

**2005 DRAFTING REQUEST**

**Assembly Amendment (AA-AB1078)**

Received: 02/28/2006

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Jerry Petrowski (608) 266-1182

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Transportation - miscellaneous

Extra Copies: ARG

Submit via email: YES

Requester's email: Rep.Petrowski@legis.state.wi.us

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Driving schools

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	phurley 02/28/2006	kfollett 02/28/2006	jfrantze 02/28/2006	_____	mbarman 02/28/2006	mbarman 02/28/2006	

FE Sent For:

<END>

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/1	phurley	11/gf 2/28	J/Self 2/28				

FE Sent For:

<END>

## Hurley, Peggy

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**From:** Hutkowski, Hariah  
**Sent:** Tuesday, February 28, 2006 11:14 AM  
**To:** Hurley, Peggy  
**Subject:** FW: Driving School Bill

Peggy,

Please see two revisions (an amendment) that we will be requesting and execing out of Highway safety tomorrow (if something earthshaking doesn't occur in the testimony). Will you be able to create an amendment by 10 am tomorrow. 0512/1

Thanks,

Hariah Hutkowski  
*Legislative Assistant*  
**Rep. Petrowski**  
**86th Assembly District**  
1-608-266-1182  
or 1-888-534-0086

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**From:** Egan, Erin  
**Sent:** Tuesday, February 28, 2006 11:11 AM  
**To:** Hutkowski, Hariah  
**Subject:** RE: Driving School Bill

Fine by us. Thanks.

-----Original Message-----

**From:** Hutkowski, Hariah [mailto:Hariah.Hutkowski@legis.state.wi.us]  
**Sent:** Tuesday, February 28, 2006 11:05 AM  
**To:** Egan, Erin  
**Subject:** FW: Driving School Bill

Erin,  
New stuff here. Are you okay with an amendment like this?  
Hariah

---

**From:** Advanced Driver Training [mailto:advdrivertraining@new.rr.com]  
**Sent:** Tuesday, February 28, 2006 10:55 AM  
**To:** Hutkowski, Hariah  
**Subject:** Driving School Bill

Good Morning,

Thanks for the info.

A couple of items have been brought to my attention late yesterday and early today.

1. 343.72 (10) did not get amended to read: 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.

It currently reads: All driver training cars used by the school must be identified by a sign **on the rear of the vehicle** stating that it is a driver school vehicle.

**on the rear of the vehicle** should be deleted and visible to other vehicles from behind should be added.

The original draft had this change in but the new draft seems to have left this change.

2. 343.61 (6) was renumbered to 343.71 (5) but it seems that 343.61 (6) (a) and 343.61 (6) (b) did not follow with the change. These two items seem to be left out in no where under 343.61.

These two items should have been renumbered 343.71 (5) (a) and 343.71 (5) (b).

Sorry that we are finding this at the last minute. Too many drafts to look over and remember what changes were made and not made.

Kris Engebretson  
WPDSA Communications Office

## 2005 ASSEMBLY BILL 1078

February 28, 2006 - Introduced by Representatives PETROWSKI, STONE, OTT, PETTIS, KRAWCZYK and BOYLE, cosponsored by Senators LAZICH and S. FITZGERALD. Referred to Committee on Highway Safety.

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)

**ASSEMBLY BILL 1078**

1           3., 343.62 (4) (c), 343.69 (2), 343.71 (5) and 343.72 (5m) of the statutes; **relating**  
2           **to:** licensing and activities of driver schools and instructors, granting  
3           rule-making authority, and providing a penalty.

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***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Transportation (DOT) licenses driver education schools. A driver education school is a school that gives, for compensation, instruction for driving a motor vehicle, except that a program that is offered as a course in a high school or technical college is not considered a driver education school under current law. This bill changes the standards for licensing, testing, and regulating driver education schools and driver education instructors.

The bill raises the license fee from \$75 to \$95 and extends the license period for driver schools from the end of the calendar year after issuance to up to 24 months after issuance. Under the bill, a driver school must provide DOT with proof of insurance, in an amount determined by DOT, in order to be licensed.

The bill extends the license period for instructors from one year to up to 24 months and adds the requirement that a driver education instructor be at least 19 years of age and have at least two years of licensed driving experience. If a person wishes to be an instructor, he or she must pass testing by DOT. Under the bill, if a person fails two tests, the person must wait for at least one year before he or she may be tested again. The bill also requires DOT to test applicants for driver education instructors for communication and teaching skills.

