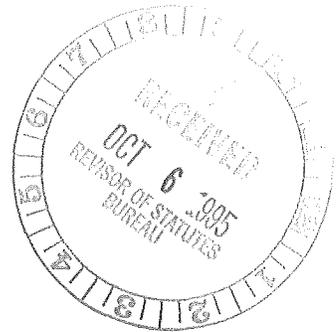


CR 95-109

CERTIFICATE

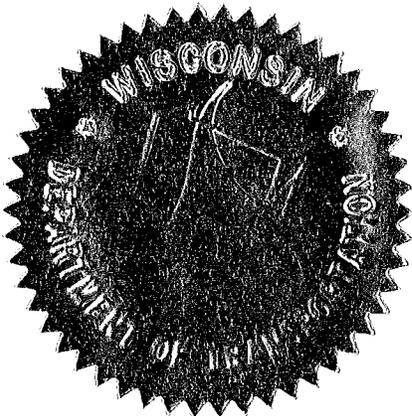
STATE OF WISCONSIN)
)
DEPARTMENT OF TRANSPORTATION) ss.



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 **third party testing**, was duly approved and adopted by this Department on October 5, 1995.

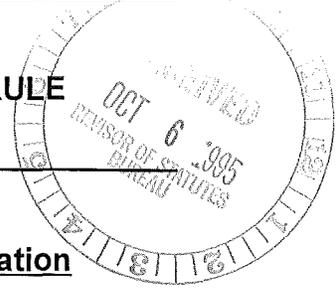
I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



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 5 day of **October**, 1995.

Charles H. Thompson
CHARLES H. THOMPSON
Secretary

The Wisconsin Department of Transportation adopts an order to amend TRANS 115.02(1) and 115.11(4), relating to Third Party Testing.

ORDER ADOPTING RULE**Analysis Prepared by the Wisconsin Department of Transportation**

STATUTORY AUTHORITY: ss. 343.02(1) and 343.16(1)(b), Stats.

STATUTES INTERPRETED: s. 343.16(1)(b), Stats.

General Summary of Rule. The purpose of this rule making is to establish a deadline for appeal of a department decision to deny or cancel a third-party CDL examiner's certificate or a third party tester's authorization.

Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical college district or sewerage district.

Final Regulatory Flexibility Analysis. This rule will have no adverse impact on small businesses.

Copies of Rule. Copies of this rule may be obtained upon request, without cost, from: Division of Motor Vehicles, Bureau of Driver Services, Room 351, P. O. Box 7920, Madison, Wisconsin 53707-7920, telephone (608) 266-8684. Hearing impaired individuals may contact the department using TDD (608) 266-0396. Alternate formats of the rule will be provided to individuals at their request.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 343.02, Stats., the department of transportation hereby adopts an order to amend a rule interpreting s. 343.16(1)(b), Stats., relating to third party testing.

SECTION 1. Trans 115.02(1) and 115.11(4) are amended to read:

Trans 115.02(1) "Authority" or "authorization" means the document issued to a third party tester allowing the holder to administer the authorized testing program on behalf of the department.

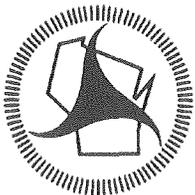
Trans 115.11(4) A person whose application, examiner identification certificate or third party tester authorization has been denied or canceled under this chapter may request that the department conduct a hearing. The request shall be in writing and filed with the department within 20 days after the date of such denial or cancellation. The department shall schedule the hearing no later than ~~45~~ 30 days from the receipt of the request unless a later date is agreed to between the department and the person requesting the hearing. A hearing notice shall be sent to the person's last known address by first class mail.

(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), Stats.

Signed at Madison, Wisconsin, this 5 day of October, 1995.


CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation



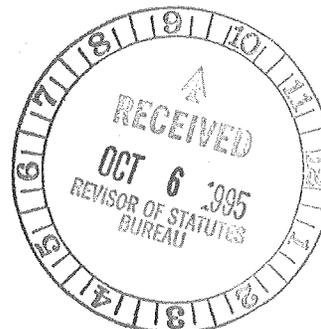
Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

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

October 6, 1995



Mr. Gary Poulson
Deputy Revisor of Statutes
131 West Wilson Street, Suite 800
Madison, Wisconsin 53703

RE: CLEARINGHOUSE RULE 95-109

In the Matter of the Adoption of **TRANS 115**, Wisconsin Administrative Code, relating to **third party testing**.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 95-109**, 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 that reads "Julie A. Johnson".

Julie A. Johnson
Paralegal

Enclosures

cc: Ann Agnew
Dorothy Kapke
Jim McDonnell
Roger Cross
Wes Geringer
Mike Cradler