

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

10-31

repeal

1 **AN ACT to repeal** 343.63 (title), 343.63 (3) and (6), 343.64 (title) and (1) (intro.),
2 343.64 (1) (d), 343.65 (title), 343.65 (1) (intro.) and (a), 343.665 (title), 343.67,
3 343.675, 343.68, 343.70 (title), 343.71 (1) and 343.72 (8); **to renumber** 343.72
4 (4); **to renumber and amend** 343.60 (1), 343.60 (4), 343.61 (3), 343.61 (4),
5 343.61 (5), 343.61 (6), 343.62 (3), 343.63 (intro.), (1), (2), (4) and (5), 343.63 (5m),
6 343.64 (1) (a), 343.64 (1) (b), 343.64 (1) (c), 343.64 (1) (e), 343.64 (1) (f), 343.64
7 (1) (g), 343.64 (2), 343.65 (1) (b), 343.65 (2), 343.66, 343.665 (1), 343.665 (2),
8 343.69, 343.70 (1), 343.70 (2), 343.71 (intro.), 343.71 (2), 343.71 (3), 343.72 (2),
9 343.72 (3), 343.72 (5) and 343.72 (9); **to amend** 343.60 (3), 343.61 (1), 343.62
10 (1), 343.66 (title), 343.69 (title), 343.71 (title), 343.72 (1), 343.72 (7), 343.72 (11),
11 343.72 (12) and 343.73; **to repeal and recreate** 343.61 (title) and 343.62 (title);
12 and **to create** 343.60 (1) (c), (d) and (e), 343.60 (1g), 343.61 (2) (a) 3., 343.61 (2)
13 (a) 4., 343.61 (2) (am), 343.61 (2m) (intro.), 343.61 (3) (b), (c) and (d), 343.61 (3m)
14 (b), 343.61 (5m), 343.62 (3) (a) 2., 343.62 (3) (b), 343.62 (4) (a) 3., 343.62 (4) (c),
15 343.69 (2), 343.71 (5), 343.72 (3m) and 343.72 (5m) of the statutes; **relating to:**

1 licensing and activities of driver schools and instructors and granting
2 rule-making authority.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

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

3 **SECTION 1.** 343.60 (1) of the statutes is renumbered 343.60 (1) (intro.) and
4 amended to read:

5 343.60 (1) (intro.) “Driver school” means ~~the~~ a business of giving that gives
6 instruction, for compensation, in the driving operation of motor vehicles, except that
7 it does not include ~~a~~ any of the following: meets the criteria for a driver

education course under this chapter

8 (a) A high school or technical college ~~which that~~ teaches driver training as part
9 of its regular school program and whose course of study in driver training has been
10 approved by the department of public instruction or technical college system board
11 and it does not include an.

12 (b) An institution of higher learning ~~which that~~ teaches driver training as part
13 of its teacher training program.

14 **SECTION 2.** 343.60 (1) (c), (d) and (e) of the statutes are created to read:

15 343.60 (1) (c) A motorcycle training school that offers a basic or experienced
16 rider training course approved by the department.

1 (d) Any driver training school that offers training exclusively in the operation
2 of vehicles designed and manufactured for off-highway operation.

3 (e) An instructor.

4 **SECTION 3.** 343.60 (1g) of the statutes is created to read:

5 343.60 (1g) “Driver school classroom” means any facility that is approved by
6 the department and used to conduct driver training, but does not include a motor
7 vehicle.

8 **SECTION 4.** 343.60 (3) of the statutes is amended to read:

9 343.60 (3) “Instructor” means any person who is employed by a driver school
10 licensed under this chapter and who, for compensation, gives instruction in the
11 driving operation of a motor vehicle, ~~except a person who is employed as a full time~~
12 ~~instructor by a high school, technical college or institution of higher learning as~~
13 ~~provided in sub. (1).~~

14 **SECTION 5.** 343.60 (4) of the statutes is renumbered 343.60 (1m) and amended
15 to read:

16 343.60 (1m) “Place of business Driver school office” means the location at which
17 the driver school business is conducted. “Driver school office” does not include any
18 facility used only as a driver school classroom. *no score*

19 **SECTION 6.** 343.61 (title) of the statutes is repealed and recreated to read:

20 **343.61 (title) Driver school requirements.**

21 **SECTION 7.** 343.61 (1) of the statutes is amended to read:

22 343.61 (1) The department shall issue and renew driver school licenses in
23 conformity with the requirements of this subchapter. No person shall conduct may
24 operate a driver school without being licensed therefor, advertise, solicit bids for

1 business, or provide services unless the person holds a valid driver school license
2 issued by the department.

3 **SECTION 8.** 343.61 (2) (a) 3. of the statutes is created to read:

4 343.61 (2) (a) 3. Identification of all driver school office and driver school
5 classroom locations.

6 **SECTION 9.** 343.61 (2) (a) 4. of the statutes is created to read:

7 343.61 (2) (a) 4. Proof of insurance required under sub. (3m) (a).

8 **SECTION 10.** 343.61 (2) (am) of the statutes is created to read:

9 343.61 (2) (am) A driver school may provide to the department a written
10 certification that the driver school has complied with all applicable driver school
11 office and driver school classroom requirements imposed under this subchapter or
12 under any rule promulgated by the department under this subchapter.

13 **SECTION 11.** 343.61 (2m) (intro.) of the statutes is created to read:

14 343.61 (2m) (intro.) The department may not issue or renew a driver school
15 license if any of the following applies:

16 **SECTION 12.** 343.61 (3) of the statutes is renumbered 343.61 (3) (a) 1. and
17 amended to read:

18 343.61 (3) (a) 1. The required fee for any driver school license, or for any annual
19 renewal thereof, is ~~\$75 or, for licenses issued or renewed after August 31, 1998, \$95.~~

20 **SECTION 13.** 343.61 (3) (b), (c) and (d) of the statutes are created to read:

21 343.61 (3) (b) In addition to the fee under par. (a), an applicant or licensee under
22 this section shall pay a one-time fee of \$10 for each mailing address where one or
23 more driver school classrooms are located.

24 (c) The fee for a duplicate license certificate provided under sub. (4) (a) is \$10.

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1 (d) The department shall charge a fee of \$10 in connection with changes to a
2 license certificate, including changes in the location of a driver school office.

3 SECTION 14. 343.61 (3m) (b) of the statutes is created to read:

4 343.61 (3m) (b) A driver school shall file with the department a bond in the form
5 and amount established by the department by rule.

6 SECTION 15. 343.61 (4) of the statutes is renumbered 343.61 (4) (a) and
7 amended to read:

8 343.61 (4) (a) If the department approves an application for a driver school
9 license ~~is approved by the department~~ and the applicant pays the required fee paid,
10 the ~~applicant~~ department shall be granted issue a license, and shall be issued provide
11 a license certificate, to the applicant. The licensee shall display such the certificate
12 in the licensee's ~~place of business~~ driver school office, but is not required to display
13 the certificate in any driver school classroom.

14 SECTION 16. 343.61 (5) of the statutes is renumbered 343.61 (3) (a) 2. and
15 amended to read:

16 343.61 (3) (a) 2. A driver school license expires ~~at the end of the calendar year,~~
17 ~~for which it is granted on the date stated on the license, but not later than 12~~ months
18 ~~after the date on which the license is issued.~~ The department may institute any
19 system of initial license issuance that it considers advisable for the purpose of
20 gaining a uniform rate of renewals. To put such a system into operation, the
21 department may issue licenses that are valid for any period less than one year. If the
22 department issues a license that is valid for less than one year, the department shall
23 accordingly prorate the fees specified under subd. 1.

24 SECTION 17. 343.61 (5m) of the statutes is created to read:

1 343.61 (5m) Any driver school licensed under this section may be authorized
2 by the department to provide testing, limited to knowledge and signs tests, for
3 students of the driver schools who are under the age of 18 and for driver school
4 instructors. Authorized driver schools providing such testing shall meet standards
5 and follow procedures established by the department by rule.

6 **SECTION 18.** 343.61 (6) of the statutes is renumbered 343.71 (5), and 343.71 (5)
7 (intro.), as renumbered, is amended to read:

8 343.71 (5) (intro.) ~~No~~ The department may not license a driver school may be
9 licensed unless its approved course of instruction does all of the following:

10 **SECTION 19.** 343.62 (title) of the statutes is repealed and recreated to read:

11 **343.62 (title) Instructor requirements.**

12 **SECTION 20.** 343.62 (1) of the statutes is amended to read:

13 343.62 (1) ~~No person holding a driver school license shall employ any person~~
14 ~~as an instructor unless such person is licensed by the department to act as such~~
15 ~~instructor~~ The department shall issue and renew instructor's licenses in conformity
16 with the requirements of this subchapter. No person, including the a person holding
17 the a driver school license, shall may act as an instructor in such a driver school
18 unless ~~such person is licensed~~ the person holds a valid instructor's license issued by
19 the department to act as such instructor. No driver school may employ any person
20 as an instructor unless the person holds a valid instructor's license issued by the
21 department.

22 **SECTION 21.** 343.62 (3) of the statutes is renumbered 343.62 (3) (a) 1. and
23 amended to read:

24 343.62 (3) (a) 1. The required annual fee for any an instructor's license, ~~or for~~
25 ~~any annual renewal thereof,~~ is \$25.

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1 SECTION 22. 343.62 (3) (a) 2. of the statutes is created to read:

2 343.62 (3) (a) 2. An instructor's license expires on the date stated on the license,
3 but not later than 12 months after the date on which the license is issued. The
4 department may institute any system of initial license issuance that it considers
5 advisable for the purpose of gaining a uniform rate of renewals. To put such a system
6 into operation, the department may issue licenses that are valid for any period less
7 than one year. If the department issues a license that is valid for less than one year,
8 the department shall accordingly prorate the fee specified in subd. 1.

9 SECTION 23. 343.62 (3) (b) of the statutes is created to read:

10 343.62 (3) (b) If an instructor's license is lost, the department shall issue a
11 replacement upon receipt of a completed application, satisfactory proof of loss, and
12 a fee established by the department by rule.

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13 SECTION 24. 343.62 (4) (a) 3. of the statutes is created to read:

14 343.62 (4) (a) 3. The applicant is at least 19 years of age, holds a valid regular
15 operator's license, and has at least 2 years of licensed experience operating a motor
16 vehicle.

17 SECTION 25. 343.62 (4) (c) of the statutes is created to read:

18 343.62 (4) (c) The department may not renew an instructor's license issued
19 under this section unless the licensee meets the requirements specified under par.
20 (a) 3. to 9., except that an instructor's license that is restricted to classroom
21 instruction may be renewed to an applicant who meets the requirements specified
22 in par. (a) 4. and 6. to 9.

23 SECTION 26. 343.63 (title) of the statutes is repealed.

24 SECTION 27. 343.63 (intro.), (1), (2), (4) and (5) of the statutes are renumbered
25 343.62 (4) (a) (intro.), 1., 2., 4. and 5. and amended to read:

1 343.62 (4) (a) (intro.) ~~All applicants for~~ Except as provided in par. (b), the
2 department may not issue an original instructor's license shall be examined, and
3 other applicants may be examined, by the department as follows to an applicant
4 unless all of the following apply:

5 1. ~~A written and oral~~ The applicant completes a knowledge test shall be
6 completed by the applicant and shall be administered by the department and
7 designed to evaluate the applicant's knowledge of instruction procedures, motor
8 vehicle and traffic laws, safety equipment requirements, and functions of essential
9 automotive equipment. The, and the applicant must receive passes the test with a
10 score of at least 80 per cent percent. An applicant who fails to receive a passing score
11 may be reexamined, except that an applicant who fails to pass the test after 2
12 successive attempts may not be reexamined until one year has elapsed since the date
13 of the last test. The department may by rule provide for an alternative requirement
14 for the issuance of an instructor license in lieu of taking and passing the test under
15 this subdivision. An applicant may not seek review under s. 343.69 of any
16 determination by the department under this subdivision.

