



## 2003 ASSEMBLY BILL 677

November 20, 2003 – Introduced by Representatives GRONEMUS, MONTGOMERY, SHILLING, HAHN, ALBERS, SUDER, BERCEAU and GROTHMAN, cosponsored by Senator A. LASEE. Referred to Committee on Transportation.

1     **AN ACT to amend** 103.73 (1) (a), 103.76, 125.085 (1), 343.14 (3), 343.17 (3) (a) 2.,  
2             343.50 (3) and 343.50 (4); and **to create** 343.50 (4g) of the statutes; **relating**  
3             **to:** photographs for motor vehicle operators' licenses and identification cards.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a person may apply for an identification card issued by the Department of Transportation (DOT) if he or she is a resident of the state and if he or she does not possess a valid motor vehicle operator's license that contains the person's photograph. Current law requires DOT to take a photograph of all applicants for an identification card and, with limited exceptions, of all applicants for an operator's license. DOT may issue an operator's license without a photograph being taken if the applicant is stationed outside the state in military service and in specific situations where DOT deems such action appropriate. DOT, by rule, deems one such situation to be when the applicant has sincerely held religious convictions that do not allow the applicant to be photographed. If a photograph is required to be taken, the photograph must appear on the operator's license or identification card document.

Under this bill, an applicant for an identification card or operator's license may obtain an identification card or operator's license without a photograph being taken if the applicant provides an affidavit stating that he or she has a sincerely held religious belief against being photographed, identifying the religion to which he or she belongs or the religious tenets to which he or she adheres, and stating that the tenets of the religion prohibit him or her from being photographed.

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

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

1           **SECTION 1.** 103.73 (1) (a) of the statutes is amended to read:

2           103.73 (1) (a) Such evidence as is required by the department showing the age  
3 of the minor. The department shall promulgate rules governing the proof of age of  
4 minors who apply for labor permits that shall bind all persons authorized by law to  
5 issue such permits. In promulgating those rules, the department shall include a  
6 requirement that the department and its permit officers shall accept as evidence of  
7 a minor's age a duly attested birth certificate, a verified baptismal certificate, a valid  
8 operator's license issued under ch. 343 that contains the photograph of the license  
9 holder or an identification card issued under s. 343.50 that contains the photograph  
10 of the cardholder. Those rules shall also require the department and its permit  
11 officers to accept as evidence of a minor's age a valid operator's license issued under  
12 ch. 343 that contains the photograph of the license holder or an identification card  
13 issued under s. 343.50 that contains the photograph of the cardholder without  
14 requiring proof that the minor's birth certificate or baptismal certificate cannot be  
15 secured.

16           **SECTION 2.** 103.76 of the statutes is amended to read:

17           **103.76 Proof of age in court.** Whenever in any proceeding in any court under  
18 any of the labor laws or under ch. 102 there is any doubt of the age of a minor, a duly  
19 issued child labor permit or age certificate shall be conclusive evidence. In the  
20 absence of such permit or certificate, a duly attested birth certificate, a verified  
21 baptismal certificate, a valid operator's license issued under ch. 343 that contains the

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1 photograph of the license holder or an identification card issued under s. 343.50 that  
2 contains the photograph of the cardholder shall be produced and filed with the court.

3 Upon proof that the birth certificate, baptismal certificate, operator's license or  
4 identification card cannot be secured, the record of age stated in the first school  
5 enrollment of the child shall be admissible as evidence of the minor's age.

6 **SECTION 3.** 125.085 (1) of the statutes is amended to read:

7 125.085 (1) DEFINITION. In this section, "official identification card" means a  
8 valid operator's license issued under ch. 343 that contains the photograph of the  
9 holder, an identification card issued under s. 343.50 that contains the photograph of  
10 the holder, or an identification card issued under s. 125.08, 1987 stats.

11 **SECTION 4.** 343.14 (3) of the statutes is amended to read:

12 343.14 (3) The department shall, as part of the application process, take a  
13 photograph of the applicant to comply with s. 343.17 (3) (a) 2. Except where  
14 specifically exempted by statute or by rule of the department, no application may be  
15 processed without the photograph being taken. In the case of renewal licenses, the  
16 photograph shall be taken once every 8 years, and shall coincide with the appearance  
17 for examination which is required under s. 343.16 (3). The department may make  
18 provision for issuance of a license without a photograph if the applicant is stationed  
19 outside the state in military service, if the applicant provides an affidavit containing  
20 the information specified in s. 343.50 (4g), and in specific situations where the  
21 department deems such action appropriate.

22 **SECTION 5.** 343.17 (3) (a) 2. of the statutes is amended to read:

23 343.17 (3) (a) 2. A color photograph of the person unless no photograph is  
24 required under s. 343.14 (3).

25 **SECTION 6.** 343.50 (3) of the statutes is amended to read:

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1           343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as  
2 an operator's license but shall be of a design which is readily distinguishable from  
3 the design of an operator's license and bear upon it the words "IDENTIFICATION  
4 CARD ONLY". The information on the card shall be the same as specified under s.  
5 343.17 (3). The card may serve as a document of gift under s. 157.06 (2) (b) and (c)  
6 and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may  
7 also serve as a document of refusal to make an anatomical gift under s. 157.06 (2) (i).  
8 The Except as provided in sub. (4g), the card shall contain the holder's photograph  
9 and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

10           **SECTION 7.** 343.50 (4) of the statutes, as affected by 2003 Wisconsin Act 33, is  
11 amended to read:

12           343.50 (4) APPLICATION. The application for an identification card shall include  
13 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), and  
14 (em), and such further information as the department may reasonably require to  
15 enable it to determine whether the applicant is entitled by law to an identification  
16 card. The Except as provided in sub. (4g), the department shall, as part of the  
17 application process, take a photograph of the applicant to comply with sub. (3). No  
18 Except as provided in sub. (4g), no application may be processed without the  
19 photograph being taken. Misrepresentations in violation of s. 343.14 (5) are  
20 punishable as provided in s. 343.14 (9).

21           **SECTION 42t.** 343.50 (4g) of the statutes is created to read:

22           343.50 (4g) PHOTOGRAPH REQUIREMENT; EXCEPTION. An application may be  
23 processed and an original or renewal identification card issued under this section  
24 without a photograph being taken to an applicant who provides to the department  
25 an affidavit stating that the applicant has a sincerely held religious belief against

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1 being photographed; identifying the religion to which he or she belongs or the tenets  
2 of which he or she adheres to; and stating that the tenets of the religion prohibit him  
3 or her from being photographed.

4 **SECTION 8. Initial applicability.**

5 (1) This act first applies to applications for an operator's license or  
6 identification card, or renewal of an operator's license or identification card,  
7 submitted to the department of transportation on the effective date of this  
8 subsection.

9 **SECTION 9. Effective date.**

10 (1) This act takes effect on the first day of the 2nd month beginning after  
11 publication.

12

(END)