



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 123
[2015 Senate Bill 158]

Commercial Driver Licenses

2015 Wisconsin Act 123 makes the following changes to the statutes related to commercial motor vehicles (CMVs):

1. It specifically prohibits a person from driving a CMV while using a cellular telephone or other wireless telephone under certain circumstances, except to report an emergency. The Act adds definitions of “mobile telephone” and “commercial motor vehicle” by referring to federal definitions and prohibits a person from driving a CMV while using a telephone if doing so requires the driver to do any of the following: (a) use one or both hands to hold the telephone or any accessory connected to the telephone; (b) press more than a single button in order to dial or answer the telephone; (c) or reach for the telephone in a manner that requires the driver to maneuver so that he or she is no longer in a seated driving position.
2. The Act specifies that the license of a person who secures, or attempts to secure, a license or endorsement by hiring or permitting another to appear in the person’s place to take an examination or otherwise gaining or attempting to gain a passing score in an examination by fraud or otherwise obtain a commercial driver license (CDL) or CDL endorsement by fraud may be cancelled by the Department of Transportation (DOT). Also under this Act, a person whose CDL is cancelled for this offense is disqualified from operating a CMV for one year.
3. Under the Act, if DOT receives credible information that a CDL holder committed fraud related to the issuance of the CDL, DOT must require the person to submit to an examination to determine necessary action to be taken with respect to that person’s CDL.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

4. The Act specifies that driving a motor vehicle while composing or sending a text message and driving a CMV while using a cellular or other wireless telephone are classified as serious traffic violations.
5. The Act creates several standard restrictions that may be included on a CDL, including prohibitions against operating a CMV equipped with a manual transmission, operating certain large passenger vehicles, operating tractor-trailer CMVs, operating a CMV equipped with full air brakes, or operating any CMV without a medical variance.
6. The Act incorporates certain federal regulations regarding the documentation necessary to receive, and restrictions on, a CDL, requires the labeling of certain CDLs as nondomiciled licenses, modifies the standards for determining which vehicles are air brake equipped, changes the period of an instruction permit to operate CMVs or school buses from six months to 180 days, modifies the definition of "tank vehicle" and limits the operation of tank vehicles by persons holding an instruction permit, and requires on-site inspections of third-party driver skills testers biennially rather than annually and permits scoring drivers along with the third-party tester during skills tests as an acceptable manner of evaluating the performance of these testers.
7. The Act specifies that a person is ineligible for a restricted CDL because the person has diabetes that requires insulin for control only if, within the past three years, the person has had any moving violation or reportable at-fault accident due to diabetes while operating any motor vehicle. The Act also prohibits DOT from establishing a more restrictive eligibility standard relating to these provisions. Under this provision of the Act, a person who has diabetes that requires insulin for control would only be eligible to receive a restricted CDL that authorizes a person to operate a CMV only within the state.

Effective date: July 1, 2016, except the provisions related to CDL drivers with diabetes take effect on April 1, 2016.

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LAK:mcm;ksm