17 2. ~~The applicant must pass a road passes, with a score that exceeds the~~
18 minimum standard for obtaining an operator's license, a driving skills test not less
19 than 5 miles long, which shall include that includes driving maneuvers and parking
20 involved in typical traffic situations. The passing score of the applicant must exceed
21 the minimum standard set for obtaining an operator's license by the state An
22 applicant who fails to receive a passing score may be reexamined, except that an
23 applicant who fails to pass the test after 2 successive attempts may not be
24 reexamined until one year has elapsed since the date of the last test. The department
25 may by rule provide for an alternative requirement for the issuance of an instructor

1 license in lieu of taking and passing the test under this subdivision. An applicant
2 may not seek review under s. 343.69 of any determination by the department under
3 this subdivision.

4 4. The applicant shall ~~submit~~ submits with his or her the application a
5 statement completed within the immediately preceding 24 months, except as
6 provided by rule, by a registered physician showing licensed to practice medicine in
7 any state, from an advanced practice nurse licensed to practice nursing in any state,
8 from a physician assistant licensed or certified to practice in any state, from a
9 chiropractor licensed to practice chiropractic in any state, or from a Christian
10 Science practitioner residing in this state, and listed in the Christian Science journal
11 certifying that, in the physician's medical care provider's judgment, the applicant is
12 physically fit to teach driving.

13 5. ~~Except for a license which is restricted to classroom instruction, no license~~
14 ~~shall be issued to an~~ The applicant who has ~~not~~ suffered an amputation or ~~any loss~~
15 ~~of the full use of either upper any body limb or loss of the natural use of the foot~~
16 normally employed extremity necessary to safely operate the foot brake and foot
17 accelerator and control, from the passenger seat, a motor vehicle of the vehicle class
18 and type in which the applicant will provide instruction for which satisfactory
19 accommodation cannot be provided by adaptive vehicle equipment.

20 **SECTION 28.** 343.63 (3) and (6) of the statutes are repealed.

21 **SECTION 29.** 343.63 (5m) of the statutes is renumbered 343.62 (4) (b) and
22 amended to read:

23 343.62 (4) (b) The Notwithstanding par. (a), the department may issue an
24 original instructor's license which that is restricted to classroom instruction to an
25 applicant who does not otherwise qualify for a license because of a test result under

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1 sub. (3) or because the applicant has suffered an amputation or loss of the full use
2 of either upper limb or loss of the natural use of the foot normally employed to operate
3 the foot brake and foot accelerator, as specified in sub. (5) the applicant does not meet
4 the requirements specified in par. (a) 2., 3., or 5. The department may not issue an
5 instructor's license that is restricted to classroom instruction under this paragraph
6 unless the applicant satisfies standards established by the department by rule
7 relating to the ability of the applicant to communicate clearly and concisely and to
8 control the classroom environment and behavior and establishing any further
9 certification required by the department.

10 SECTION 30. 343.64 (title) and (1) (intro.) of the statutes are repealed.

11 SECTION 31. 343.64 (1) (a) of the statutes is renumbered 343.61 (2m) (f) and
12 amended to read:

13 343.61 (2m) (f) ~~Such~~ The applicant has made a material false statement or
14 concealed a material fact in the an application;

15 SECTION 32. 343.64 (1) (b) of the statutes is renumbered 343.61 (2m) (a) and
16 amended to read:

17 343.61 (2m) (a) ~~Such~~ The applicant or licensee or any officer, director, partner
18 or other person directly interested in or actively involved in the driver school
19 business was a former holder of, or actively involved in a driver school business
20 operating under, a license granted issued under s. 343.61 this section or a similar
21 license issued by another jurisdiction or was directly interested in or a party actively
22 involved in another driver school which held a license under s. 343.61 and which this
23 section or a similar license issued by another jurisdiction, or was the former holder
24 of an instructor license issued under s. 343.62, and any such license was revoked or
25 suspended;

1 **SECTION 33.** 343.64 (1) (c) of the statutes is renumbered 343.61 (2m) (b) and
2 amended to read:

3 343.61 **(2m)** (b) Subject to ss. 111.321, 111.322, and 111.335, the applicant or
4 licensee or any officer, director, stockholder, partner or any person directly interested
5 in or actively involved in the driver school business has been convicted of a felony,
6 or any other disqualifying offense as established by rule by the department, in this
7 state, or in another jurisdiction, including a conviction under the law of a federally
8 recognized American Indian tribe or band in this state, for an offense that if
9 committed in this state would be a felony or disqualifying offense, unless the person
10 so convicted has been duly officially pardoned;.

11 **SECTION 34.** 343.64 (1) (d) of the statutes is repealed.

12 **SECTION 35.** 343.64 (1) (e) of the statutes is renumbered 343.61 (2m) (c) and
13 amended to read:

14 343.61 **(2m)** (c) ~~Such~~ The applicant or licensee does not have a place of business
15 ~~as required by s. 343.72 (5);~~ driver school office.

16 **SECTION 36.** 343.64 (1) (f) of the statutes is renumbered 343.61 (2m) (d) and
17 amended to read:

18 343.61 **(2m)** (d) ~~Such~~ The applicant or licensee is not the true owner of the
19 driver school; ~~or,~~

20 **SECTION 37.** 343.64 (1) (g) of the statutes is renumbered 343.61 (3m) (a) and
21 amended to read:

22 343.61 **(3m)** (a) ~~The application is not accompanied by a copy of~~ A driver school
23 shall maintain a standard liability insurance policy in the amount of \$50,000 for
24 ~~personal injury to, or death of any one person and subject to said limit for any one~~
25 ~~person, \$100,000 for personal injury to, or death of any number of persons involved~~

1 ~~in any one accident, and \$10,000 for property damage in any one accident, suffered~~
2 ~~or caused by reason of the negligence of the applicant or any agent or employee of the~~
3 ~~applicant name of the school, with the minimum insurance coverage specified by rule~~
4 ~~by the department. The insurance policy shall require the insurer to notify the~~
5 ~~department not less than 10 days before the policy expires or is materially changed~~
6 ~~or canceled.~~ 30

7 **SECTION 38.** 343.64 (2) of the statutes is renumbered 343.61 (2m) (e) and
8 amended to read:

9 343.61 (2m) (e) ~~The secretary shall deny the application of any person for a~~
10 ~~driver school license if the The applicant or licensee fails to provide the information~~
11 ~~or statement required under s. 343.61 sub. (2) (a) 1. or to 2., or if the applicant does~~
12 ~~not have a social security number, a statement made or subscribed under oath or~~
13 ~~affirmation that the applicant does not have a social security number.~~

14 **SECTION 39.** 343.65 (title) of the statutes is repealed.

15 **SECTION 40.** 343.65 (1) (intro.) and (a) of the statutes are repealed.

16 **SECTION 41.** 343.65 (1) (b) of the statutes is renumbered 343.62 (4) (a) 7. and
17 amended to read:

18 343.62 (4) (a) 7. The applicant has failed to furnish provided to the department
19 satisfactory evidence of the facts required of the applicant, has not held a license to
20 drive a motor vehicle within this state for the past year, under sub. (2) (a).

21 8. The applicant has not had a driving record that is satisfactory to the
22 secretary, or, subject department. as specified by rule

23 9. Subject to ss. 111.321, 111.322 and 111.335, the applicant has not been
24 convicted of a felony and, or any other disqualifying offense as established by rule
25 by the department, in this state, or in another jurisdiction, including a conviction

1 under the law of a federally recognized American Indian tribe or band in this state,
2 for an offense that if committed in this state would be a felony or disqualifying
3 offense, unless the person so convicted has not been duly officially pardoned.

4 **SECTION 42.** 343.65 (2) of the statutes is renumbered 343.62 (4) (a) 6. and
5 amended to read:

6 343.62 (4) (a) 6. The secretary shall deny an application for the issuance or
7 renewal of an instructor's license if the applicant has not included provides his or her
8 social security number in the application, unless the applicant is an individual who
9 does not have a social security number and submits a statement made or subscribed
10 under oath or affirmation as required under s. 343.62 (2) (a) or the statement
11 specified in sub. (2) (am) as required under sub. (2).

12 **SECTION 43.** 343.66 (title) of the statutes is amended to read:

13 **343.66 (title) Revocation or, suspension, cancellation, or denial of**
14 **renewal of driver school license licenses and instructor's licenses.**

15 **SECTION 44.** 343.66 of the statutes is renumbered 343.66 (1) and amended to
16 read:

17 343.66 (1) The secretary department may suspend or, revoke, or cancel any
18 driver school license issued under s. 343.61 or instructor's license issued under s.
19 343.62, or, subject to ss. 343.61 and 343.62, refuse to issue a renewal thereof if renew
20 a driver school license or instructor's license if, during any period, any of the
21 following applies:

22 (a) The licensee has made a material false statement or concealed a material
23 fact in connection with the application for a license or the renewal thereof; of a
24 license.

1 (b) Subject to ss. 111.321, 111.322 and 111.335, the licensee or any partner,
2 member, manager or officer of the licensee has been convicted of a felony; or any
3 other disqualifying offense as established by rule by the department, in this state,
4 or in another jurisdiction, including a conviction under the law of a federally
5 recognized American Indian tribe or band in this state, for an offense that if
6 committed in this state would be a felony or disqualifying offense, unless the person
7 so convicted has been officially pardoned.

8 (c) The licensee has failed to comply with any of the requirements of ss. 343.60
9 to 343.72; or rules promulgated under those sections.

10 (d) The licensee or any partner, member, manager or officer of ~~such~~ the licensee
11 has been guilty of fraud or fraudulent practices in relation to the business conducted
12 under the license or in relation to securing for himself or herself or another a license
13 to operate a motor vehicle, or guilty of inducing another person to resort to fraud or
14 fraudulent practices in relation to securing for himself or herself or another the
15 license to ~~drive~~ operate a motor vehicle;.

16 (e) Subject to ss. 111.321, 111.322 and 111.335, the licensee has knowingly
17 employed, as an instructor, a person who ~~has been convicted of a felony or has~~
18 ~~retained such a person in such employ after knowledge of his or her conviction; or~~
19 does not meet the requirements under s. 343.62.

20 (f) The licensee has failed to maintain ~~satisfactory~~ insurance ~~to meet damage~~
21 ~~claims in the amounts specified by s. 343.64 (1) (g)~~ as required by the department
22 under s. 343.61 (3m) (a).

23 **SECTION 45.** 343.665 (title) of the statutes is repealed.

24 **SECTION 46.** 343.665 (1) of the statutes is renumbered 343.66 (2) and amended
25 to read:

1 343.66 (2) The secretary shall deny, restrict, limit or suspend any driver school
2 license issued under s. 343.61 or instructor's license issued under s. 343.62 or refuse
3 to ~~issue a renewal for such~~ renew a driver school license or instructor's license if the
4 applicant or licensee is an individual who is delinquent in making court-ordered
5 payments of child or family support, maintenance, birth expenses, medical expenses
6 or other expenses related to the support of a child or former spouse, or who fails to
7 comply, after appropriate notice, with a subpoena or warrant issued by the
8 department of workforce development or a county child support agency under s.
9 59.53 (5) and related to paternity or child support proceedings, as provided in a
10 memorandum of understanding entered into under s. 49.857.

