125 (4) (a) and
2 (b). Upon accepting the surrender from a person to whom the department would not
3 be prohibited from issuing an "H" endorsement, the department may remove that
4 endorsement from the licensee's commercial driver license as a temporary surrender.
5 The department may not issue an "H" endorsement to any person whose "H"
6 endorsement is removed as a temporary surrender under this subsection unless the
7 person applies for initial issuance of an "H" endorsement.

8 SECTION ^{2557K}~~18~~. 343.28 (1) of the statutes is amended to read:

9 343.28 (1) Whenever a person is convicted of a moving traffic violation under
10 chs. 341 to 349 or under a local ordinance enacted under ch. 349, the clerk of the court
11 in which the conviction occurred, or the justice, judge or magistrate of a court not
12 having a clerk, shall, as provided in s. 345.48, forward to the department the record
13 of such conviction. The record of conviction forwarded to the department shall state
14 whether the offender was involved in an accident at the time of the offense, whether
15 the offender was operating a commercial motor vehicle at the time of the offense and,
16 if so, whether the offender was transporting hazardous materials requiring
17 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR
18 73. or was operating a vehicle designed to carry, or actually carrying, 16 or more
19 passengers, including the driver. Whenever a person is convicted of exceeding a
20 posted speed limit, the record of conviction forwarded to the department shall
21 include the number of miles per hour in excess of the posted speed limit.

22 SECTION ^{2557m}~~19~~. 343.28 (2) of the statutes is amended to read:

23 343.28 (2) Whenever a person is convicted of any offense for which s. 343.31
24 makes mandatory the revocation by the secretary of such person's operating
25 privilege, the court in which the conviction occurred shall require the surrender to

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1 it of any license then held by such person. The clerk of the court, or the justice, judge
 2 or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward to the
 3 department the record of conviction and any surrendered licenses. The record of
 4 conviction forwarded to the department shall state whether the offender was
 5 involved in an accident at the time of the offense, whether the offender was operating
 6 a commercial motor vehicle at the time of the offense and, if so, whether the offender
 7 was transporting hazardous materials requiring placarding or any quantity of a
 8 material listed as a select agent or toxin under 42 CFR 73, or was operating a vehicle
 9 designed to carry, or actually carrying, 16 or more passengers, including the driver. "

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10 " SECTION ^{2564 m} ~~20~~. 343.315 (2) (b) of the statutes is amended to read:

11 343.315 (2) (b) If any of the violations listed in par. (a) occurred in the course
 12 of transporting hazardous materials requiring placarding or any quantity of a
 13 material listed as a select agent or toxin under 42 CFR 73 on or after July 1, 1987,
 14 the person shall be disqualified from operating a commercial motor vehicle for a
 15 3-year period. "

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16 " SECTION ^{2570 m} ~~21~~. 343.315 (2) (i) of the statutes is amended to read:

17 343.315 (2) (i) If the violation listed in par. (h) occurred in the course of
 18 transporting hazardous materials requiring placarding or any quantity of a material
 19 listed as a select agent or toxin under 42 CR 73, or while operating a vehicle designed
 20 to carry, or actually carrying, 16 or more passengers, including the driver, the person
 21 shall be disqualified from operating a commercial motor vehicle for 180 days upon
 22 a first conviction, or for a 3-year period for a 2nd or subsequent conviction, arising
 23 from separate occurrences committed within a 10-year period while driving or
 24 operating a commercial motor vehicle. A disqualification under this paragraph shall
 25 be in addition to any penalty imposed under s. 343.44. "

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" SECTION 22. 345.11 (2m) (b) of the statutes is amended to read:

345.11 (2m) (b) Whether the vehicle was transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73. "

~~SECTION 23. Nonstatutory provisions:~~

CS
COMMERCIAL DRIVER LICENSE
HAZARDOUS MATERIALS
ENDORSEMENTS (a)

Notwithstanding section 343.20 (2) (b) of the statutes, as created by this act, the department of transportation shall provide the holder of an "H" endorsement specified in section 343.17 (3) (d) 1m. of the statutes, as affected by this act, that expires before May 1, 2004, with as much advance written notice as practicable of the renewal requirements for the endorsement.

(b) Notwithstanding section 343.125 (2) and (3) of the statutes, as created by this act, the department of transportation may ~~renew~~ extend a commercial driver license with an "H" endorsement until such time as the department of transportation receives from the federal transportation security administration of the federal department of homeland security a final notice of threat assessment or a notice of no security threat concerning the applicant, or until April 29, 2004, whichever is earlier.

~~SECTION 24. Effective date.~~

(1) This act takes effect on November 1, 2003, or on the day after publication, whichever is later.

(END)



State of Wisconsin
2003 - 2004 LEGISLATURE

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ARG:kmg:cph

RMR

LFB:.....Dyck, Paper 775 – Commercial driver’s license – hazardous material endorsement

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

1 At the locations indicated, amend the bill as follows:

2 1. Page 967, line 21: after that line insert:

3 “SECTION 2512m. 340.01 (8) (d) of the statutes is amended to read:

4 340.01 (8) (d) The vehicle is transporting hazardous materials requiring
5 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR
6 73.”.

7 2. Page 969, line 12: after that line insert:

8 “SECTION 2521w. 343.03 (1) (a) of the statutes is amended to read:

9 343.03 (1) (a) The department shall institute a classified driver license system
10 meeting all federal standards under 49 USC 31301 to 31317 and 49 CFR 383 and
11 384.”.

1 **3.** Page 969, line 13: after “statutes” insert “, as affected by 2003 Wisconsin Act
2 (this act),”.

3 **4.** Page 969, line 15: after “383” insert “and 384”.

4 **5.** Page 973, line 10: after that line insert:

5 “**SECTION 2534g.** 343.04 (1) (c) 2. of the statutes is amended to read:

6 343.04 (1) (c) 2. The vehicle is transporting hazardous materials requiring
7 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR
8 73.

