

1991 Senate Bill 51

Date of enactment: **April 26, 1991**  
Date of publication\*: **May 10, 1991**

## 1991 WISCONSIN ACT 12

AN ACT to amend 343.03 (8) (c) 3 and 4 and 343.07 (1m) (intro.) and (a); to repeal and recreate 343.07 (1m) (a); and to create 343.07 (1m) (am) of the statutes, relating to: waiver of the road test requirement for commercial driver licenses and issuance of instruction permits for commercial motor vehicle or school bus operation.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 343.03 (8) (c) 3. and 4. of the statutes are amended to read:

343.03 (8) (c) 3. Was convicted of a violation listed as a disqualifying offenses offense under s. 343.315 (2) (a) or (e), regardless of whether the person was operating a commercial motor vehicle at the time of the offense. Conviction of a single 2 or more serious traffic violation violations under s. 343.315 (2) (f) shall be considered a disqualifying offense for purposes of this subdivision.

4. ~~Violated~~ Was convicted of a violation of a law of this state, or a local ordinance in conformity therewith, or any law of another jurisdiction relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident.

**SECTION 2.** 343.07 (1m) (intro.) and (a) of the statutes are amended to read:

343.07 (1m) (intro.) Upon application therefor by a person at least 18 years of age who holds a valid operator's license issued under this chapter and who, except for lack of training in the operation of a commercial motor vehicle or school bus, is qualified to obtain a license for the operation of such vehicle, including having passed the applicable knowledge tests or was issued a chauffeur license under s. 343.125, 1987 stats., which expires after December 31, 1990, and has taken and passed the applicable driving skills test under s. 343.16 (1), or qualifies for a waiver under s. 343.03 (8) (b) and (c), the department may issue an instruction permit for commercial

motor vehicle or school bus operation. A permit limited to commercial motor vehicle instructional operation entitles the permittee to operate only a commercial motor vehicle upon the highways. A permit limited to school bus instructional operation entitles the permittee to operate only a school bus upon the highways. Both permits are subject to the following restrictions:

(a) Any permit issued under this subsection is not valid authorization for the operation of a commercial motor vehicle or school bus after March 31, 1992, unless the permittee is accompanied by a qualified driving instructor or a licensed person 25 years of age or older with at least 2 years of licensed driving experience in a representative vehicle and a valid license authorizing the person to operate such vehicle, occupying the seating position nearest to the driver. The permittee may operate a commercial motor vehicle carrying property under this paragraph. No passengers are allowed in the commercial motor vehicle, except that when the permittee is accompanied by a qualified instructor up to 3 other permittees also being trained may occupy seats in the vehicle. The department may also authorize a permittee to operate a commercial motor vehicle carrying passengers if the permittee was issued a chauffeur license under s. 343.125, 1987 stats., which expires after December 31, 1990, has taken and passed the applicable driving skills test under s. 343.16 (1) or is eligible for a waiver under s. 343.03 (8) (b) and (c) and is an experienced bus driver to carry passengers.

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**SECTION 3.** 343.07 (1m) (a) of the statutes, as affected by 1989 Wisconsin Act 105 and 1991 Wisconsin Act .... (this act), is repealed and recreated to read:

343.07 (1m) (a) Except as provided in par. (am), the permittee may not operate a commercial motor vehicle or school bus unless accompanied by a qualified instructor or a licensed person 25 years of age or older with at least 2 years of licensed driving experience in a representative vehicle and a valid license authorizing the person to operate such vehicle, occupying the seating position nearest to the driver. No passengers are allowed in the vehicle, except that when the accompanying operator is a qualified instructor up to 3 other permittees also being trained may occupy seats in the vehicle. The permittee may operate a commercial motor vehicle carrying property under this paragraph.

**SECTION 4.** 343.07 (1m) (am) of the statutes is created to read:

343.07 (1m) (am) 1. A permittee may operate a commercial motor vehicle or school bus, other than a vehicle type specified in s. 343.04 (2) (a), (c) or (f), within this state unaccompanied by a qualified instructor or a licensed person 25 years of age or older with at least 2

years of licensed driving experience in a representative vehicle and a valid license authorizing the person to operate such vehicle if the permittee has taken and passed the applicable knowledge tests and all of the following requirements are met:

a. The permittee is operating the vehicle in connection with a driver training course or program approved by the department.

b. The vehicle is being used by the permittee exclusively for driver training purposes and not for the purposes of carrying property or passengers.

c. Direct, uninterrupted audio or audiovisual electronic communication between a qualified instructor and the permittee is maintained at all times the permittee is operating the vehicle.

2. This paragraph shall apply to the extent permitted under federal law.

**SECTION 5. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of section 343.07 (1m) (am) of the statutes and the repeal and recreation of section 343.07 (1m) (a) of the statutes take effect on April 1, 1992.

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