



2013 SENATE BILL 639

February 28, 2014 - Introduced by Senators SCHULTZ and T. CULLEN, cosponsored by Representatives MURPHY, BARNES, HULSEY and BEWLEY. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

1 **AN ACT** *to renumber and amend* 343.065 (1); *to amend* 343.14 (2) (i) 2.; and
2 *to create* 343.065 (1) (b) of the statutes; **relating to:** physical qualifications for
3 a restricted commercial driver license.

Analysis by the Legislative Reference Bureau

Under current statutes, an applicant for a commercial driver license (CDL) must provide to the Department of Transportation (DOT) a certification that he or she either: 1) meets all of the driver qualifications contained in federal regulations or in an alternative federally-approved driver qualification program established by DOT by rule; or 2) meets all of the driver qualifications for drivers in intrastate commerce as established by DOT by rule and he or she is applying for a CDL valid only in this state for intrastate operation. DOT may not issue a CDL valid for use in interstate commerce to an applicant who does not meet federal physical qualification requirements for drivers, including those under an alternative federally-approved driver qualification program, but may issue to such an applicant a CDL restricted to authorizing the operation of commercial motor vehicles only in intrastate commerce (restricted CDL).

DOT's current rules adopt specified provisions of federal motor carrier safety regulations and, subject to various exceptions, make them applicable to drivers and vehicles operating in intrastate commerce in the same manner the federal regulations apply to interstate operation. These adopted regulations include regulations relating to physical qualifications of drivers, but there are certain exceptions and a driver may apply to DOT to be granted an exception relating to

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diabetes if the driver is operating only intrastate. Although the federal regulation requires that a driver have no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control, an exception in DOT's rules is available to a driver with diabetes controlled by insulin who obtains statements from two licensed physicians indicating that the diabetes is not likely to cause loss of ability to control or operate a motor vehicle. However, a driver is not eligible for this diabetes exception in DOT's rules if he or she has had any moving violations or any reportable at-fault accidents while driving any motor vehicle within the three-year period prior to the date of the application for the exception.

Under this bill, an applicant for a restricted CDL who has diabetes controlled by insulin is not eligible for a restricted CDL if the applicant had, in the three-year period prior to the date of the application, any moving violation, or any reportable at-fault accident, due to diabetes while operating any motor vehicle. DOT may not establish by rule a more restrictive eligibility standard relating to moving violations and at-fault accidents for these applicants.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 343.065 (1) of the statutes is renumbered 343.065 (1) (a) and
2 amended to read:

3 343.065 (1) (a) If an applicant for a commercial driver license is less than 21
4 years of age or does not meet the physical qualifications for drivers contained in 49
5 CFR 391 or an alternative federally approved driver qualification program
6 established by the department by rule but is at least 18 years of age and otherwise
7 qualified under this chapter and, subject to par. (b), the rules of the department, the
8 department may issue the applicant a commercial driver license restricted to
9 authorizing the operation of commercial motor vehicles not in interstate commerce.

10 **SECTION 2.** 343.065 (1) (b) of the statutes is created to read:

11 343.065 (1) (b) An applicant with diabetes controlled by insulin is not eligible
12 for a restricted commercial driver license under this section if the applicant had, in
13 the 3-year period prior to the date of the application, any moving violation, or any

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1 reportable at-fault accident, due to diabetes while operating any motor vehicle. The
2 department may not establish by rule a more restrictive eligibility standard relating
3 to moving violations and at-fault accidents for applicants under this section who
4 have diabetes controlled by insulin.

5 **SECTION 3.** 343.14 (2) (i) 2. of the statutes is amended to read:

6 343.14 (2) (i) 2. Meets Subject to s. 343.065 (1) (b), meets all of the driver
7 qualifications for drivers in intrastate commerce as established by the department
8 by rule and is applying for a commercial driver license valid only in this state for
9 noninterstate operation.

10 **SECTION 4. Initial applicability.**

11 (1) This act first applies to applications for a commercial driver license received
12 by the department of transportation on the effective date of this subsection.

13 **SECTION 5. Effective date.**

14 (1) This act takes effect on the first day of the 4th month beginning after
15 publication.

16 (END)