9 **SECTION 2534i.** 343.04 (2) (a) of the statutes is amended to read:

10 343.04 (2) (a) *Hazardous materials transporter.* Hazardous materials
11 transporter vehicles are vehicles transporting hazardous materials requiring
12 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR
13 73.

14 **SECTION 2534k.** 343.055 (3) of the statutes is amended to read:

15 343.055 (3) VEHICLES TRANSPORTING HAZARDOUS MATERIALS, CARRYING PASSENGERS
16 OR TOWING DOUBLE OR TRIPLE TRAILERS NOT WAIVED. Nothing in this section authorizes
17 the operation of a combination vehicle with double or triple trailers, a vehicle
18 transporting hazardous materials requiring placarding except as provided in sub. (1)
19 (c), a vehicle transporting any quantity of a material listed as a select agent or toxin
20 under 42 CFR 73, or a vehicle carrying or designed to transport the driver and 15 or
21 more persons, by a person who does not hold a valid operator’s license properly
22 endorsed to permit such operation.”.

23 **6.** Page 974, line 10: after that line insert:

24 “**SECTION 2536g.** 343.07 (1m) (d) of the statutes is created to read:

1 343.07 (1m) (d) No person holding an instruction permit issued under this
2 subsection may operate a vehicle transporting hazardous materials requiring
3 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR
4 73.”.

5 **7.** Page 977, line 20: after that line insert:

6 **“SECTION 2551c.** 343.125 of the statutes is created to read:

7 **343.125 Endorsements for transporting certain hazardous materials.**

8 (1) In this section, ““H” endorsement” means an endorsement specified in s.
9 343.17 (3) (d) 1m.

10 (2) The department may not issue or renew an “H” endorsement to a
11 commercial driver license unless all of the following apply:

12 (a) The applicant has submitted to the department documentary proof, in one
13 or more of the following forms, that the applicant is a U.S. citizen or that the
14 applicant’s permanent presence in the United States is authorized under federal law:

15 1. A U.S. passport.

16 2. A birth certificate bearing an official seal or other mark of authentication and
17 issued by a state, county, or municipality within the United States or by a territory
18 or possession of the United States.

19 3. A certification of birth abroad issued by the federal department of state.

20 4. A certificate of naturalization.

21 5. A certificate of U.S. citizenship.

22 6. A permanent resident card or alien registration receipt card.

23 7. Any other proof specified in 49 CFR 383.71 (a) (9).

1 (b) If the applicant submits proof described under par. (a) 6. or 7., the applicant
2 submits his or her bureau of citizenship and immigration services alien registration
3 number.

4 (c) The applicant has passed any knowledge test required by the department.

5 (d) The department of transportation has received notice from the federal
6 transportation security administration of the federal department of homeland
7 security that the applicant does not pose a security threat warranting denial of an
8 "H" endorsement or that the applicant has received a waiver under 49 CFR 1572.143.

9 (3) (a) ^{Except as provided in par. (b), an} "H" endorsement shall expire 4 years after the licensee's next
10 birthday after the date of issuance or renewal.

11 (b) Notwithstanding par. (a), the initial period for which an "H" endorsement
12 is valid is the earlier of the following, but not less than 12 months:

13 ^{a.} ~~The~~ The date on which the licensee's commercial driver license expires. This
14 ~~subdivision~~ ^{subd. 1. a.} does not apply if the licensee renews his or her commercial driver license
15 at the same time that the "H" endorsement is issued.

16 ^{b.} ~~The~~ The date 4 years before the date on which the licensee's commercial driver
17 license expires.

18 (4) Within 15 days after receiving notice from the federal transportation
19 security administration of the federal department of homeland security, the
20 department of transportation shall do all of the following:

21 (a) Update the department's records to reflect the notice received, the issuance,
22 denial, or cancellation of an "H" endorsement, and, if applicable, the expiration date
23 of the "H" endorsement.

24 (b) Notify the commercial driver license information system of the notice
25 received and the department's action.

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1 (c) Issue the “H” endorsement, if the department received notice described in
2 sub. (2) (d) and the applicant is otherwise eligible for issuance of the “H”
3 endorsement.

4 (d) Cancel or deny the “H” endorsement, if the notice is of a final administrative
5 determination that the applicant or licensee poses a security threat warranting
6 denial of an “H” endorsement.

7 (5) Notwithstanding s. 227.42, there is no right to a hearing on any cancellation
8 or denial of an “H” endorsement under this section.

9 (6) Notwithstanding sub. (3) and s. 343.20 (1) (a), the department may require
10 any person who holds a valid “H” endorsement on November 1, 2003, to apply for
11 renewal of that endorsement, if that endorsement expires after November 1, 2008.
12 The department shall provide the notice required under s. 343.20 (2) (b). The
13 department may cancel the “H” endorsement of any person who fails to renew within
14 the period specified by the department under this subsection. This subsection does
15 not apply to “H” endorsements that are issued or renewed after November 1, 2003.

16 **SECTION 2551e.** 343.14 (2g) of the statutes is created to read:

17 343.14 (2g) (a) Notwithstanding ss. 111.321, 111.322, and 111.335 and any
18 other provision of law, in addition to the information required under sub. (2), the
19 application form for an “H” endorsement specified in s. 343.17 (3) (d) 1m. shall
20 include all of the information and statements required under 49 CFR 1572.5 (e),
21 including all of the following:

22 1. The list of disqualifying felony criminal offenses specified in 49 CFR
23 1572.103 (b).

24 2. A statement that the individual signing the application meets all of the
25 following requirements:

1 a. The individual has not been convicted, or found not guilty by reason of
2 insanity, of any disqualifying felony criminal offense described in subd. 1. in any
3 jurisdiction during the 7–year period preceding the date of the application.

4 b. The individual has not been released from incarceration in any jurisdiction
5 for committing any disqualifying felony criminal offense described in subd. 1. within
6 the 5–year period preceding the date of the application.

7 c. The individual is not wanted or under indictment for any disqualifying felony
8 criminal offense described in subd. 1.

