

How To Complete This Application

IF QUESTIONS: Call 608-266-1466; TTY 608-264-8703; or contact the DMV Customer Service Center nearest you.

To get a title and/or license plates for your vehicle, you must complete Sections A through G as they apply.

- Include the **original** Certificate of Title (not a copy) for a used vehicle. Include the **Manufacturer's Certificate of Origin** for a new vehicle.
- To replace a lost or damaged Wisconsin title, complete Sections A - D as they apply. *Note - The replacement title voids all previous titles.*

SECTION

A Vehicle Owner Information

Owner/Co-owner - the names that will be on the new title.

"And" means all owners must sign the title to transfer ownership.

"Or" means only one owner must sign the title.

Social Security Number and Driver License Number:

If you are applying as an individual, you are required to provide your Social Security Number, pursuant to 1997 Act 191, for the purposes of ss.49.22, Wis Stats. Under the Social Security Act, 42 USC. 405, (c)(2)(C)(i), the department and other state and federal agencies may use the Social security Number for purposes authorized by law.

FEIN - Federal Employer Identification Number is required for corporations or other non-individual owners.

B Vehicle Information - (*Mandatory Display*)

To legally operate a car or small truck, you must display license plates within two business days of purchase. Provide either a license plate to transfer or a temporary plate number.

License Plate Transfers - the following license plate types belong to you. You may move them from a vehicle you no longer use to another vehicle of the same type that belongs to you or your spouse:

Auto (passenger vehicle)	Motor Home
Truck (up to 8,000 pounds)	Farm Truck (up to 12,000 pounds)
Motorcycle	Dual Purpose Veh. (up to 8,000 pounds)
Driver Ed	Dual Purpose Farm (up to 8,000 pounds)
Municipal	

Temporary Plate - If you do not have a plate to transfer, take your application to a DMV Customer Service Center or an agent authorized by DMV to obtain a metal or temporary plate. An agent will charge a \$3 temporary plate fee, give you a temporary plate valid for 90 days and may also charge a \$5 service fee.

Salvage:

- vehicle less than 7 years old which has been damaged by collision or other occurrence to the extent that the cost of repairing the vehicle would exceed 70% of fair market value
 - a vehicle last titled in another state as a salvage vehicle
- Note: You cannot drive a salvage vehicle until it passes a salvage inspection, except to travel to the inspection site.*

Police/Taxi - a vehicle that has been used, or will be used, as a police vehicle or taxi.

Flood Damaged - a vehicle damaged by water to the extent that the estimated or actual repair costs, whichever is greater, exceeds 70% of fair market value.

C Loan Information

If you borrowed money for this vehicle, contact the lender for the correct information. Please show complete mailing address. Loan filing fee is \$4.

D Fees

Title Fee - Applying for a title only (without plates) does not allow you to legally operate your vehicle on a Wisconsin roadway. To legally operate your vehicle, you must also apply for Wisconsin license plates.

State Sales Tax - Pay 5% sales tax unless one of the reasons below applies. List the code number and information requested:

Code	Reason
1	Vehicle previously titled in Wisconsin and purchased from spouse, parent, child, spouse's parent, child's spouse, stepparent or stepchild. <i>List appropriate one.</i>
2	Purchaser is Common or Contract Carrier using the vehicle exclusively as such. <i>Show Authority Number.</i>
3	Lessor reporting gross receipts from rental or lease. <i>Show Seller's Permit or Use Tax Number.</i>
4	State of WI or other federal or WI government unit or agency.
5	Tax paid to another state. <i>List state and submit proof.</i>
6	Purchaser is not a resident of WI and will not use motor vehicle in WI except to remove it from WI. <i>Show residence state.</i>
8	Religious, charitable, educational or other non-profit organization. <i>List appropriate one and CES#.</i>
9	Other - <i>list reason.</i>

Local Sales Tax - Use the chart below to determine your local sales taxes. Find the county in which the vehicle is kept. Then multiply your purchase price by the number listed for the county. If exempt, use one of the code numbers above.

Local Sales Tax by County

Adams .005	Clark 0	Florence 0	Jefferson .005	Marathon .005	Ozaukee .006	Rusk .005	Vilas .005
Ashland .005	Columbia .005	Fond du Lac 0	Juneau .005	Marinette 0	Pepin .005	Sauk .005	Walworth .005
Barron .005	Crawford .005	Forest .005	Kenosha .005	Marquette .005	Pierce .005	Sawyer .005	Washburn .005
Bayfield .005	Dane .005	Grant 0	Kewaunee 0	Menominee 0	Polk .005	Shawano .005	Washington .006
Brown 0	Dodge .005	Green 0	La Crosse .005	Milwaukee .006	Portage .005	Sheboygan 0	Waukesha .001
Buffalo .005	Door .005	Green Lake .005	Lafayette 0	Monroe .005	Price .005	St. Croix .005	Waupaca .005
Burnett .005	Douglas .005	Iowa .005	Langlade .005	Oconto .005	Racine .001	Taylor .005	Waushara .005
Calumet 0	Dunn .005	Iron .005	Lincoln .005	Oneida .005	Richland .005	Trempealeau .005	Winnebago 0
Chippewa .005	Eau Claire .005	Jackson .005	Manitowoc 0	Outagamie 0	Rock 0	Vernon .005	Wood 0

If tax questions, call the Wisconsin Department of Revenue at 608-266-2776.

License Plate Fee

Regular passenger vehicle plates are for:

- automobiles
- vans with more space for seating people than carrying property
- jeep-type or sport utility vehicles with a back seat

Regular light truck plates are based on *gross weight** and are for:

- pick-up trucks
- vans with more space for carrying property than seating people
- jeep-type or sport utility vehicles without a back seat

* *Gross weight is the vehicle weight PLUS the weight of any load you plan to carry.*

License plates for other types of vehicles and special license plates are listed in Section G on back of application.

Miscellaneous Fees

Municipal Wheel Tax - Pay \$10 fee if the vehicle is kept in the Wisconsin cities of Beloit or Sheboygan. Fee applies if you are purchasing or renewing license plates for a passenger car or truck registered at 8,000 pounds or less.

Counter Service Fee - is required if you apply in person at a DMV Customer Service Center.

Mail-in Priority Service Fee - Mail entire application, with an extra \$4 fee for Priority Service processing, to:

WI Dept. of Transportation
P.O. Box 7306
Madison, WI 53707-7306

Owner Signature(s) - owner(s) shown in Section A must sign. If an owner is under 18, also complete Section E on back of application.

E Consent to Purchase - (see back of application)
 If an owner is under 18, a parent or guardian must complete this section.

G License Plate Type - (see back of application)
 If you are not purchasing regular passenger vehicle or light truck plates:

- determine the plate type you need
- write the plate type and fee in Section D
- complete the information in the right column of Section G if it applies
- Insurance must be on file with DMV for the following vehicle types:

For Hire Auto	Driver Education	Bus
Human Service Vehicle	Rental	For Hire Carrier

Release of Information - The Wisconsin Department of Transportation uses the information provided on this and other forms to title and register vehicles in Wisconsin, collect fees, and enforce Wisconsin laws. Under Wisconsin's Open Records Law, the Department may share non-confidential motor vehicle information with companies and others that use the data for business purposes. If you want your name and address withheld from such companies/groups, forms are available from DMV Customer Service Centers.

ADA - The Wisconsin Department of Transportation complies with the Americans with Disabilities Act.

Gross Weight Fee Schedule

Gross Weight - Vehicle weight plus the weight of any load you plan to carry. This schedule is not for autos, motorcycles, mopeds and mobile homes. See Section G for column to use in determining gross weight fee.

Enter **Gross Weight, Registration Period** and fees in Section D. Fees are annual, except that plates for *FARM TRUCKS 12,000 pounds gross weight or less are good for two years and expire in February of even numbered years.

Gross Weight

<u>Not over:</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>J</u>
4500	\$48.50	\$ 66.50	\$ 44.00	\$ 26.00		\$ 12.00	\$ 24.25		\$ 30.00
5000								\$ 48.50	
6000	61.50	79.50	54.50	36.50		15.50	30.75		33.50
8000	77.50	95.50	61.00	43.00		19.50	38.75	55.00	37.50
10000	119.50	137.50	78.00	60.00		30.00	59.75		48.00
12000	161.00	179.00	95.50	77.50	*\$ 45.00	40.25	80.50	67.50	58.25
16000	218.00	236.00	127.50	109.50	54.50	54.50	218.00	80.50	72.50
20000	274.00	292.00	160.00	142.00	68.50	68.50	274.00	93.50	86.50
26000	365.00	383.50	208.50	190.50	91.50	91.50	365.50	106.50	109.50
32000	468.50	486.50	263.00	245.00	117.00	117.00	468.50	119.50	135.00
38000	593.50	611.50	327.50	309.50	148.50	148.50	593.50	119.50	166.50
44000	708.50	726.50	389.00	371.00	177.00	177.00	708.50	119.50	195.00
50000	818.00	836.00	443.50	425.50	204.50	204.50	818.00	119.50	222.50
54000	873.00	891.00	474.00	456.00	218.25	218.25	873.00	119.50	236.25
56000	930.00	948.00	505.00	487.00	232.50	232.50	930.00	119.50	250.50
62000	1051.50	1069.50	569.50	551.50	263.00	263.00	1051.50	119.50	281.00
68000	1187.00	1205.00	640.50	622.50	296.75	296.75	1187.00	119.50	314.75
73000	1350.00	1368.00	727.50	709.50	337.50	337.50	1350.00	119.50	355.50
76000	1600.50	1618.50	856.50	838.50	400.00	400.00	1600.50	119.50	418.00
80000	1969.50	1987.50	1050.00	1032.00	492.50	492.50	1969.50	119.50	510.50

Quarterly Registration - Trucks, Tractors, Buses, Motor Homes, and Trailers registered for more than 8,000 pounds gross weight may register quarterly. Farm Trucks and vehicles registered at special reduced fees are not eligible, except those registered for hauling dairy or raw forest products. Calculate fee as follows: Annual fee divided by 4, multiplied by number of quarters. Plus \$5.

Consecutive Monthly Registration - Trucks, Trailers or Truck Tractors transporting certain commodities are eligible. Requires a minimum of 3 consecutive months registration. Complete Consecutive Monthly Registration block in Section G. Calculate fee as follows: Annual fee divided by 12, multiplied by number of months. Plus \$15.

Registration Periods

<u>TRK, TRAC, BUS, TRLR</u>	<u>MOTOR HOME</u>
1st Qtr. (Jan-Mar)	(Apr-Jun)
2nd Qtr. (Apr-Jun)	(Jul-Sep)
3rd Qtr. (Jul-Sep)	(Oct-Dec)
4th Qtr. (Oct-Dec)	(Jan-Mar)
Annual	

Consecutive Monthly Registration: Enter the number of months of registration you want (minimum of 3 months) and the beginning month of registration; for example, 3/February.

Mail to: WI Dept. of Transportation
 Intrastate Trucking Unit
 P.O. Box 7926
 Madison, WI 53707-7926

WISCONSIN TITLE & LICENSE PLATE APPLICATION

MV1 (499)

Processor ID No

Received - Date - Opened

Title No. - New License Plate No.

Amount Received, Document No.
Check Cash

NOT WRITE ABOVE THIS LINE

Section A - Vehicle Owner Information

Owner Legal Name - Last	First	Middle Initial	Owner Social Security or Driver License Number or FEIN Required See Instructions	
Co-owner (if any) - Last Name	First	Middle Initial	Co-owner Social Security or Driver License Number or FEIN Required See Instructions	
<input type="checkbox"/> OR <input type="checkbox"/> AND (check one)				
Complete Address (including P.O. Box if applicable)	City	State	Zip Code	Owner Daytime (Area Code) Telephone Number
If this is a leased vehicle, list Lessee Name			Lessee Social Security or Driver License Number or FEIN	
Lessee Street Address	City	State	Zip Code	Lessee Daytime (Area Code) Telephone Number

Section B - Vehicle Information

Vehicle Identification Number	Year	Make	Type (car, truck, van, etc)	Color	Fleet No. (optional)
WI License Plate to Transfer or Temporary Plate: <input type="checkbox"/> Check box if transferring to/from leased vehicle		Plate Type		<input type="checkbox"/> Check box if plates transferred from husband/wife. License plates <u>cannot</u> be transferred between other family members.	
Date you first drove this vehicle in Wisconsin	Check any that apply (see Instructions):				
	<input type="checkbox"/> Title Transfer	<input type="checkbox"/> Title Only	<input type="checkbox"/> Salvage	<input type="checkbox"/> Police	<input type="checkbox"/> Tax <input type="checkbox"/> Flood Damaged
Vehicle is kept in County	City Village Town (Check one)				
OF:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	OF:	

Section C - Loan Information

Secured Party Number(s)	Name of Lending Agency(s) or Person(s)	Street Address, City, State, Zip Code	(Area Code) Telephone Number
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Section D - Fees

Title Fee \$21.00 (replacement \$8) \$ _____

Purchase Price \$ _____
(WARNING: It is a crime to understate the purchase price)

Less trade-in allowance... \$ _____

Amount subject to tax \$ _____

State Sales Tax (purchase price X 0.05) \$ _____

Local Sales Tax (see Example) \$ _____

Loan Filing Fee \$4 (pay fee for each loan in section C) \$ _____

License Plate Fee \$ _____

- Passenger Vehicle \$45
- Light Truck (private operation only):
4500 pounds gross weight or less \$48.50
6000 pounds gross weight or less \$61.50
8000 pounds gross weight or less \$77.50
- Other License Plate Types (see information at right)

Miscellaneous Fees (see instructions to see if any apply).

- Municipal Wheel Tax \$10 (cities of Beloit or Sheboygan only) \$ _____
- Motor Carrier Class Fee from section G \$ _____
- Temporary Plate Fee \$3 \$ _____
(Only if no plate to transfer, and if applying at an authorized agent)

Optional Fees (customer initials to OK)

- Mail-in Priority Service Fee \$4 (Use Priority Service Address) \$ _____
- Counter Service Fee \$5 (if you apply in person at DOT) \$ _____
- Electronic Title/License Plate Filing Fee \$ _____
(If applying thru an agent that files electronically, then an additional fee will be charged. Make check payable to the agent)

ENTER FEE TOTAL \$ _____

Pay title fee if you are changing the owner(s) on the title, or titling the vehicle in Wisconsin for the first time. Pay replacement title fee if replacing a lost, stolen or mutilated Wisconsin title.

See instructions to determine which taxes apply. If tax exempt, enter code
If other, list reason
See instruction on local sales tax to determine your tax rate.
Example: \$10,000 X .005 = \$50
(purchase price) (rate) (local tax)

For other plate types see section G on back of this page .
Enter plate type.....
and gross weight if applicable.....
and registration period.....
and enter fee at left.
Note - For Heavy vehicles that qualify for Consecutive Monthly or Quarterly registration, see back page of instructions for more information and special address.

REGULAR SERVICE:
Mail the original vehicle Title (not a copy), application and check to:
**WI Dept. of Transportation
P.O. Box 7949
Madison WI 53707-7949**

PRIORITY SERVICE: (not available for personalized plates)
Mail the original vehicle Title (not a copy), application and check with extra \$4 priority service fee to:
**WI Dept. of Transportation
P.O. Box 7306
Madison WI 53707-7306**

Make check payable to: **Registration Fee Trust**

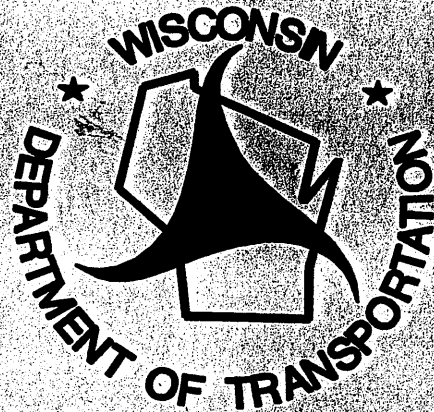
Vehicle Owner Certification - If an owner is under 18 years old, complete Consent to Purchase (Section E) on back of this page.

I (we) certify that the information and statements on this application are true and correct.

X _____ X _____
(Owner Signature) (Date) (Co-Owner Signature) (Date)

STOP Did you... • Enclose a signed check with correct fees?
• Enclose your original vehicle title if needed?
• Sign the application?

Inquiry Screen	Transaction Name	Data Entered
DI	Driver Inquiry	Driver License Number or Driver name, date of birth and sex
DHAS	Driver by Name	Enter driver last and first name
RP	Registration by Plate	Enter Plate Number
RV	Registration by Vehicle Identification Number (VIN)	Enter Vehicle Identification Number (VIN)
RT	Registration by Title	Enter Title Number
RHAS	Registration by Name	Enter name of owner/registrant
CREGV	Commercial Vehicle Information	Enter license plate or VIN
FH	File Handler-the database where Driver/Registration/title information resides	
POSTQ	Inquiry to National Crime Information Center for stolen vehicle check	VIN/title entry
ACI	Accident Inquiry	Enter Accident Number or Driver License Number
SRI/SR	Safety Responsibility Inquiry	Enter Safety Responsibility Number or Driver License



Data Collection, Privacy and Sales Policies

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and, in carrying out such duties, the Secretary is authorized to take affirmative measures to assure the issuance of social security numbers:

- (IV) to or on behalf of children who are below school age at the request of their parents or guardians; and
 - (V) to children of school age at the time of their first enrollment in school.
- (ii) The Secretary shall require of applicants for social security account numbers such evidence as may be necessary to establish the age, citizenship, or alien status, and true identity of such applicants, and to determine which (if any) social security account number has previously been assigned to such individual.
- (iii) In carrying out the requirements of this subparagraph, the Secretary shall enter into such agreements as may be necessary with the Attorney General and other officials and with State and local welfare agencies and school authorities (including non-public school authorities).
- (C)(i) It is the policy of the United States that any State (or political subdivision thereof) may, in the administration of any tax, general public assistance, driver's license, or motor vehicle registration law within its jurisdiction, utilize the social security account numbers issued by the Secretary for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is or appears to be so affected to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if he has more than one such number) issued to him by the Secretary.
- (ii) If and to the extent that any provision of Federal law heretofore enacted is inconsistent with the policy set forth in clause (i) of this subparagraph, such provision shall, on and after the date of the enactment of this subparagraph [enacted Oct. 4, 1976], be null, void, and of no effect.
- (iii) For purposes of clause (i) of this subparagraph, an agency of a State (or political subdivision thereof) charged with the administration of any general public assistance, driver's license, or motor vehicle registration law which did not use the social security account number for identification under a law or regulation adopted before January 1, 1975, may require an individual to disclose his or her social security number to such agency solely for the purpose of administering the laws referred to in clause (i) above and for the purpose of responding to requests for information from an agency operating pursuant to the provisions of part A or D of title IV of the Social Security Act [42 USCS §§ 601 et seq., 651 et seq.].
- (iv) For purposes of this subparagraph, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the

Virgin Islands, Guam, and the Trust

- (D) The Secretary shall determine the amount of such individual's taxable income for the year in which such individual's wages were paid to, or as to self-employment income derived by, such individual during such year.
- (3) The Secretary's regulations before the Secretary and self-employment income in which such wages were paid to, or as to self-employment income derived by, an individual in such year shall be conclusive for the purpose of determining the amount of such individual's taxable income for such year.
- (4) Prior to the expiration of the period in such year, the Secretary may, if it is determined that any item of wages or self-employment income has been omitted from such individual's return, omit such item in his or her return for the time limitation for such year.
- (A) the Secretary's regulations before the Secretary (paragraph (5)) of such individual's taxable income derived by such individual in such year shall be conclusive for the purpose of determining the amount of such individual's taxable income for such year.
- (B) the absence of such item from such individual's return shall not be alleged to have been omitted from such individual's return for the time limitation for such year.
- (C) the absence of such item from such individual's return shall not be alleged to have been omitted from such individual's return for the time limitation for such year.
- (5) After the expiration of the period in which wages were paid to, or as to self-employment income was derived by, such individual, the Secretary shall determine the amount of such individual's taxable income for such year.

CHAPTER 342

VEHICLE TITLE AND ANTI-THEFT LAW

CERTIFICATE OF TITLE

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CERTIFICATE OF TITLE

342.01 Words and phrases defined. (1) Words and phrases defined in s. 340.01 are used in the same sense in this chapter unless a different definition is specifically provided.

(2) In this chapter:

(ag) "Deliver" includes electronic transmission.

(am) "Leasing company" means any lessor who, within the preceding 12 months, has leased 5 or more vehicles for a period of at least 4 months.

(b) "Mileage" means the actual distance that a vehicle has traveled in miles.

(c) "Transfer" means to change ownership by purchase, gift or any other means.

