

State of Wisconsin



2021 Senate Bill 642

Date of enactment: **March 4, 2022**
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2021 WISCONSIN ACT 152

AN ACT to *renumber and amend* 343.06 (3), 343.07 (1m) (intro.), 343.07 (1m) (a), 343.07 (1m) (am) 2. and 343.16 (1) (a); to *consolidate, renumber and amend* 343.07 (1m) (am) 1. (intro.), a., b. and c.; to *amend* 343.12 (2) (h), 343.72 (5m) and 343.72 (6); and to *create* 343.06 (3) (d), 343.07 (1m) (ag) 1., 343.07 (1m) (ag) 2., 343.07 (1m) (ag) 3., 343.07 (1m) (ag) 4. and 343.16 (1) (a) 4. c. of the statutes; **relating to:** entry-level training requirements for applicants for commercial driver licenses and certain endorsements.

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

SECTION 1. 343.06 (3) of the statutes is renumbered 343.06 (3) (intro.) and amended to read:

343.06 (3) (intro.) The department shall may not issue a commercial driver license valid for use in interstate commerce to any person who is less to whom any of the following apply:

(a) The person is less than 21 years of age or who,

(b) The person does not meet the physical qualifications for drivers contained in 49 CFR 391 or rules,

(c) The person does not satisfy the rules of the department concerning qualifications of drivers in interstate commerce.

SECTION 2. 343.06 (3) (d) of the statutes is created to read:

343.06 (3) (d) The person has not satisfied the entry-level training requirements contained in 49 CFR 380, subparts F and G.

SECTION 3. 343.07 (1m) (intro.) of the statutes is renumbered 343.07 (1m) (ag) (intro.) and amended to read:

343.07 (1m) (ag) (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 authorization for the operation of such vehicle including having passed the applicable knowledge tests, the department may issue an instruction permit for commercial motor vehicle or school bus operation. A to a person who satisfies all of the following:~~

(bm) A permit under this subsection that is limited to commercial motor vehicle instructional operation entitles the permittee to operate only a commercial motor vehicle upon the highways. A permit under this subsection that is limited to school bus instructional operation entitles the permittee to operate only a school bus upon the highways. ~~Both permits are~~

(cm) A permit under this subsection is subject to the following restrictions:

SECTION 4. 343.07 (1m) (a) of the statutes is renumbered 343.07 (1m) (cm) 1. and amended to read:

343.07 (1m) (cm) 1. Except as provided in ~~par. (am) subd. 2.~~, the permittee may not operate a commercial motor vehicle or school bus unless accompanied by a qualified instructor or a licensed person 21 years of age or older with a valid license authorizing the person to

* Section 991.11, WISCONSIN STATUTES: 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."

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~~ subdivision.

SECTION 5. 343.07 (1m) (ag) 1. of the statutes is created to read:

343.07 (1m) (ag) 1. The person is at least 18 years of age.

SECTION 6. 343.07 (1m) (ag) 2. of the statutes is created to read:

343.07 (1m) (ag) 2. The person holds a valid operator's license issued under this chapter.

SECTION 7. 343.07 (1m) (ag) 3. of the statutes is created to read:

343.07 (1m) (ag) 3. Except for lack of training in the operation of a commercial motor vehicle or school bus, the person is qualified to obtain authorization for the operation of a commercial motor vehicle or school bus.

SECTION 8. 343.07 (1m) (ag) 4. of the statutes is created to read:

343.07 (1m) (ag) 4. The person has passed the applicable knowledge test and, for an applicant for a permit authorizing operation of a commercial motor vehicle under s. 343.04 (2) (a), has satisfied the entry-level training requirements contained in 49 CFR 380, subparts F and G.

SECTION 9. 343.07 (1m) (am) 1. (intro.), a., b. and c. of the statutes are consolidated, renumbered 343.07 (1m) (cm) 2. a. and amended to read:

343.07 (1m) (cm) 2. a. 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, the permittee is operating the vehicle in connection with a driver training course or program approved by the department. ~~b. The, 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, and 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.

SECTION 10. 343.07 (1m) (am) 2. of the statutes is renumbered 343.07 (1m) (cm) 2. b. and amended to read:

343.07 (1m) (cm) 2. b. This ~~paragraph~~ subdivision shall apply to the extent permitted under federal law.

SECTION 11. 343.12 (2) (h) of the statutes is amended to read:

343.12 (2) (h) Prior to the initial issuance or renewal of the endorsement, takes and passes a special examination prescribed by the department and administered by the department or by ~~a~~ an authorized 3rd-party tester under s. 343.16 (1) (b) to determine his or her ability to safely operate a school bus. This special examination may include the examination required under sub. (3). The department may renew the endorsement without retesting the licensee, except under sub. (3).

SECTION 12. 343.16 (1) (a) of the statutes is renumbered 343.16 (1) (a) 1. and amended to read:

343.16 (1) (a) 1. Except when examination by ~~a~~ an authorized 3rd-party tester is permitted under pars. (b) to (c), 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.

2. a. 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.

3. 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 department may not require a person who is applying for authorization to operate "Class M" vehicles and who has successfully completed a rider course approved by the Wisconsin department of transportation motorcycle safety program to hold an instruction permit under s. 343.07 (4) prior to the department's issuance of a license authorizing the operation of "Class M" vehicles. The department may not require a person applying for authorization to operate "Class M" vehicles who holds an instruction permit under s. 343.07 (4) to hold it for a minimum period of time before administering a driving skills test.

4. a. 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), (bm), (d) or (e), shall ~~also~~ be tested by an actual demonstration of driving skills.

4. b. The department may endorse an applicant's commercial driver license for transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73, sub-

ject to s. 343.125, or for 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.

2. b. In administering the knowledge test, the department shall attempt to accommodate any special needs of the applicant.

2. c. 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~~ subdivision does not prohibit the department from requiring an applicant to correctly read and understand highway signs.

SECTION 13. 343.16 (1) (a) 4. c. of the statutes is created to read:

343.16 (1) (a) 4. c. The department or an authorized 3rd-party tester may not administer a driving skills test to any applicant for an initial commercial driver license, a commercial driver license upgrade, or an initial issuance of an “H” endorsement specified in s. 343.17 (3) (d) 1m., “P” endorsement specified in s. 343.17 (3) (d) 3., or “S” endorsement specified in s. 343.17 (3) (d) 4. who has not satisfied the entry-level training requirements contained in 49 CFR 380, subparts F and G.

SECTION 14. 343.72 (5m) of the statutes is amended to read:

343.72 (5m) No driver school may represent that completion of a course of instruction will guarantee that

the student will pass the driving skills test administered by the department or by ~~a~~ an authorized 3rd-party tester under s. 343.16 (1) (bm). A driver school may only represent by means of a certificate of completion that the student has satisfactorily completed the required course.

SECTION 15. 343.72 (6) of the statutes is amended to read:

343.72 (6) All licensees must ascertain from the department the routes in the licensee’s locale on which road tests are given by state license examiners and by authorized examiners of authorized 3rd-party testers under s. 343.16 (1) (bm). No licensee may instruct on these routes, except that driver schools may operate on these routes if comparable training location opportunities are not otherwise available in the locale.

SECTION 16. Nonstatutory provisions.

(1) The department of transportation shall notify the legislative reference bureau when the federal motor carrier safety administration regulations relating to entry-level commercial motor vehicle driver training requirements take effect. The legislative reference bureau shall publish a notice in the Wisconsin Administrative Register that specifies that date.

SECTION 17. Effective date.

(1) This act takes effect on the date specified in the notice published in the Wisconsin Administrative Register under SECTION 16 (1) of this act.