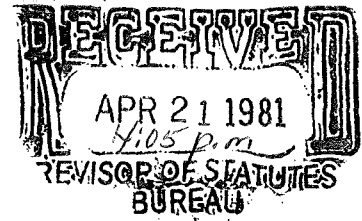


TRANS 101, MVD 11

C E R T I F I C A T E



STATE OF WISCONSIN )  
DEPARTMENT OF TRANSPORTATION ) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Lowell B. Jackson, Secretary of the Wisconsin Department of Transportation and custodian of the official records of the department, do hereby certify that the annexed rule TRANS 101, relating to Point Values for Traffic Violations and Revocations and Suspensions, was duly approved and adopted by this department in accordance with s. 227.026(1), Stats.

I further certify that the annexed copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation in the City of Madison, Wisconsin, this 15<sup>th</sup> day of April, 1981.

Lowell B. Jackson  
Secretary

7-1-81

SECTION I

STATE OF WISCONSIN

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

In the Matter of the	:	
Renumbering and Amendment of	:	
Chapter TRANS 101 (MVD 11),	:	
<u>Wis. Adm. Code</u> , Relating to	:	ORDER
<u>Point Values</u> for Traffic	:	ADOPTING RULE
Violations and Revocations	:	
and Suspensions	:	

Analysis by Department of Transportation

The proposal involves the renumbering of Chapter MVD 11 to TRANS 101 as part of the general restructuring of the Department of Transportation's rules. The department also proposes to amend the rule, as renumbered, to include the following major provisions:

1. In TRANS 101.02, it is proposed that some changes be made in point assessments. The change from a 3 point to a 4 point assessment for 3 violations and reductions for 2 violations are made to reflect 1979 accident data which show which of these violations are more likely to contribute to accidents.

TRANS 101.02

	<u>From</u>	<u>To</u>
(6) Driving on wrong side of highway or street	3 pts.	4 pts.
(10) Failure to yield right of way	3 pts.	4 pts.
(14) Inattentive driving	3 pts.	4 pts.
-		
(15) Operating with a license expired less than 6 months	2 pts.	3 pts.
(15)(f) Violation of restriction	2 pts.	3 pts.

Note: Suspension for violation of restriction has been discontinued in conjunction with increasing the point assessment.

(15)(b)(c)(d)&(e) Operating without a license, without proper license or with a license expired more than 6 months	Reduced from 4 pts. to 3 pts.
(17)(a) Illegal passing	Reduced from 4 pts. to 3 pts.

2. TRANS 101.02 (22)(n) codifies present policy that violations for failure to report accidents under ss.346.69 and 346.70, Stats. do not carry a point assessment.
3. TRANS 101.02 (23) codifies present policy that similar moving violations of department administrative codes are included in the point system.
4. TRANS 101.02 (24)(b) has been deleted from this rule because revocation under s.344.25, Stats., does not involve a traffic conviction or assessment of demerit points.
5. TRANS 101.02 (25)(a) codifies into rule present policy that when a person holds both a probationary license and a chauffeur's license and accumulates points, additional points will be applied only against the probationary license. The point assessment against a probationary license for second and subsequent convictions has been changed from doubling points to adding 2 points to the point value which would otherwise be assigned. The new accelerated point assessments for speeding increase probationary license suspensions more than revocations, thus the change is being proposed so that the law will affect both probationary and regular licenses similarly.
6. TRANS 101.04 (2) has been changed to provide that the first licensing action resulting from demerit point accumulations will be a suspension of the operating privilege, regardless of license type, provided that there has been no prior suspension or revocation under Chapter 343, Stats. Previously the department's policy was that a suspension would be limited to probationary license holders and only for the first action.
7. TRANS 101.04 (4) and (5) includes department policy for length of revocations or suspensions resulting from point accumulations. Codifies into rule the department's policy for length of revocations under s.343.32 (1) (a) and (b), Stats., and codifies into rule the department's policy for the effective date of revocations and suspensions.
8. TRANS 101.05 includes provisions reflecting present policy that revocations and suspensions which are not related to moving violations are not eligible for a point reduction upon reinstatement, and clarifies that demerit point reductions apply only to points based on convictions dated before the reinstatement date.

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A copy of the proposed rule may be obtained upon request from the Wisconsin Department of Transportation, Division of Motor Vehicles, Room 255, Hill Farms State Office Building, 4802 Sheboygan Avenue, Madison, Wisconsin 53702 (608) 266-2233.