History: 1993 a. 159; 1997 a. 27.

342.02 Excepted liens and security interests. This chapter does not apply to or affect:

(1) A lien given by statute or rule of law to a supplier of services or materials for the vehicle.

(2) A lien given by statute to the United States, this state or any political subdivision of this state.

(3) A security interest in a vehicle created by a manufacturer or dealer who holds the vehicle for sale, which shall be governed by the applicable provisions of ch. 409.

342.03 Motor vehicle, trailer or semitrailer leases. Notwithstanding s. 401.201 (37) or ch. 409, a transaction involving a motor vehicle, trailer or semitrailer does not create a conditional sale or a security interest merely because it includes a provision that permits or requires the rental price to be adjusted under the agreement by reference to the amount realized upon the sale or other disposition of the motor vehicle, trailer or semitrailer.

History: 1991 a. 148.

342.05 When certificate of title required. (1) The owner of a vehicle subject to registration in this state, whether or not such vehicle is operated on any highway of this state, shall make application for certificate of title for the vehicle under the following circumstances:

(a) If the owner has newly acquired the vehicle, he or she shall make application under s. 342.15.

(b) If the owner applies for registration of a vehicle without holding a valid certificate of title previously issued to that owner by the department for the vehicle, he or she shall at the same time apply for a certificate of title.

(2) Except as provided in sub. (3), an applicant's eligibility for a certificate of title is a prerequisite to registration of the vehicle. If the applicant for registration holds a valid certificate of title previously issued to the applicant by the department for the vehicle, that is prima facie evidence of ownership of the vehicle and the applicant need not apply for a new certificate of title on application for registration.

(3) This section does not apply in a situation where the law expressly authorizes registration of a vehicle in the name of a person other than the owner or where the law expressly authorizes registration without a certificate of title.

(4) Any owner who operates or consents to the operation of a vehicle for which a certificate of title is required without such certificate having been issued or applied for or any other person who operates a vehicle for which a certificate of title is required, knowing that the certificate of title has not been issued or applied for, may be required to forfeit not more than \$200. A certificate is considered to have been applied for when the application accompanied by the required fee has been delivered to the department or deposited in the mail properly addressed and with postage prepaid.

(5) Unless otherwise authorized by rule of the department, a nonresident owner of a vehicle that is not subject to registration in this state may not apply for a certificate of title under this chapter unless the vehicle is subject to a security interest or except as provided in s. 342.16 (1) (a). Notwithstanding any other provision of this section, a nonresident may purchase temporary operation plates under s. 341.09 (4). Any temporary operation permit or plate issued under s. 341.09 shall not be considered registration of the vehicle for purposes of this subsection.

History: 1971 c. 278; 1977 c. 29 s. 1654 (7) (a); 1977 c. 273; 1981 c. 150; 1987 a. 100 s. 3; 1993 a. 159.

342.06 Application for certificate of title. (1) An application for a certificate of title shall be made to the department upon a form or in an automated format prescribed by it and shall be accompanied by the required fee. Each application for certificate of title shall include the following information:

- (a) The name and address of the owner.
- (b) A description of the vehicle, including make, model, identification number and any other information or documentation that the department may reasonably require for proper identification of the vehicle or for determination of the mileage of the vehicle as disclosed by prior transferors.
- (c) The date of purchase by the applicant, the name and address of the person from whom the vehicle was acquired and the names and addresses of any secured parties in the order of their priority.
- (d) If the vehicle is a new vehicle being registered for the first time, the signature of a dealer authorized to sell that new vehicle, the total of the number of tires normally used on the vehicle during its operation on the highways plus the number of any spare tires with which the vehicle is normally equipped and the manufacturer's document of origin. The document of origin shall contain the information specified by the department.
- (e) Any further evidence of ownership which may reasonably be required by the department to enable it to determine whether the owner is entitled to a certificate of title and the existence or nonexistence of security interests in the vehicle.
- (f) If the applicant is an individual, the social security number of the applicant. The department of transportation may not disclose a social security number obtained under this paragraph to any person except to the department of workforce development for the sole purpose of administering s. 49.22.
- (em) Any further evidence which may reasonably be required by the department to enable it to determine whether any of the information specified in s. 342.10 (3) (c) to (g) may be applicable to the vehicle.
- (f) If the identification number of the vehicle has been removed, obliterated or altered, or if the original casting has been replaced, or if the vehicle has not been numbered by the manufacturer, the application for certificate of title shall so state. If the identification number of the vehicle was originally based on an engine number and the engine number is no longer pertinent to the vehicle because of subsequent engine changes and no other manufacturer's identification number, chassis number or serial number exists, the department shall assign a new identification number for the vehicle under s. 342.30 (1m).
- (g) If the vehicle is a used motor vehicle which was last previously registered in another jurisdiction, the applicant shall furnish any certificate of ownership issued by the other jurisdiction and a statement pertaining to the title history and ownership of such motor vehicle, such statement to be in the form the department prescribes.
- (h) If the applicant for certificate of title for a motor vehicle intends to utilize that vehicle as a taxicab or for public transportation, the applicant shall state that fact in the application. If the applicant knows that the vehicle has previously been used as a taxicab or for public transportation and that fact is not noted on the old certificate of title, the applicant shall state in the application that the vehicle has previously been so used.
- (hm) If the applicant for certificate of title for a motor vehicle intends to utilize that vehicle as a police vehicle by a law enforcement agency, the applicant shall state that fact in the application. If the applicant knows that the vehicle has previously been used as a police vehicle by a law enforcement agency and that fact is not noted on the old certificate of title, the applicant shall state in the application that the vehicle has previously been so used.
- (hr) If the vehicle is less than 7 years old, is damaged by collision or other occurrence to the extent that the estimated or actual cost, whichever is greater, of repairing the vehicle exceeds 30% of its fair market value and was transferred to an insurer upon payment of an insurance claim, the insurer shall state that fact in the application. If the applicant knows that the vehicle had been transferred to an insurer upon payment of an insurance claim and that fact is not noted on the old certificate of title, the applicant shall state in the application that the vehicle has previously been so transferred. This paragraph does not apply to salvage vehicles.

(i) A place for an applicant who is a natural person to designate that the applicant's name, street address, post-office box number and 9-digit extended zip code may not be disclosed as provided in s. 341.17 (9), a statement indicating the effect of making such a designation and a place for an applicant who has made a designation under this paragraph to reverse the designation. The department may provide for these designations and statement on an alternative form or in an automated format.

(j) For a motor vehicle of a model year less than 10 years old, the certificate of title of the person transferring the title to the applicant or, if applicable, the manufacturer's document of origin; the mileage disclosure statement required under s. 342.155 (1); and, if applicable, the power of attorney required under 15 USC 1988 or rules of the department.

(k) If the vehicle is an automobile, station wagon or motor truck having a registered weight of 8,000 pounds or less and a temporary operation plate has been issued for the vehicle under s. 341.09 (2m) (a) 1. b. or 2., the registration number of the temporary operation plate.

(1m) On the form or in the automated format for application for a certificate of title, the department may show the fee under s. 342.14 (3m) separately from the fee under s. 342.14 (1) or (3).

(2) Any person who knowingly makes a false statement in an application for a certificate of title may be fined not more than \$5,000 or imprisoned not more than 5 years or both.

NOTE: Sub. (2) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:

(2) Any person who knowingly makes a false statement in an application for a certificate of title may be fined not more than \$5,000 or imprisoned not more than 7 years and 6 months or both.

(3) Any person intending to use a vehicle as a taxicab or for public transportation who fails to state such intent in the application for certificate of title or any person who fails to furnish any other information required by sub. (1) (h) may be required to forfeit not more than \$1,000.

History: 1973 c. 218; 1975 c. 121, 286; 1977 c. 29 s. 1654 (7) (a); 1987 a. 110, 349; 1991 a. 39, 269, 309, 316; 1993 a. 63, 159, 165, 490; 1997 a. 27, 191, 283.

Sub. (2) is not limited to false statements made by applicant, but may include dealer. State v. Williams, 156 W (2d) 296, 456 NW (2d) 864 (Ct. App. 1990).

342.065 Title for salvage vehicle. (1) (a) A purchaser of a salvage vehicle that is not currently titled as a salvage vehicle shall, promptly after delivery to him or her of the salvage vehicle, apply for a salvage vehicle certificate of title by submitting to the department the properly assigned certificate of title under s. 342.15 (1) (c) or other evidence of ownership, the applicant's statement that the vehicle is a salvage vehicle, an application for a salvage certificate of title and the required fee.

(b) The owner of a salvage vehicle that is not currently titled as a salvage vehicle shall promptly apply for a salvage vehicle certificate of title by submitting to the department the certificate of title for the vehicle or other evidence of ownership, the applicant's statement that the vehicle is a salvage vehicle, an application for a salvage certificate of title and the required fee. This paragraph does not apply to a salvage vehicle that is purchased by a salvage vehicle purchaser subject to the requirements of par. (a).

(c) If the interest of an owner in a vehicle that is titled in this state is not transferred upon payment of an insurance claim that, including any deductible amounts, exceeds 70% of the fair market value of the vehicle, any insurer of the vehicle shall, within 30 days of payment of the insurance claim, notify the department in writing of the claim payment and that the vehicle meets the statutory definition of a salvage vehicle, in the manner and form prescribed by the department.

(2) Upon notification from an insurer under sub. (1) (c), the department shall promptly notify the owner of the salvage vehicle that he or she is required to apply for a salvage vehicle certificate of title under sub. (1) (b).

(3) Upon compliance with the requirements of sub. (1), the department shall issue a salvage vehicle certificate of title for the vehicle. The certificate shall include the words "This is a salvage vehicle".

(b) The department may not issue a special restricted license to a person whose operating privilege is suspended or revoked.

(2) SCOPE. (a) A special restricted operator's license may be issued only for the specific vehicle or type of vehicle described on the license. A license under this paragraph may not be issued to authorize operation of a commercial motor vehicle or a school bus. A special restricted operator's license may be issued only for the following vehicles:

1. Motor bicycles or mopeds; or
2. Specially designed vehicles having a maximum speed of 35 miles per hour which the department authorizes to be operated on the highway.

(b) If a special restricted operator's license is issued for operation of a vehicle described in par. (a) 2., the vehicle may be operated only by the following persons:

1. The holder of the restricted license.
2. A person licensed under this chapter who operates the vehicle for the limited purposes of repairing or testing the vehicle.

(3) DESIGN OF LICENSE. The special restricted license shall be of the same size and general design of the operator's license, except that it shall bear the words "SPECIAL RESTRICTED LICENSE". The information on the license shall be the same as specified under s. 343.17 (3) and the holder may affix a decal thereto as provided in s. 343.175 (3). All restrictions imposed under sub. (6) shall be listed on the license or on an attachment thereto.

(4) PHYSICAL REQUIREMENTS. The department may set such physical standards as it deems necessary for eligibility for licensing under this section. The standards shall include a vision standard.

(5) EXAMINATION. The department may require an applicant to submit to a medical examination to determine whether the applicant meets the standards set under sub. (4). The applicant shall pay the cost of any such examination.

(6) RESTRICTIONS. The department may impose such restrictions as it deems necessary on any license issued under this section. Such restrictions may include, but are not limited to, the type of vehicle, special equipment, time of day of operation, and specific geographic areas and streets or routes of travel. A vehicle operated under this section shall display a slow moving vehicle emblem as required under s. 347.245.

(7) EXPIRATION; RENEWAL. A special restricted operator's license issued under this section shall expire 2 years after the date of issuance. Within 90 days prior to the expiration of a license, the holder of the restricted license may renew the license by paying the required fee and passing the examination under sub. (1) (a) 4. History: 1979 c. 345; 1981 c. 138; 1983 a. 243; 1989 a. 105.

343.14 Application for license. (1) Every application to the department for a license or identification card or for renewal thereof shall be made upon the appropriate form furnished by the department and shall be accompanied by the required fee.

(2) The forms for application shall be determined by the department and shall include:

- (a) The full name and residence address of the applicant;
- (b) The applicant's date of birth, social security number, color of eyes, color of hair, sex, height, weight and race;

(c) A statement as to whether the applicant has heretofore been licensed as an operator of any motor vehicle and, if so, when and by what jurisdiction;

(d) Whether any previous license or operating privilege has ever been suspended or revoked or whether application has ever been refused and, if so, the date and place of such suspension, revocation or refusal;

(e) If the application is made by a person under 18 years of age, documentary proof that the applicant is enrolled in a school program or high school equivalency program and is not a habitual truant as defined in s. 118.16 (1) (a), has graduated from high

school or been granted a declaration of high school graduation equivalency or is enrolled in a home-based private educational program, as defined in s. 115.001 (3g). For purposes of this paragraph, "documentary proof" means the signature and verification of an adult sponsor as provided in s. 343.15 (1) or the applicant as provided in s. 343.15 (4) (b);

(f) Such further information as the department considers appropriate to identify the applicant, including biometric data, and such information as the department may reasonably require to enable it to determine whether the applicant is by law entitled to the license applied for;

(g) A question as to whether the applicant wishes to include his or her name as a donor of an anatomical gift in the record of potential donors maintained by the department. The form shall indicate the following:

1. The applicant is not required to respond to the question under this paragraph in order to obtain a license.

2. The purpose of maintaining the record of potential donors is to facilitate the determination of whether a person is a potential donor in the event of his or her death.

3. An affirmative response to the question under this paragraph does not in itself authorize an anatomical gift. To authorize an anatomical gift, an applicant shall comply with s. 157.06 or 343.175 (2);

(h) A certification by the applicant that the motor vehicle in which the person takes the driving skills test is a representative vehicle of the vehicle group that the person operates or expects to operate; and

(i) A certification by the applicant for a commercial driver license that he or she either:

1. Meets all of the driver qualifications contained in either 49 CFR 391 or in an alternative federally approved driver qualification program established by the department by rule. The department may require the applicant to show the medical certificate of physical examination required by 49 CFR 391.43; or

2. Meets all of the driver qualifications for drivers in intrastate commerce as established by the department by rule and is applying for a commercial driver license valid only in this state for non-interstate operation.

(2j) (a) Subject to any exceptions provided for in a memorandum of understanding entered into under s. 49.857 (2), the department shall deny an application for the issuance or renewal of a license if the applicant has not included his or her social security number in the application.

(b) Except as otherwise required to administer and enforce this chapter, the department of transportation may not disclose a social security number obtained from an applicant for a license under sub. (2) (b) to any person except to the department of workforce development for the sole purpose of administering s. 49.22.

(2m) The forms for application for a license or identification card or for renewal thereof or another form provided by the department shall include a place for an applicant, licensee or identification card holder to designate that his or her name, street address, post-office box number and 9-digit extended zip code may not be disclosed as provided in s. 343.235 or 343.24 (4), a statement indicating the effect of making such a designation and a place for an applicant, licensee or identification card holder who has made a designation under this subsection to reverse the designation.

(3) The department shall, as part of the application process, take a photograph of the applicant to comply with s. 343.17 (3) (a) 2. Except where specifically exempted by statute or by rule of the department, no application may be processed without the photograph being taken. In the case of renewal licenses, the photograph shall be taken once every 8 years, and shall coincide with the appearance for examination which is required under s. 343.16 (3). The department may make provision for issuance of a license without a photograph if the applicant is stationed outside the state in military service and in specific situations where the department deems such action appropriate.

(4m) The department shall develop designs for licenses and identification cards which are resistant to tampering and forgery no later than January 1, 1989. Licenses and identification cards issued on or after January 1, 1989, shall incorporate the designs required under this subsection.

(5) Any person who uses a false or fictitious name in any application for a license or identification card or knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application may be fined not more than \$1,000 or imprisoned for not more than 6 months or both.

(6) The department shall disseminate information to applicants for a license relating to the anatomical donation opportunity available under s. 343.175. The department shall maintain a record of applicants who respond in the affirmative to the question under sub. (2) (g). In the event of the death of a person, at the request of a law enforcement officer or other appropriate person, as determined by the department, the department shall examine its record of potential donors and shall advise the law enforcement officer or other person as to whether a decedent is recorded as a potential donor.

(7) A person may notify the department in writing at any time if he or she wishes to include his or her name in the record of potential donors maintained by the department. A donor who revokes his or her gift and who has requested that his or her name be included in the record shall request the department in writing to remove his or her name from the record.

(8) The department shall annually distribute materials, as provided by the department, explaining the voluntary program that is specified in s. 71.55 (10) (b) to applicants for a license who are aged 65 years or older.

History: 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 124, 360, 447; 1979 c. 306; 1981 c. 20 s. 1848r; 1985 a. 227; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 105, 294, 298, 359; 1991 a. 269; 1993 a. 363; 1995 a. 113; 1997 a. 27, 119, 191.

343.15 Application of persons under 18; liability of sponsors; release from liability; notification of juvenile violation. (1) (a) Except as provided in sub. (4), the application of any person under 18 years of age for a license shall be signed and verified by either of the applicant's parents, or a stepparent of the applicant or other adult sponsor, as defined by the department by rule. The application shall be signed and verified before a traffic officer, a duly authorized agent of the department or a person duly authorized to administer oaths.

(b) The adult sponsor under par. (a) shall sign and verify on the application that the person under 18 years of age is enrolled in a school program or high school equivalency program and is not a habitual truant as defined in s. 118.16 (1) (a), has graduated from high school or been granted a declaration of high school graduation equivalency or is enrolled in a home-based private educational program, as defined in s. 115.001 (3g).

(2) (a) In this subsection, "custody" does not mean joint legal custody as defined in s. 767.001 (1s).

(b) Any negligence or wilful misconduct of a person under the age of 18 years when operating a motor vehicle upon the highways is imputed to the parents where both have custody and either parent signed as sponsor, otherwise, it is imputed to the adult sponsor who signed the application for such person's license. The parents or the adult sponsor is jointly and severally liable with such operator for any damages caused by such negligent or wilful misconduct.

(3) Any adult who signed the application of a person under the age of 18 years for a license may thereafter file with the department a verified written request that the license of such minor be canceled. Within 10 days after the receipt of such request the department shall cancel the license. When the license has been so canceled, the adult who signed the application and the parents or guardian of such minor is relieved from the liability which otherwise would be imposed under sub. (2) by reason of having signed such application, or being a parent or guardian, insofar as any neg-

ligence or wilful misconduct on the part of the minor while operating a motor vehicle subsequent to the cancellation concerned.

(4) (a) The department may issue a license to a person who is under 18 years of age even though an adult sponsor has not signed the application for license if such person is in one of the classes specified in this paragraph or in a substantially similar class specified by the department by rule and if a certificate of insurance to the effect that such person is covered by a motor vehicle policy of liability insurance meeting the requirements of s. 344.33 has been filed with the department. Such policy may be canceled or terminated only after notice as provided in s. 344.34.

1. A person who does not have a living parent.

2. A person who does not reside with his or her parents and who is a full-time student or earning a living.

3. A person who is a ward of the state, county or court and who has been placed in a foster home or a treatment foster home or in the care of a religious welfare service.

4. A person who is married and whose spouse is under 18 years of age.

(b) A person who is not required to have an adult sponsor under par. (a) shall sign and verify on the application that he or she is enrolled in a school program or high school equivalency program and is not a habitual truant as defined in s. 118.16 (1) (a), has graduated from high school or been granted a declaration of high school graduation equivalency or is enrolled in a home-based private educational program, as defined in s. 115.001 (3g).

(5) When a citation for a moving traffic violation, under chs. 341 to 349 or under a local ordinance in conformity therewith, is issued to or a notice of revocation under s. 351.027 is sent to a person who is under 18 years of age and required to have a sponsor under this section, the issuing or filing agency shall, within 7 days, notify the person's sponsor or parents of the violation or notice. When the secretary suspends or revokes the operating privilege of a person who is under 18 years of age and who possesses a license and who is required to have a sponsor under this section or when the secretary receives notice that a court has suspended or revoked the operating privilege of such a person, the secretary shall, within 14 days after the suspension or revocation or receipt of the notice of suspension or revocation by the court, respectively, notify the person's sponsor or parents of the suspension or revocation.

History: 1971 c. 45; 1971 c. 213 s. 5; 1971 c. 223; 1973 c. 90; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 273; 1979 c. 215, 333, 338, 355; 1985 a. 71; 1987 a. 355; 1989 a. 105, 244; 1993 a. 162, 363, 446, 491; 1995 a. 100.

Summary judgment in favor of an insurer was properly denied when the basis for the insured's liability was sponsorship of driver's license and the policy excluded vehicles used in any business or occupation of any insured, because the son was not an insured and the truck was not being used in the business or occupation of the father. *Biesiadny v. Henningfeld*, 65 W (2d) 88, 221 NW (2d) 690.

