

CERTIFICATE

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )

RECEIVED  
MAY 12 1992  
4110  
Revisor of Statutes  
Bureau

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to the **issuance of "P" endorsements to Commercial Driver's Licenses**, was duly approved and adopted by this Department on May 11, 1992.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 11 day of May, 1992.

*Charles H. Thompson*  
\_\_\_\_\_  
CHARLES H. THOMPSON  
Secretary

IN THE MATTER OF an Order Adopting Rule creating s. Trans 112.05(3)(bm), Wisconsin Administrative Code, relating to the issuance of "P" endorsements to Commercial Driver's Licenses.

## ORDER ADOPTING RULE

Analysis Prepared by the Wisconsin Department of Transportation

**STATUTORY AUTHORITY:** ss. 343.02 and 343.06(1)(e), Stats.

**STATUTES INTERPRETED:** ss. 343.06(1)(e) and 343.16, Stats.

RECEIVED  
MAY 12 1992  
Revisor of Statutes  
Bureau

**General Summary of Rule.** The purpose of Chapter Trans 112 is to establish the administrative interpretation of Chapter 343, Stats., Department of Transportation (Department) in relation to the issuance of motor vehicle operator licenses to persons who have a medical condition that may affect their ability to exercise reasonable control over a motor vehicle. It establishes medical standards and a medical review process, including licensing categories which define functional ability levels.

Trans 112 currently prohibits any person convicted of OWI from obtaining a passenger endorsement to a Commercial Driver License for a period of two years following the conviction. This rule provision parallels the current license availability restrictions governing school bus drivers. This parallel exists because many non-school bus drivers, such as transit system drivers, drive children to and from school.

This requirement may adversely impact some drivers who have been convicted of OWI in their personal vehicles within the past two years and who were not subject to such regulation at the time of their offense. As a result, if the rule is not amended, some transit bus drivers may lose their jobs for actions which, at the time committed, they could not have anticipated would affect their ability to earn a living.

This rulemaking creates section Trans 112.05(3)(bm) to provide that, for purposes of passenger endorsements, the Division of Motor Vehicles shall count only OWI convictions occurring on or after April 1, 1992. This will give all bus drivers an opportunity to know the effect of an OWI on their ability to continue working before committing the offense. This rulemaking will not affect the statutory prohibition on the issuance of a school bus license to any person that has been convicted of an OWI within the past two years.

**Fiscal Impact.** The Department anticipates no fiscal effect from the promulgation of this rule.

**Final Regulatory Flexibility Analysis.** These rule amendments will have no adverse impact on small businesses.

**Contact Person.** The person to contact for further information is Linda Sunstad, Department of Transportation, Division of Motor Vehicles, Medical Review Section, 4802 Sheboygan Avenue, P. O. Box 7918, Madison, WI, 53702, (608) 266-0194.

**Copies of Rule.** Copies of this rule are available at no charge from the Wisconsin Department of Transportation, Office of General Counsel, P.O. Box 7910, 4802 Sheboygan Avenue, Room 115-B, Madison, WI 53707, telephone (608) 266-8810.

---

**TEXT OF RULE**

**SECTION 1.** Trans 112.05(3)(bm) is created to read:

Trans 112.05(3)(bm) For purposes of determining eligibility for a passenger endorsement under par. (b)1 to 3, the department shall not count violations committed prior to April 1, 1992.

**(END OF RULE TEXT)**

---

**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin this 11 day of May, 1992.

  
\_\_\_\_\_  
CHARLES H. THOMPSON  
Secretary  
Wisconsin Department of Transportation

RECEIVED

MAY 12 1992

Revisor of Statutes  
Bureau



## Wisconsin Department of Transportation

Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

May 11, 1992

RECEIVED

MAY 12 1992

Revisor of Statutes  
Bureau

Mr. Gary Poulson  
Assistant Revisor of Statutes  
119 Martin Luther King, Jr. Blvd.  
2nd Floor  
Madison, Wisconsin 53703

RE: **CLEARINGHOUSE RULE 92-25**

In the Matter of the Adoption of **TRANS 112**, Wisconsin Administrative Code, relating to the issuance of "P" endorsements to Commercial Driver's Licenses.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 92-25**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie A. Johnson".

Julie A. Johnson  
Paralegal

Enclosures

cc: Tom Walker  
Dorothy Kapke  
Jim McDonnell  
Roger Cross  
Wes Geringer  
Linda Sunstad