The fiscal effect of this rule is based on the proposed administrative changes in four areas and will result in a cost savings of \$26,400 (2 positions) and a total revenue loss of about \$59,000 annually. The net impact will be a revenue reduction of about -\$32,600.

The changes include demerit point assessment for specific convictions; suspending instead of revoking for the first demerit points generated licensing action; adding two (2) demerit points instead of doubling demerit points for second and subsequent convictions of probationary license holders; eliminating fatality and revocation or suspension period reduction conferences.

Demerit Point Assessment for Specific Convictions. Six violations are being increased by one point under this rule and two violations are being decreased by one point. The net result of these changes (based on Calendar Year 1980 convictions) will be the assessment of about 6,000 additional demerit points each year. It is estimated that less than 50 additional suspensions and revocations will be created because of this change. The workload will be absorbed and revenue from these reinstatements is minimal.

Suspension Rather Than Revocation. The proposed change will affect about 5,000 licensing actions annually. Based on experience, about 50% of those suspended and revoked apply for reinstatement. Consequently, this change will result in about 2,500 fewer reinstatements annually. This will result in a cost savings of \$13,200 (1 position) and a revenue loss of -\$25,000 (\$20 suspension reinstatement fee vs. \$30 revocation reinstatement fee). Also, since suspension reinstatement does not require a road test, there will be 2,500 fewer road tests performed annually. This will have no measurable cost saving benefit because the reduction of road tests on a statewide basis is insignificant, but it will reduce revenue by an additional -\$12,000 (-2,500 road tests x \$5 fee). In sum, the gross impact of this change is a \$13,200 (1 position) cost savings and a -\$37,000 revenue loss annually. The net effect will be a revenue reduction of -\$23,800.

Adding Two Points Instead of Doubling Points for Probationary License Holders. This change will result in an annual cost savings of \$13,200 (1 position) and a revenue loss of -\$22,000 annually. There are approximately 20,600 probationary licenses which are revoked or suspended at any given time. Of all license types which are suspended and revoked, about 37% are the result of point accumulation. Therefore, it is estimated that about 7,600 probationary licensing actions would be the maximum number of cases which could be affected by this proposal. It is estimated that 15% of the maximum or about 1,100 fewer suspensions will actually occur. It takes one position to process 1,000 suspensions thus a cost savings of \$13,200 (1 position) is expected. Assuming that the licensing actions would have been suspensions, the annual revenue loss will be -\$22,000 (1,100 x \$20 reinstatement fee). Consequently the net income loss will equal a -\$8,800.

Eliminating Selected Conferences. In Calendar Year 1980 the department conducted about 370 conferences of the types proposed for elimination. Each conference took about 20 minutes which equates to an effort of less than one-tenth of one position. Therefore, this proposal will have no fiscal impact.

STATE OF WISCONSIN

DEPARTMENT OF TRANSPORTATION

## OFFICE OF THE SECRETARY

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In the Matter of	:	
the Renumbering	:	
and Amendment of MVD 11	:	RULE TEXT
(TRANS 101), <u>Wis. Adm.</u>	:	
<u>Code Relating to Point</u>	:	
<u>Values for Traffic</u>	:	
<u>Violations and Revocations</u>	:	
<u>and Suspensions</u>	:	

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Pursuant to authority vested in the Department of Transportation by ss. 110.06, 227.014 and Ch. 343 Stats., the Department of Transportation hereby adopts rules (Chapter MVD 11, renumbered as Chapter TRANS 101) interpreting Chapters 343 through 349, Wis. Stats., as follows:

## RULE TEXT

SECTION 1. Chapter MVD 11 Point Values for Traffic Violations, Wis. Adm. Code, is renumbered TRANS 101, and amended to read:

## TRANS 101

## POINT VALUES FOR TRAFFIC VIOLATIONS

AND REVOCATIONS AND SUSPENSIONS

SECTION 2. Section TRANS 101.01 of the Wis. Adm. Code is created to read:

TRANS 101.01 PURPOSE AND DEFINITIONS. (1) The purpose of this Chapter is to administratively interpret those portions of Chapters 343 to 349, Stats., relating to establishing a traffic violation demerit point system and revocation and suspension of a person's operating privilege.

(2) "Department" means the Wisconsin department of transportation.

SECTION 3. Sections TRANS 101.03 to 101.08 are renumbered ss. TRANS 101.02 to 101.07.