Prieringer release of minor did not bar plaintiff's action under (2) against sponsor. *Swanigan v. State Farm Ins. Co.* 99 W (2d) 179, 299 NW (2d) 234 (1980).

Prieringer release of minor barred action under (2) against sponsor by nonsettling defendants. *Jackson v. Ozaukee County*, 111 W (2d) 462, 331 NW (2d) 338 (1983).

Stepmother who signed application as sponsor was "parent" under this section. *Ynocencio v. Fesko*, 114 W (2d) 391, 338 NW (2d) 461 (1983).

Sub. (2) is constitutional. *Mikaelian v. Woyak*, 121 W (2d) 581, 360 NW (2d) 706 (Ct. App. 1984).

Evidence of sponsors' wealth is not admissible for purposes of assessing punitive damages against underage driver; however, under vicarious liability doctrine, sponsor is liable for payment. *Franz v. Brennan*, 150 W (2d) 1, 440 NW (2d) 562 (1989).

The suspension of a minor's license does not relieve the sponsoring adult from liability if after suspension of the license the minor, while operating without a license, causes injury. Relief from liability can only be had by applying for cancellation of the license under sub. (3). *Johnson v. Schlitt*, 211 W (2d) 830, 565 NW (2d) 305 (Ct. App. 1997).

343.16 Examination of applicants; reexamination of licensed persons. (1) **REQUIRED TESTING OF KNOWLEDGE AND DRIVING SKILLS.** (a) *General.* The department shall examine every applicant for an operator's license, including applicants for license renewal as provided in sub. (3), and every applicant for authorization to operate a vehicle class or type for which the applicant does not hold currently valid authorization, other than an instruction permit. Except as provided in sub. (2) (cm) and (e), the examinations of applicants for licenses authorizing operation of "Class A", "Class B", "Class C", "Class D" or "Class M"

(b) If a court imposes suspension of a person's operating privilege under s. 125.07 (4) (c) or 938.344 (2), (2b) or (2d), the suspension imposed shall be one of the following:

1. For a first violation, suspension for 30 to 90 days.
2. For a violation committed within 12 months of a previous violation, suspension for not more than one year.
3. For a violation committed within 12 months of 2 or more previous violations, revocation for not more than 2 years.

NOTE: Subd. 3. is amended eff. 5-1-2000 or the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under s. 85.515, whichever is earlier, by 1997 Wis. Act 84 to read:

3. For a violation committed within 12 months of 2 or more previous violations, suspension for not more than 2 years.

(bm) If the court imposes a suspension of a person's operating privilege under s. 125.085 (3) (bd), the suspension shall be for 30 to 90 days.

(c) Except as provided by par. (d), the suspension or revocation of the operating privilege under this subsection shall commence on the date of disposition.

NOTE: Par. (c) is amended eff. 5-1-2000 or the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under s. 85.515, whichever is earlier, by 1997 Wis. Act 84 to read:

(c) Except as provided by par. (d), the suspension of the operating privilege under this subsection shall commence on the date of disposition.

(d) If the person subject to suspension or revocation under this subsection does not hold a valid license under this chapter other than a license under s. 343.07 or 343.08 on the date of disposition, the suspension or revocation under par. (b) shall commence on the date that such a license would otherwise be reinstated or issued after the person applies and qualifies for issuance or 2 years from the date of disposition, whichever occurs first.

NOTE: Par. (d) is amended eff. 5-1-2000 or the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under s. 85.515, whichever is earlier, by 1997 Wis. Act 84 to read:

(d) If the person subject to suspension under this subsection does not hold a valid license under this chapter other than a license under s. 343.07 or 343.08 on the date of disposition, the suspension under par. (b) shall commence on the date that such a license would otherwise be reinstated or issued after the person applies and qualifies for issuance or 2 years from the date of disposition, whichever occurs first.

(e) If a court suspends or revokes an operating privilege or license under this subsection, it shall immediately take possession of the license and forward it to the department, together with notice of the suspension or revocation.

NOTE: Par. (e) is repealed eff. 5-1-2000 or the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under s. 85.515, whichever is earlier.

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; s. 13.93 (2) (c).

Section 343.30 (5) does not preclude the suspension of operating privileges by a municipal court under s. 800.09 or 800.095. City of Milwaukee v. Kilgore, 193 W (2d) 168, 532 NW (2d) 690 (1995).

Suspension or revocation of operating privilege under (1) applies to both the regular driver's license and to the chauffeur's license. 63 Atty. Gen. 240.

343.303 Preliminary breath screening test. If a law enforcement officer has probable cause to believe that the person is violating or has violated s. 346.63 (1) or (2m) or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25 or s. 940.09 where the offense involved the use of a vehicle, or if the officer detects any presence of alcohol, a controlled substance, controlled substance analog or other drug, or a combination thereof, on a person driving or operating or on duty time with respect to a commercial motor vehicle or has reason to believe that the person is violating or has violated s. 346.63 (7) or a local ordinance in conformity therewith, the officer, prior to an arrest, may request the person to provide a sample of his or her breath for a preliminary breath screening test using a device approved by the department for this purpose. The result of this preliminary breath screening test may be used by the law enforcement officer for the purpose of deciding whether or not the person shall be arrested for a violation of s. 346.63 (1), (2m), (5) or (7) or a local ordinance

in conformity therewith, or s. 346.63 (2) or (6), 940.09 (1) or 940.25 and whether or not to require or request chemical tests as authorized under s. 343.305 (3). The result of the preliminary breath screening test shall not be admissible in any action or proceeding except to show probable cause for an arrest, if the arrest is challenged, or to prove that a chemical test was properly required or requested of a person under s. 343.305 (3). Following the screening test, additional tests may be required or requested of the driver under s. 343.305 (3). The general penalty provision under s. 939.61 (1) does not apply to a refusal to take a preliminary breath screening test.

History: 1981 c. 20; 1985 a. 32 s. 3; 1985 a. 337; 1987 a. 3; 1989 a. 105; 1991 a. 277; 1995 a. 448.

Prosecutor's statement that defendant failed preliminary breath test under s. 343.305 (2) (a), 1975 stats. [now s. 343.303] was improper, but evidence that defendant refused to take breathalyzer test was relevant and constitutionally admissible. State v. Albright, 98 W (2d) 663, 298 NW (2d) 196 (Ct. App. 1980).

Preliminary breath test result is not determinative of probable cause to arrest for driving while intoxicated; low test result does not void grounds for arrest. Dane County v. Sharpee, 154 W (2d) 515, 453 NW (2d) 508 (Ct. App. 1990).

The bar of preliminary breath tests under this section is limited to proceedings related to arrests for intoxication under this statute including those related to motor vehicles and intoxication. State v. Beaver, 181 W (2d) 959, 512 NW (2d) 254 (Ct. App. 1994).

343.305 Tests for intoxication; administrative suspension and court-ordered revocation. (1) DEFINITIONS. In this section:

(b) "Drive" means the exercise of physical control over the speed and direction of a motor vehicle while it is in motion.

(c) "Operate" means the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.

(2) IMPLIED CONSENT. Any person who is on duty time with respect to a commercial motor vehicle or drives or operates a motor vehicle upon the public highways of this state, or in those areas enumerated in s. 346.61, is deemed to have given consent to one or more tests of his or her breath, blood or urine, for the purpose of determining the presence or quantity in his or her blood or breath, of alcohol, controlled substances, controlled substance analogs or other drugs, or any combination of alcohol, controlled substances, controlled substance analogs and other drugs, when requested to do so by a law enforcement officer under sub. (3) (a) or (am) or when required to do so under sub. (3) (b). Any such tests shall be administered upon the request of a law enforcement officer. The law enforcement agency by which the officer is employed shall be prepared to administer, either at its agency or any other agency or facility, 2 of the 3 tests under sub. (3) (a) or (am), and may designate which of the tests shall be administered first.

(3) REQUESTED OR REQUIRED. (a) Upon arrest of a person for violation of s. 346.63 (1), (2m) or (5) or a local ordinance in conformity therewith, or for a violation of s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, a law enforcement officer may request the person to provide one or more samples of his or her breath, blood or urine for the purpose specified under sub. (2). Compliance with a request for one type of sample does not bar a subsequent request for a different type of sample.

(am) Prior to arrest, a law enforcement officer may request the person to provide one or more samples of his or her breath, blood or urine for the purpose specified under sub. (2) whenever a law enforcement officer detects any presence of alcohol, a controlled substance, a controlled substance analog or other drug, or a combination thereof, on a person driving or operating or on duty time with respect to a commercial motor vehicle or has reason to believe the person is violating or has violated s. 346.63 (7). Compliance with a request for one type of sample does not bar a subsequent request for a different type of sample. For the purposes of this paragraph, "law enforcement officer" includes inspectors in the performance of duties under s. 110.07 (3).

(b) A person who is unconscious or otherwise not capable of withdrawing consent is presumed not to have withdrawn consent

under this subsection, and if a law enforcement officer has probable cause to believe that the person has violated s. 346.63 (1), (2m) or (5) or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, or detects any presence of alcohol, controlled substance, controlled substance analog or other drug, or a combination thereof, on a person driving or operating or on duty time with respect to a commercial motor vehicle or has reason to believe the person has violated s. 346.63 (7), one or more samples specified in par. (a) or (am) may be administered to the person.

(c) This section does not limit the right of a law enforcement officer to obtain evidence by any other lawful means.

(4) INFORMATION. At the time that a chemical test specimen is requested under sub. (3) (a) or (am), the law enforcement officer shall read the following to the person from whom the test specimen is requested:

"You have either been arrested for an offense that involves driving or operating a motor vehicle while under the influence of alcohol or drugs, or both, or you are suspected of driving or being on duty time with respect to a commercial motor vehicle after consuming an intoxicating beverage.

This law enforcement agency now wants to test one or more samples of your breath, blood or urine to determine the concentration of alcohol or drugs in your system. If any test shows more alcohol in your system than the law permits while driving, your operating privilege will be suspended. If you refuse to take any test that this agency requests, your operating privilege will be revoked and you will be subject to other penalties. The test results or the fact that you refused testing can be used against you in court.

If you take all the requested tests, you may choose to take further tests. You may take the alternative test that this law enforcement agency provides free of charge. You also may have a test conducted by a qualified person of your choice at your expense. You, however, will have to make your own arrangements for that test.

If you have a commercial driver license or were operating a commercial motor vehicle, other consequences may result from positive test results or from refusing testing, such as being placed out of service or disqualified."

(5) ADMINISTERING THE TEST; ADDITIONAL TESTS. (a) If the person submits to a test under this section, the officer shall direct the administering of the test. A blood test is subject to par. (b). The person who submits to the test is permitted, upon his or her request, the alternative test provided by the agency under sub. (2) or, at his or her own expense, reasonable opportunity to have any qualified person of his or her own choosing administer a chemical test for the purpose specified under sub. (2). If the person has not been requested to provide a sample for a test under sub. (3) (a) or (am), the person may request a breath test to be administered by the agency or, at his or her own expense, reasonable opportunity to have any qualified person administer any test specified under sub. (3) (a) or (am). The failure or inability of a person to obtain a test at his or her own expense does not preclude the admission of evidence of the results of any test administered under sub. (3) (a) or (am). If a person requests the agency to administer a breath test and if the agency is unable to perform that test, the person may request the agency to perform a test under sub. (3) (a) or (am) that it is able to perform. The agency shall comply with a request made in accordance with this paragraph.

(b) Blood may be withdrawn from the person arrested for violation of s. 346.63 (1), (2), (2m), (5) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, or a local ordinance in conformity with s. 346.63 (1), (2m) or (5), or as provided in sub. (3) (am) or (b) to determine the presence or quantity of alcohol, a controlled substance, a controlled substance analog or any other drug, or any combination of alcohol, controlled substance, controlled substance analog and any other drug in the blood only by a physician, registered nurse, medical technologist,

physician assistant or person acting under the direction of a physician.

(c) A person acting under par. (b), the employer of any such person and any hospital where blood is withdrawn by any such person have immunity from civil or criminal liability under s. 895.53.

(d) At the trial of any civil or criminal action or proceeding arising out of the acts committed by a person alleged to have been driving or operating a motor vehicle while under the influence of an intoxicant, a controlled substance, a controlled substance analog or any other drug, or under the influence of any combination of alcohol, a controlled substance, a controlled substance analog and any other drug, to a degree which renders him or her incapable of safely driving, or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely driving, or having a prohibited alcohol concentration, or alleged to have been driving or operating or on duty time with respect to a commercial motor vehicle while having an alcohol concentration above 0.0 or possessing an intoxicating beverage, regardless of its alcohol content, or within 4 hours of having consumed or having been under the influence of an intoxicating beverage, regardless of its alcohol content, or of having an alcohol concentration of 0.04 or more, the results of a test administered in accordance with this section are admissible on the issue of whether the person was under the influence of an intoxicant, a controlled substance, a controlled substance analog or any other drug, or under the influence of any combination of alcohol, a controlled substance, a controlled substance analog and any other drug, to a degree which renders him or her incapable of safely driving or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely driving or any issue relating to the person's alcohol concentration. Test results shall be given the effect required under s. 885.235.

(6) REQUIREMENTS FOR TESTS. (a) Chemical analyses of blood or urine to be considered valid under this section shall have been performed substantially according to methods approved by the laboratory of hygiene and by an individual possessing a valid permit to perform the analyses issued by the department of health and family services. The department of health and family services shall approve laboratories for the purpose of performing chemical analyses of blood or urine for alcohol, controlled substances or controlled substance analogs and shall develop and administer a program for regular monitoring of the laboratories. A list of approved laboratories shall be provided to all law enforcement agencies in the state. Urine specimens are to be collected by methods specified by the laboratory of hygiene. The laboratory of hygiene shall furnish an ample supply of urine and blood specimen containers to permit all law enforcement officers to comply with the requirements of this section.

(b) The department of transportation shall approve techniques or methods of performing chemical analysis of the breath and shall:

1. Approve training manuals and courses throughout the state for the training of law enforcement officers in the chemical analysis of a person's breath;
2. Certify the qualifications and competence of individuals to conduct the analysis;
3. Have trained technicians, approved by the secretary, test and certify the accuracy of the equipment to be used by law enforcement officers for chemical analysis of a person's breath under sub. (3) (a) or (am) before regular use of the equipment and periodically thereafter at intervals of not more than 120 days; and
4. Issue permits to individuals according to their qualifications.

(c) For purposes of this section, if a breath test is administered using an infrared breath-testing instrument:

1. The test shall consist of analyses in the following sequence: one adequate breath sample analysis, one calibration standard analysis, and a 2nd, adequate breath sample analysis.

2. A sample is adequate if the instrument analyzes the sample and does not indicate the sample is deficient.

3. Failure of a person to provide 2 separate, adequate breath samples in the proper sequence constitutes a refusal.

(d) The department of transportation may promulgate rules pertaining to the calibration and testing of preliminary breath screening test devices.

(e) 1. In this paragraph, "licensor" means the department of health and family services or, with respect to permits issued under par. (b) 4., the department of transportation.

2. In addition to any other information required by the licensor, an application for a permit or laboratory approval under this subsection shall include the following:

a. In the case of an individual, the individual's social security number.

b. In the case of a person who is not an individual, the person's federal employer identification number.

3. a. The licensor shall deny an application for the issuance or, if applicable, renewal of a permit or laboratory approval if the information required under subd. 2. a. or b. is not included in the application.

b. The licensor may not disclose any information received under subd. 2. a. or b. except to the department of industry, labor and job development [department of workforce development] for purposes of administering s. 49.22 or the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

NOTE: The department of industry, labor and job development was changed to the department of workforce development by 1997 Wis. Act 3. Corrective legislation is pending.

4. A permit under this subsection shall be denied, restricted, limited or suspended if the applicant or licensee is an individual who is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857.

5. If the licensor is the department of health and family services, the department of health and family services shall deny an application for the issuance or renewal of a permit or laboratory approval, or revoke a permit or laboratory approval already issued, if the department of revenue certifies under s. 73.0301 that the applicant or holder of the permit or laboratory approval is liable for delinquent taxes. An applicant for whom a permit or laboratory approval is not issued or renewed, or an individual or laboratory whose permit or laboratory approval is revoked, under this subdivision for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this subsection.

(7) CHEMICAL TEST; ADMINISTRATIVE SUSPENSION. (a) If a person submits to chemical testing administered in accordance with this section and any test results indicate a prohibited alcohol concentration, the law enforcement officer shall report the results to the department and take possession of the person's license and forward it to the department. The person's operating privilege is administratively suspended for 6 months.

(b) If a person who was driving or operating or on duty time with respect to a commercial motor vehicle submits to chemical testing administered in accordance with this section and any test results indicate an alcohol concentration above 0.0, the law enforcement officer may take possession of the person's license and retain the license for 24 hours. The person may reclaim a seized license in person or request return of the license by mail. The law enforcement officer shall issue a citation for violation of s. 346.63 (7) (a) 1., issue citations for such other violations as may apply and issue an out-of-service order to the person for the 24 hours after the testing, and report both the out-of-service order and the test results to the department in the manner prescribed by the department. If the person is a nonresident, the department

shall report issuance of the out-of-service order to the driver licensing agency in the person's home jurisdiction.

(8) CHEMICAL TEST; ADMINISTRATIVE SUSPENSION; ADMINISTRATIVE AND JUDICIAL REVIEW. (a) The law enforcement officer shall notify the person of the administrative suspension under sub. (7) (a). The notice shall advise the person that his or her operating privilege will be administratively suspended and that he or she has the right to obtain administrative and judicial review under this subsection. This notice of administrative suspension serves as a 30-day temporary license. An administrative suspension under sub. (7) (a) becomes effective at the time the 30-day temporary license expires. The officer shall submit or mail a copy of the notice to the department.

(am) The law enforcement officer shall provide the person with a separate form for the person to use to request the administrative review under this subsection. The form shall clearly indicate how to request an administrative review and shall clearly notify the person that this form must be submitted within 10 days from the notice date indicated on the form or the person's hearing rights will be deemed waived. The form shall, in no less than 16-point boldface type, be titled: IMPORTANT NOTICE — RESPOND WITHIN TEN (10) DAYS.

(b) 1. Within 10 days after the notification under par. (a), or, if the notification is by mail, within 13 days, excluding Saturdays, Sundays and holidays, after the date of the mailing, the person may request, in writing, that the department review the administrative suspension. The review procedure is not subject to ch. 227. The department shall hold the hearing on the matter in the county in which the offense allegedly occurred or at the nearest office of the department if the offense allegedly occurred in a county in which the department does not maintain an office. The department shall hold a hearing regarding the administrative suspension within 30 days after the date of notification under par. (a). The person may present evidence and may be represented by counsel. The arresting officer need not appear at the administrative hearing unless subpoenaed under s. 805.07, but he or she must submit a copy of his or her report and the results of the chemical test to the hearing examiner.

2. The administrative hearing under this paragraph is limited to the following issues:

a. The correct identity of the person.

b. Whether the person was informed of the options regarding tests under this section as required under sub. (4).

bm. Whether the person had a prohibited alcohol concentration at the time the offense allegedly occurred.

c. Whether one or more tests were administered in accordance with this section.

d. If one or more tests were administered in accordance with this section, whether each of the test results for those tests indicate the person had a prohibited alcohol concentration.

e. Whether probable cause existed for the arrest.

f. Whether the person was driving or operating a commercial motor vehicle when the offense allegedly occurred.

3. The hearing examiner shall conduct the administrative hearing in an informal manner. No testimony given by any witness may be used in any subsequent action or proceeding. The hearing examiner may permit testimony by telephone if the site of the administrative hearing is equipped with telephone facilities to allow multiple party conversations.

4. The hearing examiner shall consider and determine the reliability of all of the evidence presented at the administrative hearing. Statements and reports of law enforcement officers are subject to the same standards of credibility applied to all other evidence presented.

5. If the hearing examiner finds that the criteria for administrative suspension have not been satisfied or that the person did not have a prohibited alcohol concentration at the time the offense

LICENSING OF DRIVER SCHOOLS AND INSTRUCTORS

343.60 Definitions. In ss. 343.60 to 343.73:

(1) "Driver school" means the business of giving instruction, for compensation, in the driving of motor vehicles, except that it does not include a high school or technical college which teaches driver training as part of its regular school program and whose course of study in driver training has been approved by the department of public instruction or technical college system board and it does not include an institution of higher learning which teaches driver training as part of its teacher training program.

(2) "Fraudulent practices" includes, but is not limited to:

(a) Any conduct or representation tending to give the impression that a license to operate a motor vehicle or any other license, registration or service granted by the secretary or department may be obtained by any means other than the means prescribed by law or by furnishing or obtaining the same by illegal or improper means; or

(b) The requesting, accepting, exacting or collecting of money for such purpose.