11 **SECTION 47.** 343.665 (2) of the statutes is renumbered 343.66 (3) and amended
12 to read:

13 343.66 (3) The secretary shall suspend or revoke a driver school license issued
14 under s. 343.61 or an instructor's license issued under s. 343.62, if the department
15 of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes.
16 A licensee whose driver school license or instructor's license is suspended or revoked
17 under this subsection for delinquent taxes is entitled to a notice under s. 73.0301 (2)
18 (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice
19 or hearing under this subchapter.

20 **SECTION 48.** 343.67 of the statutes is repealed.

21 **SECTION 49.** 343.675 of the statutes is repealed.

22 **SECTION 50.** 343.68 of the statutes is repealed.

23 **SECTION 51.** 343.69 (title) of the statutes is amended to read:

1 **343.69** (title) **Hearings on license denials and, cancellations,**
2 **restrictions, suspensions, and revocations, and progressive enforcement**
3 **action.**

4 **SECTION 52.** 343.69 of the statutes is renumbered 343.69 (1) and amended to
5 read:

6 343.69 (1) ~~Before~~ If the department denies an application for original issuance
7 or renewal of a driver school license or instructor's license, or revokes, suspends,
8 cancels, or restricts any such license, the department shall notify the applicant or
9 licensee in writing of the pending action ~~and that the division of hearings and appeals~~
10 ~~will hold a hearing on the pending denial or revocation. The division of hearings and~~
11 ~~appeals shall send~~ by sending notice of the hearing action by registered or certified
12 mail to the last-known address of the licensee or applicant, ~~at least 10 days prior to~~
13 ~~the date of the hearing. Any person who is aggrieved by a decision of the department~~
14 under this subsection may, within 10 days after the date of receiving notice of the
15 department's action, request review of the action by the division of hearings and
16 appeals in the department of administration under ch. 227. This section subsection
17 does not apply to denials, cancellations, restrictions, suspensions, or revocations of
18 licenses under s. 343.665 or 343.675 343.66 (2) or (3).

19 **SECTION 53.** 343.69 (2) of the statutes is created to read:

20 343.69 (2) The department shall establish by rule a system of progressive
21 enforcement action taken against licensees for violations of this subchapter or rules
22 promulgated under this subchapter. This system shall include a procedure for
23 addressing consumer complaints and taking action against licensees when such
24 complaints are found to be substantiated.

25 **SECTION 54.** 343.70 (title) of the statutes is repealed.

1 **SECTION 55.** 343.70 (1) of the statutes is renumbered 343.61 (3) (e) and
2 amended to read:

3 343.61 (3) (e) If any driver school ~~or instructor's~~ license is lost, it shall be
4 reissued by the department upon application therefor accompanied by shall issue a
5 replacement upon receipt of a completed application, satisfactory proof of loss, and
6 a fee of ~~\$1~~ established by the department by rule.

7 **SECTION 56.** 343.70 (2) of the statutes is renumbered 343.66 (4) and amended
8 to read:

9 343.66 (4) If a driver school or instructor's license is ~~suspended or~~ revoked,
10 canceled, or suspended, the licensee shall surrender all driver school and instructor
11 licenses to the department and no portion of the any license fee shall be refunded.

12 **SECTION 57.** 343.71 (title) of the statutes is amended to read:

13 **343.71 (title) Driver schools to maintain school records, curriculum,**
14 **and operations.**

15 **SECTION 58.** 343.71 (intro.) of the statutes is renumbered 343.71 (1m) (intro.)
16 and amended to read:

17 343.71 (1m) (intro.) Every licensed driver school shall maintain all of the
18 following records:

19 **SECTION 59.** 343.71 (1) of the statutes is repealed.

20 **SECTION 60.** 343.71 (2) of the statutes is renumbered 343.71 (1m) (a) and
21 amended to read:

22 343.71 (1m) (a) A record showing the date, type, and duration of, and the name
23 and address of each person receiving, all lessons, lectures, tutoring, instructions or
24 other services relating to instructions in the operation of motor vehicles, and this
25 record shall include the name of the instructor giving such lessons or instructions

1 and identification of the vehicle in which any road driving skills lesson is given,
2 ~~including type of transmission;~~

3 **SECTION 61.** 343.71 (3) of the statutes is renumbered 343.71 (1m) (b) and
4 amended to read:

5 343.71 (1m) (b) A file containing a ~~duplicate~~ copy of every agreement entered
6 ~~into between the school and every person given lessons, lectures, instructions or~~
7 ~~other services relating to instructions in the operation of motor vehicles~~ required
8 under this paragraph. No person shall be given driver school or instructor may
9 provide lessons, lectures, tutoring or other services relating to instructions in the
10 operation of motor vehicles ~~until~~ unless a written agreement in a form approved by
11 the department has been executed by ~~both~~ the school and either the student if the
12 student is at least 18 years of age or, if the student is under 18 years of age, the
13 student's parent or legal guardian. ~~The student shall be given driver school shall~~
14 ~~give the student, or the parent or guardian if the student is under 18 years of age,~~
15 the original, ~~while the school agreement and~~ shall retain and preserve ~~the carbon a~~
16 duplicate thereof copy of the agreement.

17 **SECTION 62.** 343.71 (5) of the statutes is created to read:

18 343.71 (5) A driver school shall notify the department of the name and address
19 of each person who is under the age of 18 years at the commencement of a course in
20 driver training and who fails to satisfactorily complete the course.

21 **SECTION 63.** 343.72 (1) of the statutes is amended to read:

22 343.72 (1) No licensee may agree to give refresher lessons, unless the student
23 states that he or she has had previous ~~driving experience~~ operating a motor vehicle.

24 **SECTION 64.** 343.72 (2) of the statutes is renumbered 343.71 (2m) and amended
25 to read:

1 343.71 (2m) No licensee shall may agree to give unlimited ~~driver's~~ driver
2 lessons, nor represent or agree, orally or in writing or as a part of an inducement to
3 sign any agreement, to give instructions until the student obtains an operator's
4 license ~~is obtained~~.

5 **SECTION 65.** 343.72 (3) of the statutes is renumbered 343.71 (3m) and amended
6 to read:

7 343.71 (3m) No agreement shall may contain a “no refund” clause, but may
8 contain the following: “The school will not refund any tuition or part of tuition if the
9 school is ready, willing and able to fulfill its part of the agreement”.

10 **SECTION 66.** 343.72 (3m) of the statutes is created to read:

11 343.72 (3m) No driver school may offer classroom instruction by means of the
12 Internet or of home-schooling or at any location other than a classroom identified to
13 the department under s. 343.61 (2) (a) 3. at which a licensed instructor is physically
14 present.

15 **SECTION 67.** 343.72 (4) of the statutes is renumbered 343.71 (4).

16 **SECTION 68.** 343.72 (5) of the statutes is renumbered 343.61 (4) (b) and
17 amended to read:

18 343.61 (4) (b) ~~The licensee shall have a specific place of business described~~
19 location of each driver school office shall be identified in the license. ~~No~~ Except as
20 provided by the department by rule, no licensee shall may establish its headquarters
21 any driver school office within 1,500 feet of a department office where operator's
22 licenses are issued, nor within 1,500 feet of any headquarters where official road
23 driving skills tests are given, ~~and locations shall be filed with the department as part~~
24 ~~of the license application.~~ Any change in address of any driver school office or driver
25 school classroom must be reported to and approved by the department. A driver

1 school may maintain driver school classrooms at locations other than the driver
2 school office.

3 **SECTION 69.** 343.72 (5m) of the statutes is created to read:

4 343.72 (5m) No driver school may represent that completion of a course of
5 instruction will guarantee that the student will pass the driving skills test
6 administered by the department. A driver school may only represent by means of a
7 certificate of completion that the student has satisfactorily completed the required
8 course.

9 **SECTION 70.** 343.72 (7) of the statutes is amended to read:

10 343.72 (7) Licensees ~~shall~~ may not publish, advertise, or ~~intimate~~ create the
11 impression that a license is guaranteed or assured. The display of a sign such as
12 “License Secured Here” is forbidden.

13 **SECTION 71.** 343.72 (8) of the statutes is repealed.

14 **SECTION 72.** 343.72 (9) of the statutes is renumbered 343.61 (4) (c) and
15 amended to read:

16 343.61 (4) (c) ~~Except as provided by sub. (8), the~~ The use of the word
17 “Wisconsin”, or “State” or the name of the city in which the school is located, in any
18 ~~sign, firm name, or other medium of advertising is prohibited, except that a licensed~~
19 driver school may display at any driver school office or driver school classroom a sign
20 reading: “This School is Licensed by the State of Wisconsin.”

21 **SECTION 73.** 343.72 (11) of the statutes is amended to read:

22 343.72 (11) All driver training ~~cars~~ vehicles must be registered with the
23 department with a brief description of each, including the make, model, and
24 registration number, and ~~type of transmission~~ shall be kept in safe working
25 condition, as established by the department by rule. The department may

1 promulgate rules authorizing the department to place any driver training vehicle out
2 of service for a vehicle equipment violation or for failure to file with the department
3 proof of insurance for the vehicle.

4 **SECTION 74.** 343.72 (12) of the statutes is amended to read:

5 343.72 (12) All driver training cars vehicles shall be equipped with approved
6 dual controls so that the instructor can stop the ear vehicle promptly. The
7 department may inspect these ears vehicles at its discretion. After initial inspection
8 of any driver training vehicle by the department, a driver school may, as provided by
9 rule, certify to the department the condition of any driver training vehicle of a model
10 year not more than 3 years old.

11 **SECTION 75.** 343.73 of the statutes is amended to read:

12 **343.73 Penalty.** Any person who violates ss. 343.60 to 343.72 may be fined
13 required to forfeit not less than \$25 \$100 nor more than \$100 ~~or imprisoned not more~~
14 ~~than 30 days~~ \$200 for each offense.

15 **SECTION 76. Initial applicability.**

16 (1) This act first applies to licenses issued or renewed, actions taken by the
17 department of transportation against licenses, agreements entered into, and
18 requests for review or hearing made, on the effective date of this subsection.

19 (END)



Section #. Effective date.

(1) This act takes effect on the first day
of the ~~fourth~~^{4th} month beginning after
publication.

action: NS: eff
date
text: NS:
effdateA

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0512/P1ins
PJH:kjf:jf

INSERT 20.8:

SECTION 1. 343.72 (6) of the statutes is amended to read:

343.72 (6) All licensees must ascertain from state license examiners the route over which road tests are given, and no licensee may instruct in those areas, except that commercial schools may operate on a ~~Division of Motor Vehicle~~ skills test route if comparable training location opportunities are not otherwise available in the locale.

History: 1977 c. 29 s. 1654 (7) (a), (e); 1981 c. 314; 1991 a. 316.

DMV Analysis of Commercial Driving School Draft, LRB-0512/1

What does that mean? What criteria?