Under the bill, any driver education school may be authorized by DOT to provide knowledge tests for students under age 18 and for instructors at the school. The bill allows DOT to set rules for safety standards for training vehicles and provides DOT broader discretion in setting disqualifying offenses for driver education school directors.

Under current law, a person who commits a violation of the driver education school standards may be fined not less than \$25 nor more than \$100 or imprisoned for not more than 30 days for each offense. This bill requires DOT to set a system of progressive enforcement action taken against licensees for violations, and states that a person who commits a violation of the driver education school or instructor standards may be fined not less than \$100 nor more than \$200 for each violation.

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.

**ASSEMBLY BILL 1078**

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

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

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

3           343.60 (1) (intro.) “Driver school” means ~~the~~ a business of giving that gives  
4 instruction, for compensation, in the ~~driving~~ operation of motor vehicles, except that  
5 it does not include ~~a~~ any of the following:

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

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

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

14           343.60 (1) (c) A motorcycle training school that offers a basic or experienced  
15 rider training course approved by the department.

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

18           (e) An instructor.

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

**ASSEMBLY BILL 1078****SECTION 3**

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

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

5           343.60 (3) “Instructor” means any person who is employed by a driver school  
6 licensed under this chapter and who, for compensation, gives instruction in the  
7 driving operation of a motor vehicle, except a person who is employed as a full time  
8 instructor by a high school, technical college or institution of higher learning as  
9 provided in sub. (1).

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

12          343.60 (1m) “Place of business Driver school office” means the location at which  
13 the driver school business is conducted and approved by the department. “Driver  
14 school office” does not include any facility used only as a driver school classroom.

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

16          **343.61 (title) Driver school requirements.**

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

18          343.61 (1) The department shall issue and renew driver school licenses in  
19 conformity with the requirements of this subchapter. No person shall ~~conduct~~ may  
20 operate a driver school without being licensed therefor, advertise, solicit bids for  
21 business, or provide services unless the person holds a valid driver school license  
22 issued by the department.

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

24          343.61 (2) (a) 3. Identification of all driver school office and driver school  
25 classroom locations.

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

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

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

4           343.61 (2) (am) A driver school may provide to the department a written  
5 certification that the driver school has complied with all applicable driver school  
6 office and driver school classroom requirements imposed under this subchapter or  
7 under any rule promulgated by the department under this subchapter.

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

9           343.61 (2m) (intro.) The department may not issue or renew a driver school  
10 license if any of the following applies:

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

13           343.61 (3) (a) 1. The required fee for any driver school license, or for any annual  
14 renewal thereof, is ~~\$75 or, for licenses issued or renewed after August 31, 1998, \$95.~~

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

16           343.61 (3) (b) In addition to the fee under par. (a), an applicant or licensee under  
17 this section shall pay a one-time fee of \$10 for each mailing address where one or  
18 more driver school classrooms are located.

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

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

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

23           343.61 (3m) (b) A driver school shall file with the department a bond in the form  
24 and amount established by the department by rule.

## ASSEMBLY BILL 1078

## SECTION 15

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

3           343.61 (4) (a) If the department approves an application for a driver school  
4 license is approved by the department and the applicant pays the required fee paid,  
5 the applicant department shall be granted issue a license, and shall be issued provide  
6 a license certificate, to the applicant. The licensee shall display such the certificate  
7 in the licensee's place of business driver school office, but is not required to display  
8 the certificate in any driver school classroom.

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

11           343.61 (3) (a) 2. A driver school license expires at the end of the calendar year,  
12 for which it is granted on the date stated on the license, but not later than 24 months  
13 after the date on which the license is issued. The department may institute any  
14 system of initial license issuance that it considers advisable for the purpose of  
15 gaining a uniform rate of renewals. To put such a system into operation, the  
16 department may issue licenses that are valid for any period less than one year. If the  
17 department issues a license that is valid for less than one year, the department shall  
18 accordingly prorate the fees specified under subd. 1.

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

20           343.61 (5m) Any driver school licensed under this section may be authorized  
21 by the department to provide testing, limited to knowledge and signs tests, for  
22 students of the driver schools who are under the age of 18 and for driver school  
23 instructors. Authorized driver schools providing such testing shall meet standards  
24 and follow procedures established by the department by rule.