(3) "Instructor" means any person who gives instruction in the driving of a motor vehicle, except a person who is employed as a full time instructor by a high school, technical college or institution of higher learning as provided in sub. (1).

(4) "Place of business" means the location at which the driver school is conducted.

History: 1971 c. 154 s. 79 (2); 1977 c. 29 s. 1654 (7) (a), (c); 1983 a. 189; 1993 a. 399; 1995 a. 27 s. 9145 (1); 1997 a. 27.

343.61 License required for driver school; fee. (1) No person shall conduct a driver school without being licensed therefor by the department.

(2) (a) Application for a driver school license shall be made in the form and manner prescribed by the department, shall contain such information as is required by the department and shall be accompanied by the required fee. An application shall include the following:

1. In the case of an individual, the individual's social security number.

2. In the case of a person who is not an individual, the person's federal employer identification number.

(b) The department of transportation may not disclose any information received under par. (a) 1. or 2. to any person except to the department of industry, labor and job development [department of workforce development] for purposes of administering s. 49.22 or the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

NOTE: The department of industry, labor and job development was changed to the department of workforce development by 1997 Wis. Act 3. Corrective legislation is pending.

(3) The required fee for any driver school license, or for any annual renewal thereof, is \$75 or, for licenses issued or renewed after August 31, 1998, \$95.

(4) If the application for a driver school license is approved by the department and the required fee paid, the applicant shall be granted a license and shall be issued a license certificate. The licensee shall display such certificate in the licensee's place of business.

(5) A driver school license expires at the end of the calendar year, for which it is granted.

(6) No driver school may be licensed unless its approved course of instruction acquaints each student with the hazards posed by farm machinery and animals on highways and provides instruction in safely dealing with such hazards.

History: 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 273; 1989 a. 31; 1993 a. 455; 1997 a. 27, 191, 237.

343.62 License required for instructor; fee. (1) No person holding a driver school license shall employ any person as an

instructor unless such person is licensed by the department to act as such instructor. No person, including the person holding the driver school license, shall act as an instructor in such school unless such person is licensed by the department to act as such instructor.

(2) (a) Application for an instructor's license shall be made in the form and manner prescribed by the department, shall contain such information as is required by the department and shall be accompanied by the required fee. The application shall include the applicant's social security number.

(b) The department of transportation may not disclose a social security number obtained under par. (a) to any person except to the department of workforce development for the sole purpose of administering s. 49.22 or the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

(3) The required fee for any instructor's license, or for any annual renewal thereof, is \$25.

History: 1977 c. 29 s. 1654 (7) (e); 1989 a. 31; 1997 a. 27, 191, 237.

343.63 Examination of applicants for instructor's license. All applicants for an original instructor's license shall be examined, and other applicants may be examined, by the department as follows:

(1) A written and oral test shall be completed by the applicant and shall be designed to evaluate the applicant's knowledge of instruction procedures, motor vehicle and traffic laws, safety equipment requirements and functions of essential automotive equipment. The applicant must receive a score of at least 80 per cent.

(2) The applicant must pass a road test not less than 5 miles long, which shall include driving maneuvers and parking involved in typical traffic situations. The passing score of the applicant must exceed the minimum standard set for obtaining an operator's license by the state.

(3) Except for an applicant for an instructor's license which is restricted to classroom instruction, the applicant must pass a psychophysical test with the following grades:

(a) Visual acuity - 20/40 in either eye and at least 20/100 in the other eye, with or without corrective glasses, as measured in the Snellen type test;

(b) Color perception - ability to perceive and distinguish colors commonly used to regulate and control traffic;

(c) Depth perception - 20 per cent stereopsis, using the orthorater depth perception test built into the road sign identification target.

(d) Field of vision - lateral range of at least 85 per cent or more from a focus line to each eye;

(e) Reaction time - at least 50/100 second, using portable brake reaction test, or 75/100 second when using detonator method; and

(f) Hearing - adequate hearing with or without corrective help.

(4) The applicant shall submit with his or her application a statement completed by a registered physician showing that in the physician's judgment the applicant is physically fit to teach driving.

(5) Except for a license which is restricted to classroom instruction, no license shall be issued to an applicant who has suffered an amputation or loss of the full use of either upper limb or loss of the natural use of the foot normally employed to operate the foot brake and foot accelerator.

(5m) The department may issue an instructor's license which is restricted to classroom instruction to an applicant who does not otherwise qualify for a license because of a test result under sub. (3) or because the applicant has suffered an amputation or loss of the full use of either upper limb or loss of the natural use of the foot normally employed to operate the foot brake and foot accelerator, as specified in sub. (5).



Wisconsin Department of Transportation
Office of General Counsel



MEMORANDUM

FILE COPY

To: Roger Cross, Administrator-DMV
From: Joe Massen, Office of General Counsel
Date: November 2, 1993
Subject: Social Security Numbers

QUESTION

You have asked if Social Security Numbers collected by the Wisconsin Department of Transportation (WisDOT) pursuant to sec. 343.14 (2)(b), Wis. Stats., and 42 USCS s. 405 (c) (2)(C), are solely for use by DOT, and if not, when may they be shared or released?

DISCUSSION

At best, the law regarding release/sharing of Social Security Numbers is unclear. The Social Security Act, 42 USCS s. 405, (c)(2)(C)(i), says:

"any State may, in the administration of any...driver's license, or motor vehicle registration law within its jurisdiction, utilize the social security account numbers...for the purpose of identification of individuals affected by such law, and may require any individual who is or appears to be so affected to furnish to such State or any agency thereof having administrative responsibility for the law involved, the social security account number issued to him/[her] by the Secretary."

The Social Security Act also says that an agency which did not use the social security number for identification under a law or regulation adopted before January 1, 1975, may require an individual to disclose his or her social security number to such agency "for the purpose of responding to requests for information from an agency operating pursuant to the provisions of part A or D of title IV of the Social Security Act [42 USCS ss. 601 et seq., 651 et seq.]" (Emphasis added) See. 42 USCS 405(c)(2)(C)(iii). Parts A and D of title IV of the Social Security Act cover the following: Part A, Aid To Families With Dependent Children; Part D, Child Support And Establishment Of Paternity.

Sec. 343.14 (2)(b), Wis. Stats., was amended in 1989 Wisconsin Act 105 to include the requirement that a person supply his/her social security number when that person makes application for a driver license or identification card issued under sec. 343.14, Stats. Thus, the Wisconsin statutory language requiring provision of the social security number for driver

licensing purposes became effective after January 1, 1975.

Under the Social Security Act, the Privacy Act and possibly other federal laws it is unclear what an agency like WisDOT may or may not do with the social security number information it collects for driver licensing purposes. I believe the language in the Social Security Act is implicit enough to allow WisDOT to respond to requests for sharing social security information when requested to do so by another state agency that is operating pursuant to the Aid For Dependent Children or Child Support and Establishment of Paternity provisions of the Social Security Act. Prior to sharing or providing the social security information, WisDOT should obtain written verification that the information is being sought for the purpose of administering the above referenced Social Security Act provisions.

If there are other State, Federal or local governmental agencies, or individuals who seek routine access to social security number information kept by WisDOT, I believe, given the uncertainty about access, those respective entities should provide WisDOT with satisfactory legal authority establishing their right to access the data. Some may argue that the social security number information should be available under Wisconsin's Open Records Law. While I acknowledge that under the Wisconsin Law there is a presumption in favor of access, I am not convinced that the various federal laws dealing with social security numbers would permit access. Of course, WisDOT should respond to a court order.



Wisconsin Department of Transportation
Office of General Counsel



MEMORANDUM

To: Roger Cross, Administrator-DMV
From: Joe Massen, Office of General Counsel
Date: November 2, 1993
Subject: Social Security Numbers

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DISCUSSION

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The Social Security Act also says that an agency which did not use the social security number for identification under a law or regulation adopted before January 1, 1975, may require an individual to disclose his or her social security number to such agency "for the purpose of responding to requests for information from an agency operating pursuant to the provisions of part A or D of title IV of the Social Security Act [42 USCS ss. 601 et seq., 651 et seq.]" (Emphasis added) See. 42 USCS 405(c)(2)(C)(iii). Parts A and D of title IV of the Social Security Act cover the following: Part A, Aid To Families With Dependent Children; Part D, Child Support And Establishment Of Paternity.

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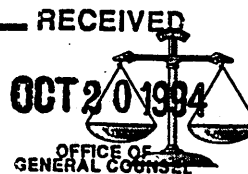
licensing purposes became effective after January 1, 1975.

Under the Social Security Act, the Privacy Act and possibly other federal laws it is unclear what an agency like WisDOT may or may not do with the social security number information it collects for driver licensing purposes. I believe the language in the Social Security Act is implicit enough to allow WisDOT to respond to requests for sharing social security information when requested to do so by another state agency that is operating pursuant to the Aid For Dependent Children or Child Support and Establishment of Paternity provisions of the Social Security Act. Prior to sharing or providing the social security information, WisDOT should obtain written verification that the information is being sought for the purpose of administering the above referenced Social Security Act provisions.

If there are other State, Federal or local governmental agencies, or individuals who seek routine access to social security number information kept by WisDOT, I believe, given the uncertainty about access, those respective entities should provide WisDOT with satisfactory legal authority establishing their right to access the data. Some may argue that the social security number information should be available under Wisconsin's Open Records Law. While I acknowledge that under the Wisconsin Law there is a presumption in favor of access, I am not convinced that the various federal laws dealing with social security numbers would permit access. Of course, WisDOT should respond to a court order.



Wisconsin Department of Transportation
Office of General Counsel



MEMORANDUM

To: Terry Mulcahy, Deputy Secretary

From: *JM* Joe Maassen, Deputy General Counsel

Date: October 7, 1994

Subject: Department of Revenue Access to DMV Driver and Registration Files

10/10/94
Joe
- Good Summary
Re work w/ DMV
to develop an agreement
Terry

QUESTION

You have asked whether the Wisconsin Department of Revenue (DOR) may access motor vehicle registration and driver record information on individuals by providing the Department of Transportation (WisDOT) with social security numbers of delinquent taxpayers.

SHORT ANSWER

Yes.

DISCUSSION

In November of 1993, I drafted a memorandum on access to social security number information held by WisDOT (Attached). In that memo I acknowledged that the law regarding release/sharing of social security number information was anything but clear. Ultimately, I concluded that provision by WisDOT of vehicle registration and driver record social security number information should be limited to agencies responsible for providing Aid To Families With Dependent Children and Child Support And Establishment Of Paternity. I also recommended that others seeking access to this social security information be required to establish a legal right to access.

This is a different situation. DOR is not requesting access to social security number information obtained by WisDOT for driver license and vehicle registration purposes. Instead, DOR will provide social security number information to WisDOT, and will ask WisDOT to provide personal identifier information corresponding to that social security number information. Under current Wisconsin law anyone is able to obtain personal identifier information in WisDOT files, thus this is little more than a method of achieving what is already authorized by law.

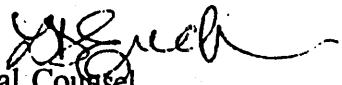
One concern that needs addressing is what does WisDOT do if other government or non-government entities offer to provide social security number lists to run against WisDOT files? There, I think the answer could be different. The difference hinges on the fact that 42 United States Code s. 405(c)(2)(C) (i) & (v) authorize utilization of social security number information for the purpose of administering tax law, which presumptively is what DOR is doing.

Attachments.

MEMORANDUM-----State of Wisconsin

DATE: May 13, 1991

TO: Bev Shaw
Division of Motor Vehicles

FROM: Leslyn Erickson 
Office of General Counsel

RE: DEPARTMENT OF REVENUE REQUEST FOR ACCESS TO WISDOT
DRIVING RECORD SOCIAL SECURITY NUMBERS OGC 89-188

The Bureau of Driver Licensing asked whether they may provide an applicant's social security number (SSN) to the Wisconsin Department of Revenue upon request without previously informing the applicant. As noted in the request for legal service, the federal Privacy Act requires such prior notification to SSN holders.

The answer to this question is NO. The Bureau of Driver Licensing may require the SSN of applicants, but may use this information solely for the purpose of administering the state's driver licensing and motor vehicle laws.

42 USC § 405(2)(C)(i), (ii) and (iii) allows state agencies to collect social security numbers from individuals to use in administering certain programs, but specifically in sub. (iii) requires that an agency of the state charged with administering any driver's license or motor vehicle registration law solely for the purpose of administering those laws. (Although sub. (i) also authorizes state agencies to use SSN's to administer tax laws, the Wisconsin Department of Transportation does not administer general tax revenue programs and arguably then is not authorized to collect SSN's for that purpose.)

The Department of Transportation is aware of the concern that many people have about disclosing their social security numbers, and has taken the position that SSN's will be treated as confidential information not subject to disclosure under the Wisconsin open records law.

cc: Joyce Gelderman
Joe Maassen ✓

agency under s. 59.53 (5) and relating to paternity or child support proceedings, as required in a memorandum of understanding under s. 49.857.

SECTION 287. 301.45 (7) (a) of the statutes, as affected by 1995 Wisconsin Act 440, is amended to read:

301.45 (7) (a) The department shall maintain information provided under sub. (2). The department shall keep the information confidential except as provided in s. 301.46 and, except as needed for law enforcement purposes and except to provide, in response to a request for information under s. 49.22 (2m) made by the department of workforce development or a county child support agency under s. 59.53 (5), the name and address of an individual registered under this section, the name and address of the individual's employer and financial information related to the individual.

SECTION 288. 302.372 (2) (b) of the statutes is amended to read:

302.372 (2) (b) Before seeking any reimbursement under this section, the county shall provide a form to be used for determining the financial status of prisoners. The form shall provide for obtaining the social security number of the prisoner, the age and marital status of a prisoner, the number and ages of children of a prisoner, the number and ages of other dependents of a prisoner, the income of a prisoner, type and value of real estate owned by a prisoner, type and value of personal property owned by a prisoner, the prisoner's cash and financial institution accounts, type and value of the prisoner's investments, pensions and annuities and any other personalty of significant cash value owned by a prisoner. The county shall use the form whenever investigating the financial status of prisoners. The information on a completed form is confidential and not open to public inspection or copying under s. 19.35 (1), except that the county shall provide the name and address of an individual, the name and address of the individual's employer and financial information related to the individual from a form completed under this paragraph in response to a request for information under s. 49.22 (2m) made by the department of workforce development or a county child support agency under s. 59.53 (5).

SECTION 289. 341.51 (4) (am) of the statutes is created to read:

341.51 (4) (am) If the applicant is an individual, the social security number of the individual.

SECTION 290. 341.51 (4g) of the statutes is created to read:

341.51 (4g) (a) The department shall deny an application for the issuance or renewal of registration if an individual has not included his or her social security number in the application.

(b) The department of transportation may not disclose a social security number obtained under sub. (4) (am) to any person except to the department of workforce

development for the sole purpose of administering s. 49.22.

SECTION 291. 341.51 (4m) of the statutes is created to read:

341.51 (4m) A registration shall be denied, restricted, limited or suspended if the applicant or licensee is an individual who is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, or who fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857.

SECTION 292. 342.06 (1) (eg) of the statutes is created to read:

342.06 (1) (eg) If the applicant is an individual, the social security number of the applicant. The department of transportation may not disclose a social security number obtained under this paragraph to any person except to the department of workforce development for the sole purpose of administering s. 49.22.

SECTION 293. 342.10 (1) (bm) of the statutes is created to read:

342.10 (1) (bm) Notwithstanding s. 342.02 (2), if the applicant is named in a statewide support lien docket provided under s. 49.854 (2) (b), a notation stating "Per section 49.854 (2) of the Wisconsin Statutes, the state of Wisconsin has a lien on this vehicle for unpaid support."

SECTION 294. 343.14 (2j) of the statutes is created to read:

343.14 (2j) (a) Subject to any exceptions provided for in a memorandum of understanding entered into under s. 49.857 (2), the department shall deny an application for the issuance or renewal of a license if the applicant has not included his or her social security number in the application.

Except as otherwise required to administer and enforce this chapter, the department of transportation may not disclose a social security number obtained from an applicant for a license under sub. (2) (b) to any person except to the department of workforce development for the sole purpose of administering s. 49.22.

SECTION 295. 343.305 (6) (e) of the statutes is created to read:

343.305 (6) (e) 1. In this paragraph, "licensor" means the department, either the department of health and family services or the department of transportation, issuing a permit or laboratory approval under this subsection.

2. a. In addition to any other information required by a licensor, an application by an individual for a permit or laboratory approval under this subsection shall include the individual's social security number. The licensor

alized registration plates, the issuance of which is in compliance with the statutes. A person who fails to return personalized registration plates upon request of the department may be required to forfeit not more than \$200.

History: 1971 c. 164 s. 83; 1977 c. 29 ss. 1419, 1654 (7) (a); 1977 c. 129, 418; 1983 a. 126, 270, 511, 538; 1985 a. 120 ss. 223m, 3200; 1985 a. 202 ss. 10 to 14, 37; 1985 a. 210, 332; 1987 a. 112; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 329, 350; 1997 a. 27.

341.15 Display of registration plates. (1) Whenever 2 registration plates are issued for a vehicle, one plate shall be attached to the front and one to the rear of the vehicle. Whenever only one registration plate is issued for a vehicle, the plate shall be attached as follows:

(a) If the vehicle is a truck tractor or road tractor or a motor truck issued the plate under s. 341.405 (2), to the front.

(b) For any other vehicle for which only one plate is issued, to the rear, except that a plate issued to or for a municipality under s. 341.26 (2m) may be attached to the front of the vehicle if the design or use of the vehicle is such as to make a plate attached to the rear difficult to see and read.

(1m) (a) Except as provided in par. (b), any registration decal or tag issued by the department shall be placed on the rear registration plate of the vehicle in the manner directed by the department.

(b) Any registration decal or tag issued by the department for a truck tractor, road tractor or motor truck under sub. (1) (a) or for any other vehicle which may bear a registration plate attached to the front as provided in sub. (1) (b) shall be placed on the front registration plate of the vehicle in the manner directed by the department.

(2) Registration plates shall be attached firmly and rigidly in a horizontal position and conspicuous place. The plates shall at all times be maintained in a legible condition and shall be so displayed that they can be readily and distinctly seen and read. Any peace officer may require the operator of any vehicle on which plates are not properly displayed to display such plates as required by this section.

(3) Any of the following may be required to forfeit not more than \$200:

(a) A person who operates a vehicle for which a current registration plate, insert tag, decal or other evidence of registration has been issued without such plate, tag, decal or other evidence of registration being attached to the vehicle, except when such vehicle is being operated pursuant to a temporary operation permit or plate;

(b) A person who operates a vehicle with a registration plate attached in a non-rigid or non-horizontal manner or in an inconspicuous place so as to make it difficult to see and read the plate;

(c) A person who operates a vehicle with a registration plate in an illegible condition due to the accumulation of dirt or other foreign matter.

History: 1971 c. 278; 1981 c. 150; 1983 a. 258; 1985 a. 29; 1991 a. 239; 1993 a. 64; 1995 a. 128.

341.16 Issuance of replacement plate. (1) (a) Whenever a current registration plate is lost or destroyed, the owner of the vehicle to which the plate was attached shall immediately apply to the department for replacement. Except as provided in par. (b) and sub. (2m), upon satisfactory proof of the loss or destruction of the plate and upon payment of a fee of \$2 for each plate, the department shall issue a replacement.

(b) Upon satisfactory proof of the loss or destruction of a special plate issued under s. 341.14 (6m) (a) or (6r) (b) or a special personalized plate issued under s. 341.145 (1) (b) or (c) and upon payment of a fee of \$5 for each plate or, if the plate is for a special group specified under s. 341.14 (6r) (f) 35. to 47. or 53., \$6 for each plate, the department shall issue a replacement.

(2) Whenever a current registration plate becomes illegible, the owner of the vehicle to which the plate is attached shall apply to the department for a replacement. Except as provided in sub. (2m), upon receipt of satisfactory proof of illegibility, and upon

payment of a fee of \$2 for each plate, the department shall issue a replacement. Upon receipt of a replacement plate, the applicant shall destroy the illegible plate.

(2m) Upon request therefor and payment of a fee of \$10, the department may issue an applicant for replacement plates for an automobile registered pursuant to the registration system under s. 341.27 registration plates of the design specified in s. 341.13 for the plate issuance cycle next succeeding the cycle under which the original plates were issued. The department may limit the receipt of requests under this subsection to applicants for a renewal registration of a motor vehicle.

(3) When issuing a replacement plate, the department may assign a new number and issue a new plate rather than a duplicate of the original if in its judgment that is in the best interests of economy or prevention of fraud. Upon receipt of a replacement plate, the applicant shall destroy all plates replaced.

