

# Clearinghouse Rule 96-110

## CERTIFICATE

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **CDL waivers for snowplow operators employed by local units of government with populations of less than 3000**, was duly approved and adopted by this Department on September 9, 1996.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 9 day of **September**, 1996.

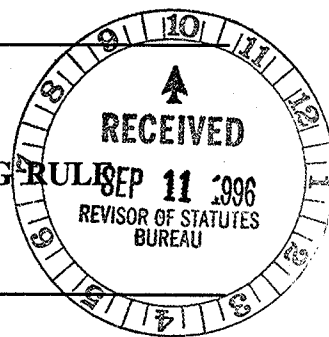
*Charles H. Thompson*  
CHARLES H. THOMPSON  
Secretary



11-1-96

The Wisconsin Department of Transportation adopts an order to create TRANS 102.22, relating to CDL waivers for snowplow operators employed by local units of government with populations of less than 3000

ORDER ADOPTING RULE



**Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** s. 343.055, Stats.

**STATUTES INTERPRETED:** s. 343.055, Stats.

**General Summary of Rule.** Section 343.055(5), Stats., directs the Secretary to incorporate federal waivers of commercial driver license requirements into state law by promulgation of administrative rules. On April 3, 1996, the U.S. Department of Transportation Federal Highway Administration published a limited waiver for backup snowplow drivers employed by local units of government. 61 Fed. Reg. 14677, April 3, 1996.

This rulemaking extends the federal waiver to state drivers to the extent permitted under federal law. To be eligible for the waiver, the driver must be a backup driver that is employed by a local unit of government (contractors for government and their employees are not eligible.) The vehicle driven may only be operated within the confines of the political body's boundaries. The political subdivision may have a population of no more than 3000 people. All Wisconsin counties exceed this maximum population restriction, so only towns and municipal bodies will benefit from this legislation in Wisconsin. Finally, the driver may only operate under the waiver where the employee who ordinarily operates the vehicle is unavailable or in need of additional assistance due to a snow emergency. The customary operator of the vehicle is still required to hold a commercial driver license.

**Fiscal Effect.** The Department anticipates no fiscal effect from this rulemaking.

**Final Regulatory Flexibility Analysis.** This rule will not impact small businesses.

**Preparation and Copies of Rule.** Copies of this rule can be obtained upon request, without cost, from the Division of Motor Vehicles, Bureau of Driver Services, P.O. Box 7920, Madison, WI 53707-7920. For further information, contact Wes Geringer (608) 266-0614 or Gerry Bown (608) 266-0428.

**TEXT OF RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by s. 343.055(5), Stats., the department of transportation hereby amends a rule interpreting s. 343.055(5), Stats., relating to CDL waivers for snowplow operators employed by local units of government with populations of less than 3000.

**SECTION 1.** Section Trans 102.22 is created to read:

**Trans 102.22 BACKUP SNOWPLOW DRIVERS FOR LOCAL UNITS OF GOVERNMENT.** (1) **PURPOSE.** The purpose of this section is to administratively implement the federal waiver for snowplow drivers permitted under federal commercial driver licensing laws.

**NOTE:** The current federal waiver appears at 61 Fed. Reg. 14677, April 3, 1996.

(2) **DEFINITIONS.** In this section, "local unit of government" means a county, city, village, town, school district, county utility district, sanitary district, metropolitan sewage district, or other public body created by or pursuant to state law.

(3) **SNOWPLOW WAIVER.** A person operating a commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, salting or sanding is not required to hold a commercial driver license if the person meets all of the following requirements:

(a) The person is an employe of a local unit of government with a population of 3000 or less.

(b) The person holds a valid license authorizing the operation of class "D" vehicles.

(c) The person is operating within the boundaries of the local unit of government.

(d) One of the following:

1. The person is replacing the employe who ordinarily operates the vehicle because that employe is unable to operate the vehicle.

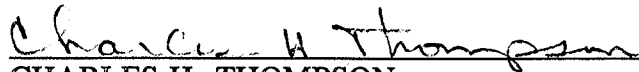
2. Additional assistance is required in plowing snow because the local unit of government has determined that a snow emergency exists.

(END OF RULE TEXT)

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**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), Stats.

Signed at Madison, Wisconsin, this 9 day of September, 1996.



CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation



## Wisconsin Department of Transportation

Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

September 10, 1996

Mr. Gary Poulson  
Deputy Revisor of Statutes  
131 West Wilson Street, Suite 800  
Madison, Wisconsin 53703

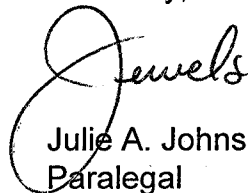
RE: **CLEARINGHOUSE RULE 96-110**

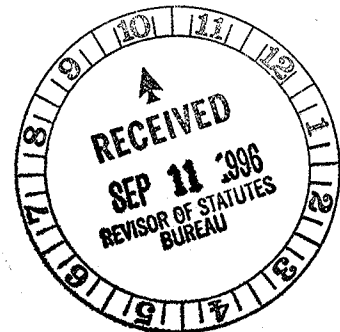
In the Matter of the Adoption of **TRANS 102**, Wisconsin Administrative Code, relating to **CDL waivers for snowplow operators employed by local units of government with populations of less than 3000.**

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 96-110**, an administrative rule relating to the above-mentioned matter.

Sincerely,

  
Julie A. Johnson  
Paralegal



Enclosures

cc: Ann Agnew  
Dorothy Kapke  
Jim McDonnell  
Roger Cross  
Julie Clark  
Gerry Bown  
Wes Geringer