**ASSEMBLY BILL 1078**

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

3           343.71 (5) (intro.) ~~No~~ The department may not license a driver school may be  
4 licensed unless its approved course of instruction does all of the following:

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

6           **343.62 (title) Instructor requirements.**

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

8           343.62 (1) ~~No person holding a driver school license shall employ any person~~  
9 ~~as an instructor unless such person is licensed by the department to act as such~~  
10 ~~instructor~~ The department shall issue and renew instructor's licenses in conformity  
11 with the requirements of this subchapter. No person, including ~~the~~ a person holding  
12 ~~the~~ a driver school license, shall ~~may~~ act as an instructor in such ~~a~~ driver school  
13 unless ~~such person is licensed~~ the person holds a valid instructor's license issued by  
14 ~~the department to act as such instructor.~~ No driver school may employ any person  
15 as an instructor unless the person holds a valid instructor's license issued by the  
16 department.

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

19           343.62 (3) (a) 1. The ~~required~~ annual fee for ~~any~~ an instructor's license, ~~or for~~  
20 ~~any annual renewal thereof,~~ is \$25.

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

22           343.62 (3) (a) 2. An instructor's license expires on the date stated on the license,  
23 but not later than 24 months after the date on which the license is issued. The  
24 department may institute any system of initial license issuance that it considers  
25 advisable for the purpose of gaining a uniform rate of renewals. To put such a system

**ASSEMBLY BILL 1078****SECTION 22**

1 into operation, the department may issue licenses that are valid for any period less  
2 than one year. If the department issues a license that is valid for less than one year,  
3 the department shall accordingly prorate the fee specified in subd. 1.

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

5 343.62 (3) (b) If an instructor's license is lost, the department shall issue a  
6 replacement upon receipt of a completed application, satisfactory proof of the  
7 instructor's eligibility, satisfactory proof of loss, and a fee established by the  
8 department by rule.

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

10 343.62 (4) (a) 3. The applicant is at least 19 years of age, holds a valid regular  
11 operator's license, and has at least 2 years of licensed experience operating a motor  
12 vehicle.

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

14 343.62 (4) (c) The department may not renew an instructor's license issued  
15 under this section unless the licensee meets the requirements specified under par.  
16 (a) 3. to 9., except that an instructor's license that is restricted to classroom  
17 instruction may be renewed to an applicant who meets the requirements specified  
18 in par. (a) 4. and 6. to 9.

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

20 **SECTION 27.** 343.63 (intro.), (1), (2), (4) and (5) of the statutes are renumbered  
21 343.62 (4) (a) (intro.), 1., 2., 4. and 5. and amended to read:

22 343.62 (4) (a) (intro.) ~~All applicants for~~ Except as provided in par. (b), the  
23 department may not issue an original instructor's license shall be examined, and  
24 other applicants may be examined, by the department as follows to an applicant  
25 unless all of the following apply:

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

14           2. ~~The applicant must pass a road passes, with a score that exceeds the~~  
15 minimum standard for obtaining an operator's license, a driving skills test not less  
16 than 5 miles long, which shall include that includes driving maneuvers and parking  
17 involved in typical traffic situations. ~~The passing score of the applicant must exceed~~  
18 the minimum standard set for obtaining an operator's license by the state An  
19 applicant who fails to receive a passing score may be reexamined, except that an  
20 applicant who fails to pass the test after 2 successive attempts may not be  
21 reexamined until one year has elapsed since the date of the last test. The department  
22 may by rule provide for an alternative requirement for the issuance of an instructor  
23 license in lieu of taking and passing the test under this subdivision. An applicant  
24 may not seek review under s. 343.69 of any determination by the department under  
25 this subdivision.

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## SECTION 27

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

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

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

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

20           343.62 (4) (b) ~~The~~ Notwithstanding par. (a), the department may issue an  
21 original instructor's license which that is restricted to classroom instruction to an  
22 applicant who does not otherwise qualify for a license because ~~of a test result under~~  
23 ~~sub. (3) or because the applicant has suffered an amputation or loss of the full use~~  
24 ~~of either upper limb or loss of the natural use of the foot normally employed to operate~~  
25 ~~the foot brake and foot accelerator, as specified in sub. (5) the applicant does not meet~~

## ASSEMBLY BILL 1078

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

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

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

10 343.61 (2m) (f) ~~Such~~ The applicant has made a material false statement or  
11 concealed a material fact in ~~the~~ an application;