(4) Any person issued replacement plates who fails to destroy the original plates as required by sub. (2) or (3) may be required to forfeit not more than \$200.

(5) This section does not apply to plates issued pursuant to the law pertaining to the registration of dealers, distributors, manufacturers or transporters.

History: 1971 c. 278; 1975 c. 39, 199; 1977 c. 29 ss. 1421, 1654 (7) (a); 1977 c. 273; 1983 a. 511; 1985 a. 202 s. 37; 1985 a. 310; 1987 a. 112; 1989 a. 302; 1995 a. 445; 1997 a. 27.

341.17 Department to compile registration lists. (1) At intervals selected by the department, the department shall compile a list of registrations made during that interval pursuant to the system of registering automobiles under s. 341.27. The list shall give the name and address of each registrant, the registration number assigned, and other identifying information as the department deems necessary.

(2) The department shall compile a list by counties of new automobile and motor truck registrations. Registrations for other new vehicles may be included if deemed necessary by the department. Such lists shall be compiled at such intervals during the month as is deemed necessary by the department but the final list compiled each month shall include the listing of the last day of the month. Such list shall contain only those vehicles being registered for the first time after sale by a dealer. Such list shall contain the name and address of the owner, the make, body type, identification number of the vehicle, the dealer license number, if such dealer is registered in this state, and the date of sale.

(4) Upon request, the department shall distribute free of charge registration lists compiled under this section as follows:

(a) To each county clerk, one copy of each automobile registration list under sub. (1).

(c) To the sheriff of each county, one copy of each automobile registration list under sub. (1).

(d) To each chief of police, one copy of each automobile registration list under sub. (1).

(e) To each village clerk, one copy of each automobile registration list under sub. (1).

(g) To the department of revenue, the number of copies of each automobile registration list under sub. (1) as requested.

(5) Except as provided in sub. (9) (e), public officers and agencies receiving free copies of registration lists under sub. (4) shall keep such lists current and open to public inspection.

(6) The department shall sell subscriptions to the registration lists compiled under this section and may sell other registration information. In computing the charge to be made for subscriptions to the registration lists and for other registration information, the department shall determine the costs of compiling the lists and other information and shall fairly apportion the major share of those costs among the subscribers and other purchasers.

(7) The department may suspend the compilation and distribution of the registration lists during a period of national war emergency and while new registration numbers are not being issued annually, but shall continue to transmit from time to time

to the persons under sub. (4) who request free copies of the lists any additions to or changes in the lists issued during the year preceding suspension which are caused by the registration of vehicles not previously registered in the state or by the issuance of new registration numbers for vehicles previously registered.

(8) The department shall chain [redacted] for conducting a file search of vehicle registration records.

(9) (a) In this subsection:

1. "Agent" means an authorized person who acts on behalf of or at the direction of another person.
2. "Insurer" has the meaning given in s. 600.03 (27).
3. "Personal identifier" means a name, street address, post-office box number or 9-digit extended zip code.
4. "State authority" has the meaning given in s. 19.62 (8).

(b) In providing copies under this section or s. 19.35 (1) (a) of any written information collected or prepared under this chapter or ch. 342 which consists in whole or in part of the personal identifiers of 10 or more persons, the department may not disclose a personal identifier of any person who has made a designation under s. 341.08 (1m) or 342.06 (1) (i) that his or her personal identifiers may not be disclosed as provided in this subsection.

(c) Paragraph (b) does not apply to any of the following:

1. A person receiving a registration list under sub. (4) to perform a legally authorized function.
2. A law enforcement agency, a state authority or a federal governmental agency to perform a legally authorized function.
3. An insurer authorized to write property and casualty insurance in this state or an agent of the insurer, if the insurer or agent uses the personal identifiers designated for nondisclosure under s. 341.08 (1m) or 342.06 (1) (i) for purposes of issuing or renewing a policy and related underwriting, billing or processing or paying a claim.
4. A person obtaining registration or title information for use in the conduct of a vehicle recall by the manufacturer of the vehicle or an agent of the manufacturer, if the person uses the personal identifiers designated for nondisclosure under s. 341.08 (1m) or 342.06 (1) (i) for vehicle recalls.

(d) 1. The department shall establish by rule a reasonable period for the processing of a designation under s. 341.08 (1m) or 342.06 (1) (i) and for complying with a designation under par. (b).

2. If an unanticipated number of designations results in the department not being able to process with a reasonable effort the designations within the period established by the department by rule under subd. 1., the department may determine that the preservation of public welfare necessitates the temporary extension of the period and establish the temporary extension by rule, using the procedure under s. 227.24.

(e) Any person who has received under par. (c) a personal identifier of any person who has made a designation under s. 341.08 (1m) or 342.06 (1) (i) shall keep the personal identifier confidential and may not disclose it except for a purpose applicable to that person under par. (c).

(f) 1. Any person who wilfully discloses a personal identifier in violation of this subsection may be required to forfeit not more than \$500 for each violation.

2. Any person who wilfully requests or obtains a personal identifier from the department under this subsection under false pretenses may be required to forfeit not more than \$500 for each violation.

3. Subdivisions 1. and 2. do not apply to a legal custodian under s. 19.33 of the department.

History: 1971 c. 164; 1977 c. 29 ss. 1422, 1654 (7) (a), (e); 1977 c. 273; 1979 c. 221; 1985 a. 202; 1987 a. 217; 1991 a. 269; 1997 a. 27.

341.18 Evidence of registration to be displayed on vehicles registered under quarterly or consecutive monthly systems; operation without display of registration prohibited. (1) A vehicle registered under s. 341.30 or

341.305 may not be operated on the highway without evidence of registration in the form required by the department displayed on or in the vehicle as required by the department, unless the vehicle has been authorized to operate under s. 341.19.

(2) If a person claims as a defense to a citation for failure to display evidence of registration that the person has made application for annual registration as provided in s. 341.04 (1) (intro.) and no such application was submitted to the department and the person is convicted of operating the vehicle without registration, the person shall be required to pay the full annual fee upon registration of the vehicle, notwithstanding the eligibility of the vehicle for registration under s. 341.30 or 341.305. The court or the department shall order the annual registration under s. 341.04 (3) (c).

History: 1983 a. 469.

341.185 Application for quarterly or consecutive monthly registration. (1) RENEWAL APPLICATION. (a)

Application for renewal of quarterly or consecutive monthly registration shall be made to the department upon forms prescribed by the department and shall be accompanied by the required fee. An applicant may obtain evidence of registration before the beginning of the registration period for which application is made by submitting for receipt by the department on or before the 15th day of the month preceding the registration period a complete application accompanied by the required fee.

(b) If the applicant complies with par. (a) and does not receive evidence of registration before the beginning of the registration period, the applicant may, before the beginning of the registration period, utilize the telephone authorization procedure in s. 341.19 without charge.

(c) If the application for renewal of a quarterly or consecutive monthly registration is submitted after the 15th day of the month preceding the beginning of the registration period, and evidence of registration is not received before the beginning of the registration period, the applicant may not operate the vehicle on a highway unless the applicant utilizes the telephone authorization procedure in s. 341.19.

(2) ORIGINAL APPLICATION. An applicant for original registration of a vehicle under the quarterly or consecutive monthly registration system may not operate the vehicle on a highway without evidence of registration as determined by the department or a permit under s. 341.09 (6) displayed in or on the vehicle, unless the applicant obtains authorization to operate the vehicle as provided in s. 341.19.

History: 1983 a. 469; 1987 a. 369.

341.19 Telephone authorization for quarterly and consecutive monthly registration. (1) The department shall

establish a telephone call-in procedure to authorize the operation of vehicles under the quarterly registration system in s. 341.30 or consecutive monthly registration system in s. 341.305. In addition to the registration fee required under s. 341.30 or 341.305, the following fees shall be paid to the department for authorizing the operation of a vehicle under this section:

(a) The lesser of \$10 per vehicle or the actual cost of the telephone authorization per vehicle as determined by the department.

(b) Five dollars per vehicle as a late payment for fees received after the time period established by the department.

(2) (a) The department may require that cancellation of telephone authorization be made by telephone.

(b) Telephone authorization to operate a vehicle granted on or after the beginning of a registration period may not be canceled by an applicant, and the applicant shall pay to the department all fees required in sub. (1).

(c) Telephone authorization to operate a vehicle granted before the beginning of the registration period may be canceled by the applicant before the beginning of the registration period, and the applicant shall not be required to pay the registration fee. The applicant shall pay to the department the authorization fee under

a duplicate license or identification card showing the correct name and address. The licensee or identification card holder shall return the current license or identification card to the department along with the application for a duplicate. If the licensee holds more than one type of license under this chapter, the licensee shall return all such licenses to the department along with one application and fee for a duplicate license for which the licensee may be issued a duplicate of each such license.

(4) Any person who fails to comply with any of the requirements of this section may be required to forfeit not more than \$50.

History: 1973 c. 129, 218, 336; 1977 c. 29 s. 1654 (7) (a); 1977 c. 273, 360, 447; 1979 c. 306; 1981 c. 20 s. 1848r; 1985 a. 14; 1989 a. 105; 1991 a. 39.

343.23 Records to be kept by the department. The department shall maintain a record of every application for license, permit or endorsement received by it and of every suspension, revocation and cancellation by the department and shall maintain suitable indices containing:

(a) All applications denied and on each thereof note the reason for such denial;

(b) All applications granted; and

(c) The name of every person whose license or operating privilege has been suspended, revoked or canceled by the department and note thereon the reason for such action.

(2) (a) The department shall maintain a file for each licensee or other person containing the application for license, permit or endorsement, a record of reports or abstract of convictions, the status of the person's authorization to operate different vehicle groups, a record of any out-of-service orders issued under s. 343.305 (7) (b) or (9) (am) and a record of any reportable accident in which the person has been involved, including specification of any type of license and endorsements issued under this chapter under which the person was operating at the time of the accident and an indication whether or not the accident occurred in the course of any of the following:

1. The person's employment as a law enforcement officer as defined in s. 165.85 (2) (c), fire fighter as defined in s. 102.475 (8) (b), or emergency medical technician as defined in s. 146.50 (1) (e).

2. The licensee's employment as a person engaged, by an authority in charge of the maintenance of the highway, in highway winter maintenance snow and ice removal during either a storm or cleanup following a storm. For purposes of this subdivision, "highway winter maintenance snow and ice removal" includes plowing, sanding, salting and the operation of vehicles in the delivery of those services.

3. The licensee's performance of duties as a first responder, as defined in s. 146.53 (1) (d).

(b) The information specified in par. (a) must be filed by the department so that the complete operator's record is available for the use of the secretary in determining whether operating privileges of such person shall be suspended, revoked, canceled or withheld in the interest of public safety. The record of suspensions, revocations and convictions that would be counted under s. 343.307 (2) shall be maintained for 10 years, except that if there are 2 or more suspensions, revocations or convictions within any 10-year period, the record shall be maintained permanently. The record of convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f) shall be maintained for at least 3 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years after a licensee transfers residency to another state such record may be transferred to another state of licensure of the licensee if that state accepts responsibility for maintaining a permanent record of convictions for disqualifying offenses. Such reports and records may be cumulative beyond the period for which a license is granted, but the secretary, in exercising the power of suspension or revocation granted under s. 343.32 (2) may consider only those reports and

records entered during the 4-year period immediately preceding the exercise of such power of suspension or revocation.

NOTE: Par. (b) is shown below as affected by two acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c). Par. (b) is amended eff. 5-1-2000 or the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under s. 85.515, whichever is earlier, by 1997 Wis. Act 84 to read:

(b) The information specified in par. (a) must be filed by the department so that the complete operator's record is available for the use of the secretary in determining whether operating privileges of such person shall be suspended, revoked, canceled or withheld in the interest of public safety. The record of suspensions, revocations and convictions that would be counted under s. 343.307 (2) shall be maintained for 10 years, except that if there are 2 or more suspensions, revocations or convictions within any 10-year period, the record shall be maintained permanently. The record of convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f) shall be maintained for at least 3 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years after a licensee transfers residency to another state such record may be transferred to another state of licensure of the licensee if that state accepts responsibility for maintaining a permanent record of convictions for disqualifying offenses. Such reports and records may be cumulative beyond the period for which a license is granted, but the secretary, in exercising the power of suspension granted under s. 343.32 (2) may consider only those reports and records entered during the 4-year period immediately preceding the exercise of such power of suspension or revocation.

(3) (a) The department shall maintain a file, for each person convicted of a violation as defined by s. 343.30 (6) (a), containing a record of reports of convictions of violations as defined by s. 343.30 (6) (a) and suspensions and revocations under s. 343.30 (6). The department may purge the record of any such conviction 24 months after it is reported.

(b) The department record of a person's conviction for exceeding a posted speed limit shall include the number of miles per hour in excess of the posted speed limit, as reported to the department.

(4) The department shall purge all of the following from the file of a person:

(a) Any record of an administrative suspension upon receipt of a report from the court hearing the action arising out of the same incident or occurrence that the action has been dismissed or the person has been found innocent of the charge arising out of that incident or occurrence.

(b) Any record of issuance of an out-of-service order under s. 343.305 (7) (b) or (9) (am) upon receipt of a report from the court hearing the action arising out of the same incident or occurrence that the action has been dismissed or the person has been found innocent of the charge of violating s. 346.63 (7) arising out of that incident or occurrence. In the case of a nonresident, the department shall also inform the state of licensure of the dismissal or finding of innocence.

(5) The department shall maintain the files specified in this section in a form that is appropriate to the form of the records constituting those files.

History: 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 273; 1979 c. 331; 1981 c. 178; 1983 a. 74; 1987 a. 3; 1989 a. 31, 105, 133, 359; 1991 a. 277; 1993 a. 65; 1995 a. 113, 184, 338; 1997 a. 35, 84, 237; s. 13.93 (2) (c).

343.235 Access to license and identification card records. (1) In this section:

(a) "Agent" means an authorized person who acts on behalf of or at the direction of another person.

(b) "Insurer" has the meaning given in s. 600.03 (27).

(c) "Personal identifier" means a name, street address, post-office box number or 9-digit extended zip code.

(d) "State authority" has the meaning given in s. 19.62 (8).

(2) In providing copies under s. 19.35 (1) (a) of any written information collected or prepared under this chapter which consists in whole or in part of the personal identifiers of 10 or more persons, the department may not disclose a personal identifier of any person who has made a designation under s. 343.14 (2m) or 343.51 (1m) that his or her personal identifiers may not be disclosed as provided in this section.

(3) Subsection (2) does not apply to any of the following:

(c) For each search requested by telephone, \$4, or an established monthly service rate determined by the department.

(2m) If the department, in maintaining a computerized operating record system, makes copies of its operating record file data base, or a portion thereof, on computer tape or other electronic media, copies of the tape or media may be furnished to any person on request. The department may also furnish to any person upon request records on computer tape or other electronic media that contain information from files of uniform traffic citations or motor vehicle accidents and which were produced for or developed by the department for purposes related to maintenance of the operating record file data base. The department shall charge a fee of \$3 for each file of vehicle operators' records contained in the tape or media. The department shall charge a fee of not more than \$3 for each file of uniform traffic citations or motor vehicle accidents contained in the tape or media. Nothing in this subsection requires the department to produce records of particular files or data in a particular format except as those records or data are made by the department for its purposes.

(3) The department shall not disclose information concerning or related to a violation as defined by s. 343.30 (6) to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency or the minor who committed the violation or his or her parent or guardian.

(4) (a) In this subsection:

1. "Agent" means an authorized person who acts on behalf of or at the direction of another person.
2. "Insurer" has the meaning given in s. 600.03 (27).
3. "Personal identifier" means a name, street address, post-office box number or 9-digit extended zip code.
4. "State authority" has the meaning given in s. 19.62 (8).

(b) In furnishing 10 or more operating records to a person under sub. (1) or (2m), the department may not disclose a personal identifier of any person who has made a designation under s. 343.14 (2m) that his or her personal identifiers may not be released as provided in this subsection.

(c) Paragraph (b) does not apply to any of the following:

1. A law enforcement agency, a state authority or a federal governmental agency to perform a legally authorized function.
2. An insurer authorized to write property and casualty insurance in this state or an agent of the insurer, if the insurer or agent uses the names or addresses for purposes of issuing or renewing a policy and related underwriting, billing or processing or paying a claim.

(d) 1. The department shall establish by rule a reasonable period for the processing of a designation under s. 343.14 (2m) and for complying with a designation under par. (b).

2. If an unanticipated number of designations results in the department not being able to process with a reasonable effort the designations within the period established by the department by rule under subd. 1., the department may determine that the preservation of public welfare necessitates the temporary extension of the period and establish the temporary extension by rule, using the procedure under s. 227.24.

(e) Any person who has received under par. (c) a personal identifier of any person who has made a designation under s. 343.14 (2m) shall keep the personal identifier confidential and may not disclose it except for a purpose applicable to that person under par. (c).

(f) 1. Any person who wilfully discloses a personal identifier in violation of this subsection may be required to forfeit not more than \$500 for each violation.

2. Any person who wilfully requests or obtains a personal identifier from the department under this subsection under false pretenses may be required to forfeit not more than \$500 for each violation.

3. Subdivisions 1. and 2. do not apply to a legal custodian under s. 19.33 of the department.

History: 1975 c. 297 s. 9; Stats. 1975 s. 343.24; 1977 c. 29 s. 1654 (7) (e); 1979 c. 221, 331, 355; 1989 a. 105; 1991 a. 269; 1993 a. 16, 490; 1995 a. 113.

343.245 Duties of commercial motor vehicle drivers; employer responsibilities; penalties. (1) DEFINITIONS. In this section:

(a) "Employee" means any operator of a commercial motor vehicle who is either directly employed by or under lease to an employer, including a full-time, regularly employed driver, a volunteer driver, a casual, intermittent or occasional driver, a leased driver, and an independent, owner-operator contractor while in the course of operating a commercial motor vehicle.

(b) "Employer" means any person, including the state or a political subdivision thereof, who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle.

(2) NOTIFICATIONS BY DRIVER. (a) *Notification of convictions.*

1. "To state." A person, after applying for or receiving a commercial driver license issued by this state, who is convicted of violating in a motor vehicle any law of this state or local ordinance adopted in conformity therewith or a law enacted by a federally recognized American Indian tribe or band in this state which is in conformity with any law of this state, or the law of another jurisdiction, relating to motor vehicle traffic control, other than parking violations, shall notify the department of the conviction in the manner specified by the department within 30 days after the date of conviction.

2. "To employers." An employe, after applying for or receiving a commercial driver license issued by this state, who is convicted of violating in a motor vehicle any law of this state or local ordinance adopted in conformity therewith or a law enacted by a federally recognized American Indian tribe or band in this state which is in conformity with any law of this state, or the law of another jurisdiction, relating to motor vehicle traffic control, other than parking violations, shall notify his or her current employer in writing of the conviction within 30 days after the date of conviction.

(b) *Notification of suspensions, revocations and cancellations.* An employe whose commercial driver license is suspended, revoked or canceled by a state, or who loses the privilege to operate a commercial motor vehicle in any state for any period, including being disqualified from operating a commercial motor vehicle or subject to an out-of-service order, shall notify his or her current employer of that fact before the end of the first business day after the day on which the employe receives notice of the suspension, revocation, cancellation, disqualification or out-of-service order.

(c) *Notification of previous employment.* An applicant for employment as a commercial motor vehicle driver shall provide, at the time of application, information on his or her employment history as a commercial motor vehicle driver as requested by the prospective employer, certified as true and complete by the applicant, including all of the following information for the 10 years preceding the date of application:

1. The names and addresses of any previous employers for which the applicant was a commercial motor vehicle driver.
2. The dates of employment with each employer in subd. 1.
3. The reason for leaving each employer in subd. 1.

(3) EMPLOYER RESPONSIBILITIES. (a) Every employer shall request each applicant for employment as a commercial motor vehicle driver to provide the information specified in sub. (2) (c), and no employer may employ as a commercial motor vehicle driver an applicant who refuses or otherwise fails to provide true and complete information.

(b) No employer may knowingly allow, permit or authorize an employe to operate a commercial motor vehicle during any period when the employe:

(a) A law enforcement agency, a state authority or a federal governmental agency to perform a legally authorized function.

(b) An insurer authorized to write property and casualty insurance in this state or an agent of the insurer, if the insurer or agent uses the personal identifiers for purposes of issuing or renewing a policy and related underwriting, billing or processing or paying a claim.

(4) (a) The department shall establish by rule a reasonable period for the processing of a designation under s. 343.14 (2m) or 343.51 (1m) and for complying with a designation under sub. (2).