Section	Stats Affected	DMV Comments
1	343.60(1)(intro)	(a) Insert "that meets criteria for driver's education as defined in Chapter 343" after technical college system board on page 2, line 10. ✓
5	343.60(1m)	Insert "and approved by the department" after conducted on page 3, line 17. ✓
13	343.61 (3) (b-d)	Change "in connection with" to "for any", page 5, line 1. ✓
16	343.61 (3)(a) 2	Can we change 12 months to 18? This would make it easier to spread out renewals for schools. (Page 5, line 17) ✓
22	343.62 (3)(a)2	Can we change 12 months to 18? This would make it easier to spread out renewals for schools. (Page 7, line 3) ✓
23	343.62 (3)(b)	Add a determination of eligibility, so dept doesn't have to issue a replacement instructor license to someone who is not valid ✓
27	343.62 (4)(a) intro, 1, 2, 4, & 5	1. Dept would like to administer knowledge tests to potential instructors (leave administer as is, line pg 8, line 6) 5. Does this violate the Americans with Disabilities Act? Can we remove verbiage about loss of extremity, and use "can safely operate a motor vehicle" instead? ✓
37	343.61 (3m)(a)	Pg 12, line 5: change 10 days to 30 days. DOT would also like to be listed as certificate holder on the policy. (Third party testers are required to do this too) ✓
41	343.62 (4)(a) 7-9	8. Add "as specified by rule" to end of line 22, pg 12 ✓
53	343.69 (2)	Since s. 343.68 is repealed, dept would still like ability to deny or delay renewal of licenses. Can we include this in the progressive enforcement rule? ✓
55	343.61 (3)(e)	Duplicate of 343.61 (3)(c) – issuing replacement driver school licenses ✓
66	343.72 (3m)	Can we discuss this? <i>Internet use of tests knowledge?</i> ✓
76	Initial applicability	Can we have a delayed implementation date of either December 1, 2005 or 3 months after publication, whichever occurs later? We need to make some programming changes, and our IT resources are involved with implementation of MCSIA, which must be done by September 30, 2005 or WI faces sanctions and loss of federal highway funds. ✓

OK
OK
OK
(24 months okay)
OK
OK
OK
OK
OK
OK

in discussion

Suggested language for s.343.72 (6):

Commercial schools may operate on Division of Motor Vehicle (DMV) skills test routes only if comparable training location opportunities are not otherwise available in that locale. ~~Determination of comparable training location opportunities is at the sole discretion of the DMV.~~

Delete this sentence

343.61 (4)(c) - see notes →
343.62 (4)(A)(1) - see notes →

Do inserts

Hutkowski, Hariah

From: Becky [bengebretson@new.rr.com]
Sent: Monday, September 26, 2005 11:55 AM
To: Hutkowski, Hariah
Subject: LRB-0512/1
Attachments: 343.60 new Draft 4.doc

Attached is a copy of the WPDSA Draft of the new ss 343.60. This is a copy was for internal use by the WPDSA.

Comments to DMV Analysis of Commercial Driving School Draft:

Section 1 : WPDSA is ok with this.

Section 5 : WPDSA is ok with this.

Section 13 : WPDSA is ok with this.

Section 16 : WPDSA thinks the renewal cycle should be every 2 years. This would free up some of DMV's time by processing applications every 24 months instead of every 12 months. The revenue would stay the same, but the time spent on paperwork would be reduced. It would still allow for a staggered renewal cycle.

Section 22 : same as section 16

Section 23 : WPDSA is ok with this.

Section 27 : WPDSA would like to see this read "developed by the department" to allow Commercial Driving Schools to test their own instructors in the future with the DOT still being involved.

Section 37 : WPDSA is ok with the change from 10 to 30 days. WPDSA would not want to have the DOT listed as a certificate holder due to the increased cost of insurance if they were a certificate holder.

Section 41 : WPDSA is ok with this.

Section 53 : WPDSA is ok with this.

Section 55 : WPDSA is ok with this.

Section 66 : WPDSA would like to talk about this also. WPDSA would like to see that all Driving Schools, CESA's, and Tech Colleges are prohibited from offering internet drivers ed.

Section 76 : WPDSA is ok with this.

There are also a few other changes that the WPDSA would like to see. They are listed in the draft that is attached.

Thanks,

Kris Engebretson
WPDSA Communications Director
920-494-0996

Items added

Items deleted

WPDSA's Position

Comments or Concerns

by DMV

LICENSING OF DRIVER SCHOOLS AND INSTRUCTORS**343.60 Definitions In ss.343.60 to 343.73:**

343.60(1) (intro.) "Driver school" means a business that gives instruction, for compensation, in the operation of motor vehicles, except that it does not include any of the following:

343.60(1)(a) A high school or technical college that 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 that meets criteria for driver's education as defined in Chapter 343. added by DOT, not sure where they are going with this.
WPDSA has no problems with this change.

343.60(1)(b) An institution of higher learning that teaches driver training as part of its teacher training program.

343.60(1)(c) A motorcycle training school that offers a basic or experienced rider training course approved by the department.

343.60(1)(d) Any driver training school that offers training exclusively in the operation of vehicles designed and manufactured for off-highway operation.

343.60(1)(e) An instructor.

343.60(1g) "Driver school classroom" means any facility that is approved by the department and used to conduct driver training, but does not include a motor vehicle.

343.60(1m) "Driver school office" means the location at which the driver school business is conducted and approved by the department. "Driver school office" does not include any facility used only as a driver school classroom. WPDSA has no problems with this addition.

343.60(2) "Fraudulent practices" includes, but is not limited to:

343.60(2)(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

343.60(2)(b) The requesting, accepting, exacting or collecting of money for such purpose.

343.60(3) "Instructor" means any person who is employed by a driver school licensed under this chapter and who, for compensation, gives instruction in the operation of a motor vehicle.

343.61 Driver school requirements.

Items added

Items deleted

WPDSA's Position

Comments or Concerns

343.61(1) The department shall issue and renew driver school licenses in conformity with the requirements of this subchapter. No person may operate a driver school, advertise, solicit bids for business, or provide services unless the person holds a valid driver school license issued by the department.

343.61(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:

343.61(2)(a)(1) Except as provided in subd. 1m., in the case of an individual, the individual's social security number.

343.61(2)(a)(1m) In the case of an individual who does not have a social security number, a statement made or subscribed under oath or affirmation that the individual does not have a social security number. The form of the statement shall be prescribed by the department of workforce development. A license that is issued by the department in reliance on a statement submitted under this subdivision is invalid if the statement is false.

343.61(2)(a)(2) In the case of a person who is not an individual, the person's federal employer identification number.

343.61(2)(a)(3) Identification of all driver school office and driver school classroom locations.

343.61(2)(a)(4) Proof of insurance required under sub. (3m) (a).

343.61(2)(am) A driver school may provide to the department a written certification that the driver school has complied with all applicable driver school office and driver school classroom requirements imposed under this subchapter or under any rule promulgated by the department under this subchapter.

343.61(2)(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 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.

343.61(2m) (intro.) The department may not issue or renew a driver school license if any of the following applies:

343.61(2m)(a) The applicant or licensee or any officer, director, partner or other person directly interested in or actively involved in the driver school business was a former holder of, or actively involved in a driver school business operating under, a license issued under this section or a similar license issued by another jurisdiction or was directly interested in or a party actively involved in another driver school which held a license under this section or a similar license issued by another jurisdiction, or was the former holder of an instructor license issued under s. 343.62, and any such license ~~was revoked or suspended~~ is suspended, revoked, or disqualified. WPDSA would like this change to allow driving schools that might have been revoked or suspended in the past to be able to be re-licensed after suspension or revocation is done.

343.61(2m)(b) Subject to ss. 111.321, 111.322, and 111.335, the applicant or licensee or any officer, director, stockholder, partner or any person directly interested in or actively involved in the driver school business has been convicted of a felony, or any other disqualifying offense as

Items added

Items Deleted

WPDSA's Position

Comments or Concerns

established by rule by the department, in this state, or in another jurisdiction, including a conviction under the law of a federally recognized American Indian tribe or band in this state, for an offense that if committed in this state would be a felony or disqualifying offense, unless the person so convicted has been officially pardoned.

343.61(2m)(c) The applicant or licensee does not have a driver school office.

343.61(2m)(d) The applicant or licensee is not the true owner of the driver school.

343.61(2m)(e) The applicant or licensee fails to provide the information or statement required under sub. (2) (a) 1. to 2.

343.61(2m)(f) The applicant has made a material false statement or concealed a material fact in an application;

343.61(3)(a)(1) The required fee for any driver school license, or for any annual renewal thereof, is \$95.

343.61(3)(a)(2) A driver school license expires on the date stated on the license, but not later than ~~12~~ 24 months after the date on which the license is issued. The department may institute any system of initial license issuance that it considers advisable for the purpose of gaining a uniform rate of renewals. To put such a system into operation, the department may issue licenses that are valid for any period less than one year. If the department issues a license that is valid for less than one year, the department shall accordingly prorate the fees specified under subd. 1. Changing the license renewal cycle to 24 months would reduce the amount of time the DMV would have to spend on renewals. Currently the renewal cycle to 12 months and it takes the DMV 3 to 4 months to process the renewals causing driving schools to operate without a valid license for 1 to 3 months due to back log at the DMV. This would not change the amount of fees the DMV would collect.

343.61(3)(b) In addition to the fee under par. (a), an applicant or licensee under this section shall pay a one-time fee of \$10 for each mailing address where one or more driver school classrooms are located.

343.61(3)(c) The fee for a duplicate license certificate provided under sub. (4) (a) is \$10.

343.61(3)(d) The department shall charge a fee of \$10 ~~connection with~~ for any changes to a license certificate, including changes in the location of a driver school office. OK with WPDSA

343.61(3)(e) If a driver school license is lost, the department shall issue a replacement upon receipt of a completed application, satisfactory proof of loss, and a fee established by the department by rule and after determination of eligibility is established. OK with WPDSA

343.61(3m)(a) A driver school shall maintain a standard liability insurance policy in the name of the school, with the minimum insurance coverage specified by rule by the department. The insurance policy shall require the insurer to notify the department ~~10 days~~ 30 days before the policy expires or is materially changed or canceled. OK with WPDSA

343.61(3m)(b) A driver school shall file with the department a bond in the form and amount established by the department by rule.

Items added

Items deleted

WPDSA's Position

Comments or Concerns

343.61(4)(a) If the department approves an application for a driver school license and the applicant pays the required fee, the department shall issue a license, and provide a license certificate, to the applicant. The licensee shall display the certificate in the licensee's driver school office, but is not required to display the certificate in any driver school classroom.

343.61(4)(b) The location of each driver school office shall be identified in the license. Except as provided by the department by rule, no licensee may establish any driver school office within 1,500 feet of a department office where operator's licenses are issued, nor within 1,500 feet of any headquarters where official driving skills tests are given. Any change in address of any driver school office or driver school classroom must be reported to and approved by the department. A driver school may maintain driver school classrooms at locations other than the driver school office.

343.61(4)(c) The use of the word "Wisconsin", or "State" in any ~~sign, firm name, or other~~ ~~medium of advertising~~ is prohibited, ~~except that a licensed driver school may display at any driver school office or driver school classroom a sign reading: "This School is Licensed by the State of Wisconsin." With this phrase in the Stats, all driving school are currently in violation due to the name of the city and Wisconsin being on all return address labels and other print forms of advertising that lists the address of the school. Why have part of a law that no one can follow.~~

Delete

343.61(5m) Any driver school licensed under this section may be authorized by the department to provide testing, limited to knowledge and signs tests, for students of the driver schools who are under the age of 18 and for driver school instructors. Authorized driver schools providing such testing shall meet standards and follow procedures established by the department by rule.

343.62 Instructor requirements.

343.62(1) The department shall issue and renew instructor's licenses in conformity with the requirements of this subchapter. No person, including a person holding a driver school license, may act as an instructor in a driver school unless the person holds a valid instructor's license issued by the department. No driver school may employ any person as an instructor unless the person holds a valid instructor's license issued by the department.

343.62(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. Except as provided in par. (am), the application shall include the applicant's social security number.

343.62(2)(am) If the applicant does not have a social security number, a statement made or subscribed under oath or affirmation that the applicant does not have a social security number. The form of the statement shall be prescribed by the department of workforce development. A license that is issued by the department in reliance on a statement submitted under this paragraph is invalid if the statement is false.

343.62(2)(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.

Items added

Items deleted

WPDSA's Position

Comments or Concerns

343.62(3)(a)(1) The annual fee for an instructor's license is \$25.

