



# DUEY STROEBEL

STATE SENATOR • 20<sup>TH</sup> DISTRICT

## Testimony on SB 676

*February 6, 2024*

Thank you Chairman Tomczyk and committee members for your consideration of Senate Bill 676, a proposal I authored with the Representative Callahan for the purpose of repealing the term “registered weight” from our laws governing commercial motor vehicles.

As a bit of background, the federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA) established minimum standards for obtaining and retaining a commercial driver’s license (CDL). Tied to the CMVSA was a grant program to assist states with enforcing the standards (MCSAP). State eligibility for the grant funding was conditioned on adopting regulations that mirrored the federal standards. Most states simply adopted the federal definition of “commercial motor vehicle,” which is based on gross vehicle weight – the maximum operating weight according to the manufacturer. Wisconsin adopted a more restrictive definition that included an additional reference to a vehicle’s “registered weight,” which is unrelated to gross vehicle weight.

As a consequence of this discrepancy, Wisconsin-licensed drivers have been held to a higher standard compared to drivers from other states operating under license reciprocity agreements. A Wisconsin-licensed driver operating a vehicle or a combination of a vehicle and a trailer with a registered weight exceeding 26,000 pounds without a CDL is guilty of a traffic crime with a mandatory court appearance and a \$200 cash bond.<sup>1</sup> The offending driver is placed out of service roadside, requiring the motor carrier to send out another driver to pick up the vehicle or arrange to have it towed. These violations are often the result of inadvertent errors at businesses utilizing dozens of vehicles and trailers in their day-to-day operations that are registered at a variety of weights.

A business derives no benefit from over-registering a truck or trailer, and the state is ultimately collecting more registration fees for additional weight that cannot be legally or physically hauled. Moreover, CDL law violations can subject a motor carrier to more frequent audits and adjustments to evaluation ratings that affect insurability, customer relations and the ability to operate.

SB 676 would establish uniformity under the law for both intrastate and interstate motor carriers and drivers by removing the term “registered weight” from the relevant statutes and administrative code provisions. When we reached out to the Wisconsin Department of Transportation for feedback on the bill prior to its introduction, we learned the Department had been considering the same concept for the Law Revision Committee. DOT staff reviewed the bill and indicated it would fix the “registered weight” issue. Thank you again for your consideration of SB 676.

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<sup>1</sup> § 343.05(5)(am), Wis. Stats.



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## **Testimony in Support of Senate Bill 676**

*Senate Committee on Transportation and Local Government*

February 6, 2024

Senator Tomczyk and members of the committee, thank you for holding a public hearing on Senate Bill (SB) 676. I appreciate the opportunity to provide testimony in support of this proposal. Passage will help clear up confusion amongst commercial driver license (CDL) holders in Wisconsin and ensure fairness across the board.

When the federal Commercial Motor Vehicle Safety Act (CMVSA) of 1986 established national minimum standards for obtaining and retaining a CDL, Wisconsin adopted a stricter definition of “commercial motor vehicle” that included a vehicle’s “registered weight.” The CMVSA only focuses on the gross vehicle weight rating (GVWR) or gross vehicle weight (GVW).

Because of this stricter definition, drivers without a CDL who are hauling a combined weight above 26,000 pounds are guilty of a traffic crime that includes a mandatory court appearance with a \$200 cash bond. When an officer pulls the offending driver over, a motor carrier must come and pick up the vehicle or have it towed. This also leads to additional criminal complaints, which burdens the courts’ already heavy caseloads.

To remedy this, our bill provides an opportunity to establish uniformity under the law for intrastate and interstate motor carriers and drivers. Under our legislation, the term “registered weight” is eliminated from relevant state statutes and administrative code, placing drivers under the same standard as most other states, under the federal standards.

Thank you again for hearing SB 676. This is an important piece of legislation that provides a simple fix in our statutes to help truck drivers and businesses throughout the state.

## SB 676/ AB693 Registered Weight Testimony

Good morning/afternoon Mr. Chairman and members of the Committee. And Thank you for the opportunity to testify on the importance of this very important bill.

My name is Tim Kordula and I am the vice President of Risk Management at Skinner Transfer Corp in Reedsburg, WI. I am a Wisconsin State Licensed Third Party CDL examiner as well as a Wisconsin State Licensed CDL Instructor. The importance of accurate regulations in the Commercial Vehicle industry is critical, having the wrong information or the inaccuracies can lead to confusion, violations and added costs.