(b) If an unanticipated number of designations results in the department not being able to process with a reasonable effort the designations within the period established by the department by rule under par. (a), the department may determine that the preservation of public welfare necessitates the temporary extension of the period and establish the temporary extension by rule, using the procedure under s. 227.24.

(5) Any person who has received under sub. (3) a personal identifier of any person who has made a designation under s. 343.14 (2m) or 343.51 (1m) shall keep the personal identifier confidential and may not disclose it except for a purpose applicable to that person under sub. (3).

(6) (a) Any person who wilfully discloses a personal identifier in violation of this section may be required to forfeit not more than \$500 for each violation.

(b) Any person who wilfully requests or obtains a personal identifier from the department under this section under false pretenses may be required to forfeit not more than \$500 for each violation.

(c) Paragraphs (a) and (b) do not apply to a legal custodian under s. 19.33 of the department.

History: 1991 a. 269.

343.237 Access to license and identification card photographs (1) In this section:

(a) "Law enforcement agency of a physically adjacent state" has the meaning given in s. 175.46 (1) (b).

(b) "Wisconsin law enforcement agency" has the meaning given in s. 175.46 (1) (f).

(2) Any photograph taken of an applicant under s. 343.14 (3) or 343.50 (4) may be maintained by the department and, except as provided in this section, shall be kept confidential. Except as provided in this section, the department may release a photograph only to the person whose photograph was taken.

(3) The department shall provide a Wisconsin law enforcement agency with a copy of a photograph taken on or after September 1, 1997, of an applicant under s. 343.14 (3) or 343.50 (4) if the department receives a written request on the Wisconsin law enforcement agency's letterhead that contains all of the following:

(a) The name of the person whose photograph is requested.

(b) The name of the person making the request and the Wisconsin law enforcement agency that employs the requester.

(c) A statement signed by a division commander or higher authority within the Wisconsin law enforcement agency that the photograph is requested for any of the following purposes:

1. An investigation of unlawful activity.
2. A missing person investigation.
3. The identification of an accident victim.
4. The identification of a deceased person.

(d) A statement that the request is not made solely to obtain a photograph for use as part of a photo lineup or photo array.

(4) If a law enforcement agency of a physically adjacent state makes a request meeting all the requirements specified for a request by a Wisconsin law enforcement agency under sub. (3), the department shall comply with the request if all of the following apply:

(a) The law enforcement agency of the physically adjacent state agrees to comply with all the requirements under this section.

(b) The physically adjacent state allows Wisconsin law enforcement agencies similar or greater access to similar information from that physically adjacent state.

(4m) The department shall attach to each copy of a photograph provided under this section the notation: "This photograph is subject to the requirements and restrictions of section 343.237 of the Wisconsin Statutes."

(5) Any law enforcement agency that has in its possession a copy of a photograph provided to it under sub. (3) or (4) shall destroy any copies of the photograph in its possession when the photograph is no longer necessary for the investigatory or identification purpose specified in its request for the copy of the photograph.

(6) For each copy of a photograph provided under sub. (3) or (4), the department shall record and maintain the written request for the copy of the photograph and may not disclose any record or other information concerning or relating to the written request to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency, the applicant or identification card holder or, if the applicant or identification card holder is under 18 years of age, his or her parent or guardian.

(7) The department may not charge a fee for providing a copy of any photograph to a Wisconsin law enforcement agency under this section.

(8) (a) Any law enforcement agency that receives a photograph provided to a law enforcement agency under this section shall keep the copy of the photograph confidential and may disclose it only if disclosure is necessary to perform a law enforcement function and the person to whom the copy of the photograph is disclosed agrees to comply with par. (c).

(b) If a law enforcement agency discloses a copy of a photograph to another person under par. (a), the copy of the photograph shall have attached to it the notation specified in sub. (4m).

(c) Any person who receives a copy of a photograph from a law enforcement agency under par. (a) shall destroy any copies of the photograph in his or her possession when the photograph is no longer necessary to perform the law enforcement function for which the photograph was disclosed.

(9) Not later than August 1, 1998, and annually thereafter until August 1, 2003, the department of transportation and the department of justice jointly shall submit a report to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) concerning the copies of photographs provided under this section, including the agencies to whom and the purposes for which the copies of the photographs were provided. The department of transportation and the department of justice shall consult with other interested persons when preparing a report under this subsection.

(10) Any person who wilfully discloses a copy of a photograph in violation of this section may be required to forfeit not more than \$500 for each violation. Each copy disclosed constitutes a separate offense.

(11) The department may not release a copy of a photograph under this section after December 31, 2007.

History: 1997 a. 119, 237.

343.24 Department to furnish operating record

(1) The department shall upon request furnish any person an abstract of the operating record of any person. The abstract shall be certified if certification is requested. Such abstract is not admissible in evidence in any action for damages or criminal proceeding arising out of a motor vehicle accident.

(2) The department shall charge the following fees for conducting searches of vehicle operators' records:

(a) For each file search, \$3.

(b) For each computerized search, \$3.

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lished monthly service rate determined by the department.

(2m) If the department, in maintaining a computerized operating record system, makes copies of its operating record file data base, or a portion thereof, on computer tape or other electronic media, copies of the tape or media may be furnished to any person on request. The department may also furnish to any person upon request records on computer tape or other electronic media that contain information from files of uniform traffic citations or motor vehicle accidents and which were produced for or developed by the department for purposes related to maintenance of the operating record file data base. The department shall charge a fee of \$3 for each file of vehicle operators' records contained in the tape or media. The department shall charge a fee of not more than \$3 for each file of uniform traffic citations or motor vehicle accidents contained in the tape or media. Nothing in this subsection requires the department to produce records of particular files or data in a particular format except as those records or data are made by the department for its purposes.

(3) The department shall not disclose information concerning or related to a violation as defined by s. 343.30 (6) to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency or the minor who committed the violation or his or her parent or guardian.

(4) (a) In this subsection:

1. "Agent" means an authorized person who acts on behalf of or at the direction of another person.

2. "Insurer" has the meaning given in s. 600.03 (27).

3. "Personal identifier" means a name, street address, post-office box number or 9-digit extended zip code.

4. "State authority" has the meaning given in s. 19.62 (8).

(b) In furnishing 10 or more operating records to a person under sub. (1) or (2m), the department may not disclose a personal identifier of any person who has made a designation under s. 343.14 (2m) that his or her personal identifiers may not be released as provided in this subsection.

(c) Paragraph (b) does not apply to any of the following:

1. A law enforcement agency, a state authority or a federal governmental agency to perform a legally authorized function.

2. An insurer authorized to write property and casualty insurance in this state or an agent of the insurer, if the insurer or agent uses the names or addresses for purposes of issuing or renewing a policy and related underwriting, billing or processing or paying a claim.

(d) 1. The department shall establish by rule a reasonable period for the processing of a designation under s. 343.14 (2m) and for complying with a designation under par. (b).

2. If an unanticipated number of designations results in the department not being able to process with a reasonable effort the designations within the period established by the department by rule under subd. 1., the department may determine that the preservation of public welfare necessitates the temporary extension of the period and establish the temporary extension by rule, using the procedure under s. 227.24.

(e) Any person who has received under par. (c) a personal identifier of any person who has made a designation under s. 343.14 (2m) shall keep the personal identifier confidential and may not disclose it except for a purpose applicable to that person under par. (c).

(f) 1. Any person who wilfully discloses a personal identifier in violation of this subsection may be required to forfeit not more than \$500 for each violation.

2. Any person who wilfully requests or obtains a personal identifier from the department under this subsection under false pretenses may be required to forfeit not more than \$500 for each violation.

3. Subdivisions 1. and 2. do not apply to a legal custodian under s. 19.33 of the department.

History: 1975 c. 297 s. 9; Stats. 1975 s. 343.24; 1977 c. 29 s. 1654 (7) (e); 1979 c. 221, 331, 355; 1989 a. 105; 1991 a. 269; 1993 a. 16, 490; 1995 a. 113.

343.245 Duties of commercial motor vehicle drivers; employer responsibilities; penalties. (1) DEFINITIONS. In this section:

(a) "Employee" means any operator of a commercial motor vehicle who is either directly employed by or under lease to an employer, including a full-time, regularly employed driver, a volunteer driver, a casual, intermittent or occasional driver, a leased driver, and an independent, owner-operator contractor while in the course of operating a commercial motor vehicle.

(b) "Employer" means any person, including the state or a political subdivision thereof, who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle.

(2) NOTIFICATIONS BY DRIVER. (a) *Notification of convictions.*

1. "To state." A person, after applying for or receiving a commercial driver license issued by this state, who is convicted of violating in a motor vehicle any law of this state or local ordinance adopted in conformity therewith or a law enacted by a federally recognized American Indian tribe or band in this state which is in conformity with any law of this state, or the law of another jurisdiction, relating to motor vehicle traffic control, other than parking violations, shall notify the department of the conviction in the manner specified by the department within 30 days after the date of conviction.

2. "To employers." An employee, after applying for or receiving a commercial driver license issued by this state, who is convicted of violating in a motor vehicle any law of this state or local ordinance adopted in conformity therewith or a law enacted by a federally recognized American Indian tribe or band in this state which is in conformity with any law of this state, or the law of another jurisdiction, relating to motor vehicle traffic control, other than parking violations, shall notify his or her current employer in writing of the conviction within 30 days after the date of conviction.

(b) *Notification of suspensions, revocations and cancellations.* An employe whose commercial driver license is suspended, revoked or canceled by a state, or who loses the privilege to operate a commercial motor vehicle in any state for any period, including being disqualified from operating a commercial motor vehicle or subject to an out-of-service order, shall notify his or her current employer of that fact before the end of the first business day after the day on which the employe receives notice of the suspension, revocation, cancellation, disqualification or out-of-service order.

(c) *Notification of previous employment.* An applicant for employment as a commercial motor vehicle driver shall provide, at the time of application, information on his or her employment history as a commercial motor vehicle driver as requested by the prospective employer, certified as true and complete by the applicant, including all of the following information for the 10 years preceding the date of application:

1. The names and addresses of any previous employers for which the applicant was a commercial motor vehicle driver.

2. The dates of employment with each employer in subd. 1.

3. The reason for leaving each employer in subd. 1.

(3) **EMPLOYER RESPONSIBILITIES.** (a) Every employer shall request each applicant for employment as a commercial motor vehicle driver to provide the information specified in sub. (2) (c), and no employer may employ as a commercial motor vehicle driver an applicant who refuses or otherwise fails to provide true and complete information.

(b) No employer may knowingly allow, permit or authorize an employe to operate a commercial motor vehicle during any period when the employe:

346.69 Duty upon striking property on or adjacent to highway. The operator of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the operator's name and address and of the registration number of the vehicle the operator is driving and shall upon request and if available exhibit his or her operator's license and shall make report of such accident when and as required in s. 346.70.

History: 1991 a. 316.

346.70 Duty to report accident. (1) **IMMEDIATE NOTICE OF ACCIDENT.** The operator of a vehicle involved in an accident resulting in injury to or death of any person, any damage to state or other government-owned property, except a state or other government-owned vehicle, to an apparent extent of \$200 or more or total damage to property owned by any one person or to a state or other government-owned vehicle to an apparent extent of \$1,000 or more shall immediately by the quickest means of communication give notice of such accident to the police department, the sheriff's department or the traffic department of the county or municipality in which the accident occurred or to a state traffic patrol officer. In this subsection, "injury" means injury to a person of a physical nature resulting in death or the need of first aid or attention by a physician or surgeon, whether or not first aid or medical or surgical treatment was actually received; "total damage to property owned by one person" means the sum total cost of putting the property damaged in the condition it was before the accident, if repair thereof is practical, and if not practical, the sum total cost of replacing such property. For purposes of this subsection if any property which is damaged is held in a form of joint or multiple ownership, the property shall be considered to be owned by one person.

(2) **WRITTEN REPORT OF ACCIDENT.** Unless a report is made under sub. (4) by a law enforcement agency, within 10 days after an accident of the type described in sub. (1), the operator of a vehicle involved in the accident shall forward a written report of the accident to the department. The department may accept or require a report of the accident to be filed by an occupant or the owner in lieu of a report from the operator. Every accident report required to be made in writing shall be made on the appropriate form approved by the department and shall contain all of the information required therein unless not available. The report shall include information sufficient to enable the department to determine whether the requirements for deposit of security under s. 344.14 are inapplicable by reason of the existence of insurance or other exceptions specified in ch. 344.

(3) **WHO TO REPORT WHEN OPERATOR UNABLE.** Whenever the operator of a vehicle is physically incapable of giving the notice and making the report required by subs. (1) and (2), the owner of the vehicle involved in the accident shall give the notice and make the report required by subs. (1) and (2). If the owner of the vehicle is physically or mentally incapable of giving the notice and making the report required by subs. (1) and (2), and if there was another occupant in the vehicle at the time of the accident capable of giving the notice and making the report, the occupant shall give the notice and make the report.

(3m) **DUTY OF DEPARTMENT WITH RESPECT TO ACCIDENT REPORTS.** (a) The department may require any operator, occupant or owner of a vehicle involved in an accident of which report must be made as provided in s. 346.70 to file supplemental reports whenever the original report is insufficient in the opinion of the department and may require witnesses of accidents to render reports to the department.

(b) The department shall tabulate and may analyze all accident reports and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents.

(c) The department shall prepare and supply at its own expense to police departments, coroners, sheriffs and other suitable agencies or individuals, forms or an automated format for accident reports required to be made to the department. Any report forms and automated format shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.

(4) **POLICE AND TRAFFIC AGENCIES TO REPORT.** (a) Every law enforcement agency investigating or receiving a report of a traffic accident as described in sub. (1) shall forward an original written report of the accident or a report of the accident in an automated format to the department within 10 days after the date of the accident.

(b) The reports shall be made on a uniform traffic accident report form or in an automated format prescribed by the secretary. The uniform traffic accident report form shall be supplied by the secretary in sufficient quantities to meet the requirements of the department and the law enforcement agency.

(c) The department shall prepare and supply at its own expense to police departments, coroners, sheriffs and other suitable agencies or individuals, forms or an automated format for accident reports required to be made to the department. Any report forms and automated format shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.

(g) The department, upon request of local enforcement agencies, shall make available to them compilations of data obtained from such reports.

(h) Every law enforcement agency investigating or receiving a report of a traffic accident as described in sub. (1) shall forward a copy of the report of the accident to the county traffic safety commission or to the person designated to maintain spot maps under s. 83.013 (1) (a) in the county where the accident occurred when the accident occurred on a county or town road or on a street where the population of the city, village or town is less than 5,000. For traffic accidents occurring within a city or village with a population of 5,000 or more, the law enforcement agency investigating or receiving a report shall forward a copy of the report of the accident to the city or village where the accident occurred.

(5) **FALSIFYING REPORTS.** No person shall falsely make and file or transmit any accident report or knowingly make a false statement in any accident report which is filed or transmitted pursuant to this section.

History: 1975 c. 240, 381; 1977 c. 29 ss. 1486, 1654 (7) (a), (c); 1977 c. 100; 1979 c. 99; 1981 c. 20, 133, 314; 1985 a. 29; 1987 a. 211; 1993 a. 246, 437; 1995 a. 113.
See note to 19.35 citing State ex rel. Young v. Shaw, 165 W (2d) 276, 477 NW (2d) 340 (Ct. App. 1991).

A county sheriff's department is not a consumer reporting agency subject to the fair credit reporting act for reports under (4). However, the federal trade commission has taken an opposite position. 63 Atty. Gen. 364.

346.71 Coroners or medical examiners to report; require blood specimen. (1) Every coroner or medical examiner shall, on or before the 10th day of each month, report in writing any accident involving a motor vehicle occurring within the coroner's or medical examiner's jurisdiction resulting in the death of any person during the preceding calendar month. If the accident involved an all-terrain vehicle, the report shall be made to the department of natural resources and shall include the information specified by that department. If the accident involved any other motor vehicle, the report shall be made to the department and shall include the information specified by the department. The coroner or medical examiner of the county where the death occurs, if the accident occurred in another jurisdiction, shall, immediately upon learning of the death, report it to the coroner or medical examiner of the county where the accident occurred, as provided in s. 979.01 (1).

(2) In cases of death involving a motor vehicle in which the decedent was the operator of a motor vehicle, a pedestrian 14 years of age or older or a bicycle operator 14 years of age or older

and who died within 6 hours of the time of the accident, the coroner or medical examiner of the county where the death occurred shall require that a blood specimen of at least 10 cc. be withdrawn from the body of the decedent within 12 hours after his or her death, by the coroner or medical examiner or by a physician so designated by the coroner or medical examiner or by a qualified person at the direction of the physician. All funeral directors shall obtain a release from the coroner or medical examiner of the county where the accident occurred as provided in s. 979.01 (4) prior to proceeding with embalming any body coming under the scope of this section. The blood so drawn shall be forwarded to a laboratory approved by the department of health and family services for analysis of the alcoholic content of the blood specimen. The coroner or medical examiner causing the blood to be withdrawn shall be notified of the results of each analysis made and shall forward the results of each such analysis to the department of health and family services. If the death involved a motor vehicle, the department shall keep a record of all such examinations to be used for statistical purposes only and the department shall disseminate and make public the cumulative results of the examinations without identifying the individuals involved. If the death involved an all-terrain vehicle, the department of natural resources shall keep a record of all such examinations to be used for statistical purposes only and the department of natural resources shall disseminate and make public the cumulative results of the examinations without identifying the individuals involved.

(3) In a case of death involving a motor vehicle in which the accident and the death occur in different counties, the county where the death occurs may charge the county where the accident occurs a reasonable fee for withdrawing the blood specimen from the body of the decedent as required under sub. (2).

History: 1973 c. 272; 1977 c. 29 s. 1654 (7) (a); 1977 c. 273; 1983 a. 485; 1985 a. 29; 1987 a. 302; 1995 a. 27 s. 9126 (19).

Coroner's blood test records under (2) aren't confidential. Test results are presumptively accurate. *Staples v. Glienke*, 142 W (2d) 19, 416 NW (2d) 920 (Ct. App. 1987).

Under 346.71 (2), Stats. 1969, blood test records of the coroner are not confidential. The admissibility of such records is limited by 979.20 (3), 59 Atty. Gen. 226.

346.72 Garages to keep record of repairs of accident damage. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident shall keep a record of the date such vehicle is brought in and the nature of the repair, the name and address of the owner, and the make, year and registration number of the vehicle. Such record shall be kept in the place of business during business hours and shall be open to inspection by any traffic officer. Shop records normally kept by garages and repair shops are adequate for the purpose of this section if they contain the information specified in this section.

Accident reports not to be used in trial. Notwithstanding s. 346.70 (4) (f), accident reports required to be filed with or transmitted to the department or a county or municipal authority shall not be used as evidence in any judicial trial, civil or criminal, arising out of an accident, except that such reports may be used as evidence in any administrative proceeding conducted by the department. The department shall furnish upon demand of any person who has or claims to have made such a report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirement that such a report be made to the department.

History: 1971 c. 253; 1977 c. 29 s. 1654 (7) (a); 1993 a. 437.

346.74 Penalty for violating sections 346.67 to 346.73.

(1) Any person violating s. 346.72 may be required to forfeit not less than \$20 nor more than \$40 for the first offense and may be required to forfeit not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

(2) Any person violating s. 346.70 (1), (2) or (3), 346.71 or 346.73 may be required to forfeit not less than \$40 nor more than \$200 for the first offense and may be required to forfeit not less than \$100 nor more than \$500 for the 2nd or subsequent conviction within a year.

(3) Any person violating s. 346.68 or 346.69 may be required to forfeit not more than \$200.

(4) Any person violating s. 346.70 (5) may be required to forfeit not less than \$25 nor more than \$50.

(5) Any person violating any provision of s. 346.67 (1):

(a) Shall be fined not less than \$300 nor more than \$1,000 or imprisoned not more than 6 months or both if the accident did not involve death or injury to a person.

(b) Shall be fined not less than \$300 nor more than \$5,000 or imprisoned not less than 10 days nor more than one year or both if the accident involved injury to a person but the person did not suffer great bodily harm.

NOTE: Par. (b) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:

(b) Shall be fined not less than \$300 nor more than \$5,000 or imprisoned not less than 10 days nor more than 2 years or both if the accident involved injury to a person but the person did not suffer great bodily harm.

(c) May be fined not more than \$10,000 or imprisoned not more than 2 years or both if the accident involved injury to a person and the person suffered great bodily harm.

NOTE: Par. (c) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:

(c) May be fined not more than \$10,000 or imprisoned not more than 3 years or both if the accident involved injury to a person and the person suffered great bodily harm.