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

14 343.61 (2m) (a) ~~Such~~ The applicant or licensee or any officer, director, partner  
15 or other person directly interested in or actively involved in the driver school  
16 business was a former holder of, or actively involved in a driver school business  
17 operating under, a license granted issued under s. 343.61 this section or a similar  
18 license issued by another jurisdiction or was directly interested in or a party actively  
19 involved in another driver school which held a license under s. 343.61 ~~and which this~~  
20 section or a similar license issued by another jurisdiction, or was the former holder  
21 of an instructor license issued under s. 343.62, and any such license was revoked or  
22 suspended;

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

## ASSEMBLY BILL 1078

## SECTION 33

1           343.61 (2m) (b) Subject to ss. 111.321, 111.322, and 111.335, the applicant or  
2 licensee or any officer, director, stockholder, partner or any person directly interested  
3 in or actively involved in the driver school business has been convicted of a felony,  
4 or any other disqualifying offense as established by rule by the department, in this  
5 state, or in another jurisdiction, including a conviction under the law of a federally  
6 recognized American Indian tribe or band in this state, for an offense that if  
7 committed in this state would be a felony or disqualifying offense, unless the person  
8 so convicted has been duly officially pardoned;.

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

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

12           343.61 (2m) (c) ~~Such~~ The applicant or licensee does not have a place of business  
13 as required by s. 343.72 (5); driver school office.

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

16           343.61 (2m) (d) ~~Such~~ The applicant or licensee is not the true owner of the  
17 driver school; or.

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

20           343.61 (3m) (a) ~~The application is not accompanied by a copy of A driver school~~  
21 shall maintain a standard liability insurance policy in the amount of ~~\$50,000 for~~  
22 ~~personal injury to, or death of any one person and subject to said limit for any one~~  
23 ~~person, \$100,000 for personal injury to, or death of any number of persons involved~~  
24 ~~in any one accident, and \$10,000 for property damage in any one accident, suffered~~  
25 ~~or caused by reason of the negligence of the applicant or any agent or employee of the~~

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1 applicant name of the school, with the minimum insurance coverage specified by rule  
2 by the department. The insurance policy shall require the insurer to notify the  
3 department not less than 30 days before the policy expires or is materially changed  
4 or canceled.

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

7 343.61 (2m) (e) ~~The secretary shall deny the application of any person for a~~  
8 ~~driver school license if the~~ The applicant or licensee fails to provide the information  
9 or statement required under s. 343.61 sub. (2) (a) 1. or to 2., or if the applicant does  
10 not have a social security number, a statement made or subscribed under oath or  
11 affirmation that the applicant does not have a social security number.

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

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

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

16 343.62 (4) (a) 7. The applicant has ~~failed to furnish~~ provided to the department  
17 satisfactory evidence of the facts required of the applicant, has not held a license to  
18 drive a motor vehicle within this state for the past year, under sub. (2) (a).

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

21 9. Subject to ss. 111.321, 111.322 and 111.335, the applicant has not been  
22 convicted of a felony and, or any other disqualifying offense as established by rule  
23 by the department, in this state, or in another jurisdiction, including a conviction  
24 under the law of a federally recognized American Indian tribe or band in this state,

## ASSEMBLY BILL 1078

## SECTION 41

1 for an offense that if committed in this state would be a felony or disqualifying  
2 offense, unless the person so convicted has not been duly officially pardoned.

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

5 343.62 (4) (a) 6. ~~The secretary shall deny an application for the issuance or~~  
6 ~~renewal of an instructor's license if the applicant has not included~~ provides his or her  
7 social security number ~~in the application, unless the applicant is an individual who~~  
8 ~~does not have a social security number and submits a statement made or subscribed~~  
9 ~~under oath or affirmation as required under s. 343.62 (2) (a) or the statement~~  
10 specified in sub. (2) (am) as required under sub. (2).

