

State of Wisconsin



1999 Assembly Bill 57

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1999 WISCONSIN ACT 140

AN ACT to amend 340.01 (8) (d), 343.04 (1) (c) 2., 343.04 (2) (a), 343.055 (1) (c), 343.055 (3), 343.06 (2), 343.06 (2), 343.16 (1) (a), 343.17 (3) (d) 1m., 343.28 (1), 343.28 (2), 343.315 (2) (b), 343.315 (2) (i), 343.315 (4) and 345.11 (2m) (b); and to repeal and recreate 340.01 (72m) of the statutes; relating to: eligibility to operate commercial motor vehicles and the transport of hazardous materials.

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

SECTION 1c. 340.01 (8) (d) of the statutes is amended to read:

340.01 (8) (d) The vehicle is transporting hazardous materials requiring placarding.

SECTION 1g. 340.01 (72m) of the statutes is repealed and recreated to read:

340.01 (72m) "Transporting hazardous materials requiring placarding" means transporting any material that is classified in [49 CFR 173.2](#) in a vehicle that is required to be placarded as provided in [49 CFR 172.504](#).

SECTION 1L. 343.04 (1) (c) 2. of the statutes is amended to read:

343.04 (1) (c) 2. The vehicle is transporting hazardous materials requiring placarding.

SECTION 1p. 343.04 (2) (a) of the statutes is amended to read:

343.04 (2) (a) *Hazardous materials transporter.* Hazardous materials transporter vehicles are vehicles transporting hazardous materials requiring placarding.

SECTION 1t. 343.055 (1) (c) of the statutes is amended to read:

343.055 (1) (c) *Farmers.* The operator of the commercial motor vehicle is a farmer who is using the com-

mercial motor vehicle within 150 miles of the operator's farm to transport agricultural products, farm machinery or farm supplies including transporting hazardous materials requiring placarding or a combination thereof to or from a farm and the commercial motor vehicle is operated and controlled by a farmer and not used in the operations of a common motor carrier or contract motor carrier, as defined in s. 194.01 (1) and (2). In this paragraph, "controlled" means leased or owned; and "farmer" and "leased" have the meanings given in s. 340.01 (18) (b).

SECTION 1x. 343.055 (3) of the statutes is amended to read:

343.055 (3) VEHICLES TRANSPORTING HAZARDOUS MATERIALS, CARRYING PASSENGERS OR TOWING DOUBLE OR TRIPLE TRAILERS NOT WAIVED. Nothing in this section authorizes the operation of a combination vehicle with double or triple trailers, a vehicle transporting hazardous materials requiring placarding except as provided in sub. (1) (c), or a vehicle carrying or designed to transport the driver and 15 or more persons, by a person who does not hold a valid operator's license properly endorsed to permit such operation.

SECTION 2. 343.06 (2) of the statutes is amended to read:

343.06 (2) The department shall not issue a commercial driver license, including a renewal, occupational or

* Section 991.11, WISCONSIN STATUTES 1997-98: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

reinstated license, to any person during any period of disqualification under s. 343.315 or 49 CFR 383.51 or the law of another jurisdiction in substantial conformity therewith, as the result of one or more disqualifying offenses committed on or after July 1, 1987. Any person who is known to the department to be subject to disqualification under s. 343.315 (1) (a) shall be disqualified by the department, ~~unless the required period of disqualification has already expired as provided in s. 343.315.~~

SECTION 3. 343.06 (2) of the statutes, as affected by 1997 Wisconsin Act 84, is amended to read:

343.06 (2) The department shall not issue a commercial driver license, including a renewal, occupational or reinstated license, to any person during any period of disqualification under s. 343.315 or 49 CFR 383.51 or the law of another jurisdiction in substantial conformity therewith, as the result of one or more disqualifying offenses committed on or after July 1, 1987. Any person who is known to the department to be subject to disqualification under s. 343.315 (1) (a) shall be disqualified by the department, ~~unless the required period of disqualification has already expired as provided in s. 343.315.~~

SECTION 3c. 343.16 (1) (a) of the statutes is amended to read:

343.16 (1) (a) *General.* The department shall examine every applicant for an operator's license, including applicants for license renewal as provided in sub. (3), and every applicant for authorization to operate a vehicle class or type for which the applicant does not hold currently valid authorization, other than an instruction permit. Except as provided in sub. (2) (cm) and (e), the examinations of applicants for licenses authorizing operation of "Class A", "Class B", "Class C", "Class D" or "Class M" vehicles shall include both a knowledge test and an actual demonstration in the form of a driving skills test of the applicant's ability to exercise ordinary and reasonable control in the operation of a representative vehicle. The department shall not administer a driving skills test to a person applying for authorization to operate "Class M" vehicles who has failed 2 previous such skills tests unless the person has successfully completed a rider course approved by the department. The department may, by rule, exempt certain persons from the rider course requirement of this paragraph. The driving skills of applicants for endorsements authorizing the operation of commercial motor vehicles equipped with air brakes, the transportation of passengers in commercial motor vehicles or the operation of school buses, as provided in s. 343.04 (2) (b), (d) or (e), shall also be tested by an actual demonstration of driving skills. The department may endorse an applicant's commercial driver license for transporting hazardous materials requiring placarding, or the operation of tank vehicles or vehicles towing double or triple trailers, as described in s. 343.04 (2) (a), (c) or (f), based on successful completion of a knowledge test. In administering the knowledge test, the department shall

