
The Wisconsin Department of Transportation adopts an order to amend TRANS 102.22(1)(note); and create TRANS 102.23, relating to military vehicle operator CDL exemption

ORDER ADOPTING RULE**Analysis Prepared by the Wisconsin Department of Transportation**

STATUTORY AUTHORITY: ss. 343.055(5), Stats.

STATUTES INTERPRETED: ss. 343.055, Stats.

Plain Language Analysis: Section 343.05(4)(a)1., Stats., currently exempts military persons from all state licensing requirements if they are members of the armed services driving a motor vehicle owned by or leased by the federal government.

Section 49 C.F.R. 383.3(c) permits states to exempt drivers operating a commercial motor vehicle for military purposes from CDL requirements. The federal government has requested that Wisconsin exempt all persons operating CMVs for military purposes from CDL requirements without regard to vehicle ownership. This rule making would grant an exemption from CDL requirements for military purposes to the extent permitted by federal law.

Section 343.055(5) requires WisDOT to issue administrative rules implementing all federal CDL waivers.

Summary of, and Preliminary Comparison with, Existing or Proposed Federal Regulation: Section 49 C.F.R. 383.3(c) permits states to exempt drivers operating a commercial motor vehicle for military purposes from CDL requirements. The federal government has requested that Wisconsin exempt all persons operating CMVs for military purposes from CDL requirements without regard to vehicle ownership. This rule making would implement that exemption as required by s. 343.055(5), Stats.

Comparison with Rules in Adjacent States: All states and Washington D.C. have a CDL exemption for military drivers similar to this provision.

Summary of Factual Data and Analytical Methodologies Used and How the Related Findings Support the Regulatory Approach Chosen: No data or analytical methodology was employed in considering this rule making.

Effect on Small Business and, If Applicable, Any Analysis and Supporting Documentation Used to Determine Effect on Small Businesses: This rule making has no effect on small business. This affects only drivers working for the U.S. Military.

Fiscal Effect and Anticipated Costs Incurred by Private Sector: There is no fiscal effect for implementing this rule making, nor will the private sector incur any costs.

Copies of Rule: Copies of the rule may be obtained, without cost, by writing to Gary Prideaux-Wentz, Department of Transportation, Division of Motor Vehicles, Room 351, P. O. Box 7995, Madison, WI 53707-7995. You may also contact Mr. Prideaux-Wentz by phone at (608) 264-8714.

TEXT OF RULE

SECTION 1. Trans 102.22(1)(note) is amended to read:

Trans 102.22(1)(note) **Note:** The current federal waiver appears at ~~64 Fed. Reg. 14677, April 3, 1996~~ 49 CFR s. 383.3(d)(3).

SECTION 2. Trans 102.23 is created to read:

Trans 102.23 Military vehicle operator CDL exemption. (1) PURPOSE. The purpose of this section is to administratively implement the federal waiver for vehicles operated by the United States armed forces permitted under 49 CFR 383.3(c). This section shall be interpreted and administered consistent with that regulation and in a manner that complies with federal guidelines issued pursuant to that regulation.

(2) DEFINITIONS. In this section, "CDL class, endorsement or restriction" means authorization to operate class A, B or C commercial motor vehicles or any endorsement described in s. 343.17(3)(d), Stats.

(3) MILITARY WAIVER. No CDL class, endorsement or restriction shall be required of or applied to a person operating a commercial motor vehicle for military purposes, including all of the following:

(a) Active duty military personnel.

(b) Members of the military reserves.

(c) Members of the national guard on active duty, including personnel on full-time national guard duty.

(d) Personnel on part-time national guard training.

(e) National guard military technicians.

NOTE: National guard military technicians are civilians who are required to wear military uniforms. 49 CFR 383.3(c).

(f) Active duty U.S. Coast Guard personnel.

(4) WAIVER INAPPLICABLE. Sub. (3) does not apply to U.S. reserve technicians.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this ____ day
of April, 2005.

FRANK J. BUSALACCHI
Secretary
Wisconsin Department of Transportation