



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 294
[2005 Assembly Bill 38]

**Restriction Violations; Motor
Vehicle Instruction Permits or
Probationary Licenses**

CURRENT LAW

Motor Vehicle Instruction Permit

Current law provides that the Department of Transportation (DOT) may issue an instruction permit to a person who is at least 15 years and six months of age, who has passed a knowledge test, who, if under 18 years of age, has enrolled in an approved driver education and training course, and who, except for age or lack of training in the operation of a motor vehicle, is qualified to obtain an operator's license. The permit remains valid for 12 months unless cancelled by DOT. The permit authorizes the person to operate most motor vehicles (excluding commercial motor vehicles, school buses, and Type 1 motorcycles) subject to certain restrictions, including restrictions related to persons required to accompany the permittee while operating a motor vehicle, persons who may be passengers in a motor vehicle operated by the permittee, and hours during which the permittee may operate a motor vehicle.

Type 1 Motorcycle Instruction Permit

Current law provides that a person who is at least 16 years of age and who is otherwise qualified (including having passed a knowledge test and, if under 18 years of age, having completed a driver education and training course and a basic motorcycle rider course) may obtain a Type 1 motorcycle instruction permit. The permit is valid for six months but may be renewed. The permit authorizes the person to operate a Type 1 motorcycle subject to certain restrictions related to persons who may accompany the permittee on a motorcycle and hours during which the permittee may operate a motorcycle.

Probationary License

Current law provides that a probationary license is, with certain exceptions, issued to all applicants who qualify for an original driver's license and remains in effect for two years from the date

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

of the licensee's next birthday. During the first nine months following issuance of a probationary license, a probationary licensee who is under 18 years of age is subject, with limited exceptions, to certain restrictions on the operation of "Class D" vehicles (automobiles and most other motor vehicles), including restrictions related to persons who may be passengers in a motor vehicle operated by the licensee and hours during which the licensee may operate a motor vehicle.

Signature of Adult Sponsor Required

Current law provides that an application for an operator's license by any person under the age of 18 must be signed and verified by an adult sponsor (typically the person's parent) attesting that the person meets certain educational criteria for issuance of an operator's license.

Penalties

Current law specifies that a person holding a probationary license or instruction permit who violates these operating restrictions may be required to forfeit ***up to \$200 for the first offense***, may be fined ***up to \$300 and imprisoned for not more than 30 days for the second offense within three years***, and may be fined ***up to \$500 and imprisoned for not more than six months for the third or subsequent offense within three years***.

2005 WISCONSIN ACT 294

2005 Wisconsin Act 294 changes the penalty for persons who violate operating restrictions under a probationary license or an instruction permit. Under the Act:

1. A person holding a probationary license or instruction permit who violates these operating restrictions ***must forfeit \$50 for a first offense and not less than \$50 nor more than \$100 for each subsequent offense***.
2. The DOT must provide ***notice of the conviction to any adult sponsor*** of the person.

Effective Date: 2005 Wisconsin Act 294 takes effect on August 1, 2006. The Act first applies to violations committed on the effective date of the new law, but does not preclude the counting of other violations as prior violations for purposes of sentencing a person.

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