

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

**NOTICE OF PUBLIC HEARING
CLEARINGHOUSE RULE 22-051**

The State of Wisconsin Department of Transportation proposes an order to amend permanent rule Wis. Admin. Code ch. Trans 327, relating to the Motor Carrier Safety Assistance Program review for the state of Wisconsin by the Federal Motor Carrier Safety Administration July 14-15, 2009.

NOTICE IS HEREBY GIVEN that, pursuant to s. 227.17, Stats., the State of Wisconsin Department of Transportation (“WisDOT”) will hold a public hearing on proposed permanent rule Wisconsin Administrative Code ch. Trans 327, relating to the Motor Carrier Safety Assistance Program review for the state of Wisconsin by the Federal Motor Carrier Safety Administration July 14-15, 2009.

HEARING INFORMATION:

Date: Monday, February 20, 2023
Time: 10:15 a.m.
Location: Wisconsin Department of Transportation
4822 Madison Yards Way, Room N134
Madison, WI 53707

Please note the following sections will be removed in the final rule draft following this public hearing:

- “Section 5,” which retains the grandfather exemption and sunsets that exemption after 8 years and 7 months.
- “Section 12,” which repeals the exemption from federal driver qualifications that allows a CDL holder who does not meet federal driver qualifications to hold a CDL if the CDL holder met state driver qualifications.
- “Section 16,” which allows a driver who is “grandfathered” from federal driver qualification requirements to delay submitting federal medical certificates until the driver becomes subject to federal driver qualifications.

The current economic impact analysis for this rule is written to reflect inclusion of these three sections. With these updates, there will be no economic impact on drivers who are currently grandfathered from needing a medical card and drive a commercial motor vehicle (CMV) in intrastate commerce. The department may not make changes to the pre-hearing rule, CR 22-051, until after the hearing and comment period has concluded. Sections 5, 12, and 16 will therefore be

removed in the final rule draft. It is not necessary to comment on these deleted sections. These sections will be considered in a different rulemaking.

Appearances at the Hearing and Submittal of Written Comments: 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 Monday, February 20, 2023, at 4:30 p.m. Written comments may be sent to Peyton David, WisDOT Administrative Rules Coordinator at (608) 266-7737 or by email at DOTAdminRules@dot.wi.gov.

Comments can also be made on CR 22-051, through the Legislature's Administrative Rules website at <http://docs.legis.wisconsin.gov/code/comment>, until Monday, February 20, 2023, at 4:30 p.m.

Accessibility: If you have special needs or circumstances regarding communication or accessibility at a hearing, please call Peyton David, WisDOT Administrative Rulemaking Coordinator, at (608) 266-7737 or by email at DOTAdminRules@dot.wi.gov prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audio format will be made available upon request to the fullest extent possible.

Initial Regulatory Flexibility Analysis: The economic impact will be on drivers who are currently grandfathered from needing a medical card and drive a CMV in intrastate commerce. Intrastate CMVs that do not meet exemptions outlined in the proposed rule will be required to have an Electronic Logging Device (ELD) installed. Small businesses, as defined under s. 227.114, Stats., will be impacted by this proposed rule. The proposed rule will benefit small business by providing drivers who are more experienced and medically certified. If a CMV driver is not experienced or medically certified, they are at a greater risk to be in a crash. If a crash occurs, it can cost a carrier by increased insurance costs and be at risk to be sued if a CMV driver is at fault. If a motor carrier is using drivers who are not medically certified, they will need to recruit and train new drivers. This recruiting and training of new drivers will cost the motor carrier time and resources. This proposed rule, fiscal estimate, and other related documents may be viewed at: <https://docs.legis.wisconsin.gov/code>.

Agency Contact Person/Agency Small Business Regulatory Coordinator:

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