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No. 99. S.]

[Published June 29, 1957.

CHAPTER 260

AN ACT to repeal 20.560 (74), the title to chapter 85, 85.01 to 85.09 (5) (d), 85.09 (6) to 85.92, 85.94, 85.95 and 110.09 (4); to renumber 85.93; to renumber and amend 85.09 (5) (e) and 86.35 (2); to amend 20.420 (intro. par.), 20.560 (1), (71), (72), (75) and (76), 20.951 (5), 48.17, 48.20 (4), 48.36 (1) (a) and (2) (a), 59.20 (8), 66.18, 66.185, 66.61 (2), 76.54 (1), 86.35 (1), 110.06 (3), 110.07 (1), 110.08 (1), 182.47 (1), 192.29 (2), 193.01 (1), 194.04 (1) (em) and (2), 194.10, 194.16, 194.355, 194.41 (1) (intro. par.), 194.44 (2), 218.01 (1) (k) and (2) (i) and (8) (b), 262.08 (5), 262.09 (13), 301.22, 330.19 (5) and 960.01 (5) (b); and to create 86.35 (2), 110.04 and Title XLIV and chapters 340 to 349 of the statutes, all for the purpose of and incident to the enactment of a new vehicle code, and providing penalties.

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

SECTION 1. Title XLIV and chapters 340 to 349 of the statutes are created to read:

TITLE XLIV

VEHICLE CODE

CHAPTER 340

GENERAL PROVISIONS

340.01 WORDS AND PHRASES DEFINED. In chs. 340 to 349, the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning:

(1) "Adverse weather lamp" means a lamp specially designed to provide road illumination under conditions of rain, snow, dust or fog.

(2) "Alley" means every highway within the corporate limits of a city or village primarily intended to provide access to the rear of property fronting upon another highway and not for the use of through traffic.

(3) "Authorized emergency vehicle" means any of the following:

(a) Police vehicles, whether publicly or privately owned;

(b) Conservation wardens' vehicles or foresters' trucks, whether publicly or privately owned;

(c) Vehicles of a fire department or fire patrol;

(d) Privately owned motor vehicles being used by deputy state fire marshals or by personnel of a full-time or part-time fire department or by members of a volunteer fire department while enroute to a fire or on an emergency call pursuant to orders of their chief or other commanding officer;

(e) Such emergency vehicles of municipal or county departments or public service corporations as are designated or authorized by the local authorities to be authorized emergency vehicles;

(f) Such emergency vehicles of state departments as are designated or authorized by the heads of such departments to be authorized emergency vehicles;

(g) Such ambulances, whether publicly or privately owned, as are designated or authorized by local authorities to be authorized emergency vehicles.

(4) "Automobile" means a motor vehicle with a shipping weight of more than 1,000 pounds and designed primarily for the purpose of transporting persons rather than property but which does not have a passenger-carrying capacity sufficiently large to bring it within the definition of motor bus.

(5) "Bicycle" means every device propelled by the feet acting upon pedals and having wheels any 2 of which are more than 20 inches in diameter.

(6) "Business district" means the territory contiguous to a highway when 50 per cent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

(7) "Clearance lamps" mean lamps on the left and right sides of the front and rear of a vehicle which show to the front and rear to mark the extreme sides of the vehicle.

(8) "Commissioner" means the motor vehicle commissioner of this state.

(9) "Connecting street" has the meaning designated in s. 84.02 (11).

(10) "Crosswalk" means either of the following, except where signs have been erected by local authorities indicating no crossing:

(a) *Marked crosswalk*. Any portion of a highway clearly indicated for pedestrian crossing by lines or other markings on the surface; or

(b) *Unmarked crosswalk*. In the absence of lines or markings, that part of a roadway, at an intersection, which is included within the transverse lines which would be formed on such roadway by connecting the corresponding lateral lines of the sidewalks on opposite sides of such roadway or, in the absence of a corresponding sidewalk on one side of the roadway, that part of such roadway which is included within the extension of the lateral lines of the existing sidewalk across such roadway at right angles to the centerline thereof, except in no case does an unmarked crosswalk include any part of the intersection and in no case is there an unmarked crosswalk across a street at an intersection of such street with an alley.