(d) May be fined not more than \$10,000 or imprisoned not more than 5 years or both if the accident involved death to a person.

NOTE: Par. (d) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:

(d) May be fined not more than \$10,000 or imprisoned not more than 7 years and 6 months or both if the accident involved death to a person.

(e) Is guilty of a felony if the accident involved death or injury to a person.

History: 1971 c. 278; 1973 c. 218; 1981 c. 20, 70; 1997 a. 258, 283.

BICYCLES AND PLAY VEHICLES

346.77 Responsibility of parent or guardian for violation of bicycle and play vehicle regulations. No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of ss. 346.78 to 346.804 and 347.489.

History: 1983 a. 243 s. 66.

346.78 Play vehicles not to be used on roadway. No person riding upon any play vehicle may attach the same or himself or herself to any vehicle upon a roadway or go upon any roadway except while crossing a roadway at a crosswalk.

History: 1983 a. 243.

346.79 Special rules applicable to bicycles. Whenever a bicycle is operated upon a highway, bicycle lane or bicycle way the following rules apply:

(1) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(2) (a) Except as provided in par. (b), no bicycle may be used to carry or transport more persons at one time than the number for which it is designed.

(b) In addition to the operator, a bicycle otherwise designed to carry only the operator may be used to carry or transport a child seated in an auxiliary child's seat or trailer designed for attachment to a bicycle if the seat or trailer is securely attached to the bicycle according to the directions of the manufacturer of the seat or trailer.

(3) No person operating a bicycle shall carry any package, bundle or article which prevents the operator from keeping at least one hand upon the handle bars.

(b) Any state agency, railroad, county or municipality which requests the department to make a determination of abandonment status and public interest in acquisition of rail property under sub. (4) shall provide a formal legal description of the rail property which is the subject of the request. The department may decline to take action on requests which do not contain an adequate description of the rail property involved. When the department provides a release of its first right to acquire rail property, the state agency, railroad, county or municipality which receives the release shall within 90 days have the release recorded by the registrar of deeds for each county in which the rail property is located.

(6) STATE RIGHTS SUBORDINATE TO FEDERAL LAW. To the extent that the first or subsequent rights of acquisition under this section conflict with rights conferred by 49 USC 10905 (f) (4) or 10910 (h), the rights conferred by this section are subordinate to such federal rights and shall take effect only when consistent with 49 USC 10905 (f) (4) and 10910 (h).

(7) RULES. The department may adopt such rules as it deems necessary to accomplish the purposes of this section.

History: 1977 c. 29, 418; 1979 c. 34 s. 1018; Stats. 1979 s. 85.09; 1981 c. 20; 1983 a. 27, 192; 1985 a. 29 ss. 1583 to 1586, 3200 (51); 1985 a. 332 s. 253; 1987 a. 5; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 3525, 9116 (5).

85.095 Harbor assistance program. (1) DEFINITIONS. In this section:

(a) "Eligible applicant" means a county, municipality, town or agency thereof or a board of harbor commissioners organized under s. 30.37.

(b) "Harbor improvements" means any dock wall repair and maintenance, construction of new dock walls, dredging of materials from a harbor or the placement of dredged materials in containment facilities.

(2) ADMINISTRATION. The department, in consultation with the Wisconsin coastal management council created under s. 14.019, shall administer the harbor assistance program and shall have the following powers:

(a) To make grants for the purpose of reimbursing eligible applicants for moneys expended to make harbor improvements and to fund other harbor assistance and improvement projects. The amount of a grant may not exceed 80% of the moneys expended by the eligible applicant for harbor improvements.

(b) To establish criteria for evaluating applications for harbor assistance grants in order to provide for the disbursement of grants. In establishing these criteria, the department shall consult with the department of commerce and shall give priority to applicants based on the amount of tonnage and waterborne transportation handled in the harbor.

(c) To receive and review applications for grants under this section and to prescribe the form, nature and extent of the information which shall be contained in the applications.

(d) To direct, with the approval of the governor, that state debt subject to the limitations in s. 20.866 (2) (uv) be contracted in accordance with ch. 18 to fund harbor improvements and other harbor assistance and improvement projects.

(3) PLANNING REQUIREMENTS. (a) Except as provided in par. (c), no grant may be made under this section unless the eligible applicant submits information to the department regarding harbor projects for which the eligible applicant may request state aid under this section or federal aid, or both, during the next 3-year period. The information shall be submitted prior to the April 1 which precedes the fiscal year in which the eligible applicant seeks aid under this section.

(b) The department shall, by rule, establish the starting date of each 3-year period and the form, nature and extent of the notice required under par. (a).

(c) The department may waive the requirements under this subsection.

(4) HARBOR IMPROVEMENTS ON MISSISSIPPI RIVER. An eligible applicant may receive a grant under this section for harbor

improvements located on an island in the Mississippi River regardless of the state in which the island is located if the island is owned by a city, village, town or county in this state.

History: 1979 c. 34, 221, 355; 1981 c. 314; 1983 a. 27; 1987 a. 27, 399; 1989 a. 31, 359; 1995 a. 27 s. 9116 (5); 1995 a. 130.

85.10 Sale of aerial photographic survey products. The department may sell to any person the selection of photographic products from the aerial photographic survey conducted under s. 23.325. The department may retain an amount equal to the costs that it incurs in selling and reproducing the photographic products.

History: 1977 c. 418; 1979 c. 175 s. 53; 1987 a. 27; 1991 a. 39.

85.105 Sale of motor vehicle records. Notwithstanding s. 343.24 (2m), the department may contract with a person to periodically furnish that person with any records on computer tape or other electronic media that contain information from files of motor vehicle accidents or uniform traffic citations and which were produced for or developed by the department for purposes related to maintenance of the operating record file data base. The department and the person desiring to contract with the department shall make a good faith effort to negotiate the purchase price for the records to be provided under this section.

History: 1997 a. 27 s. 5504, 5505; Stats. 1997 s. 85.105.

85.107 Minority civil engineer scholarship and loan repayment incentive grant program. (1) PURPOSE. The minority civil engineer scholarship and loan repayment incentive grant program is created to assist in improving the representation of minorities among employes of the department who are classified as civil engineers.

(2) DEFINITION. In this section, "minority" has the meaning specified for "minority group member" under s. 560.036 (1) (f).

(3) ADMINISTRATION. From the appropriation under s. 20.395 (4) (aq), the department may:

(a) Award scholarships to resident minority students enrolled fulltime and registered as sophomores, juniors or seniors in a civil engineering bachelor of science program offered by an accredited institution of higher education in this state. Scholarships under this paragraph shall not exceed the following amounts:

1. For a sophomore, \$1,500.
2. For a junior, \$2,000.
3. For a senior, \$2,500.

(b) 1. Make loan repayment grants to minority civil engineers who are employed by the department and have education loans outstanding. Subject to subd. 2., loan repayment grants under this subdivision shall not exceed the following amounts:

- a. After one year of employment by the department, \$1,000.
- b. After 2 years of employment by the department, an additional \$1,200.
- c. After 3 years of employment by the department, an additional \$1,700.
- d. After 4 years of employment by the department, an additional \$2,100.

2. The total amount of loan repayment grants under this paragraph made to an employe shall not exceed the amount of the employe's education loans outstanding.

(4) RULE MAKING. The department shall promulgate rules to implement and administer this section.

History: 1987 a. 27.

85.12 Statewide public safety radio management program. (1) The department shall administer a statewide public safety radio management program. From the appropriations under s. 20.395 (5) (dk) and (dq), the department may provide statewide tower site management, public safety frequency management, public safety data base administration and planning services related to statewide public safety radio management.



Transportation Administrative Manual

Directive: TAM 58

Subject: Public Records

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Agency/Originator: Office of General Counsel

Introduction

Section 19.31 to 19.39 of Wis. Statutes define the requirements of Wisconsin's open records law. Record, as defined under s. 19.32(2) means "any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority."

DOT regularly receives requests for information under the open records law. Within these statutes there are requirements for both disclosure and non-disclosure of information.

It is the Department's policy that all persons are entitled to the greatest possible information regarding the affairs of the Department and the official acts of its offices and employees.

Authority

The secretary of the Department of Transportation is the "authority" having custody of WisDOT records. The Secretary has designated each Division Administrator and Office Director as the deputy legal custodian for all public records maintained by each respective division or office.

Records or data, as defined by the law, have many forms including written, drawn, spoken, visual or electromagnetic. Data are preserved in the medium which is compatible with the record keeping and operational needs of the department.

Requirements

Reasonable access must be provided to the public to view, acquire, and/or copy records maintained by the department. Records should be provided as soon as practicable. Penalties for failure to provide access to public records include reasonable attorney fees plus costs and a forfeiture up to \$1,000. Some records must be excluded from public access because they do not qualify as public records or must be excluded because of statutory limitations.

All information for which DOT is the legal custodian, including electronic, is subject to disclosure under open records unless protected by law.

Records or reports "tailored to meet the needs of the requestor" are not required under the Open Records Law and will not normally be provided. An exception is the Traffic Accident Section in the Division of Motor Vehicles which receives federal funds for the specific purpose of providing special reports from the accident system.

No authority may destroy any applicable record: (1) upon the receipt of a request for inspection or copying of the record until after the request is granted and expiration of the approved retention period; (2) upon the receipt of a request for inspection or copying of the record until at least 60 days after the date that the request is denied and expiration of the approved retention period; (3) if a legal action is initiated which involves the record, until the case has been resolved and expiration of the approved retention period.

The Open Records Law specifies that the legal custodian of information must suppress protected/confidential information prior to the release of a record. Information originally identified as confidential remains confidential when shared within the department.

Fees imposed for copies of records may not exceed the actual, necessary, and direct cost of reproduction. The cost for photocopies is 25 cents per page. Search fees may be charged when they exceed \$50. Copies may be provided without charge or at a reduced charge if the custodian determines that waiver or reduction of the fee is in the public interest.

The Open Records Law favors access. Custodians must exercise discretion in deciding whether to release records or to consult a higher level. Questions regarding access should generally work their way through the respective division. However, DOT legal staff may be contacted directly by any record custodian.

Below is a listing of the most common division information requests along with the cost charged for obtaining these records.

A Glossary of Terms is included on pages 3-5.

Department Information Requests

Information available from the divisions and offices within the department is provided at a standard agency fee of \$.25/page unless otherwise specified by statute or administrative rule. Information produced for sale to the public is subject to sales tax. Consult the appropriate records custodian for the exact price of the request.

Common Inquires

Division of Motor Vehicles:

Driver Record Abstracts - \$3/abstract

Applications and citations - \$3 search fee and \$.25/page

Microfilm copies of accident reports - Police reports, 1993 and earlier, \$4.05; 1994 and later, \$4.75 (includes \$3 search fee).

Ad hoc Traffic Accident Reports - \$20.39 /hour for run set-up and \$1.021/CPU second; \$1.834 tape mounts; \$0.578 per 1000 lines of print.

License Plate Listing - \$60

New Vehicle Report - paper costs vary from \$50 per county per year for autos and trucks to \$120 per year for all other vehicle types. Magnetic tapes version is \$498 for a six month subscription.

Vehicle Registration File - \$2,200 per file purchased

Individual vehicle registration records - \$3/record requested

Dealer's License Number Book - \$10.50 each

Division of Highways:

Detour Map - \$60/year subscription fee

Standard Construction Specifications Book - \$11.00/each

Facilities Development Manual - \$150/set or \$5/chapter

Aerial Photos - \$9.00 for 9X9 contact print and \$18.75 for 20X20 enlargement

County Maps - Book of 72/\$5.50. Available on other mediums. Price Varies.

State Highway Wall Map - \$6.00

Geographic Database - \$25/tape

Division of State Patrol:

Accident Reports - \$1.05 for two page report and \$.35 per each additional page

Enforcement Reports - Standard Agency Fee of \$.25/page

Equipment Records - Standard Agency Fee of \$.25/page

Training Records - Standard Agency Fee of \$.25/page

Personnel Records - Standard Agency Fee of \$.25/page

Policies and Procedures - Standard Agency Fee of \$.25/page

GLOSSARY OF TERMS

AGENCY - See state agency.

ARCHIVE - The state of computer data/information storage referring to inactive records or off-line storage. This data has become less active in use but has not met the required retention period for final disposition status.

Archive is a less expensive storage medium than active and requires a longer period of time to access for use.

AUTHORITY - Refers to any of the following having custody of a record: state or local office, elected official, agency, board, Commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule, and others as listed in the statute. s.19.32(1)

BOARD - The Public Records Board. s.16.61(2)(a)

BROKER - A person, agency or organization that acts as an agent of the authority or legal custodian to negotiate and/or distribute information.

COMPUTER MATCHING - See matching program.

CONFIDENTIAL - Information protected by law which is not to be disclosed or divulged without the express approval of the person about whom it applies. Note: A simple pledge of confidentiality as a condition of receipt of the information may not be legally binding with regards to disclosure under requirements of the open records law.

CUSTODY - See legal custodian.

CUSTOMIZED - Special programming activity to data files/tables or reports modifying content, organization or format to enhance access, disclosure or presentation/readability.

DATA WAREHOUSE - A facility created by the extraction, manipulation, summarization, and presentation of detail data from separate transaction systems for the purpose of supporting management analysis and decision making.

DISTRIBUTOR - A person, agency or organization under contract to dispense/distribute records/information on behalf or under the auspices of the authority.

ENHANCEMENT - See Customized.

INFORMATION TECHNOLOGY - The electronic processing, storage and transmission of information including data processing and telecommunications. s.16.97(6)

LEGAL CUSTODIAN - The authority or designee who is authorized to fulfill the duties of legal custodian. The Secretary of the Department of Transportation is the "authority" having custody of records. The Secretary has designated each Division Administrator and Office Director as Deputy Legal Custodian for all public records maintained by the respective division or office. s.19.33(1)

MATCHING PROGRAM - The computerized comparison of information in one record series to information in another record series for use by an authority or a federal agency to establish or verify an individual's eligibility for any right, privilege or benefit or to recoup payments or delinquent debts under programs of an authority or federal agency. s.19.62(3)

MEDIUM - Any means by which information is stored, conveyed or transferred. Data/information medium includes but is not limited to paper, film, computer, audio, and other visual, electronic or digital environments.

PERSONALLY IDENTIFIABLE INFORMATION - Information that can be associated with a particular individual through one or more identifiers or other information or circumstances. s.19.62(5)

PURGE - A record keeping term often associated with computer data. It refers to the selection and archiving or deletion/removal of outdated or no longer needed information. This activity is accomplished according to predetermined criteria.

RECORDS ACCESS NOTICE - Each authority shall adopt and prominently display at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which the public may obtain information and access to records. s.19.34(1)

RECORDS DISPOSAL AUTHORIZATION - See retention schedule.

RECORDS SERIES - Public records that are arranged under a manual or automated filing system, or are kept together as a unit, because they relate to a particular subject, result from the same activity, or have a particular form. s.16.61(2)(c)

REDACTION - The omission or nonselection of certain data/information elements for open records inspection or presentation. Also see data warehouse and suppression.

REFRESH - A business term usually associated with Data Warehouse. It typically refers to the archiving or deleting of less current information and replacing with updated, more current or enhanced information. Also see purge.

REQUESTOR - Any person who requests inspection or copies of a record. s.19.32(3)

RETENTION - See retention schedule.

RETENTION SCHEDULE - Instructions as to the length of time, the location and the form in which records series are to be kept and the method of filing records series. s.16.61(2)(cm)

STATE AGENCY - Any officer, commission, board, department or bureau of state government. s.16.61(2)

SUN SET - The time period in which the retention schedule must be reviewed and resubmitted to the Public Records Board for approval. A retention schedule approved by the board on or after March 17, 1988, is effective for ten years, unless otherwise specified by the board. At the end of the effective period, an agency shall resubmit a retention schedule for approval by the board. s.16.61(4)(c)

SUPPRESSION - The removal/omission of certain data which is protected or confidential prior to disclosure under open records provisions.

END OF DOCUMENT

REQUEST TO WITHHOLD NAME AND ADDRESS

s.341.08(1m), 342.06(1)(i), 343.14(2m) Wis. Stats.
 Wisconsin Department of Transportation
 MV3582 93

Statement of purpose/effect

Under Wisconsin law, the Department of Transportation, Division of Motor Vehicles is required to provide information from its records to requesters. This information may be used for marketing purposes. If you do not want your name and address included in requests for 10 or more records, you may ask the department to withhold your name and address from those requesters by completing and returning this form. This should eliminate mailings which contain information on products or services and which originate from motor vehicle records. It will not eliminate mailings that originate from other sources of information used by marketers.

Certain requesters are authorized by law to receive your name and address upon request provided such information is used for the purpose of:

- * writing and renewing insurance policies and related underwriting
- * billing and paying of insurance claims
- * vehicle safety recall notification programs and
- * law enforcement activities.

A request to withhold name and address is limited to individuals. If a vehicle is jointly owned, one vehicle owner requesting information be withheld will affect all owners of that vehicle. Once a request is made, the designation will remain in effect until a record is no longer current or the person asks the department to remove it.

Mail completed form to: Wisconsin Dept. of Transportation
 P. O. Box 7918
 Madison, WI 53707-7918

If you have additional questions, please write to the above address or call (608) 266-1466 for vehicle registration information or (608) 266-2325 for driver license information.

Instructions:

To request withholding of your name and address from driver license, vehicle registration, or identification cards for the physically disabled records, please provide the following information. The social security number will be used to verify the identification of the applicant and will not be used for any other purpose. Use of this form is limited to 1 person, 3 vehicles.

Name - As Shown on Operator License or Vehicle Record		Birth Date	Area Code - Telephone Number
Street Address		Social Security Number	
Post Office		Zip Code	Operator License Number
LICENSE PLATE NUMBER	VEHICLE YEAR	VEHICLE MAKE	VEHICLE IDENTIFICATION NUMBER

I do not want my name and address provided from the following records:

- Vehicle registration; show license plate number and vehicle description above.
- Identification card for the physically disabled; card number _____
- Driver license; show operator license number above.

I previously requested withholding of my name and address, but want to reverse that designation from the following records:

- Vehicle registration; show license plate number and vehicle description above.
- Identification card for the physically disabled; card number _____
- Driver license; show operator license number above.

Wisconsin Operator License Application Instructions

Wisconsin Department of Transportation

APPLICANT INFORMATION

All applicants - complete sections B and C.
 If age 18, sections B, C, and D must be completed.
 If applying for a commercial driver license, complete sections B, C, and E. Have your Federal Medical Certificate to show examiner if you meet the requirements of 49 Code of Federal Regulations 391.

DONOR You may choose to be recorded as a potential organ donor. Answer the donor question in section B. Your response will be recorded on your driver file. The purpose of maintaining the record of potential donors is to more easily determine whether a person is a potential donor in the event of death. Your response to the donor question will not affect the issuance of your license in any way. A "yes" response does not in itself authorize an anatomical gift.

- To effectively indicate your desire to make an anatomical gift:
1. Sign the back of your operator's license/identification card;
 2. Let your closest relative know of your desire to make an anatomical gift.

ADA The Wisconsin Department of Transportation complies with the Americans with Disabilities Act (ADA).

SOCIAL SECURITY NUMBER (SSN) Anyone applying for a Wisconsin operator's license must furnish his/her SSN. This is required by s.343.14(2)(b) Wisconsin Statutes and the U. S. Commercial Motor Vehicle Safety Act of 1986 P.L. 99-570. The Federal government has authorized use of the SSN for driver licensing. The department and other agencies may use the SSN for purposes authorized by law. The number must correspond with the number issued to the applicant by the U. S. Social Security Administration. It will also be used to link your driver license and vehicle registration records.

WARNING Any person who, on applying for an operator's license, presents fraudulent or altered documents or makes a false statement to the issuing officer or agency, may be subject to a fine of not more than \$1,000 or imprisonment for not more than 6 months, or both, and revocation of operator's license privilege for one year.

The Department uses information provided to issue driver licenses in Wisconsin, collect fees and enforce laws. Under Wisconsin open records law and s.341.17(9) Wis. Stats., the department may make nonconfidential information available for business purposes. For more information, contact the Department of Transportation, 480 Lincoln Drive, Madison, WI 53706.