9 d. The individual is a U.S. citizen who has not renounced that citizenship, or
10 is lawfully admitted for permanent residence to the United States. If the applicant
11 is lawfully admitted for permanent residence to the United States, the applicant
12 shall provide the applicant’s alien registration number issued by the federal
13 department of homeland security.

14 3. A statement that the individual signing the application has been informed
15 that s. 343.245 (2) (a) 1. and federal regulations under 49 CFR 1572.5 impose an
16 ongoing obligation to disclose to the department within 24 hours if the individual is
17 convicted, or found not guilty by reason of insanity, of any disqualifying felony
18 criminal offense described in subd. 1., or adjudicated as a mental defective or
19 committed to a mental institution, while he or she holds an “H” endorsement
20 specified in s. 343.17 (3) (d) 1m.

21 4. Notwithstanding sub. (2) (br) and the provisions of any memorandum of
22 understanding entered into under s. 49.857 (2), the applicant’s social security
23 number.

24 (b) Upon receiving a completed application form for an “H” endorsement
25 specified in s. 343.17 (3) (d) 1m., the department of transportation shall immediately

1 forward the application to the federal transportation security administration of the
2 federal department of homeland security. The department of transportation shall
3 also inform the applicant that the applicant has a right to obtain a copy of the
4 applicant's criminal history record by submitting a written request for that record
5 to the federal transportation security administration.

6 **SECTION 2551g.** 343.16 (1) (a) of the statutes is amended to read:

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

1 of a material listed as a select agent or toxin under 42 CFR 73, subject to s. 343.125,
2 or for the operation of tank vehicles or vehicles towing double or triple trailers, as
3 described in s. 343.04 (2) (a), (c) or (f), based on successful completion of a knowledge
4 test. In administering the knowledge test, the department shall attempt to
5 accommodate any special needs of the applicant. Except as may be required by the
6 department for an “H” or “S” endorsement, the knowledge test is not intended to be
7 a test for literacy or English language proficiency. This paragraph does not prohibit
8 the department from requiring an applicant to correctly read and understand
9 highway signs.”.

10 **8.** Page 978, line 4: after that line insert:

11 “**SECTION 2552g.** 343.17 (3) (d) 1m. of the statutes is amended to read:

12 343.17 (3) (d) 1m. “H” endorsement, which authorizes the driver to operate
13 vehicles transporting hazardous materials requiring placarding or any quantity of
14 a material listed as a select agent or toxin under 42 CFR 73.

15 **SECTION 2552i.** 343.17 (3) (d) 6. of the statutes is amended to read:

16 343.17 (3) (d) 6. “X” endorsement, which is an optional endorsement that may
17 be used to indicate that the licensee holds both “H” and “N” endorsements. The
18 department may not issue or renew an endorsement under this subdivision after the
19 effective date of this subdivision ... [revisor inserts date].”.

20 **9.** Page 978, line 11: after that line insert:

21 “**SECTION 2553m.** 343.20 (1) (a) of the statutes is amended to read:

22 343.20 (1) (a) Except as otherwise expressly provided in this chapter,
23 reinstated licenses, probationary licenses issued under s. 343.085 and original
24 licenses other than instruction permits shall expire 2 years from the date of the

1 applicant's next birthday. All Subject to s. 343.125 (3), all other licenses and license
2 endorsements shall expire 8 years after the date of issuance. The department may
3 institute any system of initial license issuance which it deems advisable for the
4 purpose of gaining a uniform rate of renewals. In order to put such a system into
5 operation, the department may issue licenses which are valid for any period less than
6 the ordinary effective period of such license. If the department issues a license that
7 is valid for less than the ordinary effective period as authorized by this paragraph,
8 the fees due under s. 343.21 (1) (a), (b) and (d) shall be prorated accordingly."

9 **10.** Page 978, line 18: after that line insert:

10 **"SECTION 2554g.** 343.20 (2) of the statutes is renumbered 343.20 (2) (a) and
11 amended to read:

12 343.20 (2) (a) The department shall mail to the last-known address of a
13 licensee at least 30 days prior to the expiration of the license a notice of the date upon
14 which ~~such~~ the license must be renewed.

15 (c) Failure to receive notice to renew ~~such a~~ a license or endorsement shall not
16 be a defense to a charge of operating a motor vehicle without a valid operator's license
17 or endorsement.

18 **SECTION 2554h.** 343.20 (2) (b) of the statutes is created to read:

19 343.20 (2) (b) Notwithstanding par. (a), at least 180 days prior to the expiration
20 of an "H" endorsement specified in s. 343.17 (3) (d) 1m., the department of
21 transportation shall mail a notice to the last-known address of the licensee that the
22 licensee is required to pass a security threat assessment screening by the federal
23 transportation security administration of the federal department of homeland
24 security as part of the application to renew the endorsement. The notice shall inform

1 the licensee that the licensee may commence the federal security threat assessment
2 screening at any time, but no later than 90 days before expiration of the
3 endorsement.”.

4 **11.** Page 978, line 23: after that line insert:

5 “**SECTION 2555m.** 343.23 (2) (a) (intro.) of the statutes is amended to read:

6 343.23 (2) (a) (intro.) The department shall maintain a file for each licensee or
7 other person containing the application for license, permit or endorsement, a record
8 of reports or abstract of convictions, any notice received from the federal
9 transportation security administration concerning the person’s eligibility for an “H”
10 endorsement specified in s. 343.17 (3) (d) 1m., the status of the person’s authorization
11 to operate different vehicle groups, a record of any out-of-service orders issued
12 under s. 343.305 (7) (b) or (9) (am) and a record of any reportable accident in which
13 the person has been involved, including specification of any type of license and
14 endorsements issued under this chapter under which the person was operating at
15 the time of the accident and an indication whether or not the accident occurred in the
16 course of any of the following:”.