(11) "Dealer" means a person who, for a commission or other thing of value, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale or exchange of an interest in motor vehicles, mobile homes, trailers or semitrailers, or who is engaged wholly or in part in the business of selling motor vehicles, mobile homes, trailers or semitrailers, whether or not such vehicles are owned by him, including sales finance companies licensed under s. 218.01 but not including:

(a) A receiver, trustee, administrator, executor, guardian or other person appointed by or acting under the judgment or order of any court; or

(b) A public officer while performing his official duty; or

(c) An employe of a person enumerated in pars. (a) or (b).

(12) "Department" means the motor vehicle department of this state, acting directly or through its duly authorized officers or agents.

(13) "Direction signal lamp" means a lighting device used to indicate the intention of the operator of a vehicle to change direction.

(14) "Distributor" means a person who in whole or in part sells or distributes motor vehicles, mobile homes, trailers or semitrailers to dealers, or who maintains distributor representatives.

(15) "Divided highway" means a highway with 2 or more roadways separated by spaces not intended for the use of vehicular traffic.

(16) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

(17) "Farm trailer" means a trailer or semitrailer which is owned and operated by a farmer and is used exclusively for the transportation

of farm products from the owner's farm to market or for the transportation of supplies to his farm.

(18) "Farm truck" means a motor truck owned and operated by a farmer and used primarily for the transportation of supplies, farm equipment and products on the owner's farm or between his farms, the transportation of farm products from the owner's farm to market, and the transportation of supplies to his farm. As used in this subsection, the term "farmer" includes persons who are engaged in those activities specified in the definition of "operation of farm premises" contained in s. 102.04 (4), provided that such activities are directly or indirectly for the purpose of producing a commodity or commodities for market, or as an accessory to such production.

(19) "Fusee" means a paper or fiber tube filled with a flammable material which, when ignited, burns with a red flame for 5 to 30 minutes and which is designed to produce a warning light for temporarily marking a disabled vehicle until more permanent warning devices can be properly placed.

(20) "Gross weight" means the weight of the vehicle equipped for service plus the weight which the vehicle is equipped to carry as a load.

(21) "Headlamp" means a major lighting device used to provide general illumination ahead of a vehicle.

(22) "Highway" means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of institutions under the jurisdiction of the board of regents of state colleges, but does not include private roads or driveways as defined in sub. (46).

(23) "Hours of darkness" means the period of time from one-half hour after sunset to one-half hour before sunrise and all other times when there is not sufficient natural light to render clearly visible any person or vehicle upon a highway at a distance of 500 feet.

(24) "Implement of husbandry" means a vehicle or piece of equipment or machinery designed for agricultural purposes and used exclusively in the conduct of agricultural operations.

(25) "Intersection" means the area embraced within the prolongation or connection of the curb lines or, if none, then within the boundary lines of the roadways of 2 or more highways which join one another at, or approximately at right angles, whether or not one such highway crosses the other, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(26) "Local authorities" means every county board, city council, town or village board or other local agency having authority under the constitution and laws of this state to adopt traffic regulations.

(27) "Local ordinance which is in conformity therewith" means a local traffic regulation enacted pursuant to s. 349.06.

(28) "Manufacturer" means a person who manufactures or assembles motor vehicles, mobile homes, trailers or semitrailers, or who manufactures or installs on previously assembled truck chassis special bodies or equipment which when installed form an integral part of the motor vehicle and which constitutes a major manufacturing alteration.

(29) "Mobile home" means a vehicle designed to be drawn upon a highway by a motor vehicle and designed, equipped and used, or intended to be used, primarily for sleeping, eating and living quarters.

(30) "Motor bicycle" means a bicycle to which a motor has been added to form a motor driven cycle as distinguished from a power driven

cycle or motor cycle in which the motor is an integral part of the original vehicle.

