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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Transportation, Tourism,
Forestry, and Natural Resources (SC-TTFNR)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (June/2012)

Senate

Record of Committee Proceedings

Committee on Transportation, Tourism, Forestry, and Natural Resources

Senate Bill 374

Relating to: creating a commercial driver license exception for law enforcement officers operating commercial motor vehicles.

By Senators Grothman, Kedzie, Olsen, Darling and Lassa; cosponsored by Representatives Strachota, Suder, Mursau, Vos, Townsend, Gunderson, LeMahieu, Knodl, Friske, A. Ott, Lothian, Brooks and Bies.

October 29, 2009 Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

January 20, 2010 **PUBLIC HEARING HELD**

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (0) None.

Appearances For

- Jeff Wiegand — on behalf of Senator Glenn Grothman

Appearances Against

- Major Dan Lonsdorf — WI DOT

Appearances for Information Only

- None.

Registrations For

- Alice O'Connor — WI Chiefs of Police Association
- Curt Witynski — League of WI Municipalities

Registrations Against

- None.

Registrations for Information Only

- None.

February 4, 2010 **EXECUTIVE SESSION HELD**

Present: (6) Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Absent: (1) Senator Plale.

Moved by Senator Grothman, seconded by Senator Kedzie that **Senate Bill 374** be recommended for passage.

Ayes: (6) Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Noes: (0) None.

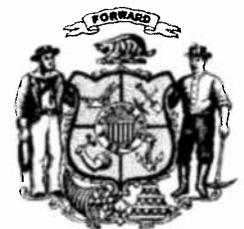
Absent: (1) Senator Plale.

PASSAGE RECOMMENDED, Ayes 6, Noes 0

Elizabeth Novak
Committee Clerk



WISCONSIN STATE LEGISLATURE



Senate Transportation, Tourism, Forestry and Natural Resources

Testimony of Senator Glenn Grothman

Senate Bill 374 – Creating an exception to the CDL requirements for law enforcement officers
Wednesday, January 20, 2010

Honorable Colleagues.

Thank you for giving us a public hearing on SB 374. This bill was brought to my attention by my local sheriff in Washington County.

This bill creates a commercial drivers license exception for law enforcement officers who operate commercial motor vehicles. Currently Wisconsin Statutes already exempt firefighters, farmers and rescue squad members from being required to attain a CDL. It only makes sense to exempt law enforcement as well. This bill will alleviate scheduling problems and provide our law enforcement officers with one more tool that will enable them to more effectively provide their services to our local communities and state as a whole.

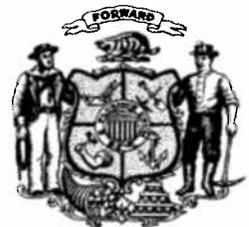
Instances where this is needed include and are not limited to operation and transportation of mobile command stations, SWAT vehicles and any other such vehicles that would otherwise require a CDL license.

This bill is in line with federal guidelines because it requires that the vehicles be equipped with warning lamps and sirens. This bill only creates the exemption when it is deemed necessary for the preservation of life and property.

At this present time a clear example would be with most volunteer fire fighters.



WISCONSIN STATE LEGISLATURE



Novak, Elizabeth

Add bill to
exec?

From: Hughes, Dennis - DOT [Dennis.Hughes@dot.wi.gov]
Sent: Tuesday, January 26, 2010 1:06 PM
To: Novak, Elizabeth
Cc: Klein, Christopher - DOT; Nilsen, Paul - DOT; Lonsdorf, Daniel - DOT; Lorentz, Charles - DOT
Subject: SB-374

makes exemption

Per our phone conversation: WisDOT Office of General Counsel is of the opinion that SB-374, if enacted, would NOT jeopardize WI's compliance with federal regulations regarding Commercial Driver License (CDL) exemptions for emergency personnel.

Dennis Hughes, Chief
Safety Programs Section
Wisconsin State Patrol
PH: (608) 267-9075
FAX: (608) 267-0441
E-MAIL: Dennis.Hughes@dot.wi.gov

*"Where is the wisdom we have lost in knowledge? Where is the knowledge we have lost in information?"
- T.S. Eliot, "The Rock", 1934*

From: Kernats, Mike - DOT
Sent: Monday, January 25, 2010 3:31 PM
To: Nilsen, Paul - DOT
Subject: SB 374

You asked me to review whether SB 374 conflicts with 49 CFR 383.3, and whether SB 374 is necessary in light of the existence of comparable provisions in Wis. Stat. section 343.055(5) and Wis. Admin. Code section Trans 102.23(6).

I looked at SB 374 <http://www.legis.state.wi.us/2009/data/SB-374.pdf>

I also reviewed Wis. Stat. section 343.055(5) and Wis. Admin. Code section Trans 102.23(6), and 49 CFR 383.3.

SB 374 would create an express Wisconsin statutory exemption authorizing law enforcement officers to operate commercial motor vehicles used as authorized emergency vehicles, without obtaining a commercial driver license.

Wis. Stat. section 343.055(5) authorizes WisDOT to promulgate rules governing waivers and exceptions relating to federal commercial driver license requirements.

Wis. Admin. Code section Trans 102.23(6) creates an exception to federal commercial driver license requirements for firefighters and other emergency government workers. It does not expressly include law enforcement officers, except for police SWAT team vehicles. But the language in this rule is broad enough to include law enforcement officers.

49 CFR 383.3(d)(2) creates an exception to federal commercial driver license requirements for firefighters and other emergency government workers. It does not expressly include law enforcement officers, except for police SWAT team vehicles. But the language in this rule is broad enough to include law enforcement officers.

Although the language in 49 CFR 383.3(d)(2) and Wis. Admin. Code section Trans 102.23(6) is not identical, these provisions are so similar that it is fair to say that there are no significant differences.

In my opinion, SB 374 does not conflict with 49 CFR 383.3. Although Wis. Admin. Code section Trans 102.23(6) can reasonably be interpreted to include law enforcement officers, SB 374 is a significant improvement because it expressly includes law enforcement officers.