17 **12.** Page 980, line 25: after that line insert:

18 “**SECTION 2557g.** 343.245 (2) (a) 1. of the statutes is amended to read:

19 343.245 (2) (a) 1. ‘To state.’ A person, after applying for or receiving a
20 commercial driver license issued by this state, who is convicted of violating in a motor
21 vehicle any law of this state or local ordinance adopted in conformity therewith or
22 a law enacted by a federally recognized American Indian tribe or band in this state
23 which is in conformity with any law of this state, or the law of another jurisdiction,
24 relating to motor vehicle traffic control, other than parking violations, shall notify

1 the department of the conviction in the manner specified by the department within
2 30 days after the date of conviction. Notwithstanding any other provision of law, a
3 person who holds an “H” endorsement specified in s. 343.17 (3) (d) 1m. shall notify
4 the department within 24 hours if the person is convicted, or found not guilty by
5 reason of insanity, of any disqualifying felony criminal offense described in s. 343.14
6 (2g) (a) 1., or adjudicated as a mental defective or committed to a mental institution.

7 **SECTION 2557i.** 343.265 (1r) of the statutes is created to read:

8 343.265 (1r) Notwithstanding sub. (1), the department shall accept the
9 voluntary surrender of an “H” endorsement specified in s. 343.17 (3) (d) 1m. Upon
10 accepting the surrender, the department shall immediately cancel the endorsement
11 if the licensee is not eligible for the endorsement. Following cancellation under this
12 subsection, the department shall take the actions required in s. 343.125 (4) (a) and
13 (b). Upon accepting the surrender from a person to whom the department would not
14 be prohibited from issuing an “H” endorsement, the department may remove that
15 endorsement from the licensee’s commercial driver license as a temporary surrender.
16 The department may not issue an “H” endorsement to any person whose “H”
17 endorsement is removed as a temporary surrender under this subsection unless the
18 person applies for initial issuance of an “H” endorsement.

19 **SECTION 2557k.** 343.28 (1) of the statutes is amended to read:

20 343.28 (1) Whenever a person is convicted of a moving traffic violation under
21 chs. 341 to 349 or under a local ordinance enacted under ch. 349, the clerk of the court
22 in which the conviction occurred, or the justice, judge or magistrate of a court not
23 having a clerk, shall, as provided in s. 345.48, forward to the department the record
24 of such conviction. The record of conviction forwarded to the department shall state
25 whether the offender was involved in an accident at the time of the offense, whether

1 the offender was operating a commercial motor vehicle at the time of the offense and,
2 if so, whether the offender was transporting hazardous materials requiring
3 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR
4 73, or was operating a vehicle designed to carry, or actually carrying, 16 or more
5 passengers, including the driver. Whenever a person is convicted of exceeding a
6 posted speed limit, the record of conviction forwarded to the department shall
7 include the number of miles per hour in excess of the posted speed limit.

8 **SECTION 2557m.** 343.28 (2) of the statutes is amended to read:

9 343.28 (2) Whenever a person is convicted of any offense for which s. 343.31
10 makes mandatory the revocation by the secretary of such person's operating
11 privilege, the court in which the conviction occurred shall require the surrender to
12 it of any license then held by such person. The clerk of the court, or the justice, judge
13 or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward to the
14 department the record of conviction and any surrendered licenses. The record of
15 conviction forwarded to the department shall state whether the offender was
16 involved in an accident at the time of the offense, whether the offender was operating
17 a commercial motor vehicle at the time of the offense and, if so, whether the offender
18 was transporting hazardous materials requiring placarding or any quantity of a
19 material listed as a select agent or toxin under 42 CFR 73, or was operating a vehicle
20 designed to carry, or actually carrying, 16 or more passengers, including the driver.”.

21 **13.** Page 983, line 2: after that line insert:

22 “**SECTION 2564m.** 343.315 (2) (b) of the statutes is amended to read:

23 343.315 (2) (b) If any of the violations listed in par. (a) occurred in the course
24 of transporting hazardous materials requiring placarding or any quantity of a

1 material listed as a select agent or toxin under 42 CFR 73 on or after July 1, 1987,
2 the person shall be disqualified from operating a commercial motor vehicle for a
3 3–year period.”.

4 **14.** Page 984, line 19: after that line insert:

5 “SECTION 2570m. 343.315 (2) (i) of the statutes is amended to read:

6 343.315 (2) (i) If the violation listed in par. (h) occurred in the course of
7 transporting hazardous materials requiring placarding or any quantity of a material
8 listed as a select agent or toxin under 42 CR 73, or while operating a vehicle designed
9 to carry, or actually carrying, 16 or more passengers, including the driver, the person
10 shall be disqualified from operating a commercial motor vehicle for 180 days upon
11 a first conviction, or for a 3–year period for a 2nd or subsequent conviction, arising
12 from separate occurrences committed within a 10–year period while driving or
13 operating a commercial motor vehicle. A disqualification under this paragraph shall
14 be in addition to any penalty imposed under s. 343.44.”.

15 **15.** Page 987, line 6: after that line insert:

16 “SECTION 2579m. 345.11 (2m) (b) of the statutes is amended to read:

17 345.11 (2m) (b) Whether the vehicle was transporting hazardous materials
18 requiring placarding or any quantity of a material listed as a select agent or toxin
19 under 42 CFR 73.”.

20 **16.** Page 1096, line 17: after that line insert:

21 “(2z) COMMERCIAL DRIVER LICENSE HAZARDOUS MATERIALS ENDORSEMENTS.

22 (a) Notwithstanding section 343.20 (2) (b) of the statutes, as created by this act,
23 the department of transportation shall provide the holder of an “H” endorsement
24 specified in section 343.17 (3) (d) 1m. of the statutes, as affected by this act, that

1 expires before May 1, 2004, with as much advance written notice as practicable of the
2 renewal requirements for the endorsement.

3 (b) Notwithstanding section 343.125 (2) and (3) of the statutes, as created by
4 this act, the department of transportation may extend a commercial driver license
5 with an “H” endorsement until such time as the department of transportation
6 receives from the federal transportation security administration of the federal
7 department of homeland security a final notice of threat assessment or a notice of no
8 security threat concerning the applicant, or until April 29, 2004, whichever is
9 earlier.”.