attempt to accommodate any special needs of the applicant. Except as may be required by the department for an "H" or "S" endorsement, the knowledge test is not intended to be a test for literacy or English language proficiency. This paragraph does not prohibit the department from requiring an applicant to correctly read and understand highway signs.

SECTION 3g. 343.17 (3) (d) 1m. of the statutes is amended to read:

343.17 (3) (d) 1m. "H" endorsement, which authorizes the driver to operate vehicles transporting hazardous materials requiring placarding.

SECTION 3L. 343.28 (1) of the statutes is amended to read:

343.28 (1) Whenever a person is convicted of a moving traffic violation under chs. 341 to 349 or under a local ordinance enacted under ch. 349, the clerk of the court in which the conviction occurred, or the justice, judge or magistrate of a court not having a clerk, shall, as provided in s. 345.48, forward to the department the record of such conviction. The record of conviction forwarded to the department shall state whether the offender was involved in an accident at the time of the offense, whether the offender was operating a commercial motor vehicle at the time of the offense and, if so, whether the offender was transporting hazardous materials requiring placarding or operating a vehicle designed to carry, or actually carrying, 16 or more passengers, including the driver. Whenever a person is convicted of exceeding a posted speed limit, the record of conviction forwarded to the department shall include the number of miles per hour in excess of the posted speed limit.

SECTION 3p. 343.28 (2) of the statutes is amended to read:

343.28 (2) Whenever a person is convicted of any offense for which s. 343.31 makes mandatory the revocation by the secretary of such person's operating privilege, the court in which the conviction occurred shall require the surrender to it of any license then held by such person. The clerk of the court, or the justice, judge or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward to the department the record of conviction and any surrendered licenses. The record of conviction forwarded to the department shall state whether the offender was involved in an accident at the time of the offense, whether the offender was operating a commercial motor vehicle at the time of the offense and, if so, whether the offender was transporting hazardous materials requiring placarding or operating a vehicle designed to carry, or actually carrying, 16 or more passengers, including the driver.

SECTION 3t. 343.315 (2) (b) of the statutes is amended to read:

343.315 (2) (b) If any of the violations listed in par. (a) occurred in the course of transporting hazardous materials requiring placarding on or after July 1, 1987,

the person shall be disqualified from operating a commercial motor vehicle for a 3-year period.

SECTION 3x. 343.315 (2) (i) of the statutes is amended to read:

343.315 (2) (i) If the violation listed in par. (h) occurred in the course of transporting hazardous materials requiring placarding or while operating a vehicle designed to carry, or actually carrying, 16 or more passengers, including the driver, the person shall be disqualified from operating a commercial motor vehicle for 180 days upon a first conviction, or for a 3-year period for a 2nd or subsequent conviction, arising from separate occurrences committed within a 10-year period while driving or operating a commercial motor vehicle. A disqualification under this paragraph shall be in addition to any penalty imposed under s. 343.44.

SECTION 4. 343.315 (4) of the statutes is amended to read:

343.315 (4) NOTIFICATION AND COMMENCEMENT. Beginning on April 1, 1992, the department shall send the notice of disqualification by 1st class mail to a person's last-known residence address. A period of disqualification ordered under this section commences on the

date on which the notice is sent under this subsection. This subsection does not apply to disqualifications under sub. (2) (g).

SECTION 4m. 345.11 (2m) (b) of the statutes is amended to read:

345.11 (2m) (b) Whether the vehicle was transporting hazardous materials requiring placarding.

SECTION 5. Initial applicability.

(1) COMMERCIAL DRIVERS LICENSES.

(a) The treatment of sections 343.06 (2) (by SECTION 2) and 343.315 (4) of the statutes first applies to disqualifying offenses committed on the effective date of this paragraph.

(b) The treatment of section 343.06 (2) (by SECTION 3) of the statutes first applies to disqualifying offenses committed on the effective date of this paragraph.

SECTION 6. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 343.06 (2) (by SECTION 3) of the statutes and SECTION 5 (1) (b) of this act take effect on May 1, 2000, or on the date applicable to that section stated in the notice published under section 85.515 of the statutes, whichever is earlier.