343.62(3)(a)(2) An instructor's license expires on the date stated on the license, but not later than 18 24 months after the date on which the license is issued. The department may institute any system of initial license issuance that it considers advisable for the purpose of gaining a uniform rate of renewals. To put such a system into operation, the department may issue licenses that are valid for any period less than one year. If the department issues a license that is valid for less than one year, the department shall accordingly prorate the fee specified in subd. 1. Changing the license renewal cycle to 24 months would reduce the amount of time the DMV would have to spend on renewals. Currently the renewal cycle to 12 months and it takes the DMV 3 to 4 months to process the renewals causing driving schools to operate without a valid license for 1 to 3 months due to back log at the DMV. This would not change the amount of fees the DMV would collect

wants this to be done through the driver schools

343.62(3)(b) If an instructor's license is lost, the department shall issue a replacement upon receipt of a completed application, satisfactory proof of loss, and a fee established by the department by rule and after determination of eligibility is established. OK with WPDSA

343.62(4)(a)(intro.) Except as provided in par. (b), the department may not issue an original instructor's license to an applicant unless all of the following apply:

mimic other language for procedures to track

343.62(4)(a)(1) The applicant completes a knowledge test authorized or developed by administered by the department and designed to evaluate the applicant's knowledge of instruction procedures, motor vehicle and traffic laws, safety equipment requirements, and functions of essential automotive equipment and the applicant passes the test with a score of at least 80 percent. An applicant who fails to receive a passing score may be reexamined, except that an applicant who fails to pass the test after 2 successive attempts may not be reexamined until one year has elapsed since the date of the last test. The department may by rule provide for an alternative requirement for the issuance of an instructor license in lieu of taking and passing the test under this subdivision. An applicant may not seek review under s. 343.69 of any determination by the department under this subdivision. (Look at trans 104) WPDSA would like to see this to read (knowledge test developed by the department) to allow in the future for CDS to administer the instructor knowledge test.

2 fails ?

intert

343.62(4)(a)(2) The applicant passes, with a score that exceeds the minimum standard for obtaining an operator's license, a driving skills test that includes driving maneuvers and parking involved in typical traffic situations. An applicant who fails to receive a passing score may be reexamined, except that an applicant who fails to pass the test after 2 successive attempts may not be reexamined until one year has elapsed since the date of the last test. The department may by rule provide for an alternative requirement for the issuance of an instructor license in lieu of taking and passing the test under this subdivision. An applicant may not seek review under s. 343.69 of any determination by the department under this subdivision. (Trans 104)

343.62(4)(a)(3) The applicant is at least 19 years of age, holds a valid regular operator's license, and has at least 2 years of licensed experience operating a motor vehicle.

343.62(4)(a)(4). The applicant submits with the application a statement completed within the immediately preceding 24 months, except as provided by rule, by a physician licensed to practice medicine in any state, from an advanced practice nurse licensed to practice nursing in any state, from a physician assistant licensed or certified to practice in any state, from a

Items added

Items deleted

WPDSA's Position

Comments or Concerns

chiropractor licensed to practice chiropractic in any state, or from a Christian Science practitioner residing in this state, and listed in the Christian Science journal certifying that, in the medical care provider's judgment, the applicant is physically fit to teach driving.

343.62(4)(a)(5) The applicant ~~has not suffered any loss of use of any body limb or extremity~~ can safely operate a motor vehicle necessary to safely operate and control, from the passenger seat, a motor vehicle of the vehicle class and type in which the applicant will provide instruction for which satisfactory accommodation cannot be provided by adaptive vehicle equipment. Ok with WPDSA

343.62(4)(a)(6) The applicant provides his or her social security number or the statement specified in sub. (2) (am) as required under sub. (2).

343.62(4)(a)(7) The applicant has provided to the department satisfactory evidence of the facts required of the applicant under sub. (2) (a).

343.62(4)(a)(8) The applicant has a driving record that is satisfactory to the department ~~as specified by rule.~~ OK with WPDSA

343.62(4)(a)(9) Subject to ss. 111.321, 111.322 and 111.335, the applicant has not been convicted of a felony, or any other disqualifying offense as established by rule by the department, in this state, or in another jurisdiction, including a conviction under the law of a federally recognized American Indian tribe or band in this state, for an offense that if committed in this state would be a felony or disqualifying offense, unless the person so convicted has been officially pardoned.

343.62(4)(b) Notwithstanding par. (a), the department may issue an original instructor's license that is restricted to classroom instruction to an applicant who does not otherwise qualify for a license because the applicant does not meet the requirements specified in par. (a) 2., 3., or 5. The department may not issue an instructor's license that is restricted to classroom instruction under this paragraph unless the applicant satisfies standards established by the department by rule relating to the ability of the applicant to communicate clearly and concisely and to control the classroom environment and behavior and establishing any further certification required by the department.

343.62(4)(c) The department may not renew an instructor's license issued under this section unless the licensee meets the requirements specified under par. (a) 3. to 9., except that an instructor's license that is restricted to classroom instruction may be renewed to an applicant who meets the requirements specified in par. (a) 4. and 6. to 9.

343.66 Revocation, suspension, cancellation, or denial of renewal of driver school licenses and instructor's licenses.

343.66(1) The department may suspend, revoke, or cancel any driver school license issued under s. 343.61 or instructor's license issued under s. 343.62, or, subject to ss. 343.61 and 343.62, refuse to renew a driver school license or instructor's license if, during any period, any of the following applies:

Items added

Items deleted

WPDSA's Position

Comments or Concerns

343.66(1)(a) The licensee has made a material false statement or concealed a material fact in connection with the application for a license or the renewal of a license.

343.66(1)(b) Subject to ss. 111.321, 111.322 and 111.335, the licensee or any partner, member, manager or officer of the licensee has been convicted of a felony, or any other disqualifying offense as established by rule by the department, in this state, or in another jurisdiction, including a conviction under the law of a federally recognized American Indian tribe or band in this state, for an offense that if committed in this state would be a felony or disqualifying offense, unless the person so convicted has been officially pardoned.

343.66(1)(c) The licensee has failed to comply with any of the requirements of ss. 343.60 to 343.72 or rules promulgated under those sections.

343.66(1)(d) The licensee or any partner, member, manager or officer of the licensee has been guilty of fraud or fraudulent practices in relation to the business conducted under the license or in relation to securing for himself or herself or another a license to operate a motor vehicle, or guilty of inducing another person to resort to fraud or fraudulent practices in relation to securing for himself or herself or another the license to operate a motor vehicle;.

343.66(1)(e) Subject to ss. 111.321, 111.322 and 111.335, the licensee has knowingly employed, as an instructor, a person who does not meet the requirements under s. 343.62.

343.66(1)(f) The licensee has failed to maintain insurance as required by the department under s. 343.61 (3m) (a).

343.66(2) The secretary shall deny, restrict, limit or suspend any driver school license issued under s. 343.61 or instructor's license issued under s. 343.62 or refuse to renew a driver school license or instructor's license 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.

343.66(3) The secretary shall suspend or revoke a driver school license issued under s. 343.61 or an instructor's license issued under s. 343.62, if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes. A licensee whose driver school license or instructor's license is suspended or revoked under this subsection 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 subchapter.

343.66(4) If a driver school or instructor's license is revoked, canceled, or suspended, the licensee shall surrender all driver school and instructor licenses to the department and no portion of any license fee shall be refunded.

343.69 **Hearings on license denials, cancellations, restrictions, suspensions, and revocations, and progressive enforcement action.**

Items added

Items deleted

WPDSA's Position

Comments or Concerns

343.69(1) If the department denies an application for original issuance or renewal of a driver school license or instructor's license, or revokes, suspends, cancels, or restricts any such license, the department shall notify the applicant or licensee in writing of the action by sending notice of the action by registered or certified mail to the last-known address of the licensee or applicant. Any person who is aggrieved by a decision of the department under this subsection may, within 10 days after the date of receiving notice of the department's action, request review of the action by the division of hearings and appeals in the department of administration under ch. 227. This subsection does not apply to denials, cancellations, restrictions, suspensions, or revocations of licenses under s. 343.66 (2) or (3).

343.69(2) The department shall establish by rule a system of progressive enforcement action taken against licensees for violations of this subchapter or rules promulgated under this subchapter. This system shall include a procedure for addressing consumer complaints and taking action against licensees when such complaints are found to be substantiated.

343.71 Driver school records, curriculum, and operations.

343.71(1m) Every licensed driver school shall maintain all of the following records:

343.71(1m)(a) A record showing the date, type, and duration of, and the name and address of each person receiving, all lessons, lectures, tutoring, instructions or other services relating to instructions in the operation of motor vehicles, and this record shall include the name of the instructor giving such lessons or instructions and identification of the vehicle in which any driving skills lesson is given.

343.71(1m)(b) A file containing a copy of every agreement required under this paragraph. No driver school or instructor may provide lessons, lectures, tutoring or other services relating to instructions in the operation of motor vehicles unless a written agreement in a form approved by the department by rule has been executed by the school and either the student if the student is at least 18 years of age or, if the student is under 18 years of age, the student's parent or legal guardian. The driver school shall give the student, or the parent or guardian ~~of the student~~ if the student is under 18 years of age, the original agreement and shall retain and preserve a duplicate copy of the agreement. OK with WPDSA

343.71(2m) No licensee may agree to give unlimited driver lessons, nor represent or agree, orally or in writing or as a part of an inducement to sign any agreement, to give instructions until the student obtains an operator's license.

343.71(3m) No agreement may contain a "no refund" clause, but may contain the following: "The school will not refund any tuition or part of tuition if the school is ready, willing and able to fulfill its part of the agreement".

343.71(5) (intro.) The department may not license a driver school unless its approved course of instruction does all of the following:

343.71(5)(a) Acquaints each student with the hazards posed by farm machinery and animals on highways and provides instruction in safely dealing with such hazards.

Items added	Items deleted	WPDSA's Position	Comments or Concerns
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343.71(5)(b) Provides at least 30 minutes of instruction relating to organ and tissue donation and organ and tissue donation procedures.

343.71(7) A driver school shall notify the department of the name and address of each person who is under the age of 18 years ~~at the commencement of a course in driver training~~ and fails to satisfactorily complete the course. *(what if the student turns 18 and then does not finish?)*
 WPDSA would like this deleted because there is no definition of how the DMV uses the word (commencement).

343.72 Rules for conducting driver schools; prohibited practices.

343.72(1) No licensee may agree to give refresher lessons, unless the student states that he or she has had previous experience operating a motor vehicle. *(what is the purpose of this line.)*

343.72(3m) No driver school may offer classroom instruction by means of the Internet or of home-schooling or at any location other than a classroom identified to the department under s. 343.61 (2) (a) 3. at which a licensed instructor is physically present. DOT wants this gone.
WPDSA would like to see this apply to all who provide Driver's Education in the State of WI.

343.72(4) All records of agreement must include the following statement: "This constitutes the entire agreement between the school and the student and no verbal statement or promises will be recognized".

343.72(5m) No driver school may represent that completion of a course of instruction will guarantee that the student will pass the driving skills test administered by the department. A driver school may only represent by means of a certificate of completion that the student has satisfactorily completed the required course.

~~343.72 (6) Commercial schools may operate on Division of Motor Vehicle (DMV) skills test routes only if comparable training location opportunities are not otherwise available in that locale. Determination of comparable training location opportunities is at the sole discretion of the DMV.~~ WPDSA wants this gone. See position statement.

Delete that sentence

343.72(7) Licensees may not publish, advertise, or create the impression that a license is guaranteed or assured. The display of a sign such as "License Secured Here" is forbidden.

343.72(10) All driver training cars used by the school must be identified by a sign visible to other vehicles from behind stating that it is a driver school vehicle.