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

12 **343.66 (title) Revocation or, suspension, cancellation, or denial of**  
13 **renewal of driver school license licenses and instructor's licenses.**

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

16 343.66 (1) The secretary department may suspend or, revoke, or cancel any  
17 driver school license issued under s. 343.61 or instructor's license issued under s.  
18 343.62, or, subject to ss. 343.61 and 343.62, refuse to issue a renewal thereof if renew  
19 a driver school license or instructor's license if, during any period, any of the  
20 following applies:

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

24 (b) Subject to ss. 111.321, 111.322 and 111.335, the licensee or any partner,  
25 member, manager or officer of the licensee has been convicted of a felony; or any

**ASSEMBLY BILL 1078**

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

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

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

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

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

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

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

24 343.66 (2) The secretary shall deny, restrict, limit or suspend any driver school  
25 license issued under s. 343.61 or instructor's license issued under s. 343.62 or refuse

**ASSEMBLY BILL 1078****SECTION 46**

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

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

11 343.66 (3) The secretary shall suspend or revoke a driver school license issued  
12 under s. 343.61 or an instructor's license issued under s. 343.62, if the department  
13 of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes.  
14 A licensee whose driver school license or instructor's license is suspended or revoked  
15 under this subsection for delinquent taxes is entitled to a notice under s. 73.0301 (2)  
16 (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice  
17 or hearing under this subchapter.

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

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

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

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

22 **343.69 (title) Hearings on license denials and, cancellations,**  
23 **restrictions, suspensions, and revocations, and progressive enforcement**  
24 **action.**

**ASSEMBLY BILL 1078**

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

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

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

17           343.69 (2) The department shall establish by rule a system of progressive  
18 enforcement action taken against licensees for violations of this subchapter or rules  
19 promulgated under this subchapter. This system shall include a procedure for  
20 addressing consumer complaints and taking action against licensees when such  
21 complaints are found to be substantiated.

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

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

## ASSEMBLY BILL 1078

## SECTION 55

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

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

7           343.66 (4) If a driver school or instructor's license is ~~suspended or~~ revoked,  
8 canceled, or suspended, the licensee shall surrender all driver school and instructor  
9 licenses to the department and no portion of the any license fee shall be refunded.

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

11           **343.71 (title) Driver schools to maintain school records, curriculum,**  
12 **and operations.**

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

15           343.71 (1m) (intro.) Every licensed driver school shall maintain all of the  
16 following records:

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

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

20           343.71 (1m) (a) A record showing the date, type, and duration of, and the name  
21 and address of each person receiving, all lessons, lectures, tutoring, instructions or  
22 other services relating to instructions in the operation of motor vehicles, and this  
23 record shall include the name of the instructor giving such lessons or instructions  
24 and identification of the vehicle in which any road driving skills lesson is given,  
25 including type of transmission;

## ASSEMBLY BILL 1078

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

3           343.71 (1m) (b) A file containing a duplicate copy of every agreement entered  
4 ~~into between the school and every person given lessons, lectures, instructions or~~  
5 ~~other services relating to instructions in the operation of motor vehicles required~~  
6 ~~under this paragraph.~~ No person shall be given driver school or instructor may  
7 provide lessons, lectures, tutoring or other services relating to instructions in the  
8 operation of motor vehicles ~~until~~ unless a written agreement in a form approved by  
9 the department has been executed by ~~both~~ the school and either the student if the  
10 student is at least 18 years of age or, if the student is under 18 years of age, the  
11 student's parent or legal guardian. The student shall be given driver school shall  
12 give the student, or the parent or guardian if the student is under 18 years of age,  
13 the original, while the school agreement and shall retain and preserve the carbon a  
14 duplicate thereof copy of the agreement.

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

16           343.71 (5) A driver school shall notify the department of the name and address  
17 of each person who is under the age of 18 years at the commencement of a course in  
18 driver training and who fails to satisfactorily complete the course.

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

20           343.72 (1) No licensee may agree to give refresher lessons, unless the student  
21 states that he or she has had previous ~~driving~~ experience operating a motor vehicle.

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

24           343.71 (2m) No licensee shall may agree to give unlimited ~~driver's~~ driver  
25 lessons, nor represent or agree, orally or in writing or as a part of an inducement to

## ASSEMBLY BILL 1078

## SECTION 64

1 sign any agreement, to give instructions until the student obtains an operator's  
2 license ~~is obtained~~.

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

5 343.71 (3m) No agreement ~~shall~~ may contain a "no refund" clause, but may  
6 contain the following: "The school will not refund any tuition or part of tuition if the  
7 school is ready, willing and able to fulfill its part of the agreement".

8 **SECTION 66.** 343.72 (4) of the statutes is renumbered 343.71 (4).