10 **17.** Page 1123, line 20: after “343.03 (1) (a)” insert “(by SECTION 2522)”.

11 **18.** Page 1135, line 12: after “343.03 (1) (a)” insert “(by SECTION 2522)”.

12 **19.** Page 1135, line 24: after that line insert:

13 “(2z) COMMERCIAL DRIVER LICENSE HAZARDOUS MATERIALS ENDORSEMENTS. The
14 treatment of sections 340.01 (8) (d), 343.03 (1) (a) (by SECTION 2521w), 343.04 (1) (c)
15 2. and (2) (a), 343.055 (3), 343.07 (1m) (d), 343.125, 343.14 (2g), 343.16 (1) (a), 343.17
16 (3) (d) 1m. and 6., 343.20 (1) (a) and (2) (b), 343.23 (2) (a) (intro.), 343.245 (2) (a) 1.,
17 343.265 (1r), 343.28 (1) and (2), 343.315 (2) (b) and (i), and 345.11 (2m) (b) of the
18 statutes, the renumbering and amendment of section 343.20 (2) of the statutes, and
19 SECTION 9153 (2z) of this act take effect on November 1, 2003, or on the day after
20 publication, whichever is later.”.

21 (END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0272/2ins
ARG:.....

INSERT 4-10: ✓

(b) 1. The initial period for which an "H" endorsement is valid is the period from the date ^{on which} the "H" endorsement is issued until the earlier of the following dates:

INSERT 4-17: ✓

2. Notwithstanding subd. 1., [✓] if the period as determined under subd. 1. is less than 12 months, the initial period for which an "H" endorsement is valid is the period from the date ^{on which} the "H" endorsement is issued until the later of the dates specified in subd. 1. a. or b.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0272/2
ARG:kmg:cph

LFB:.....Dyck, Paper 775 – Commercial driver’s license – hazardous material endorsement

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 967, line 21: after that line insert:

3 “SECTION 2512m. 340.01 (8) (d) of the statutes is amended to read:

4 340.01 (8) (d) The vehicle is transporting hazardous materials requiring
5 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR
6 73.”.

7 **2.** Page 969, line 12: after that line insert:

8 “SECTION 2521w. 343.03 (1) (a) of the statutes is amended to read:

9 343.03 (1) (a) The department shall institute a classified driver license system
10 meeting all federal standards under 49 USC 31301 to 31317 and 49 CFR 383 and
11 384.”.

1 **3.** Page 969, line 13: after “statutes” insert “, as affected by 2003 Wisconsin Act
2 (this act),”.

3 **4.** Page 969, line 15: after “383” insert “and 384”.

4 **5.** Page 973, line 10: after that line insert:

5 “SECTION 2534g. 343.04 (1) (c) 2. of the statutes is amended to read:

6 343.04 (1) (c) 2. The vehicle is transporting hazardous materials requiring
7 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR
8 73.

9 SECTION 2534i. 343.04 (2) (a) of the statutes is amended to read:

10 343.04 (2) (a) *Hazardous materials transporter.* Hazardous materials
11 transporter vehicles are vehicles transporting hazardous materials requiring
12 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR
13 73.

14 SECTION 2534k. 343.055 (3) of the statutes is amended to read:

15 343.055 (3) VEHICLES TRANSPORTING HAZARDOUS MATERIALS, CARRYING PASSENGERS
16 OR TOWING DOUBLE OR TRIPLE TRAILERS NOT WAIVED. Nothing in this section authorizes
17 the operation of a combination vehicle with double or triple trailers, a vehicle
18 transporting hazardous materials requiring placarding except as provided in sub. (1)
19 (c), a vehicle transporting any quantity of a material listed as a select agent or toxin
20 under 42 CFR 73, or a vehicle carrying or designed to transport the driver and 15 or
21 more persons, by a person who does not hold a valid operator’s license properly
22 endorsed to permit such operation.”.

23 **6.** Page 974, line 10: after that line insert:

24 “SECTION 2536g. 343.07 (1m) (d) of the statutes is created to read:

1 343.07 (1m) (d) No person holding an instruction permit issued under this
2 subsection may operate a vehicle transporting hazardous materials requiring
3 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR
4 73.”.

5 **7.** Page 977, line 20: after that line insert:

6 “**SECTION 2551c.** 343.125 of the statutes is created to read:

7 **343.125 Endorsements for transporting certain hazardous materials.**

8 (1) In this section, ““H” endorsement” means an endorsement specified in s.
9 343.17 (3) (d) 1m.

10 (2) The department may not issue or renew an “H” endorsement to a
11 commercial driver license unless all of the following apply:

12 (a) The applicant has submitted to the department documentary proof, in one
13 or more of the following forms, that the applicant is a U.S. citizen or that the
14 applicant’s permanent presence in the United States is authorized under federal law:

15 1. A U.S. passport.

16 2. A birth certificate bearing an official seal or other mark of authentication and
17 issued by a state, county, or municipality within the United States or by a territory
18 or possession of the United States.

19 3. A certification of birth abroad issued by the federal department of state.

20 4. A certificate of naturalization.

21 5. A certificate of U.S. citizenship.

22 6. A permanent resident card or alien registration receipt card.

23 7. Any other proof specified in 49 CFR 383.71 (a) (9).

1 (b) If the applicant submits proof described under par. (a) 6. or 7., the applicant
2 submits his or her bureau of citizenship and immigration services alien registration
3 number.

4 (c) The applicant has passed any knowledge test required by the department.

5 (d) The department of transportation has received notice from the federal
6 transportation security administration of the federal department of homeland
7 security that the applicant does not pose a security threat warranting denial of an
8 “H” endorsement or that the applicant has received a waiver under 49 CFR 1572.143.

