

**STATE OF WISCONSIN  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY**

**NOTICE OF PUBLIC HEARING**

The State of Wisconsin Department of Transportation proposes an order to amend Wis. Admin. Code ch. Trans 115 relating to Third Party Testing and affecting small businesses.

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**NOTICE IS HEREBY GIVEN** that, pursuant to ss. 227.17 and 227.24(4), Stats., the State of Wisconsin Department of Transportation ("WisDOT") will hold a public hearing on a permanent rule that will amend Wis. Admin. Code ch. Trans 115 relating to Third Party Testing.

**HEARING INFORMATION**

Date: **October 22, 2015**  
Time: **1:00 to 3:00 p.m.**  
Location: **Wisconsin Department of Transportation  
4802 Sheboygan Avenue, Room 144B  
Madison, WI 53707**

Interested persons are invited to appear at the hearing and will be afforded the opportunity to make an oral presentation of their positions. Persons making oral presentations are requested to submit their written comments. WisDOT will accept written comments until October 27, 2015, 4:30 p.m. Written comments may be sent to:

Glenn Green,  
Chief Examiner, Technical and Training Section – Bureau of Field Services  
State of Wisconsin Department of Transportation  
4802 Sheboygan Avenue, Room 266, Madison, Wisconsin, 53705  
Email: [Glenn.Green@dot.wi.gov](mailto:Glenn.Green@dot.wi.gov)  
Phone: (608) 266-0428

You may receive a paper copy of the rules or fiscal estimate by contacting Jennifer Peters, Paralegal/Administrative Rulemaking Coordinator at WisDOT Office of General Counsel, 4802 Sheboygan Avenue, Room 115B, Madison, Wisconsin 53705, phone number: (608) 267-6979, or by email: [Jennifer.Peters@dot.wi.gov](mailto:Jennifer.Peters@dot.wi.gov).

A copy of the rule is also available at <http://adminrules.wisconsin.gov>. This site allows you to view documents associated with this proposed permanent rule promulgation.

If you have special needs or circumstances regarding communication or accessibility at a hearing, please call Jennifer Peters, Paralegal/Administrative Rulemaking Coordinator, at (608) 267-6979 prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audio format will be made available on request to the fullest extent possible.

**Analysis and supporting documentation used in support of the determination of the proposed rule's effect on small businesses:**

DOT identifies many third party testers as small businesses. The rule's primary fiscal and compliance impacts on small business will involve the bonding requirement, which is based on the

number of skills tests the third party tester conducts in a year. As noted above, DOT's DMV consulted its Risk Management Section and bond companies to develop bond tiers based on the number of annual CDL skills a third party tester conducts.

**Proposed rule's effect on small businesses:** Third party testers have been required to comply with this federal bonding provision since January 2015. Accordingly, DOT estimates that the promulgation of this rule will have a minimal financial impact on third party testers that are small businesses. Similarly, many of the process-related requirements contained within recent federal regulations such as scheduling procedures have already been effectuated. This rule's intent is to provide certainty and clarity at the state level.

**Agency Small Business Regulatory Coordinator**

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