(31) "Motor bus" means a motor vehicle designed primarily for the transportation of persons rather than property and having a passenger-carrying capacity of 10 or more persons, including the operator. Passenger-carrying capacity shall be determined by dividing by 20 the total seating space measured in inches.

(32) "Motorcycle" means a motor driven cycle which does not come within the definition of power driven cycle or motor bicycle.

(33) "Motor driven cycle" means a motor vehicle designed to travel on not more than 3 wheels in contact with the ground and having a seat for the use of the rider, including motorcycles, power driven cycles and motor bicycles but excluding tractors.

(34) "Motor truck" means a motor vehicle used for commercial purposes carrying its load as a single unit with a nondetachable propelling power, except those vehicle operating on rails or used for transporting persons exclusively.

(35) "Motor vehicle" means a vehicle which is self-propelled, including a trackless trolley bus.

(36) "Multiple beam headlamp" means a headlamp designed to permit the operator of the vehicle to use any one of 2 or more distributions of light on the roadway.

(37) "Nonresident" means a person who is not a resident of this state.

(38) "Official traffic sign" means a sign or marking other than a signal, not inconsistent with chs. 341 to 349, placed or erected by authority of a public body or official having jurisdiction for the purpose of guiding, directing, warning or regulating traffic.

(39) "Official traffic signal" means any signal not inconsistent with chs. 341 to 349 placed or erected by authority of a public body or official having jurisdiction for the purpose of directing, warning or regulating traffic.

(40) "Operating privilege" means, in the case of a person who is licensed under ch. 343, the license so granted; in the case a a resident of this state who is not so licensed, it means the privilege to secure a license under ch. 343; in the case of a nonresident, it means the operating privilege granted by s. 343.05 (2) (c).

(41) "Operator" means a person who drives or is in actual physical control of a vehicle.

(42) "Owner" means a person who holds the legal title of a vehicle, except that in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor is the owner for the purposes of chs. 340 to 349.

(43) "Pedestrian" means any person afoot.

(44) "Pot torch" means a wick-type liquid-burning device designed to produce a steady burning flame as a warning signal.

(45) "Power driven cycle" means a motor driven cycle weighing between 100 and 300 pounds fully equipped but without gasoline or oil and designed to travel not over 35 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind.

(46) "Private road or driveway" is every way or place in private ownership and used for vehicular travel only by the owner and those having express or implied permission from the owner and every road or driveway upon the grounds of public institutions other than those under the jurisdiction of the board of regents of state colleges.

(47) "Railroad crossing" means the intersection of any highway or private road or driveway at grade with tracks upon which railroad trains operate.

(48) "Railroad train" means every device except a streetcar, with or without engine or motor and whether or not coupled to other similar devices, operated upon rails for the transporting of persons or property.

(49) "Reflector" means a device designed to warn an approaching driver by reflected light from the headlamps on the approaching vehicle.

(50) "Residence district" means the territory contiguous to a highway not comprising a business district where the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

(51) "Right of way" means the privilege of the immediate use of the roadway.

(52) "Road machinery" means a piece of mobile machinery or equipment not covered by s. 341.26 (1) (d), such as ditch digging apparatus, power shovels, drag lines and earth-moving equipment, or a piece of road construction or maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, gravel crushers, screening plants, scrapers, tractors, earth movers, front- or rear-end loaders, conveyors, road pavers, or construction shacks. The foregoing enumeration is intended to be illustrative and does not exclude other similar vehicles which are within the general terms of this subsection and are not designed or used primarily for transportation of persons or property and only incidentally operated or moved upon a highway.

(53) "Road tractor" means a motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of the vehicle or load so drawn.

(54) "Roadway" means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term "roadway" refers to each roadway separately but not to all such roadways collectively.

(55) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians, including those about to board or alighting from public conveyances, and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(56) "School bus" means a motor vehicle which is owned or operated by a public or governmental agency, or privately owned and operated for compensation, and used for the transportation of children to or from school or for the transporting of school groups engaged in extracurricular activities to or from a school or district.

