



JERRY PETROWSKI

WISCONSIN STATE SENATOR

Senate Bill 158

September 15, 2015

Good afternoon, members of the committee, and thank you for the opportunity to provide testimony today on Senate Bill 158, which makes a number of changes to the statutes relating to commercial driver licenses. This bill was authored at the request of the Department of Transportation. Representatives from the department are available today should you have any questions.

In short, Senate Bill 158 aligns Wisconsin statutes with federal regulations concerning commercial motor vehicles and drivers licenses, including the prohibition from using a hand-held mobile telephone while driving, certain license restrictions, and vehicle equipment standards. A comprehensive list of these items has been included in the testimony from DOT and the LRB analysis to the bill.

These are necessary changes that will bring Wisconsin law into alignment with federal regulations. As many of you have seen in the past, the states are required to comply with these federal regulations or risk losing certain federal highway funds. Failure to comply would result in the loss of five percent of federal highway aid in the first year (\$26 million) and ten percent each year thereafter (\$52 million annually.)

I have also introduced an amendment to the bill – Senate Amendment 1 – to clarify that the operator of a commercial motor vehicle may use a hands-free device, such as a Bluetooth earpiece, to operate a telephone. This is in accordance with the existing federal regulations and industry practice.

Thank you again for the opportunity to speak on this bill. I would be happy to answer any questions you may have.

29TH SENATE DISTRICT



HOWARD MARKLEIN

STATE SENATOR • 17TH SENATE DISTRICT

Senator Howard Marklein Testimony in Support of Senate Amendment 2 to Senate Bill 158

Thank you Mr. Chairman and thank you to the members of the Transportation and Veterans Affairs Committee for allowing me to testify on my amendment to SB 158. This amendment seeks to update our handling of people with diabetes applying for CDL (Commercial Driver's License).

Wisconsin law has not been updated regarding CDL applications of those with diabetes for many years. Currently, someone with diabetes is ruled ineligible to hold a CDL if they have any moving violation three years prior to their application, even if the violation has nothing to do with their medical condition. This determination of ineligibility singles out those with diabetes and creates an unfairly restrictive standard. At one time, this restrictive standard may have been understandable, but modern medical techniques make diabetes easily manageable.

This amendment makes a simple change to allow those with diabetes to continue to have the opportunity to be employed as commercial drivers. Under this amendment, someone who has diabetes that is controlled by insulin would be eligible for a CDL with a moving violation in the last three years of driving, as long as that violation was not caused by their diabetes. This is in line with federal law and no longer unfairly targets those with diabetes.

Those with diabetes will still be required to be on managed insulin and will need to obtain statements from two licensed physicians that their diabetes is under control and not likely to cause a problem behind the wheel. This amendment only precludes the WI DOT from imposing a more restrictive eligibility standard relating to past moving violations for diabetics. Ultimately, the goal here is to keep people working in Wisconsin and ensure an opportunity for employment for those that make the effort to keep their diabetes under control.

Thank you again for allowing me the opportunity to testify in support of this amendment, and I would welcome any questions.



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DATE: September 15, 2015

TO: Members, Senate Committee on Transportation and Veterans Affairs
The Honorable Jerry Petrowski, Chair

FROM: Nate Yahn, Legislative Advisor, Wisconsin Department of Transportation

SUBJECT: Senate Bill 158 (commercial driver licenses)

Chairman Petrowski and Committee Members:

Thank you for giving me the opportunity to testify in support of Wisconsin Senate Bill 158 (SB 158). SB 158 makes a number of necessary modifications to existing state law, relating to commercial motor vehicles (CMVs) and commercial driver licenses (CDLs), in order to bring Wisconsin into compliance with Federal Motor Carrier Safety Administration (FMCSA) regulations.

NOTE: The department also supports Senate Amendment 1 (SA 1), to SB 158, which will allow CMV operators to use a hand-free telephone in the same manner as what is currently allowed under existing FMCSA regulations. This ensures that the bill is not more restrictive than what is currently required under federal law.

Under current federal law, all states are required to comply with federal regulations affecting commercial motor vehicles and their drivers, or face withholding of federal highway funds (49 CFR 384.401). The amounts to be withheld from a state for failing to conform to these federal regulations are up to 5% of federal highway aid for the first year of noncompliance and up to 10% per year for the second and subsequent years of noncompliance. For Wisconsin, a loss in federal highway funding by such amounts would translate into approximately \$26 million in the first year and \$52 million in subsequent years.

Current Wisconsin law also requires state regulations affecting driver licenses not to conflict with, and be at least as stringent as, standards set by the federal Commercial Motor Vehicle Safety Act of 1986 and the regulations adopted under that act. Implementation of the provisions prescribed in this bill will prevent the withholding of federal highway funds, and help maintain a stable regulatory environment for Wisconsin's motor carriers by ensuring the state's ability to continue issuing new CDLs.

Specifically, SB 158 makes the following changes related to CMVs and CDLs:

- 1) Prohibits CMV operators from using a hand-held mobile telephone while driving, except to report an emergency to law enforcement officials or other emergency service providers. *(Note: This provision is specified in SA 1)*
- 2) Specifies that the CDL or CDL endorsement of a person may be cancelled by WisDOT, and disqualified from operating a CMV for one year, if the person:
 - a. Secures, or attempts to secure, a license or endorsement by hiring or permitting another person to appear in place of that person during an examination;
 - b. Gains, or attempts to gain, a passing score in an examination by fraud; or
 - c. Obtains a CDL or CDL endorsement by fraud.
- 3) Requires a person holding a CDL to submit to an examination, if WisDOT receives credible information that the person holding a CDL committed fraud related to the issuance of the CDL.
- 4) Classifies as “serious traffic violations”, the driving of a vehicle while composing or sending a text message, and driving of a CMV while using a cellular or other wireless phone. Serious traffic violations are grounds for disqualification from operating CMVs and range in duration from one year to life, depending on the particular circumstances.
- 5) Creates several additional standard restrictions that may be included on a CDL, indicating that a person is prohibited from one of the following: 1) operating a CMV equipped with a manual transmission; 2) operating certain large passenger vehicles; 3) operating tractor-trailer CMVs; 4) operating a CMV equipped with full air brakes; or 5) operating any CMV without a medical variance.
- 6) Incorporates certain federal regulations regarding the documentation necessary to receive, and restrictions on, a limited-term or “non-domiciled” CDL issued to Wisconsin residents. The primary restriction on a “non-domiciled” license is that the person cannot be a citizen of Canada or Mexico, as Canada and Mexico have standardized CDL programs that citizens of those countries will be required to obtain their CDLs from.
- 7) Clarifies standards for determining which vehicles are equipped with full air brakes and partial air brakes.
- 8) Changes the period of an instruction permit to operate CMVs or school buses from 6 months to 180 days, which clarifies the exact amount of time a person has to use the permit.
- 9) Modifies the definition of “tank vehicle” and allows CDL instruction permit holders to operate tank vehicles if the tanks are appropriately emptied.

10) Requires biennial, instead of annual, on-site inspections of third-party CDL skills testers, and expands audit procedures associated with these inspections.

The subject matter of SB 158 is clearly a matter of statewide importance. This will ensure that a stable regulatory environment for Wisconsin's motor carriers is maintained and the state's conformity with federal regulations affecting commercial motor vehicles and their drivers is continued. The department remains committed to providing Wisconsin residents and businesses with the safest and most efficient transportation system, and will continue working closely with our industry partners to effectively implement these federal motor carrier safety requirements.

If you have any questions, please contact me at (608) 266-1114.