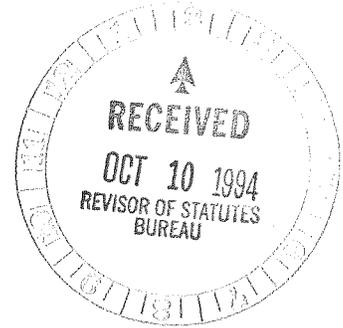


CR 94-124

CERTIFICATE

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)



TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **adult sponsors for minors obtaining driver licenses and background checks made prior to the issuance of driver licenses**, was duly approved and adopted by this Department on October 7, 1994.

I further certify that this 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 at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 7 day of October, 1994.

Charles H. Thompson

CHARLES H. THOMPSON
Secretary

IN THE MATTER OF an Order Adopting Rule **AMENDING** Trans 102.01(1), 102.07(2) and 102.17(1)(intro.) and (2)(intro.); and **CREATING** Trans 102.21, Wisconsin Administrative Code, relating to adult sponsors for minors obtaining driver licenses and background checks made prior to the issuance of driver licenses.

ORDER ADOPTING RULE

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 343.02, Stats., and s. 343.15(1), Stats., as amended by 1993 Wis. Act 162.

STATUTES INTERPRETED: ss. 343.02(1), 343.03(5) and 343.15(1), Stats.

General Summary of Rule. 1993 Wis. Act 162 provides that the Department may define by rule those persons who may act as sponsors for minor children attempting to procure driver licenses. This rule permits the following persons having a familial relationship with a minor to act as a sponsor:

- parents
- step parents
- guardians
- grandparents
- siblings
- aunts and uncles
- foster parents
- host parents of foreign exchange students
- spouses

The rule clarifies that the Department will permit a sponsor to designate an attorney-in-fact to sign Department sponsorship forms on the sponsor's behalf.

The rule also clarifies a commercial driver license provision relating to the national driver registry system to make clear that the Department may not issue a commercial driver license without first running those license background checks required by the federal Commercial Motor Vehicle Safety Act of 1986, the regulations promulgated thereunder, and s. 343.03(5), Stats.

Fiscal Effect. This rule establishes the Department's rule for determining "other adult sponsor" as required by 1993 Wis. Act 162, s. 343.15(1), Stats. It also limits issuance of a commercial drivers license at times when computer or communication systems are inoperative.

The promulgation of these changes will have no fiscal effect on the Department or local government.

Final Regulatory Flexibility Analysis. This rule will not impact small businesses.

Preparation and Copies of Rule. Copies of this rule can be obtained upon request, without cost, from the Division of Motor Vehicles, Bureau of Driver Services, P.O. Box 7917, Madison, WI 53707-7919. For further information, contact Wes Geringer (608) 266-0614 or Julie Clark (608) 266-2239.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 343.02(1), Stats., and 343.15(1), Stats., as amended by 1993 Wis. Act 162, the department of transportation hereby amends a rule interpreting ss. 343.02(1), 343.03(5) and 343.15(1), Stats., relating to sponsorship of minors applying for Wisconsin driver licenses and background checks for commercial driver licenses.

SECTION 1. Trans 102.01(1) is amended to read:

Trans 102.01(1) As authorized by ss. 85.16(1), 110.06, 227.11, 343.05, 343.06, 343.14, 343.15, 343.17 and 343.20, Stats., the purpose of this chapter is to administratively interpret ss. 343.02, 343.03, 343.05, 343.06, 343.07, 343.08, 343.10, 343.11, 343.12, 343.135, 343.14, 343.16, 343.17, 343.18, 343.19, 343.20, 343.21, 343.22, 343.25, 343.265, and 343.50, Stats., relating to issuance of operator's licenses and identification cards.

SECTION 2. Trans 102.07(2) is amended as follows:

Trans 102.07(2) When the information systems described in sub. (1) are inoperative, the person's class D or M license ~~will~~ may be processed based on the information certified by the person on the license application and any Wisconsin driver record available.

