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CLEARINGHOUSE RULE 96-004

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. In amending s. Trans 112.01 (Note), the rule strikes the period at the end of the first sentence. This period should be retained.

b. Section Trans 112.03 (2) (intro.) should be rewritten as follows: “The department may not issue a commercial driver license to a driver who does not meet the physical qualifications of drivers’ standards under 49 CFR 391.41 or who does not present a medical certificate of examination required under 49 CFR 391.43 unless one of the following applies:”. Paragraphs (b) and (c) should then be renumbered pars. (a) and (b) and written in a form such as: “The commercial driver license is subject to....”

c. Section Trans 112.045 (intro.) should conclude with a phrase such as “that any of the following pertain:”.

4. Adequacy of References to Related Statutes, Rules and Forms

In s. Trans 112.03 (2) (b), it is not clear what a “K” restriction is, and the cross-reference in the Note does not explain this. This could be clarified by including a cross-reference, in the text of the rule or in a note, to the section of the Administrative Code that describes K restrictions or authorizes the department to impose these restrictions.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In ss. Trans 112.06 (3) (b) 7. and 112.07 (3) (b) 4., the rule does not specify whose authority is sufficient to determine that a person has fully recovered or that residual motor deficits do not interfere with safe driving. Should this be specified?

b. The amendments to s. Trans 112.10 (3) (b) 1. and 3. add clarity to those provisions. Further clarity could be provided by amending s. Trans 112.10 (3) (b) (intro.) to indicate that that paragraph applies to a person who is subject to a neurological or neuromuscular condition and who is applying for an endorsement.

c. Section Trans 112.10 (3) (c) 1. refers to “a 3 month period.” As written, this could refer to any three-month period; should it refer to the three-month period immediately preceding the application?