9 **SECTION 67.** 343.72 (5) of the statutes is renumbered 343.61 (4) (b) and  
10 amended to read:

11 343.61 (4) (b) ~~The licensee shall have a specific place of business described~~  
12 location of each driver school office shall be identified in the license. ~~No~~ Except as  
13 provided by the department by rule, no licensee shall may establish its headquarters  
14 any driver school office within 1,500 feet of a department office where operator's  
15 licenses are issued, nor within 1,500 feet of any headquarters where official road  
16 driving skills tests are given, ~~and locations shall be filed with the department as part~~  
17 ~~of the license application.~~ Any change in address of any driver school office or driver  
18 school classroom must be reported to and approved by the department. A driver  
19 school may maintain driver school classrooms at locations other than the driver  
20 school office.

21 **SECTION 68.** 343.72 (5m) of the statutes is created to read:

22 343.72 (5m) No driver school may represent that completion of a course of  
23 instruction will guarantee that the student will pass the driving skills test  
24 administered by the department. A driver school may only represent by means of a

## ASSEMBLY BILL 1078

1 certificate of completion that the student has satisfactorily completed the required  
2 course.

3 **SECTION 69.** 343.72 (6) of the statutes is amended to read:

4 343.72 (6) All licensees must ascertain from state license examiners the route  
5 over which road tests are given, and no licensee may instruct in those areas, except  
6 that driver schools may operate on a division of motor vehicle skills test route if  
7 comparable training location opportunities are not otherwise available in the locale.

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

9 343.72 (7) Licensees ~~shall~~ may not publish, advertise, or ~~intimate~~ create the  
10 impression that a license is guaranteed or assured. The display of a sign such as  
11 “License Secured Here” is forbidden.

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

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

15 343.61 (4) (c) ~~Except as provided by sub. (8), the~~ The use of the word  
16 “Wisconsin”, or “State” ~~or the name of the city in which the school is located,~~ in any  
17 sign, firm name or other medium of advertising is prohibited.

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

19 343.72 (11) All driver training ~~cars~~ vehicles must be registered with the  
20 department with a brief description of each, including the make, model, and  
21 registration number, and ~~type of transmission~~ shall be kept in safe working  
22 condition, as established by the department by rule. The department may  
23 promulgate rules authorizing the department to place any driver training vehicle out  
24 of service for a vehicle equipment violation or for failure to file with the department  
25 proof of insurance for the vehicle.

**ASSEMBLY BILL 1078****SECTION 74**

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

2           343.72 (12) All driver training ears vehicles shall be equipped with approved  
3 dual controls so that the instructor can stop the ear vehicle promptly. The  
4 department may inspect these ears vehicles at its discretion. After initial inspection  
5 of any driver training vehicle by the department, a driver school may, as provided by  
6 rule, certify to the department the condition of any driver training vehicle of a model  
7 year not more than 3 years old.

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

9           **343.73 Penalty.** Any person who violates ss. 343.60 to 343.72 may be fined  
10 required to forfeit not less than ~~\$25~~ \$100 nor more than ~~\$100~~ or imprisoned not more  
11 than ~~30 days~~ \$200 for each offense.

12           **SECTION 76. Initial applicability.**

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

16           **SECTION 77. Effective date.**

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

19

(END)

**ASSEMBLY AMENDMENT ,  
TO 2005 ASSEMBLY BILL 1078**

*by 3-1 a.m. D-note*

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 21, line 17: after that line insert:

3 **"SECTION 72m.** 343.72 (10) of the statutes is amended to read:

4 343.72 (10) All driver training cars used by the school must be identified by a  
5 sign ~~on the rear of the vehicle~~ visible to other vehicles from behind stating that ~~it the~~  
6 vehicle is a driver school vehicle. "

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

(END)

*D-Note*

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa2551/1dn

PJH:ljf

*Date*

Hariah,

*paragraphs*  
*were*

X When s. 343.61 (6) was renumbered to 343.61 (5), the subsections are automatically renumbered, as well. Therefore I did not renumber 343.61 (6) (a) and (b) to 343.61 (5) (a) and (b) in this amendment.

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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa2551/1dn  
PJH:kjfjf

February 28, 2006

Hariah,

When s. 343.61 (6) was renumbered to 343.61 (5), the paragraphs were automatically renumbered, as well. Therefore I did not renumber 343.61 (6) (a) and (b) to 343.61 (5) (a) and (b) in this amendment.

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