SECTION 4. Sections TRANS 101.02 (1) to (14) of the Wis. Adm. Code., are renumbered (1) to (15) and, as renumbered, are amended to read:

TRANS 101.02 POINT SCHEDULE. (intro.) (s.343.32(2), Stats.) In accordance with the authority conferred under s.343.32 (2), Stats.; (The demerit point system having been adopted) the The scale of demerit points are hereby set forth opposite is listed according to the type of traffic conviction (violation) in the following type case in determining. This demerit point system is used to identify habitually reckless or negligent operators having who have repeatedly violated state or local traffic laws for the purpose of suspending or revoking operating privileges. (Licenses)

Type of Violation	Point Value
(1) Arterial sign; traffic control signal; officer's signal or any other traffic control sign violation . . .	.3
(2) Blocking traffic, obstructing traffic, slow moving vehicle . . . . .	.2
(3) Fleeing or attempting to elude an officer. . . . .	.6
(4) Driving the wrong way on one way street. . . . .	.3
(5) Following vehicle too closely . . . . .	.3
(6) Driving on wrong side of highway or driving on wrong side of street . . . . .	.34
(7) Failure to give appropriate signal . . . . .	.3
(8) Operating while under influence of intoxicant or controlled substance . . . . .	.6
(9) Failure to perform duty after accident (any violation of s.346.67 or 346.68, Stats.) . . . . .	.6
(10) Failure to yield right of way or failure to yield right of way to emergency vehicle. . . . .	.34
(11) Driving with improper brakes, or improper lights (includes clearance lights, without lights, spot light, head lights, taillights-signal lights) (does not include registration plate lamps or cycle headlamps during daylight hours or <u>registration plate lamps</u> ). . . . .	.3
(12) Failure to dim lights. . . . .	.3
(13) Making a prohibited turn or illegal turn . . . . .	.3

- (14) Inattentive driving. . . . . 34
- (15) ~~(a) Operating with-a-license-which-has-been-expired  
for-less-than-6-months. . . . . 2~~
- (b) Operating without having obtained an operator's  
license or with a license which has been expired.  
for 6 months or more. . . . . 43

SECTION 5. Sections 101.02(15) (c) to (f) are created to read:

- (c) Operating cycle without endorsement . . . . . 3
- (d) Operating school bus without having obtained school  
bus operator's license. . . . . 3
- (e) Operating as a chauffeur without having obtained  
a chauffeur license . . . . . 3
- (f) Violation of license restriction. . . . . 3

SECTION 6. Sections TRANS 101.02 (15) to (26) are renumbered (16) to (27) and, as renumbered, are amended to read:

- (16) Parking on highway in traffic lane . . . . . 2
- (17) (a) Illegal passing. . . . . 43
- (b) Passing Failure to stop for a school bus when red  
lights are flashing, s.346.48(1), Stats. . . . . . 4
- (c) Deviating from a traffic lane. . . . . 4
- (18) Reckless driving . . . . . 6
- (19) Racing on public highway or engaging in a contest of  
speed or endurance . . . . . 6
- (20) Speeding Convictions Within a Three-Year Period.

	<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>4th</u>	<u>5th</u> or <u>Subsequent</u>
(a) 10 mph or less in excess of lawful or posted speed	3	4	5	6	7
(b) More than 10 mph but less than 20 mph in excess of lawful or posted speed	4	6	8	10	12
(c) 20 mph or more in excess of lawful or posted speed	6	8	10	12	14

- (21) Too fast for conditions, imprudent speed, failure to have vehicle under control, or unnecessary acceleration . . . . .4
- (22) All other moving traffic convictions.. . . .2  
 except the following Except no points are assessed for the following:
  - (a) Failure to pay public service permit fee.
  - (b) Operating in excess of authority granted by public service commission.
  - (c) Failure to register vehicle.
  - (d) Improper license plates.
  - (e) Overload on license or overload on axle.
  - (f) Failure to transfer certificate of title.
  - (g) Unnecessary blowing of horn.
  - (h) Improper muffler.
  - (i) Violation of boulevard ordinance.
  - (j) Operating illegally with studded tires. ~~outside of authorized period~~
  - (k) Failure to wear mandatory protective headgear while operating a motor driven cycle.
  - (l) Operating a motor driven cycle with handlebars that exceed the legal height limit.
  - (m) Operating a motor driven cycle with rear passenger pegs that are at an illegal height.
  - (n) Failure to report an accident under ss. 346.69 or 346.70, Stats.

(23) The foregoing The point schedule in this section shall also covers similar ordinance violations and similiar violations of department administrative rules even though the language of the ordinance or rule adapting may vary.