***(Wisconsin is the only State in our country that has a “registered weight law” on the books. All others have registered Gross Vehicle weight or Gross Combination Vehicle weight registration.)***

As a Wisconsin third party examiner, by Federal and State rule it is my responsibility to be certain the vehicle the applicant wishes to test in meets the definition and requirements of a commercial vehicle. The definition is, a single vehicle of 26,001 lbs. or more for a Class B or a combination of vehicles of 26,001 or more with a towed unit of 10,001 lbs. or more. This determination is made off the **Gross Vehicle weight rating tags** on both the power unit and the towed vehicle. **NOT** how much the vehicles weigh, but what the vehicles are capable of hauling.

Registering by the vehicles actual weight the way Wisconsin does, can be misleading to the drivers, an example would be registering a pickup truck at 16,000 lbs. actual weight and a trailer at 11,000 lbs. actual weight. By the State’s current definition, this meets the classification of a commercial vehicle-- 16k plus 11k= 27,000 lbs. and would require a class A CDL. Now in this particular case the GVWR for a standard half ton pickup truck is anywhere between 6,010 lbs. and 7,300 lbs. and the trailers GVWR is roughly 5,000 lbs. for a maximum total of 12,300 nowhere near the classification of a CMV requiring a Class A CDL.

Let’s take it a step further, putting aside the driver will now be ticketed and put out of service, a licensed CDL holder will now need to be brought to the site to retrieve the vehicle. Furthermore, if the driver does not re-register OR they are not informed. They would need to become CDL licensed through an Entry Level Driver Training approved CDL school to operate the vehicle. By FMCSA regulations and the fact that vehicle does NOT meet the classification of a CMV, it cannot be used for training purposes and cannot be used for CDL testing purposes.

Thank you Senator Stroebel and Representative Callahan, for authoring this bill,

And I ask that the needed changes be made to avoid any further confusion, or violations within our great State of Wisconsin.

Respectfully submitted,

Tim Kordula

Vice president of Risk Management

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To: Chairman, Senator Tomczyk and Members of the Senate Committee on Transportation and Local Government

02/06/2024

I am submitting written testimony on SB676 which is to repeal the references to “registered weight” in certain commercial motor vehicle statutes. Specifically, the reference to “registration” and CDL laws.

I have observed firsthand as a former Sergeant with the Wisconsin State Patrol, and now working with Wisconsin based motor carriers, the adverse effects of this language included in the definition of a CMV. This additional verbiage is not, nor ever was a requirement of the Federal CDL laws.

In 1989 Act 105, this “extra” verbiage was added to Wisconsin Law as a decision apparently was made unlike most other states, not to adopt Part 383 of the Federal Regulations. During my past career with WisDOT I have asked senior WisDOT staff, why that language exists, no one within WisDOT could recall, nor understood why it existed. I surmise it was in error as the whole CDL rules were completely new in 1989 and the ultimate effects were not anticipated.

Unfortunately, this language **only** affects a Wisconsin resident and when considering nearly 5 million vehicles are registered annually in Wisconsin, errors can occur in registered weights. Many individuals or companies pay more in registration fees to prevent any possible registration violations, but then unknowingly, just created a traffic crime when the effort was done in good faith.

Drivers have been arrested and placed in handcuffs for this type of “registered weight” violation since that definition of CMV, results in a traffic crime, requiring a minimum \$200 bond and a mandatory court appearance. The vehicle must be towed, a new driver is sought, or ironically if they fill out a new MV-1 Application for Registration, change the weight, and place it in a US Mailbox it’s ok to drive again.

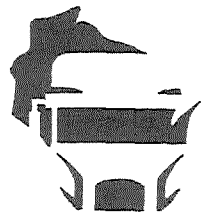
I ask that you please make this needed change as that language does not affect the safety of highway operations and creates an unnecessary burden to Wisconsin’s drivers, businesses, law enforcement, Federal Motor Carrier Safety Administration, and our court systems.

Respectfully submitted,

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To: Chairman, Senator Tomczyk and Members of the Senate Committee on Transportation and Local Government

02/06/2024

I am submitting written testimony on SB676 which is to repeal the references to "registered weight" in certain commercial motor vehicle statutes. Specifically, the reference to "registration" and CDL laws.