343.72(11) All driver training vehicles must be registered with the department with a brief description of each, including the make, model, and registration number, and shall be kept in safe working condition, as established by the department by rule. The department may promulgate rules authorizing the department to place any driver training vehicle out of service for a vehicle equipment violation or for failure to file with the department proof of insurance for the vehicle.

343.72(12) All driver training vehicles shall be equipped with dual controls so that the instructor can stop the vehicle promptly. The department may inspect these vehicles at its discretion. After

Items added	Items deleted	WPDSA's Position	Comments or Concerns
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initial inspection of any driver training vehicle by the department, a driver school may, as provided by rule, certify to the department the condition of any driver training vehicle of a model year not more than 3 years old.

343.73 Penalty.

Any person who violates ss. 343.60 to 343.72 may be required to forfeit not less than \$100 nor more than \$200 for each offense.

343.75 Control group testing by department.

The department may exempt certain persons from one or more of the mandatory requirements of this chapter to establish a test group in order to compare this group with a group of persons not exempted from any of the mandatory requirements of this chapter. After comparing these 2 groups, the department shall determine what effect, if any, that a particular mandatory requirement may have on highway safety in this state. The department shall submit any findings in this regard to the secretary who shall include them in the report required under s. 15.04 (1) (d).

~~— O.S/A
Remove ~~to~~ all
Refs to
Internet
Driving School
(may only be in
on section)~~

P3

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

11-22-05

Repeal

1 **AN ACT to repeal** 343.63 (title), 343.63 (3) and (6), 343.64 (title) and (1) (intro.),
2 343.64 (1) (d), 343.65 (title), 343.65 (1) (intro.) and (a), 343.665 (title), 343.67,
3 343.675, 343.68, 343.70 (title), 343.71 (1) and 343.72 (8); **to renumber** 343.72
4 (4); **to renumber and amend** 343.60 (1), 343.60 (4), 343.61 (3), 343.61 (4),
5 343.61 (5), 343.61 (6), 343.62 (3), 343.63 (intro.), (1), (2), (4) and (5), 343.63 (5m),
6 343.64 (1) (a), 343.64 (1) (b), 343.64 (1) (c), 343.64 (1) (e), 343.64 (1) (f), 343.64
7 (1) (g), 343.64 (2), 343.65 (1) (b), 343.65 (2), 343.66, 343.665 (1), 343.665 (2),
8 343.69, 343.70 (1), 343.70 (2), 343.71 (intro.), 343.71 (2), 343.71 (3), 343.72 (2),
9 343.72 (3), 343.72 (5) and 343.72 (9); **to amend** 343.60 (3), 343.61 (1), 343.62
10 (1), 343.66 (title), 343.69 (title), 343.71 (title), 343.72 (1), 343.72 (6), 343.72 (7),
11 343.72 (11), 343.72 (12) and 343.73; **to repeal and recreate** 343.61 (title) and
12 343.62 (title); and **to create** 343.60 (1) (c), (d) and (e), 343.60 (1g), 343.61 (2) (a)
13 3., 343.61 (2) (a) 4., 343.61 (2) (am), 343.61 (2m) (intro.), 343.61 (3) (b), (c) and
14 (d), 343.61 (3m) (b), 343.61 (5m), 343.62 (3) (a) 2., 343.62 (3) (b), 343.62 (4) (a)
15 3., 343.62 (4) (c), 343.69 (2), 343.71 (5), 343.72 (3m) and 343.72 (5m) of the

1 statutes; **relating to:** licensing and activities of driver schools and instructors
2 and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

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

3 **SECTION 1.** 343.60 (1) of the statutes is renumbered 343.60 (1) (intro.) and
4 amended to read:

5 343.60 (1) (intro.) “Driver school” means ~~the~~ a business of giving that gives
6 instruction, for compensation, in the driving operation of motor vehicles, except that
7 it does not include ~~a~~ any of the following:

8 (a) A high school or technical college which that teaches driver training as part
9 of its regular school program and whose course of study in driver training meets the
10 criteria for a driver education course under this chapter has been approved by the
11 department of public instruction or technical college system board ~~and it does not~~
12 ~~include an.~~

13 (b) An institution of higher learning ~~which that~~ teaches driver training as part
14 of its teacher training program.

15 **SECTION 2.** 343.60 (1) (c), (d) and (e) of the statutes are created to read:

16 343.60 (1) (c) A motorcycle training school that offers a basic or experienced
17 rider training course approved by the department.

1 (d) Any driver training school that offers training exclusively in the operation
2 of vehicles designed and manufactured for off-highway operation.

3 (e) An instructor.

4 **SECTION 3.** 343.60 (1g) of the statutes is created to read:

5 343.60 (1g) “Driver school classroom” means any facility that is approved by
6 the department and used to conduct driver training, but does not include a motor
7 vehicle.

8 **SECTION 4.** 343.60 (3) of the statutes is amended to read:

9 343.60 (3) “Instructor” means any person who is employed by a driver school
10 licensed under this chapter and who, for compensation, gives instruction in the
11 driving operation of a motor vehicle, except a person who is employed as a full time
12 instructor by a high school, technical college or institution of higher learning as
13 provided in sub. (1).

14 **SECTION 5.** 343.60 (4) of the statutes is renumbered 343.60 (1m) and amended
15 to read:

16 343.60 (1m) “~~Place of business~~ Driver school office” means the location at which
17 the driver school business is conducted and approved by the department. “Driver
18 school office” does not include any facility used only as a driver school classroom.

19 **SECTION 6.** 343.61 (title) of the statutes is repealed and recreated to read:

20 **343.61** (title) **Driver school requirements.**

21 **SECTION 7.** 343.61 (1) of the statutes is amended to read:

22 343.61 (1) The department shall issue and renew driver school licenses in
23 conformity with the requirements of this subchapter. No person shall conduct may
24 operate a driver school without being licensed therefor, advertise, solicit bids for

1 business, or provide services unless the person holds a valid driver school license
2 issued by the department.

3 **SECTION 8.** 343.61 (2) (a) 3. of the statutes is created to read:

4 343.61 (2) (a) 3. Identification of all driver school office and driver school
5 classroom locations.

6 **SECTION 9.** 343.61 (2) (a) 4. of the statutes is created to read:

7 343.61 (2) (a) 4. Proof of insurance required under sub. (3m) (a).

8 **SECTION 10.** 343.61 (2) (am) of the statutes is created to read:

9 343.61 (2) (am) A driver school may provide to the department a written
10 certification that the driver school has complied with all applicable driver school
11 office and driver school classroom requirements imposed under this subchapter or
12 under any rule promulgated by the department under this subchapter.

13 **SECTION 11.** 343.61 (2m) (intro.) of the statutes is created to read:

14 343.61 (2m) (intro.) The department may not issue or renew a driver school
15 license if any of the following applies:

16 **SECTION 12.** 343.61 (3) of the statutes is renumbered 343.61 (3) (a) 1. and
17 amended to read:

18 343.61 (3) (a) 1. The required fee for any driver school license, or for any annual
19 renewal thereof, is ~~\$75 or, for licenses issued or renewed after August 31, 1998, \$95.~~

20 **SECTION 13.** 343.61 (3) (b), (c) and (d) of the statutes are created to read:

21 343.61 (3) (b) In addition to the fee under par. (a), an applicant or licensee under
22 this section shall pay a one-time fee of \$10 for each mailing address where one or
23 more driver school classrooms are located.

24 (c) The fee for a duplicate license certificate provided under sub. (4) (a) is \$10.

1 (d) The department shall charge a fee of \$10 for any change to a license
2 certificate, including a change in the location of a driver school office.

3 **SECTION 14.** 343.61 (3m) (b) of the statutes is created to read:

4 343.61 (3m) (b) A driver school shall file with the department a bond in the form
5 and amount established by the department by rule.

6 **SECTION 15.** 343.61 (4) of the statutes is renumbered 343.61 (4) (a) and
7 amended to read:

8 343.61 (4) (a) If the department approves an application for a driver school
9 license is approved by the department and the applicant pays the required fee paid,
10 the applicant department shall be granted issue a license, and shall be issued provide
11 a license certificate, to the applicant. The licensee shall display such the certificate
12 in the licensee's place of business driver school office, but is not required to display
13 the certificate in any driver school classroom.

14 **SECTION 16.** 343.61 (5) of the statutes is renumbered 343.61 (3) (a) 2. and
15 amended to read:

16 343.61 (3) (a) 2. A driver school license expires at the end of the calendar year,
17 for which it is granted on the date stated on the license, but not later than 24 months
18 after the date on which the license is issued. The department may institute any
19 system of initial license issuance that it considers advisable for the purpose of
20 gaining a uniform rate of renewals. To put such a system into operation, the
21 department may issue licenses that are valid for any period less than one year. If the
22 department issues a license that is valid for less than one year, the department shall
23 accordingly prorate the fees specified under subd. 1.

24 **SECTION 17.** 343.61 (5m) of the statutes is created to read:

1 343.61 (5m) Any driver school licensed under this section may be authorized
2 by the department to provide testing, limited to knowledge and signs tests, for
3 students of the driver schools who are under the age of 18 and for driver school
4 instructors. Authorized driver schools providing such testing shall meet standards
5 and follow procedures established by the department by rule.

6 **SECTION 18.** 343.61 (6) of the statutes is renumbered 343.71 (5), and 343.71 (5)
7 (intro.), as renumbered, is amended to read:

8 343.71 (5) (intro.) ~~No~~ The department may not license a driver school may be
9 licensed unless its approved course of instruction does all of the following:

10 **SECTION 19.** 343.62 (title) of the statutes is repealed and recreated to read:

11 **343.62 (title) Instructor requirements.**

12 **SECTION 20.** 343.62 (1) of the statutes is amended to read:

13 343.62 (1) ~~No person holding a driver school license shall employ any person~~
14 ~~as an instructor unless such person is licensed by the department to act as such~~
15 ~~instructor~~ The department shall issue and renew instructor's licenses in conformity
16 with the requirements of this subchapter. No person, including ~~the a~~ a person holding
17 ~~the a~~ a driver school license, ~~shall~~ may act as an instructor in ~~such a driver~~ a driver school
18 unless ~~such person is licensed~~ the person holds a valid instructor's license issued by
19 the department ~~to act as such instructor.~~ No driver school may employ any person
20 as an instructor unless the person holds a valid instructor's license issued by the
21 department.

22 **SECTION 21.** 343.62 (3) of the statutes is renumbered 343.62 (3) (a) 1. and
23 amended to read:

24 343.62 (3) (a) 1. The ~~required~~ annual fee for ~~any an~~ an instructor's license, ~~or for~~
25 ~~any annual renewal thereof,~~ is \$25.

1 **SECTION 22.** 343.62 (3) (a) 2. of the statutes is created to read:

2 343.62 (3) (a) 2. An instructor's license expires on the date stated on the license,
3 but not later than 24 months after the date on which the license is issued. The
4 department may institute any system of initial license issuance that it considers
5 advisable for the purpose of gaining a uniform rate of renewals. To put such a system
6 into operation, the department may issue licenses that are valid for any period less
7 than one year. If the department issues a license that is valid for less than one year,
8 the department shall accordingly prorate the fee specified in subd. 1.

9 **SECTION 23.** 343.62 (3) (b) of the statutes is created to read:

10 343.62 (3) (b) If an instructor's license is lost, the department shall issue a
11 replacement upon receipt of a completed application, satisfactory proof of the
12 instructor's eligibility, satisfactory proof of loss, and a fee established by the
13 department by rule.

