



Wisconsin Department of Transportation

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DATE: July 7, 2015

TO: Members, Assembly Committee on Transportation
The Honorable Keith Ripp, Chair

FROM: Nate Yahn, Legislative Advisor, Wisconsin Department of Transportation

SUBJECT: Clearinghouse Rule 14-031 (motor carrier safety)

Chairman Ripp and Committee Members:

The Wisconsin Department of Transportation (WisDOT) would like to provide some important background information and commentary to committee members regarding Clearinghouse Rule (CR) 14-031. CR 14-031, the department's proposed final draft permanent rule ch. Trans 327, relates to motor carrier safety and affecting small business.

CR 14-031, Trans 327, implements a federal motor carrier law that requires commercial driver license holders who engage in interstate travel to file proof of medical fitness with the department for access by law enforcement nationwide. This rulemaking is intended to ensure Wisconsin's conformity with federal regulations in 49 CFR Part 383 and 391, by requiring drivers of commercial motor vehicles to certify their type of driving and submit a copy of their federal medical certificate (Fed Med card) to WisDOT. All states are required to comply with these regulations, or face withholding of federal highway funds.

Current Wisconsin law also requires department rules affecting driver licenses not to conflict with, and be at least as stringent as, standards set by the federal commercial motor vehicle safety act, 49 USC 31301 to 31317, and the regulations adopted under that act. CR 14-031 prescribes the manner in which the department administers the driver license law for commercial motor vehicles contained in ch. 343, Wis. Stats. Implementation of this permanent rule will prevent the withholding of federal highway funds, and help maintain a stable regulatory environment for Wisconsin's motor carriers.

Specifically, CR 14-031, implements the following federal requirements:

- Require the operators to declare their intended driving type (Tier 1 through 4).
- Obtain from drivers their federally required medical examiner's certificates (Fed Med cards).

- Electronically enter the driver's self-certification of driving type and the status of their federal medical examiner's certification online (allowing them to be accessed by the driver, their employers and other states).
- Require DMV to make the Fed Med cards promptly accessible for inspection by other states where the operator may be driving.

The subject matter of the proposed permanent rule, CR 14-031, is clearly a matter of statewide importance. Completing this rule promulgation prior to September 1st is important. EmR1426, the existing emergency rule under Trans 327, was recently granted a second sixty (60) extension by the Joint Committee for Review of Administrative Rules (JCRAR), which extended EmR1426 through August 30, 2015. By the committee waiving its jurisdiction for review of the proposed rule, pursuant to s. 227.19(4)(c), Wis. Stats., it will help make possible for the permanent rule to be in effect by the date EmR1426 expires on August 30th. This will ensure that a stable regulatory environment for Wisconsin's motor carriers is maintained and the state's conformity with federal regulations affecting commercial motor vehicles and their drivers is continued.

The department remains committed to providing Wisconsin residents and businesses with the safest and most efficient transportation system, and will continue working closely with our industry partners to effectively implement these federal motor carrier safety requirements.

If you have any questions, please contact me at (608) 266-1114.