In my written testimony I would like to relay a story about a Wisconsin Driver, working for an Illinois company, that happened to rent a truck from United Rental that had misregistered the vehicle causing it to require the driver to hold a Commercial Driver's License(CDL) and follow the regulations set forth in the Federal Motor Carriers Handbook we commonly call the Green Bible.

The driver was stopped through no fault of his own. He wasn't breaking the law. They needed to have another driver come and get the truck. It could be another Wisconsin driver with a CDL or a driver from another state with no CDL as this only affects Wisconsin drivers.

If it sounds a little unlikely to happen because of a clerical error it really did just happen in August of 2023. It shouldn't make a criminal out of someone. The upside is the State would receive the higher revenue due to the error but no violations in fact occurred.

Unfortunately, this language only affects a Wisconsin resident and when considering nearly 5 million vehicles are registered annually in Wisconsin, errors can occur in registered weights. Many individuals or companies pay more in registration fees to prevent any possible registration violations, but then unknowingly, just created a traffic crime when the effort was done in good faith.

I ask that you please make this needed change as that language does not affect the safety of highway operations and creates an unnecessary burden to Wisconsin's drivers, businesses, law enforcement, Federal Motor Carrier Safety Administration, and our court systems.

I would like to thank Senator Stroebel his staff, Representative Callahan for authoring this bill.

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**Testimony of Wisconsin Department of Transportation**  
**Assistant Deputy Secretary Joel Nilsestuen**  
**Before the Senate Committee on Transportation and Local Government**  
*February 6, 2024*

**Re: Senate Bill 676, relating to eliminating references to registered weight for commercial motor vehicles and modifying Department of Transportation administrative rules.**

Thank you, Chairman Tomczyk, and members of the committee for your consideration of the department's input on Senate Bill 676, relating to eliminating references to registered weight for commercial motor vehicles and modifying Department of Transportation administrative rules.

The requirement to possess a Commercial Driver License (CDL) is outlined in the Federal Motor Carrier Safety Regulations (FMCSRs) and is based on a vehicle's Gross Vehicle Weight Rating (GVWR) or the vehicle's actual weight, whichever is higher. States are required to abide by these regulations, and the Federal Motor Carrier Safety Administration (FMCSA) routinely audits states to ensure that these requirements are uniform throughout the nation. While Wisconsin does adopt these standards, current state law is more restrictive in that we also use registered weight as a factor in requiring a CDL. In other words, if a Wisconsin driver is operating a vehicle that would otherwise not require a CDL but was intentionally or unintentionally registered for a higher weight classification, our more restrictive statute would indicate that a CDL is actually required. This would then subject the driver to criminal traffic enforcement if they do not have one. Very few other states have this registered weight condition, and while this affects Wisconsin drivers, it is not applicable to drivers from other states who travel through Wisconsin due to reciprocity agreements.

In addition to subjecting Wisconsin drivers to possible criminal traffic action, the inclusion of registered weight is confusing and has a negative impact on motor carrier safety performance data. FMCSA uses the Compliance Safety and Accountability Program (CSA) to prioritize carriers for various types of intervention. This prioritization is based on several categories, including CDL requirements. If a Wisconsin driver is found to be improperly operating a vehicle that has been registered for a higher weight classification, the carrier is ranked lower in the CSA program. This may subject them to a federal safety investigation, which could result in fines or other enforcement action. It is also noted that carrier CSA profiles are oftentimes used by the insurance industry to determine coverage rates as well as shippers when evaluating motor carriers to transport their products.

The Wisconsin Department of Transportation supports Senate Bill 676 to create uniformity with the FMCSRs and other states in the country. We believe that larger commercial vehicles require additional licensing qualifications based on their actual weight or weight rating. However, we do not feel that the weight for which a vehicle is registered for should negatively affect businesses or Wisconsin-based drivers by possibly subjecting them to criminal enforcement simply because of their license plate.

Wisconsin, along with the rest of the nation, has been experiencing a shortage of CDL drivers for several years. Simply eliminating the words "registered weight" from Wisconsin Statutes and Administrative Code would clarify Wisconsin's CDL regulations, make our laws consistent with other states, and eliminate a burdensome non-safety related CDL requirement.

Thank you again for the opportunity to provide this written testimony today. We stand ready to answer any questions the committee might have.