9 (3) (a) Except as provided in par. (b), an “H” endorsement shall expire 4 years
10 after the licensee’s next birthday after the date of issuance or renewal.

11 (b) 1. The initial period for which an “H” endorsement is valid is the period from
12 the date on which the “H” endorsement is issued until the earlier of the following
13 dates:

14 a. The date on which the licensee’s commercial driver license expires. This
15 subd. 1. a. does not apply if the licensee renews his or her commercial driver license
16 at the same time that the “H” endorsement is issued.

17 b. The date 4 years before the date on which the licensee’s commercial driver
18 license expires.

19 2. Notwithstanding subd. 1., if the period as determined under subd. 1. is less
20 than 12 months, the initial period for which an “H” endorsement is valid is the period
21 from the date on which the “H” endorsement is issued until the later of the dates
22 specified in subd. 1. a. or b.

23 (4) Within 15 days after receiving notice from the federal transportation
24 security administration of the federal department of homeland security, the
25 department of transportation shall do all of the following:

1 (a) Update the department's records to reflect the notice received, the issuance,
2 denial, or cancellation of an "H" endorsement, and, if applicable, the expiration date
3 of the "H" endorsement.

4 (b) Notify the commercial driver license information system of the notice
5 received and the department's action.

6 (c) Issue the "H" endorsement, if the department received notice described in
7 sub. (2) (d) and the applicant is otherwise eligible for issuance of the "H"
8 endorsement.

9 (d) Cancel or deny the "H" endorsement, if the notice is of a final administrative
10 determination that the applicant or licensee poses a security threat warranting
11 denial of an "H" endorsement.

12 (5) Notwithstanding s. 227.42, there is no right to a hearing on any cancellation
13 or denial of an "H" endorsement under this section.

14 (6) Notwithstanding sub. (3) and s. 343.20 (1) (a), the department may require
15 any person who holds a valid "H" endorsement on November 1, 2003, to apply for
16 renewal of that endorsement, if that endorsement expires after November 1, 2008.
17 The department shall provide the notice required under s. 343.20 (2) (b). The
18 department may cancel the "H" endorsement of any person who fails to renew within
19 the period specified by the department under this subsection. This subsection does
20 not apply to "H" endorsements that are issued or renewed after November 1, 2003.

21 **SECTION 2551e.** 343.14 (2g) of the statutes is created to read:

22 343.14 (2g) (a) Notwithstanding ss. 111.321, 111.322, and 111.335 and any
23 other provision of law, in addition to the information required under sub. (2), the
24 application form for an "H" endorsement specified in s. 343.17 (3) (d) 1m. shall

1 include all of the information and statements required under 49 CFR 1572.5 (e),
2 including all of the following:

3 1. The list of disqualifying felony criminal offenses specified in 49 CFR
4 1572.103 (b).

5 2. A statement that the individual signing the application meets all of the
6 following requirements:

7 a. The individual has not been convicted, or found not guilty by reason of
8 insanity, of any disqualifying felony criminal offense described in subd. 1. in any
9 jurisdiction during the 7–year period preceding the date of the application.

10 b. The individual has not been released from incarceration in any jurisdiction
11 for committing any disqualifying felony criminal offense described in subd. 1. within
12 the 5–year period preceding the date of the application.

13 c. The individual is not wanted or under indictment for any disqualifying felony
14 criminal offense described in subd. 1.

15 d. The individual is a U.S. citizen who has not renounced that citizenship, or
16 is lawfully admitted for permanent residence to the United States. If the applicant
17 is lawfully admitted for permanent residence to the United States, the applicant
18 shall provide the applicant’s alien registration number issued by the federal
19 department of homeland security.

20 3. A statement that the individual signing the application has been informed
21 that s. 343.245 (2) (a) 1. and federal regulations under 49 CFR 1572.5 impose an
22 ongoing obligation to disclose to the department within 24 hours if the individual is
23 convicted, or found not guilty by reason of insanity, of any disqualifying felony
24 criminal offense described in subd. 1., or adjudicated as a mental defective or

1 committed to a mental institution, while he or she holds an “H” endorsement
2 specified in s. 343.17 (3) (d) 1m.

3 4. Notwithstanding sub. (2) (br) and the provisions of any memorandum of
4 understanding entered into under s. 49.857 (2), the applicant’s social security
5 number.

6 (b) Upon receiving a completed application form for an “H” endorsement
7 specified in s. 343.17 (3) (d) 1m., the department of transportation shall immediately
8 forward the application to the federal transportation security administration of the
9 federal department of homeland security. The department of transportation shall
10 also inform the applicant that the applicant has a right to obtain a copy of the
11 applicant’s criminal history record by submitting a written request for that record
12 to the federal transportation security administration.

13 **SECTION 2551g.** 343.16 (1) (a) of the statutes is amended to read:

14 343.16 (1) (a) *General.* The department shall examine every applicant for an
15 operator’s license, including applicants for license renewal as provided in sub. (3),
16 and every applicant for authorization to operate a vehicle class or type for which the
17 applicant does not hold currently valid authorization, other than an instruction
18 permit. Except as provided in sub. (2) (cm) and (e), the examinations of applicants
19 for licenses authorizing operation of “Class A”, “Class B”, “Class C”, “Class D” or
20 “Class M” vehicles shall include both a knowledge test and an actual demonstration
21 in the form of a driving skills test of the applicant’s ability to exercise ordinary and
22 reasonable control in the operation of a representative vehicle. The department shall
23 not administer a driving skills test to a person applying for authorization to operate
24 “Class M” vehicles who has failed 2 previous such skills tests unless the person has
25 successfully completed a rider course approved by the department. The department

1 may, by rule, exempt certain persons from the rider course requirement of this
2 paragraph. The driving skills of applicants for endorsements authorizing the
3 operation of commercial motor vehicles equipped with air brakes, the transportation
4 of passengers in commercial motor vehicles or the operation of school buses, as
5 provided in s. 343.04 (2) (b), (d) or (e), shall also be tested by an actual demonstration
6 of driving skills. The department may endorse an applicant's commercial driver
7 license for transporting hazardous materials requiring placarding or any quantity
8 of a material listed as a select agent or toxin under 42 CFR 73, subject to s. 343.125,
9 or for the operation of tank vehicles or vehicles towing double or triple trailers, as
10 described in s. 343.04 (2) (a), (c) or (f), based on successful completion of a knowledge
11 test. In administering the knowledge test, the department shall attempt to
12 accommodate any special needs of the applicant. Except as may be required by the
13 department for an "H" or "S" endorsement, the knowledge test is not intended to be
14 a test for literacy or English language proficiency. This paragraph does not prohibit
15 the department from requiring an applicant to correctly read and understand
16 highway signs."