14 **SECTION 24.** 343.62 (4) (a) 3. of the statutes is created to read:

15 343.62 (4) (a) 3. The applicant is at least 19 years of age, holds a valid regular
16 operator's license, and has at least 2 years of licensed experience operating a motor
17 vehicle.

18 **SECTION 25.** 343.62 (4) (c) of the statutes is created to read:

19 343.62 (4) (c) The department may not renew an instructor's license issued
20 under this section unless the licensee meets the requirements specified under par.
21 (a) 3. to 9., except that an instructor's license that is restricted to classroom
22 instruction may be renewed to an applicant who meets the requirements specified
23 in par. (a) 4. and 6. to 9.

24 **SECTION 26.** 343.63 (title) of the statutes is repealed.

1 **SECTION 27.** 343.63 (intro.), (1), (2), (4) and (5) of the statutes are renumbered
2 343.62 (4) (a) (intro.), 1., 2., 4. and 5. and amended to read:

3 343.62 (4) (a) (intro.) ~~All applicants for~~ Except as provided in par. (b), the
4 department may not issue an original instructor's license shall be examined, and
5 ~~other applicants may be examined, by the department as follows~~ to an applicant
6 unless all of the following apply:

7 1. ~~A written and oral~~ The applicant completes a knowledge test shall be
8 ~~completed by the applicant and shall be~~ developed by the department and designed
9 to evaluate the applicant's knowledge of instruction procedures, motor vehicle and
10 traffic laws, safety equipment requirements, and functions of essential automotive
11 ~~equipment. The, and the applicant must receive~~ passes the test with a score of at
12 least 80 per cent percent. An applicant who fails to receive a passing score may be
13 reexamined, except that an applicant who fails to pass the test after 2 successive
14 attempts may not be reexamined until one year has elapsed since the date of the last
15 test. The department may by rule provide for an alternative requirement for the
16 issuance of an instructor license in lieu of taking and passing the test under this
17 subdivision. An applicant may not seek review under s. 343.69 of any determination
18 by the department under this subdivision.

19 2. ~~The applicant must pass a road~~ passes, with a score that exceeds the
20 minimum standard for obtaining an operator's license, a driving skills test not less
21 ~~than 5 miles long, which shall include~~ that includes driving maneuvers and parking
22 involved in typical traffic situations. ~~The passing score of the applicant must exceed~~
23 ~~the minimum standard set for obtaining an operator's license by the state~~ An
24 applicant who fails to receive a passing score may be reexamined, except that an
25 applicant who fails to pass the test after 2 successive attempts may not be

1 reexamined until one year has elapsed since the date of the last test. The department
2 may by rule provide for an alternative requirement for the issuance of an instructor
3 license in lieu of taking and passing the test under this subdivision. An applicant
4 may not seek review under s. 343.69 of any determination by the department under
5 this subdivision.

6 4. The applicant ~~shall submit~~ submits with his or her the application a
7 statement completed within the immediately preceding 24 months, except as
8 provided by rule, by a registered physician showing licensed to practice medicine in
9 any state, from an advanced practice nurse licensed to practice nursing in any state,
10 from a physician assistant licensed or certified to practice in any state, from a
11 chiropractor licensed to practice chiropractic in any state, or from a Christian
12 Science practitioner residing in this state, and listed in the Christian Science journal
13 certifying that, in the physieian's medical care provider's judgment, the applicant is
14 physically fit to teach driving.

15 5. ~~Except for a license which is restricted to classroom instruction, no license~~
16 ~~shall be issued to an~~ The applicant who has suffered an amputation or loss of the full
17 ~~use of either upper limb or loss of the natural use of the foot normally employed is~~
18 able to safely operate the foot brake and foot accelerator and control, from the
19 passenger seat, a motor vehicle of the vehicle class and type in which the applicant
20 will provide instruction for which satisfactory accommodation cannot be provided by
21 adaptive vehicle equipment.

22 **SECTION 28.** 343.63 (3) and (6) of the statutes are repealed.

23 **SECTION 29.** 343.63 (5m) of the statutes is renumbered 343.62 (4) (b) and
24 amended to read:

1 343.62 (4) (b) The Notwithstanding par. (a), the department may issue an
2 original instructor's license which that is restricted to classroom instruction to an
3 applicant who does not otherwise qualify for a license because of a test result under
4 sub. (3) or because the applicant has suffered an amputation or loss of the full use
5 of either upper limb or loss of the natural use of the foot normally employed to operate
6 the foot brake and foot accelerator, as specified in sub. (5) the applicant does not meet
7 the requirements specified in par. (a) 2., 3., or 5. The department may not issue an
8 instructor's license that is restricted to classroom instruction under this paragraph
9 unless the applicant satisfies standards established by the department by rule
10 relating to the ability of the applicant to communicate clearly and concisely and to
11 control the classroom environment and behavior and establishing any further
12 certification required by the department.

13 **SECTION 30.** 343.64 (title) and (1) (intro.) of the statutes are repealed.

14 **SECTION 31.** 343.64 (1) (a) of the statutes is renumbered 343.61 (2m) (f) and
15 amended to read:

16 343.61 (2m) (f) ~~Such~~ The applicant has made a material false statement or
17 concealed a material fact in ~~the~~ an application;

18 **SECTION 32.** 343.64 (1) (b) of the statutes is renumbered 343.61 (2m) (a) and
19 amended to read:

20 343.61 (2m) (a) ~~Such~~ The applicant or licensee or any officer, director, partner
21 or other person directly interested in or actively involved in the driver school
22 business was a former holder of, or actively involved in a driver school business
23 operating under, a license granted issued under s. 343.61 this section or a similar
24 license issued by another jurisdiction or was directly interested in or a party actively
25 involved in another driver school which held a license under s. 343.61 and which this

1 section or a similar license issued by another jurisdiction, or was the former holder
2 of an instructor license issued under s. 343.62, and any such license was revoked or
3 suspended;

4 **SECTION 33.** 343.64 (1) (c) of the statutes is renumbered 343.61 (2m) (b) and
5 amended to read:

6 343.61 (2m) (b) Subject to ss. 111.321, 111.322, and 111.335, the applicant or
7 licensee or any officer, director, stockholder, partner or any person directly interested
8 in or actively involved in the driver school business has been convicted of a felony,
9 or any other disqualifying offense as established by rule by the department, in this
10 state, or in another jurisdiction, including a conviction under the law of a federally
11 recognized American Indian tribe or band in this state, for an offense that if
12 committed in this state would be a felony or disqualifying offense, unless the person
13 so convicted has been duly officially pardoned;

14 **SECTION 34.** 343.64 (1) (d) of the statutes is repealed.

15 **SECTION 35.** 343.64 (1) (e) of the statutes is renumbered 343.61 (2m) (c) and
16 amended to read:

17 343.61 (2m) (c) ~~Such~~ The applicant or licensee does not have a place of business
18 as required by s. 343.72 (5); driver school office.

19 **SECTION 36.** 343.64 (1) (f) of the statutes is renumbered 343.61 (2m) (d) and
20 amended to read:

21 343.61 (2m) (d) ~~Such~~ The applicant or licensee is not the true owner of the
22 driver school; ~~or,~~

23 **SECTION 37.** 343.64 (1) (g) of the statutes is renumbered 343.61 (3m) (a) and
24 amended to read:

1 343.61 (3m) (a) ~~The application is not accompanied by a copy of A driver school~~
2 ~~shall maintain~~ a standard liability insurance policy in the amount of \$50,000 for
3 ~~personal injury to, or death of any one person and subject to said limit for any one~~
4 ~~person, \$100,000 for personal injury to, or death of any number of persons involved~~
5 ~~in any one accident, and \$10,000 for property damage in any one accident, suffered~~
6 ~~or caused by reason of the negligence of the applicant or any agent or employee of the~~
7 ~~applicant~~ name of the school, with the minimum insurance coverage specified by rule
8 by the department. The insurance policy shall require the insurer to notify the
9 department not less than 30 days before the policy expires or is materially changed
10 or canceled.

11 **SECTION 38.** 343.64 (2) of the statutes is renumbered 343.61 (2m) (e) and
12 amended to read:

13 343.61 (2m) (e) ~~The secretary shall deny the application of any person for a~~
14 ~~driver school license if the~~ The applicant or licensee fails to provide the information
15 or statement required under ~~s. 343.61 sub. (2) (a) 1. or to 2., or if the applicant does~~
16 ~~not have a social security number, a statement made or subscribed under oath or~~
17 ~~affirmation that the applicant does not have a social security number.~~

18 **SECTION 39.** 343.65 (title) of the statutes is repealed.

19 **SECTION 40.** 343.65 (1) (intro.) and (a) of the statutes are repealed.

20 **SECTION 41.** 343.65 (1) (b) of the statutes is renumbered 343.62 (4) (a) 7. and
21 amended to read:

22 343.62 (4) (a) 7. ~~The applicant has failed to furnish provided to the department~~
23 ~~satisfactory evidence of the facts required of the applicant, has not held a license to~~
24 ~~drive a motor vehicle within this state for the past year, under sub. (2) (a).~~

1 8. The applicant has not had a driving record that is satisfactory to the
2 secretary, or, subject department, as specified by rule.

3 9. Subject to ss. 111.321, 111.322 and 111.335, the applicant has not been
4 convicted of a felony and, or any other disqualifying offense as established by rule
5 by the department, in this state, or in another jurisdiction, including a conviction
6 under the law of a federally recognized American Indian tribe or band in this state,
7 for an offense that if committed in this state would be a felony or disqualifying
8 offense, unless the person so convicted has not been duly officially pardoned.

9 **SECTION 42.** 343.65 (2) of the statutes is renumbered 343.62 (4) (a) 6. and
10 amended to read:

11 343.62 (4) (a) 6. ~~The secretary shall deny an application for the issuance or~~
12 ~~renewal of an instructor's license if the applicant has not included~~ provides his or her
13 social security number ~~in the application, unless the applicant is an individual who~~
14 ~~does not have a social security number and submits a statement made or subscribed~~
15 ~~under oath or affirmation as required under s. 343.62 (2) (a) or the statement~~
16 specified in sub. (2) (am) as required under sub. (2).

17 **SECTION 43.** 343.66 (title) of the statutes is amended to read:

18 **343.66 (title) Revocation or, suspension, cancellation, or denial of**
19 **renewal of driver school license licenses and instructor's licenses.**

20 **SECTION 44.** 343.66 of the statutes is renumbered 343.66 (1) and amended to
21 read:

22 343.66 (1) The secretary department may suspend or, revoke, or cancel any
23 driver school license issued under s. 343.61 or instructor's license issued under s.
24 343.62, or, subject to ss. 343.61 and 343.62, refuse to issue a renewal thereof if renew

1 a driver school license or instructor's license if, during any period, any of the
2 following applies:

3 (a) The licensee has made a material false statement or concealed a material
4 fact in connection with the application for a license or the renewal thereof; of a
5 license.

6 (b) Subject to ss. 111.321, 111.322 and 111.335, the licensee or any partner,
7 member, manager or officer of the licensee has been convicted of a felony; or any
8 other disqualifying offense as established by rule by the department, in this state,
9 or in another jurisdiction, including a conviction under the law of a federally
10 recognized American Indian tribe or band in this state, for an offense that if
11 committed in this state would be a felony or disqualifying offense, unless the person
12 so convicted has been officially pardoned.

13 (c) The licensee has failed to comply with any of the requirements of ss. 343.60
14 to 343.72; or rules promulgated under those sections.

15 (d) The licensee or any partner, member, manager or officer of ~~such~~ the licensee
16 has been guilty of fraud or fraudulent practices in relation to the business conducted
17 under the license or in relation to securing for himself or herself or another a license
18 to operate a motor vehicle, or guilty of inducing another person to resort to fraud or
19 fraudulent practices in relation to securing for himself or herself or another the
20 license to ~~drive~~ operate a motor vehicle;.