(24)(a) When restriction, suspension, or revocation of operating privileges is ordered by a court under s. 343.30, Stats., the point value charged against the record of the offender shall be in strict accordance with the charge for which conviction is made as set forth under sub. described in subs. (1) through (20 22), except as provided in section MVD 11:03 (24) sub. (25) (a).



(b) - As the revocation required under S. ---, 344.25, Stats., is for a civil liability which must be met and proof of future financial responsibility furnished before reinstatement of driving privileges can be obtained, no point value shall be charged against the record of the operator against whom the judgment is obtained as a result of the judgement.

(25) (a) The demerit points charged against the record of any person who holds a probationary license on the date of the conviction or any unlicensed person who would be issued a probationary license if he made proper application were made and met all other requirements for license were met, shall be double the have the demerit point value shown for the convictions of violations set forth under in subs. (1) through (20 22) increased by 2 points on the second and all subsequent convictions. Demerit points accumulated while operating as a chauffeur by the holder of a probationary license shall be increased by 2 points against the probationary license, but shall not be increased by 2 points when applied against the chauffeur license.

(b) Any person who has had his whose operating privilege has been revoked or canceled while unlicensed or while licensed under a probationary license shall at the time of issue of any be issued a reinstated license be continued on a probationary license for the same period as an original probationary license.

(26) In determining the accumulated demerit points against an operator within 12 months, 24 months or 36 months, the division department shall use the date each violation was committed as the basis for such

the determination.

(27) Point values assessed under sub. (1920) for violations occurring on or after July 1, 1980 are based on conviction date, regardless of the date notice of the conviction is received by the department. Any point value which has been assessed will be adjusted to reflect receipt by the department of an earlier conviction.

SECTION 7. Section TRANS 101.03 of the Wis. Adm. Code, as renumbered, is amended to read:

TRANS 101.04 3 WARNINGS. The ~~division~~ department may notify any operator of the point value charged against his the record when the record shows 6 or more points to have been accumulated in a 12 month period.

SECTION 8. Sections TRANS 101.04(1) (3) of the Wis. Adm. Code, as renumbered, are amended to read:

TRANS 101.05 4 SUSPENSION OR REVOCATION OF LICENSE. (1) Demerit points accumulated when a person is not operating as a chauffeur shall not be counted against his the chauffeur license unless specifically required by law, but demerit points accumulated by a person when operating as a chauffeur, or when the law requires assignment of points against the chauffeur license, shall be counted against both His the chauffeur license and His regular all other operator's licenses license.

(2) The ~~division~~ may department shall suspend or revoke the operating privileges of any person when his whose driving record shows he has attained or accumulated that 12 points in 12 months, or 18 points

in 24 months or 24 points in 36 months from the date of violation have been accumulated. except any Any person who holds a probationary license or any unlicensed person who would have been issued a probationary license had he made application and met all other requirements for license and who has not had his the operating privilege previously suspended or revoked under Chapter 343, except s.343.30(6) or 343.345, Stats., shall have his the operating privilege suspended.  
In all other cases the operating privilege shall be revoked.

(3) The division department may suspend or shall revoke, or suspend if sub. (2) applies, the chauffeur license of any person, when his whose driving record shows he has attained or accumulated an accumulation of 12 points in 12 months or 18 points in 24 months or 24 points in 36 months for offenses committed while operating as a chauffeur, or when the law requires assignment of points against his the chauffeur's license.

SECTION 10. Sections TRANS 101.05(1) and (2) of the Wis. Adm. Code, as renumbered, are amended to read:

TRANS 101.06 5 DETERMINATION OF POINT VALUE AT REINSTATEMENT. (1)

The division department, upon issuing a reinstated operator's license, shall reduce the accumulated point value to 6 points, provided reinstatement of such operating privilege is made within 12 months from the date of the ~~latest~~ violation. If at the time of such reinstatement the demerit point value in the immediately preceding 12 month period is less than 6, then the lesser point value shall be carried forward in the record. Revocations and reinstatements under Ch.344, Stats. do not qualify for a point reduction.

(2) The division department, upon return of a license which has been suspended, except under Chapters 48, 344, 345, Stats. and ss.343.30 (6) and 343.345, Stats., shall reduce the accumulated demerit point value to 6 points. If at the time of return the demerit point value in the immediately preceding 12 month period is less than 6, then the lesser point value shall be carried forward in the record.

SECTION 11. Section TRANS 101.05(3) of the Wis. Adm. Code is created to read:

(3) Demerit point reductions under this section shall apply only to demerit points based on convictions dated before the reinstatement or suspension termination date. Demerit points for convictions dated

on or after the date of reinstatement or suspension termination date shall be added to the demerit point value on the date of reinstatement.