17 **8.** Page 978, line 4: after that line insert:

18 "SECTION 2552g. 343.17 (3) (d) 1m. of the statutes is amended to read:

19 343.17 (3) (d) 1m. "H" endorsement, which authorizes the driver to operate
20 vehicles transporting hazardous materials requiring placarding or any quantity of
21 a material listed as a select agent or toxin under 42 CFR 73.

22 SECTION 2552i. 343.17 (3) (d) 6. of the statutes is amended to read:

23 343.17 (3) (d) 6. "X" endorsement, which is an optional endorsement that may
24 be used to indicate that the licensee holds both "H" and "N" endorsements. The

1 department may not issue or renew an endorsement under this subdivision after the
2 effective date of this subdivision [revisor inserts date].”.

3 **9.** Page 978, line 11: after that line insert:

4 “**SECTION 2553m.** 343.20 (1) (a) of the statutes is amended to read:

5 343.20 (1) (a) Except as otherwise expressly provided in this chapter,
6 reinstated licenses, probationary licenses issued under s. 343.085 and original
7 licenses other than instruction permits shall expire 2 years from the date of the
8 applicant’s next birthday. All Subject to s. 343.125 (3), all other licenses and license
9 endorsements shall expire 8 years after the date of issuance. The department may
10 institute any system of initial license issuance which it deems advisable for the
11 purpose of gaining a uniform rate of renewals. In order to put such a system into
12 operation, the department may issue licenses which are valid for any period less than
13 the ordinary effective period of such license. If the department issues a license that
14 is valid for less than the ordinary effective period as authorized by this paragraph,
15 the fees due under s. 343.21 (1) (a), (b) and (d) shall be prorated accordingly.”.

16 **10.** Page 978, line 18: after that line insert:

17 “**SECTION 2554g.** 343.20 (2) of the statutes is renumbered 343.20 (2) (a) and
18 amended to read:

19 343.20 (2) (a) The department shall mail to the last-known address of a
20 licensee at least 30 days prior to the expiration of the license a notice of the date upon
21 which ~~such~~ the license must be renewed.

22 (c) Failure to receive notice to renew ~~such a~~ a license or endorsement shall not
23 be a defense to a charge of operating a motor vehicle without a valid operator’s license
24 or endorsement.

1 **SECTION 2554h.** 343.20 (2) (b) of the statutes is created to read:

2 343.20 (2) (b) Notwithstanding par. (a), at least 180 days prior to the expiration
3 of an “H” endorsement specified in s. 343.17 (3) (d) 1m., the department of
4 transportation shall mail a notice to the last-known address of the licensee that the
5 licensee is required to pass a security threat assessment screening by the federal
6 transportation security administration of the federal department of homeland
7 security as part of the application to renew the endorsement. The notice shall inform
8 the licensee that the licensee may commence the federal security threat assessment
9 screening at any time, but no later than 90 days before expiration of the
10 endorsement.”.

11 **11.** Page 978, line 23: after that line insert:

12 “**SECTION 2555m.** 343.23 (2) (a) (intro.) of the statutes is amended to read:

13 343.23 (2) (a) (intro.) The department shall maintain a file for each licensee or
14 other person containing the application for license, permit or endorsement, a record
15 of reports or abstract of convictions, any notice received from the federal
16 transportation security administration concerning the person’s eligibility for an “H”
17 endorsement specified in s. 343.17 (3) (d) 1m., the status of the person’s authorization
18 to operate different vehicle groups, a record of any out-of-service orders issued
19 under s. 343.305 (7) (b) or (9) (am) and a record of any reportable accident in which
20 the person has been involved, including specification of any type of license and
21 endorsements issued under this chapter under which the person was operating at
22 the time of the accident and an indication whether or not the accident occurred in the
23 course of any of the following:”.

24 **12.** Page 980, line 25: after that line insert:

1 **SECTION 2557g.** 343.245 (2) (a) 1. of the statutes is amended to read:

2 343.245 (2) (a) 1. ‘To state.’ A person, after applying for or receiving a
3 commercial driver license issued by this state, who is convicted of violating in a motor
4 vehicle any law of this state or local ordinance adopted in conformity therewith or
5 a law enacted by a federally recognized American Indian tribe or band in this state
6 which is in conformity with any law of this state, or the law of another jurisdiction,
7 relating to motor vehicle traffic control, other than parking violations, shall notify
8 the department of the conviction in the manner specified by the department within
9 30 days after the date of conviction. Notwithstanding any other provision of law, a
10 person who holds an “H” endorsement specified in s. 343.17 (3) (d) 1m. shall notify
11 the department within 24 hours if the person is convicted, or found not guilty by
12 reason of insanity, of any disqualifying felony criminal offense described in s. 343.14
13 (2g) (a) 1., or adjudicated as a mental defective or committed to a mental institution.

14 **SECTION 2557i.** 343.265 (1r) of the statutes is created to read:

15 343.265 (1r) Notwithstanding sub. (1), the department shall accept the
16 voluntary surrender of an “H” endorsement specified in s. 343.17 (3) (d) 1m. Upon
17 accepting the surrender, the department shall immediately cancel the endorsement
18 if the licensee is not eligible for the endorsement. Following cancellation under this
19 subsection, the department shall take the actions required in s. 343.125 (4) (a) and
20 (b). Upon accepting the surrender from a person to whom the department would not
21 be prohibited from issuing an “H” endorsement, the department may remove that
22 endorsement from the licensee’s commercial driver license as a temporary surrender.
23 The department may not issue an “H” endorsement to any person whose “H”
24 endorsement is removed as a temporary surrender under this subsection unless the
25 person applies for initial issuance of an “H” endorsement.