21 (e) Subject to ss. 111.321, 111.322 and 111.335, the licensee has knowingly
22 employed, as an instructor, a person who ~~has been convicted of a felony or has~~
23 ~~retained such a person in such employ after knowledge of his or her conviction; or~~
24 does not meet the requirements under s. 343.62.

1 (f) The licensee has failed to maintain ~~satisfactory insurance to meet damage~~
2 ~~claims in the amounts specified by s. 343.64 (1) (g) as required by the department~~
3 under s. 343.61 (3m) (a).

4 **SECTION 45.** 343.665 (title) of the statutes is repealed.

5 **SECTION 46.** 343.665 (1) of the statutes is renumbered 343.66 (2) and amended
6 to read:

7 343.66 (2) The secretary shall deny, restrict, limit or suspend any driver school
8 license issued under s. 343.61 or instructor's license issued under s. 343.62 or refuse
9 ~~to issue a renewal for such~~ renew a driver school license or instructor's license if the
10 applicant or licensee is an individual who is delinquent in making court-ordered
11 payments of child or family support, maintenance, birth expenses, medical expenses
12 or other expenses related to the support of a child or former spouse, or who fails to
13 comply, after appropriate notice, with a subpoena or warrant issued by the
14 department of workforce development or a county child support agency under s.
15 59.53 (5) and related to paternity or child support proceedings, as provided in a
16 memorandum of understanding entered into under s. 49.857.

17 **SECTION 47.** 343.665 (2) of the statutes is renumbered 343.66 (3) and amended
18 to read:

19 343.66 (3) The secretary shall suspend or revoke a driver school license issued
20 under s. 343.61 or an instructor's license issued under s. 343.62, if the department
21 of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes.
22 A licensee whose driver school license or instructor's license is suspended or revoked
23 under this subsection for delinquent taxes is entitled to a notice under s. 73.0301 (2)
24 (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice
25 or hearing under this subchapter.

1 **SECTION 48.** 343.67 of the statutes is repealed.

2 **SECTION 49.** 343.675 of the statutes is repealed.

3 **SECTION 50.** 343.68 of the statutes is repealed.

4 **SECTION 51.** 343.69 (title) of the statutes is amended to read:

5 **343.69** (title) **Hearings on license denials and, cancellations,**
6 **restrictions, suspensions, and revocations, and progressive enforcement**
7 **action.**

8 **SECTION 52.** 343.69 of the statutes is renumbered 343.69 (1) and amended to
9 read:

10 343.69 (1) ~~Before~~ If the department denies an application for original issuance
11 or renewal of a driver school license or instructor's license, or revokes, suspends,
12 cancels, or restricts any such license, the department shall notify the applicant or
13 licensee in writing of the pending action ~~and that the division of hearings and appeals~~
14 ~~will hold a hearing on the pending denial or revocation. The division of hearings and~~
15 ~~appeals shall send~~ by sending notice of the hearing action by registered or certified
16 mail to the last-known address of the licensee or applicant, ~~at least 10 days prior to~~
17 ~~the date of the hearing. Any person who is aggrieved by a decision of the department~~
18 under this subsection may, within 10 days after the date of receiving notice of the
19 department's action, request review of the action by the division of hearings and
20 appeals in the department of administration under ch. 227. This section subsection
21 does not apply to denials, cancellations, restrictions, suspensions, or revocations of
22 licenses under s. ~~343.665 or 343.675~~ 343.66 (2) or (3).

23 **SECTION 53.** 343.69 (2) of the statutes is created to read:

24 343.69 (2) The department shall establish by rule a system of progressive
25 enforcement action taken against licensees for violations of this subchapter or rules

1 promulgated under this subchapter. This system shall include a procedure for
2 addressing consumer complaints and taking action against licensees when such
3 complaints are found to be substantiated.

4 **SECTION 54.** 343.70 (title) of the statutes is repealed.

5 **SECTION 55.** 343.70 (1) of the statutes is renumbered 343.61 (3) (e) and
6 amended to read:

7 343.61 (3) (e) If any driver school ~~or instructor's~~ license is lost, ~~it shall be~~
8 ~~reissued by the department upon application therefor accompanied by~~ shall issue a
9 replacement upon receipt of a completed application, satisfactory proof of eligibility,
10 satisfactory proof of loss, and a fee of \$1 established by the department by rule.

11 **SECTION 56.** 343.70 (2) of the statutes is renumbered 343.66 (4) and amended
12 to read:

13 343.66 (4) If a driver school or instructor's license is ~~suspended or~~ revoked,
14 ~~canceled, or suspended,~~ the licensee shall surrender all driver school and instructor
15 licenses to the department and no portion of the any license fee shall be refunded.

16 **SECTION 57.** 343.71 (title) of the statutes is amended to read:

17 **343.71 (title) Driver schools to maintain school records, curriculum,**
18 **and operations.**

19 **SECTION 58.** 343.71 (intro.) of the statutes is renumbered 343.71 (1m) (intro.)
20 and amended to read:

21 343.71 (1m) (intro.) Every licensed driver school shall maintain all of the
22 following records:

23 **SECTION 59.** 343.71 (1) of the statutes is repealed.

24 **SECTION 60.** 343.71 (2) of the statutes is renumbered 343.71 (1m) (a) and
25 amended to read:

1 343.71 (1m) (a) A record showing the date, type, and duration of, and the name
2 and address of each person receiving, all lessons, lectures, tutoring, instructions or
3 other services relating to instructions in the operation of motor vehicles, and this
4 record shall include the name of the instructor giving such lessons or instructions
5 and identification of the vehicle in which any ~~road~~ driving skills lesson is given,
6 ~~including type of transmission;~~

7 **SECTION 61.** 343.71 (3) of the statutes is renumbered 343.71 (1m) (b) and
8 amended to read:

9 343.71 (1m) (b) A file containing a ~~duplicate~~ copy of every agreement ~~entered~~
10 ~~into between the school and every person given lessons, lectures, instructions or~~
11 ~~other services relating to instructions in the operation of motor vehicles~~ required
12 under this paragraph. No person shall be given driver school or instructor may
13 provide lessons, lectures, tutoring or other services relating to instructions in the
14 operation of motor vehicles ~~until~~ unless a written agreement in a form approved by
15 the department has been executed by ~~both~~ the school and either the student if the
16 student is at least 18 years of age or, if the student is under 18 years of age, the
17 student's parent or legal guardian. ~~The student shall be given driver school shall~~
18 ~~give the student, or the parent or guardian if the student is under 18 years of age,~~
19 ~~the original, while the school agreement and shall retain and preserve the carbon a~~
20 ~~duplicate thereof~~ copy of the agreement.

21 **SECTION 62.** 343.71 (5) of the statutes is created to read:

22 343.71 (5) A driver school shall notify the department of the name and address
23 of each person who is under the age of 18 years at the commencement of a course in
24 driver training and who fails to satisfactorily complete the course.

25 **SECTION 63.** 343.72 (1) of the statutes is amended to read:

1 343.72 (1) No licensee may agree to give refresher lessons, unless the student
2 states that he or she has had previous driving experience operating a motor vehicle.

3 **SECTION 64.** 343.72 (2) of the statutes is renumbered 343.71 (2m) and amended
4 to read:

5 343.71 (2m) No licensee ~~shall~~ may agree to give unlimited ~~driver's driver~~
6 lessons, nor represent or agree, orally or in writing or as a part of an inducement to
7 sign any agreement, to give instructions until the student obtains an operator's
8 license ~~is obtained.~~

9 **SECTION 65.** 343.72 (3) of the statutes is renumbered 343.71 (3m) and amended
10 to read:

11 343.71 (3m) No agreement ~~shall~~ may contain a "no refund" clause, but may
12 contain the following: "The school will not refund any tuition or part of tuition if the
13 school is ready, willing and able to fulfill its part of the agreement".

14 **SECTION 66.** 343.72 (3m) of the statutes is created to read:

15 343.72 (3m) No driver school may offer classroom instruction by means of the
16 Internet or of home-schooling or at any location other than a classroom identified to
17 the department under s. 343.61 (2) (a) 3. at which a licensed instructor is physically
18 present.

19 **SECTION 67.** 343.72 (4) of the statutes is renumbered 343.71 (4).

20 **SECTION 68.** 343.72 (5) of the statutes is renumbered 343.61 (4) (b) and
21 amended to read:

22 343.61 (4) (b) The licensee ~~shall have a specific place of business described~~
23 location of each driver school office shall be identified in the license. ~~No~~ Except as
24 provided by the department by rule, no licensee shall may establish its headquarters
25 any driver school office within 1,500 feet of a department office where operator's

1 licenses are issued, nor within 1,500 feet of any headquarters where official road
2 driving skills tests are given, ~~and locations shall be filed with the department as part~~
3 ~~of the license application.~~ Any change in address of any driver school office or driver
4 school classroom must be reported to and approved by the department. A driver
5 school may maintain driver school classrooms at locations other than the driver
6 school office.

7 **SECTION 69.** 343.72 (5m) of the statutes is created to read:

8 343.72 (5m) No driver school may represent that completion of a course of
9 instruction will guarantee that the student will pass the driving skills test
10 administered by the department. A driver school may only represent by means of a
11 certificate of completion that the student has satisfactorily completed the required
12 course.

13 **SECTION 70.** 343.72 (6) of the statutes is amended to read:

14 343.72 (6) All licensees must ascertain from state license examiners the route
15 over which road tests are given, and no licensee may instruct in those areas, except
16 that commercial schools may operate on a division of motor vehicle skills test route
17 if comparable training location opportunities are not otherwise available in the
18 locale.

19 **SECTION 71.** 343.72 (7) of the statutes is amended to read:

20 343.72 (7) Licensees ~~shall~~ may not publish, advertise, or ~~intimate~~ create the
21 impression that a license is guaranteed or assured. The display of a sign such as
22 “License Secured Here” is forbidden.

23 **SECTION 72.** 343.72 (8) of the statutes is repealed.

24 **SECTION 73.** 343.72 (9) of the statutes is renumbered 343.61 (4) (c) and
25 amended to read:

1 343.61 (4) (c) ~~Except as provided by sub. (8), the~~ The use of the word
2 “Wisconsin”, ~~or “State” or the name of the city in which the school is located,~~ in any
3 sign, firm name ~~or other medium of advertising~~ is prohibited.

4 **SECTION 74.** 343.72 (11) of the statutes is amended to read:

5 343.72 (11) All driver training cars vehicles must be registered with the
6 department with a brief description of each, including the make, model, and
7 registration number, and type of transmission shall be kept in safe working
8 condition, as established by the department by rule. The department may
9 promulgate rules authorizing the department to place any driver training vehicle out
10 of service for a vehicle equipment violation or for failure to file with the department
11 proof of insurance for the vehicle.

12 **SECTION 75.** 343.72 (12) of the statutes is amended to read:

13 343.72 (12) All driver training cars vehicles shall be equipped with ~~approved~~
14 dual controls so that the instructor can stop the car vehicle promptly. The
15 department may inspect these cars vehicles at its discretion. After initial inspection
16 of any driver training vehicle by the department, a driver school may, as provided by
17 rule, certify to the department the condition of any driver training vehicle of a model
18 year not more than 3 years old.

19 **SECTION 76.** 343.73 of the statutes is amended to read:

20 **343.73 Penalty.** Any person who violates ss. 343.60 to 343.72 may be ~~fin~~
21 required to forfeit not less than \$25 \$100 nor more than \$100 or imprisoned not more
22 than 30 days \$200 for each offense.

23 **SECTION 77. Initial applicability.**