SECTION 3. Trans 102.17(1)(intro.) and (2)(intro.) are amended to read:

Trans 102.17(1)(intro.) TEMPORARY OPERATOR'S LICENSE. The department may issue a class D or M temporary operator's license and attach it to a person's previous Wisconsin license when the person presents the previous license and the department is unable to immediately issue a renewal operator's license to the person for one of the following reasons:

(2)(intro.) TEMPORARY DRIVER RECEIPT. The department may issue a class D or M temporary driver receipt and validate it for driving:

SECTION 4. Trans 102.21 is created to read:

Trans 102.21 SPONSORSHIP OF PERSONS UNDER 18 YEARS OF AGE.

(1) DEFINITIONS. In this section:

(a) "Adult" means a person who is 18 years of age or older.

(b) "Foster parent" means a person licensed to operate a foster home or treatment foster home under s. 48.62, Stats.

(c) "Guardian" means the person named by the court having the duty and authority of guardianship.

(d) "Minor" means a person less than 18 years of age.

(e) "Parent" means either a biological parent, a husband who has consented to the artificial insemination of his wife under s. 891.40, Stats., or a parent by adoption. If the child is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.60, Stats., "parent" includes a person adjudged in a judicial proceeding to be the biological father. "Parent" does not include any person whose parental rights have been terminated.

(f) "Stepparent" means a person who is married to the minor's biological or adoptive parent and is not a biological or adoptive parent of the minor.

NOTE: The definitions used in pars. (c) and (e) are intended to parallel those in s. 48.02, Stats.

(2) ADULT SPONSORS. The following adults may sponsor a minor's application for Wisconsin operator's license:

(a) The minor's parent, stepparent or guardian.

(b) The minor's spouse.

(c) The minor's grandparent, brother, sister, aunt, uncle or foster parent if the minor does not reside with any of the persons identified in par. (a).

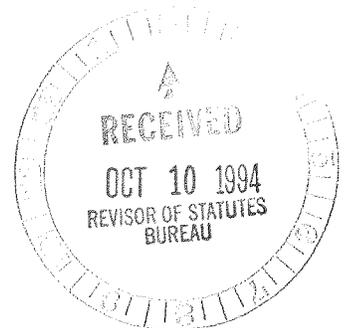
(d) The person with whom a foreign exchange student resides if the foreign exchange student is from outside the United States and is not residing with any of the persons identified in par. (a).

(3) POWERS OF ATTORNEY. An adult holding a valid power of attorney may execute the sponsorship form for a minor on behalf of a sponsor.

NOTE: The Department has a form Durable Power of Attorney, Driver License Sponsorship for Minor that is designed to be used for this purpose, form MV 3627. The form can be obtained from the Division of Motor Vehicles, Bureau of Driver Services, P. O. Box 7917, Madison, WI 53707-7917, telephone (608) 266-2233 or at any motor vehicle services station.

(4) PROOF OF IDENTITY. A sponsor or attorney-in-fact of a sponsor shall provide proof of identity satisfying the requirements of s. Trans 102.15(4) when a department representative acts as the witness to a sponsor's or attorney-in-fact's signature.

(END OF RULE TEXT)



Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 7 day of October, 1994.

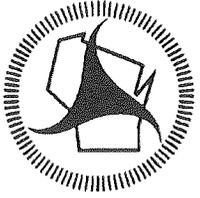
Charles H. Thompson

CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation





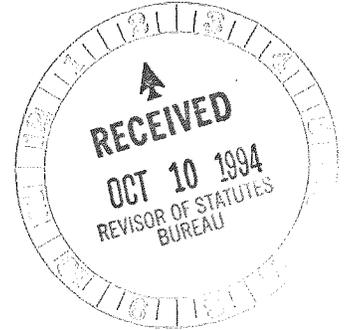
Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

October 10, 1994



Mr. Gary Poulson
Deputy Revisor of Statutes
131 West Wilson Street, Suite 800
Madison, Wisconsin 53703

RE: CLEARINGHOUSE RULE 94-124

In the Matter of the Adoption of **TRANS 102**, Wisconsin Administrative Code, relating to **adult sponsors for minors obtaining driver licenses and background checks made prior to the issuance of driver licenses.**

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 94-124**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,


Julie A. Johnson
Paralegal

Enclosures

cc: Tom Walker
Dorothy Kapke
Jim McDonnell
Roger Cross
Wes Geringer
Karen Schwartz
Joyce Kiel