1 **SECTION 2557k.** 343.28 (1) of the statutes is amended to read:

2 343.28 (1) Whenever a person is convicted of a moving traffic violation under
3 chs. 341 to 349 or under a local ordinance enacted under ch. 349, the clerk of the court
4 in which the conviction occurred, or the justice, judge or magistrate of a court not
5 having a clerk, shall, as provided in s. 345.48, forward to the department the record
6 of such conviction. The record of conviction forwarded to the department shall state
7 whether the offender was involved in an accident at the time of the offense, whether
8 the offender was operating a commercial motor vehicle at the time of the offense and,
9 if so, whether the offender was transporting hazardous materials requiring
10 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR
11 73, or was operating a vehicle designed to carry, or actually carrying, 16 or more
12 passengers, including the driver. Whenever a person is convicted of exceeding a
13 posted speed limit, the record of conviction forwarded to the department shall
14 include the number of miles per hour in excess of the posted speed limit.

15 **SECTION 2557m.** 343.28 (2) of the statutes is amended to read:

16 343.28 (2) Whenever a person is convicted of any offense for which s. 343.31
17 makes mandatory the revocation by the secretary of such person's operating
18 privilege, the court in which the conviction occurred shall require the surrender to
19 it of any license then held by such person. The clerk of the court, or the justice, judge
20 or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward to the
21 department the record of conviction and any surrendered licenses. The record of
22 conviction forwarded to the department shall state whether the offender was
23 involved in an accident at the time of the offense, whether the offender was operating
24 a commercial motor vehicle at the time of the offense and, if so, whether the offender
25 was transporting hazardous materials requiring placarding or any quantity of a

1 material listed as a select agent or toxin under 42 CFR 73, or was operating a vehicle
2 designed to carry, or actually carrying, 16 or more passengers, including the driver.”.

3 **13.** Page 983, line 2: after that line insert:

4 “SECTION 2564m. 343.315 (2) (b) of the statutes is amended to read:

5 343.315 (2) (b) If any of the violations listed in par. (a) occurred in the course
6 of transporting hazardous materials requiring placarding or any quantity of a
7 material listed as a select agent or toxin under 42 CFR 73 on or after July 1, 1987,
8 the person shall be disqualified from operating a commercial motor vehicle for a
9 3–year period.”.

10 **14.** Page 984, line 19: after that line insert:

11 “SECTION 2570m. 343.315 (2) (i) of the statutes is amended to read:

12 343.315 (2) (i) If the violation listed in par. (h) occurred in the course of
13 transporting hazardous materials requiring placarding or any quantity of a material
14 listed as a select agent or toxin under 42 CR 73, or while operating a vehicle designed
15 to carry, or actually carrying, 16 or more passengers, including the driver, the person
16 shall be disqualified from operating a commercial motor vehicle for 180 days upon
17 a first conviction, or for a 3–year period for a 2nd or subsequent conviction, arising
18 from separate occurrences committed within a 10–year period while driving or
19 operating a commercial motor vehicle. A disqualification under this paragraph shall
20 be in addition to any penalty imposed under s. 343.44.”.

21 **15.** Page 987, line 6: after that line insert:

22 “SECTION 2579m. 345.11 (2m) (b) of the statutes is amended to read:

1 345.11 (2m) (b) Whether the vehicle was transporting hazardous materials
2 requiring placarding or any quantity of a material listed as a select agent or toxin
3 under 42 CFR 73.”.

4 **16.** Page 1096, line 17: after that line insert:

5 “(2z) COMMERCIAL DRIVER LICENSE HAZARDOUS MATERIALS ENDORSEMENTS.

6 (a) Notwithstanding section 343.20 (2) (b) of the statutes, as created by this act,
7 the department of transportation shall provide the holder of an “H” endorsement
8 specified in section 343.17 (3) (d) 1m. of the statutes, as affected by this act, that
9 expires before May 1, 2004, with as much advance written notice as practicable of the
10 renewal requirements for the endorsement.

11 (b) Notwithstanding section 343.125 (2) and (3) of the statutes, as created by
12 this act, the department of transportation may extend a commercial driver license
13 with an “H” endorsement until such time as the department of transportation
14 receives from the federal transportation security administration of the federal
15 department of homeland security a final notice of threat assessment or a notice of no
16 security threat concerning the applicant, or until April 29, 2004, whichever is
17 earlier.”.

18 **17.** Page 1123, line 20: after “343.03 (1) (a)” insert “(by SECTION 2522)”.

19 **18.** Page 1135, line 12: after “343.03 (1) (a)” insert “(by SECTION 2522)”.

20 **19.** Page 1135, line 24: after that line insert:

21 “(2z) COMMERCIAL DRIVER LICENSE HAZARDOUS MATERIALS ENDORSEMENTS. The
22 treatment of sections 340.01 (8) (d), 343.03 (1) (a) (by SECTION 2521w), 343.04 (1) (c)
23 2. and (2) (a), 343.055 (3), 343.07 (1m) (d), 343.125, 343.14 (2g), 343.16 (1) (a), 343.17
24 (3) (d) 1m. and 6., 343.20 (1) (a) and (2) (b), 343.23 (2) (a) (intro.), 343.245 (2) (a) 1.,

1 343.265 (1r), 343.28 (1) and (2), 343.315 (2) (b) and (i), and 345.11 (2m) (b) of the
2 statutes, the renumbering and amendment of section 343.20 (2) of the statutes, and
3 SECTION 9153 (2z) of this act take effect on November 1, 2003, or on the day after
4 publication, whichever is later.”.

5 (END)