

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 96-147**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

#### **1. Statutory Authority**

Section 343.07 (2), Stats., generally provides that the department may not issue an instruction permit to anyone under 18 years of age, unless the department has a certificate from the applicant’s qualified instructor stating that the applicant is enrolled in an approved driver education and training course for the purpose of the practice driving phase. Section Trans 102.19 (1) provides that an instruction permit for Class D privileges may not be issued to a person less than 18 years of age more than 60 days prior to the beginning of the practice driving phase of a driver education course. Is the rule consistent with the statutory provision?

#### **2. Form, Style and Placement in Administrative Code**

Section Trans 102.15 (4) (c) (intro.) must be created to explain the list contained in s. Trans 102.15 (4) (c) 1. to 4.

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

- a. In s. Trans 102.14 (1) (e), “driver” should be replaced with “operator’s.”
- b. If the material in the Note to s. Trans 102.14 (1) (e) is intended to create substantive law, it should be included in the rule. [See s. 1.09, Manual.]
- c. In s. Trans 102.15 (3) (a) 18., is “military ID” a term which defines a specific type of identification or should ID be spelled out or further explained?

- d. In s. Trans 102.17 (2) (c), it appears that the paragraph should begin with the word "When."