SECTION 12. Section TRANS 101.06 of the Wis. Adm. Code, as renumbered, is amended to read:

TRANS 101.07 6 REDUCTION OF POINT VALUE FOR CLEAR DRIVING RECORD. (1) For the first full year of operation without a traffic violation the total accumulated point value charged against an operator shall be reduced by one-third.

(2) For the second full year of operation without a traffic violation the remaining total accumulated point value charged against an operator shall be reduced by one-half.

(3) For the third full year of operation without a traffic violation the remaining accumulated point value charged against an operator shall be withdrawn.

SECTION 13. Sections TRANS 101.07(1) to (9) of the Wis. Adm. Code, as renumbered, are amended to read:

TRANS 101.08 7 REDUCTION OF POINT VALUE FOR ATTENDANCE OF AT DRIVER IMPROVEMENT COUNSELING, TRAFFIC SAFETY SCHOOL OR DEFENSIVE DRIVING COURSES. (1) In accordance with the authority contained in s. 343.32 (5), Stats., a person's point record may shall be reduced by no more than 3 points or the number of points accumulated up to 3, if he furnishes acceptable certification is furnished to the administrator department that he has satisfactorily completed a course of

instruction at a traffic safety school as authorized, approved and administered under s. 345-16 345.60, Stats., or a course of instruction in defensive driving, which course has been approved in advance by the administrator department, has been satisfactorily completed, or by completing a counseling program if a driver improvement course conducted by employees of the division the department has been satisfactorily completed. The certification must be filed with the division department within 30 days of completion of the course to qualify for point reduction. Definitions of such schools and courses are established in Wis. Adm. Code, section MVD 23.02 (1), (4), (5) and (6). The person seeking the reduction shall be responsible for any and all fees charged for the course.

(2) The certification of completion of an approved course shall be provided to the division department on an individual person basis. The division department will prescribe the information necessary to be supplied from an approved school or supply the necessary forms to complete the certification for administering this program.

(3) Each person is limited to only one such point reduction under this section in a 5 year period.

(4) Prior to reaching the 6 point level, a person may voluntarily select and take an approved course, specified in sub. (1) of his choice to obtain the necessary certification for point reduction without notification from the division department.

(5) In those instances where the person attends an approved course and is otherwise entitled to point reduction and his the person's record

has less than 3 points, his the person's record will be reduced by his the record point value. No credit will be applied toward future point assessments nor shall he have the opportunity be given to have his the point record reduced again within a 5 year period.

(6) No reduction in points will be permitted when attendance ~~to~~ at a school has been ordered by a court in lieu of revocation following conviction of operating while intoxicated.

(7) At the 6 point level When a person has accumulated 6 to 11 points in 12 months, the ~~division~~ department may notify a person by first class mail to his the last known address on file with the bureau of driver control that he there is has the an opportunity to attend a course on a voluntary basis, advising the person he may seek the assistance of specified employees of the ~~division~~ the department for assignment to an approved course if he desires ~~to enroll~~ enrollment is desired.

(8) Persons who have accumulated more than 6 but less than the demerit points required for suspension or revocation on their record under the point system may shall be processed only as provided in chapter MVD2 3- Procedure by department rule for counseling and re-examination of drivers. Upon receipt of certification of satisfactory completion of one of the department approved courses, provided in section MVD 23.02 (1), (4), (5) or (6), such person may be given a point reduction as provided in this chapter if he is otherwise entitled to it.

(9) No reduction in points under this section will be permitted when a person accumulates sufficient demerit points to require suspension or revocation under this chapter.

Section 14. Section TRANS 101.07(10) of the Wis. Adm. Code is created to read:

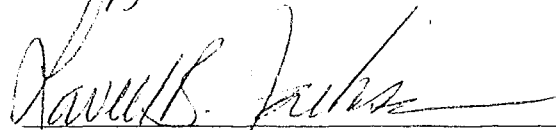
(10) Demerit point reductions under this section shall apply only to demerit points based on convictions dated before the date of the course completion. Demerit points for convictions on or after the date of course completion shall be added to any current demerit point value.

(END)

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The rules contained in this order shall take effect upon publication as provided in s. 227.026(1) (intro.), stats.

Signed at Madison, Wisconsin  
This <sup>15</sup> day of April, 1981.



Lowell B. Jackson, P.E.  
Secretary

Wisconsin Department of Transportation