SECTION A - COMPLETED BY DOT EMPLOYEE

Date		Badge Number		Reason for Reissue	
ID Proof Shown		Social Security Number Verified		Application Type <input type="checkbox"/> ORG <input type="checkbox"/> RNW <input type="checkbox"/> DUP <input type="checkbox"/> REI <input type="checkbox"/> RSM <input type="checkbox"/> AMD <input type="checkbox"/> COA	
Out-of-State License Number		State	Expiration Date	License Type <input type="checkbox"/> REGI <input type="checkbox"/> CDLI <input type="checkbox"/> CYCI <input type="checkbox"/> SPRI <input type="checkbox"/> JUVI <input type="checkbox"/> MPDI <input type="checkbox"/> PROB <input type="checkbox"/> RGLR <input type="checkbox"/> OCCL <input type="checkbox"/> SPRR <input type="checkbox"/> JUVJ <input type="checkbox"/> NON	
Corrective Lenses	Color Perception	Hearing	Driver Education	Class(es) Issued <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> M	
Right Eye	20/	20/	Temporal Field of Vision In Degrees	Endorsements <input type="checkbox"/> F <input type="checkbox"/> H <input type="checkbox"/> N <input type="checkbox"/> P <input type="checkbox"/> S <input type="checkbox"/> T	
Left Eye	20/	20/		Federal Medical Certificate Shown <input type="checkbox"/> YES <input type="checkbox"/> NO	
Corrective Lenses <input type="checkbox"/> YES <input type="checkbox"/> NO				Restrictions <input type="checkbox"/> K <input type="checkbox"/> L	
Other Restrictions	Skills Test Number	Highway Signs	Knowledge	Amount <input type="checkbox"/> Check <input type="checkbox"/> Cash \$	
				X	
				(Examiner Signature)	
				(Badge Number)	

SECTION B

Wisconsin Driver License Number		Expiration Date	
Former Name If Changed Since Last License			
Mailing Address and/or Post Office Box - ONLY If Different From Residence Address			
City	State	Zip Code	Country
If applying for a duplicate license, state reason			
Do you wish to have your name and address withheld from driver record requesters? <input type="checkbox"/> YES <input type="checkbox"/> NO			
Do you wish to be recorded as a potential organ donor? <input type="checkbox"/> YES <input type="checkbox"/> NO			

APPLICANT - PLEASE PRINT

Social Security Number					
Applicant Name - First, Middle Initial, Last					
Residence Address - Street or Route - Box Number					
City	State	Zip Code			
County of Residence			Birthdate - Month	Day	Year
Sex	Race	Eyes	Hair	Weight	Height

I certify that the information on this application is true and correct and that I am a resident of Wisconsin.

GENERAL INFORMATION

- A \$15.00 personalized plate fee is required EACH year in addition to the regular annual registration fee.
- A \$10.00 one time original issuance fee is required when nonpersonalized Civilian plates are issued.
- You are required to submit your current Certificate of Title. It is necessary for the issuance of plates. A new title will be issued to you.
- If your request has already been issued to someone else, check which option on the form that you would like us to follow.
- No refund or adjustment will be made for a change of choice or spacing after the plate has been ordered, or if the application is incorrectly or unclearly completed.
- The department may refuse to issue OR may recall after issuance, a request which may be offensive to good taste or decency, misleading or conflict with the issuance of any other license plates.
- Personalized plates are reserved ONLY from applications received through the U.S. mail. Civilian plates CANNOT be issued at DMV Service Centers.
- Allow approximately 4-6 weeks for the manufacturing process, after title is issued.
- The qualifying individual must be an owner, lessee or trust beneficiary.
- If you have questions or want to check on a request, call (608) 266-3041
TTY (608) 264-8703.

HOW TO APPLY

1. If you want personalized Civilian plates choose 1-6 characters. If you want nonpersonalized Civilian plates, mark application and omit steps 2-4.
2. If you choose 6 characters, no spaces are allowed.

R E S C U E

If you choose 5 characters, you may request up to 2 spaces between any of the characters. Indicate this request with diagonal lines as shown here.

I / M / E M T

3. Use capital letters or numbers. The following are not acceptable: small letters, symbols, signs, hyphens, apostrophes, etc. Carefully distinguish between:
Letters L or I and Number 1
Letter S and Number 5
Letter G and Number 6
Letter Z and Number 2
Letter B and Number 8
Letter U and Letter V
4. Provide meaning of request, i.e., what does this represent?
5. Send the following items:
 - Signed application;
 - Your Wisconsin title (not a photocopy), if titled in your name OR an application for title and assigned title if not currently titled in your name;
 - Check or money order made payable to: **Registration Fee Trust;**
 - Registration fee if you do not have plates or if your plates expire within the next three months.
6. Mail to:

Wisconsin Department of Transportation
Special Plates Unit
P O Box 7911
Madison WI 53707-7911

Detach before submitting application with Certificate of Title.

CIVILIAN LICENSE PLATES APPLICATION

Wisconsin Department of Transportation
MV2652 1197 s.341.14(6) Wis. Stats.

Circle group to be shown on plate:

Firefighter Rescue Squad Member Emergency Medical Technician (EMT)

Check Options:

- I would like nonpersonalized Civilian plates.
 I would like personalized Civilian plates
Note: If all personalized choices have been used:
 I would like nonpersonalized plates
 Call me at _____
 between 7 AM - 4:30 PM

First Choice					Meaning
Second Choice					Meaning
Third Choice					Meaning

Print Applicant Full Name (Last, First, M.I.) _____

Street Address _____

City _____ State _____ Zip Code _____

If you are requesting a plate which the current owner no longer wants OR are changing to a different personalized plate, the reverse side must be completed and signed.

(Applicant Signature)

PROOF OF ELIGIBILITY

All documentation is subject to verification by the Department. Emergency Medical Technician please submit a photocopy of:

1. Your current Type 75, 76A, 76M, 77A, 79A, 79M, 80 or 85 WI ambulance attendant license.
- or 2. Your completion certificate for an EMT course from an approved EMT training center.
- or 3. Your current registration card from the National Registry of Emergency Medical Technicians.

Firefighter or Rescue Squad Member, please submit:

1. A letter on official letterhead signed and dated by the Chief, or other authorized person of your employing fire department.
- or 2. The following information completed, signed and dated by appropriate personnel.

(Employing Fire Department Name)

X

(Signature of Fire Chief or Authorized Person)

(Date)

(Print or Type Name)

RELEASE OF PERSONALIZED PLATES

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I authorize the reissuance of my personalized license plate number specified above to applicant shown on other side.

I allow the Department of Transportation to reissue my current personalized plate after it is replaced with a different plate.

X

(Signature of Owner Releasing Plate)

New Owner - please check one:

Have plates in good condition in my possession

Need new plates issued

Note: No credit of registration fees, personalized plate fee, or any other fee from former owner is allowed.

RELEASE OF NONEXEMPT INFORMATION

The Wisconsin Department of Transportation uses the information on this form to issue Civilian license plates. Under open records laws, the Department must make nonexempt information available upon request. The Department makes some information available to companies for business purposes. If you want your name and address withheld from such business mailing lists, please obtain, from any DMV office, form MV3592, Request to Withhold Name and Address. Complete and return form MV3592 to the address given on the form.



Civilian

License

Plates

Application

Who is eligible? A Wisconsin resident who is a Firefighter or a Rescue Squad Member or an Emergency Medical Technician (EMT).

Civilian Plates are available for:

- Automobile
- Motor Home (annual registration only)
- Truck
 - 4,500, 6,000 or 8,000 pound gross weight including dual purpose farm and dual purpose motor home
 - 12,000 pound gross weight farm truck

RELEASE OF PERSONALIZED PLATES

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- I authorize the reissuance of my personalized license plate number specified above to applicant shown on other side.
- I allow the Department of Transportation to reissue my current personalized plate after it is replaced with a different plate.

X _____

(Signature of Owner Releasing Plate)

New Owner - please check one:

- Have plates in good condition in my possession
- Need new plates issued

Note: No credit of registration fees, personalized plate fee, or Endangered Resources donation from former owner is allowed.

Endangered Resources Plates are available for:

- Automobile
- Motor Home (annual registration only)
- Truck
- 4,500, 6,000 or 8,000 pound gross weight including dual purpose farm and dual purpose motor home
- 12,000 pound gross weight farm truck

RELEASE OF INFORMATION

The Wisconsin Department of Transportation uses the information on this form to issue Endangered Resources license plates. Under open records laws, the Department must make certain information available upon request. The Department makes some information available to companies for business purposes. If you want your name and address withheld from such business mailing lists, please obtain form MV3592, Request to Withhold Name and Address from any DMV office.



ADA - The Wisconsin Department of Transportation complies with the Americans with Disabilities Act.



Endangered Resources License Plates Application

Wisconsin DNR's Bureau of Endangered Resources is dedicated to the identification, protection and management of Wisconsin's endangered resources.

Your ANNUAL donation will help:

- Bring back endangered species like timber wolves, peregrine falcons, calypso orchids and more;
- Identify and manage areas where endangered and threatened plants and animals live;
- Maintain State Natural Areas, land set aside to protect endangered plants, animals and habitats in Wisconsin.

GENERAL INFORMATION

HOW TO APPLY

- A \$15.00 personalized plate fee is required EACH year in addition to the regular annual registration fee.
- A \$15.00 one time original issuance fee is required when nonpersonalized University plates are issued.
- A \$20.00 tax deductible University fee is required for original issuance and each year at renewal.
- A \$4.00 fee in addition to the \$15.00 fee is required if you are changing from one personalized plate to another OR if you change to a nonpersonalized plate of any type.
- No refund or adjustment will be made for a change of choice or spacing after the plate has been ordered, or if the application is incorrectly or unclearly completed.
- The department may refuse to issue OR may recall after issuance, a request which may be offensive to good taste or decency, misleading or conflict with the issuance of any other license plates.
- Personalized plates are reserved ONLY from applications received through the U.S. mail. University plates CANNOT be issued at DMV Service Centers.
- Allow approximately 4-6 weeks for the manufacturing process, after title is issued.
- If you have questions or want to check on a request, call (608) 266-3041 between 7:30 A.M. and 4:30 P.M. Telephone Device for the Deaf (608) 264-8703

1. If you want personalized UW plates, choose 1-6 characters. If you want nonpersonalized UW plates, mark application and omit steps 2-4.
2. If you choose 6 characters, no spaces are allowed.

2	E	D	U	K	8
---	---	---	---	---	---

If you choose 5 characters, you may request up to 2 spaces between any of the characters. Indicate this request with diagonal lines as shown here.

G	O	/	4	/	U	W
---	---	---	---	---	---	---

3. Use capital letters or numbers. The following are not acceptable: small letters, symbols, signs, hyphens, apostrophes, etc. Carefully distinguish between:
 - Letters L or I and Number 1
 - Letter S and Number 5
 - Letter G and Number 6
 - Letter Z and Number 2
 - Letter B and Number 8
 - Letter U and Letter V

4. Provide meaning of request, i.e., what does this represent?
5. Send the following items:
 - Signed application;
 - Your Wisconsin title (not a photocopy), if titled in your name OR an application for title and assigned title if not currently titled in your name;
 - Check or money order made payable to: **Registration Fee Trust;**
 - Registration fee if you do not have plates or if your plates expire within the next three months.

6. Mail to:

Wisconsin Department of Transportation
 Special Plates Unit
 P O Box 7911
 Madison WI 53707-7911

Detach before submitting application.

UNIVERSITY LICENSE PLATES APPLICATION

Wisconsin Department of Transportation
 MV2724 795 s.341.14(6r) Wis. Stats.

Check options: I would like nonpersonalized University plates.
 I would like personalized University plates.
 If all personalized choices have been used:
 I would like nonpersonalized University plates.
 Call me at _____
 between 7 AM - 4:30 PM

Circle campus to be shown on plate:

Eau Claire	Green Bay	La Crosse
Madison	Parkside	Platteville
River Falls	Superior	Whitewater
Milwaukee	Oshkosh	
Stevens Point	Stout	

First Choice						Meaning
Second Choice						Meaning
Third Choice						Meaning

Fee Calculation	
Original Issuance Fee	\$15.00
University Fee	20.00
Registration Fee	_____
if applicable	
Exchange of plate fee	_____
if applicable \$4.00	
TOTAL FEE	_____

Print Applicant Full Name (Last, First, M.I.) _____

Street Address _____

City _____ State _____ Zip Code _____

If you are requesting a plate which the current owner no longer wants OR are changing to a different personalized plate, the reverse side must be completed and signed.

(Applicant Signature)

RELEASE OF PERSONALIZED PLATES

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- I authorize the reissuance of my personalized license plate number specified above to applicant shown on other side.
- I allow the Department of Transportation to reissue my current personalized plate after it is replaced with a different plate.

X

(Signature of Owner Releasing Plate)

New Owner/Lessee - please check one:

- Have plates in good condition in my possession
- Need new plates issued

Note: No credit of registration fees, personalized plate fee, or University fee from former owner is allowed.

RELEASE OF NONEXEMPT INFORMATION

The Wisconsin Department of Transportation uses the information on this form to issue University license plates. Under open records laws, the Department must make nonexempt information available upon request. The Department makes some information available to companies for business purposes. If you want your name and address withheld from such business mailing lists, please obtain form MV3592, Request to Withhold Name and Address from any DMV office. Complete and return form MV3592 to the address given on the form.

ADA - The Wisconsin Department of Transportation complies with the Americans with Disabilities Act.



University License Plates Application

Who is eligible? Any Wisconsin resident.

University Plates are available for:

- Automobile
- Motor Home (annual registration only)
- Truck
- 4,500, 6,000 or 8,000 pound gross weight including dual purpose farm and dual purpose motor home
- 12,000 pound gross weight farm truck

ID CARD USE

A motor vehicle (except motorcycles and mopeds) displaying the Disabled Parking Identification (ID) Card issued by Wisconsin or any other state or country, is subject to all Wisconsin motor vehicle laws and is granted the following privileges when the person with the disability is present:

- Parking in places reserved for people with a disability;
- Exemption from time limitations in parking places with a 1/2 hour or more limit;
- Exemption from payment in metered parking places with 1/2 hour or more limit. This does not include payment collected by parking attendants.
- Upon request, a driver who is disabled may obtain fuel from a full-service pump at the same price as fuel from a self-service pump. This applies at locations where fuel is sold at retail from both full and self-service pumps. The retailer is not required to provide any other service that is not provided to customers who use a self-service pump.

UNAUTHORIZED ID CARD USE

Any person who lends the Disabled Parking ID Card to someone who is not authorized by law to use it, may be fined up to \$200.00. In addition, the Department may cancel the Disabled Parking ID Card of any person who improperly uses it.

SIGNATURES NECESSARY

Your health care specialist must complete the "Eligibility Section" on the other side and must sign the "Eligibility Statement" for the following:

- First-time applicants;
- Applications for replacements of cards issued before July 1994.

HOW TO APPLY

1. Read the Eligibility Section.
2. Complete applicant section; print clearly.
3. Have your health care specialist complete the eligibility section.
4. Send \$6.00 for each ID card, limit 2. A second card is allowed if you do NOT have disabled license plates or disabled veteran license plates.
5. Make check or money order payable to: **Registration Fee Trust**
6. Mail fee with application to:
Wisconsin Department of Transportation
Special Plates Unit - ID
P O Box 7306
Madison WI 53707-7306

Note: Applications made at a local DMV Service Center which provides ID card service are subject to an additional \$3.00 counter service fee.

INFORMATION

Persons with a permanent disability will be issued a blue disabled parking ID card that **must be renewed every 4 years**. Persons with a temporary disability will be issued a red disabled parking ID card that is valid for a **MAXIMUM** of 6 months.

If you are a licensed driver, the Department may review your medical condition or disability to re-evaluate your licensing eligibility.

The Department may cancel a disabled parking ID card which was issued as a result of fraud or error.

If you have any questions about disabled parking ID cards, please write to the address above or call (608) 266-3041 between 7:45 a.m. and 4:15 p.m.
TTY (608) 264-8703

Detach before submitting application to WDOT.

This Area for Office Use

APPLICANT SECTION

WV2548 1196

Check appropriate boxes

Original - New or Replacement of card
issued BEFORE July 1994

Replacement of card number _____

Lost/Destroyed Stolen

Mutilated/Illegible

Number of Cards Needed

1 - \$6.00 fee 2 - \$12.00 fee

Please Print Clearly

Legal Name of Person with Disability - First, M I, Last

Address

City, State, Zip Code

Social Security Number

Month, Day, Year You Were Born

Female
 Male

Driver License/Nondriver ID Number - If none, write NONE

Telephone Number Between 7 AM - 4:30 PM

I have read the information on this form and understand the qualifications and provisions under which my Disabled Parking ID Card may be issued.

(Signature of Disabled Person) (Date)

or (Person Signing on Behalf of Disabled Person)

If signing on behalf of the person with a disability, give the following:

Name of Person Signing for Applicant - Please Print

Relationship to Applicant



ELIGIBILITY SECTION

This must be completed and signed by any of the following health care professionals licensed to practice in any state: a physician, an advanced practice nurse, or a chiropractor, or a physician assistant certified to practice in any state, or a Christian Science Practitioner residing in Wisconsin, or by an authorized VA representative. This statement is for issuance of a disabled parking ID card and is not to be considered as a claim for VA benefits.

Please check appropriate boxes.

- Temporary Disability until _____
Give specific date of expiration. Temporary ID cards are issued for a **MAXIMUM PERIOD OF 6 MONTHS**
- Permanent Disability

YES NO Does the applicant's medical condition or disability impair his/her ability to SAFELY operate a motor vehicle? The Department has a responsibility to ensure that all drivers are able to exercise reasonable control over their vehicles. If the answer is yes, the applicant will be required to complete a driving examination.

Please Print Clearly

Name of Person Certifying Eligibility
Address
City, State, Zip Code
Medical License Number
Area Code and Office Telephone Number

Eligibility Statement

I certify that the applicant is disabled according to the conditions specified on this form. I have indicated above whether this is a temporary or permanent disability.

(Authorized Signature of Health Care Specialist)

(Date)

RELEASE OF NONEXEMPT INFORMATION

The Wisconsin Department of Transportation uses the information on this form to issue disabled parking identification cards. Under open records laws, the Department must make nonexempt information available upon request. The Department makes some information available to companies for business purposes. If you want your name and address withheld from such business mailing lists, please obtain form MV3592, Request to Withhold Name and Address from any DMV office. Complete and return form MV3592 to the address given on the form.

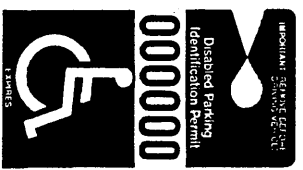
AMERICANS WITH DISABILITIES ACT

The Wisconsin Department of Transportation complies with the Americans with Disabilities Act.

Disabled Parking Identification Card

Application for Individuals

Wisconsin Department of Transportation
MV2548



WISCONSIN

Are you eligible?

Any person certified by an authorized health care specialist as having a temporary or permanent disability is eligible for the Disabled Parking Identification Card. By legal definition, this includes any person who:

- Cannot walk 200 feet or more without stopping to rest;
- Cannot walk without the use of, or assistance from, another person or brace, cane, crutch, prosthetic device, wheelchair or other assistance device;
- Is restricted by lung disease to the extent that forced expiratory volume for 1 second when measured by spirometry is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;
- Uses portable oxygen;
- Has a cardiac condition to the extent that functional limitations are classified in severity as class III or IV, according to standards accepted by the American Heart Association;
- Is severely limited in the ability to walk due to an arthritic, neurological or orthopedic condition;
- Has an equal degree of disability to those described above.

Driver's Privacy Protection Act

Description of Act:

The intent of the Act is to protect the privacy of personal data relating to **ID cards, instruction permits, driver licenses, vehicle titles and registration.** Personal information contained in motor vehicle records is only discloseable under permissible uses.

Personal information:

**person's photograph
driver's ID number
name
address (but not the 5 digit zip code)
telephone number
Social Security number
medical and disability information.**

Personal information does **NOT** include:

driver record entries of accidents, convictions and driver status

-DMV shall release personal information relating to:

- motor vehicle or driver safety and theft
- motor vehicle emissions
- motor vehicle product alterations, recalls or advisories
- performance monitoring of motor vehicles and dealers by motor vehicle manufacturers
- the Automobile Information Disclosure Act
- the Motor Vehicle Information and Cost Savings Act
- the National Traffic and Motor Vehicle Safety Act of 1966
- the Anti Car Theft Act of 1992
- the Clean Air Act

-DMV may release "personal information" for use: (Permissible Recipients)

- by federal, state or local courts and law enforcement agencies
- in connection with driver safety, theft, emissions, product alterations, recalls, etc.
- in the normal course of business to verify accuracy of data, to prevent fraud by pursuing legal remedies against or recovering a debt or security against the person
- in connection with any civil, criminal, or administrative court or agency
- in research activities if individual is not identified
- by any insurer or insurance support organization or self-insured entity or its agents, employees or contractors with claims, antifraud rating and underwriting
- providing notice to owners of towed or impounded vehicles
- by private investigation or security service
- by employers for CDL information