(57) "Semitrailer" means a vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle, but does not include a mobile home.

(58) "Sidewalk" means that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, constructed for use of pedestrians.

(59) "Spotlamp" means an auxiliary driving lamp used primarily to supplement the headlamps in providing general illumination ahead of the vehicle, usually mounted and designed so it can be controlled by the operator of the vehicle for the purpose of reading signs and illuminating objects to the side of or beyond the scope of the regular headlamp beams.

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(60) "State trunk highway" means any highway designated pursuant to s. 84.02 as part of the state trunk highway system, exclusive of connecting streets.

(61) "Stop" when required means complete cessation from movement.

(62) "Stop lamp" means a device giving a steady warning light to the rear of a vehicle to indicate the intention of the operator of the vehicle to diminish speed or stop.

(63) "Street" means every highway within the corporate limits of a city or village except alleys.

(65) "Tail lamp" means a device to designate the rear of a vehicle by a warning light.

(66) "Through highway" means every highway or portion thereof which has been declared by the state or local authorities pursuant to s. 349.07 to be a through highway and at the entrances to which vehicular traffic from intersecting highways is required by traffic control signals or stop signs to stop.

(67) "Traffic" means pedestrians, ridden or herded or driven animals, vehicles and other conveyances, either singly or together, while using any highway for the purpose of travel.

(68) "Traffic control signal" means any device using colored lights, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to go.

(69) "Traffic officer" means every officer authorized by law to direct or regulate traffic or to make arrests for violation of traffic regulations.

(70) "Trailer" means a vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, but does not include a mobile home.

(71) "Transporter" means a person engaged in this state in the business of transporting and delivering motor vehicles, trailers, semi-trailers or mobile homes in tow on their own wheels or under their own power from the manufacturer to the distributor, dealer or branch of the manufacturer, or from the distributor or dealer to another distributor or dealer, the manufacturer or branch of the manufacturer or from the branch of the manufacturer to the distributor, dealer or manufacturer.

(72) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicle and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(73) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except railroad trains.

CHAPTER 341

REGISTRATION OF VEHICLES

REGISTRATION

341.01 WORDS AND PHRASES DEFINED. Words and phrases defined in s. 340.01 are used in the same sense in this chapter unless a different definition is specifically provided.

341.04 PENALTY FOR OPERATING UNREGISTERED OR IMPROPERLY REGISTERED VEHICLE. (1) It is unlawful for any person to operate or for an owner to consent to being operated on any highway of this state any motor vehicle, mobile home, trailer or semitrailer or any other vehicle for which a registration fee is specifically prescribed unless at the time of operation the vehicle in question either is registered in this state or is exempt from registration in this state.

(2) Unless application for reregistration has been made as required by s. 341.32, it is unlawful for any person to operate or for the owner to consent to being operated on any highway of this state any registered vehicle the construction or use of which has been changed so as to make the vehicle subject to a higher fee than the fee at which it currently is registered or which is carrying a greater load than that permitted under the current registration.

(3) Any person violating subs. (1) or (2) may be fined not more than \$200 or imprisoned not more than 6 months or both. In addition to imposing the penalty, the court shall order the offender to make application for registration or reregistration and to pay the fee therefor.

341.05 WHEN VEHICLES EXEMPT FROM REGISTRATION. A vehicle, even though operated upon a highway of this state, is exempt from registration when such vehicle:

(1) Is operated in accordance with the provisions relating to registration of dealers, distributors, manufacturers and transporters; or

(2) Is operated in accordance with the provisions exempting non-residents or foreign-registered vehicles from registration; or

(3) Is operated by a private person within a period of 30 days after the date of purchase of such vehicle by such private person or within a period of 30 days after the date such person moved to this state and application for registration and certificate of title has been made; or

(4) Is a vehicle subject to registration on a fiscal year basis and is being operated prior to July 16 and application for registration has been made; or

(5) Is being operated while displaying any official permit issued pursuant to s. 341.09, which permit has not expired; or

(6) Is operated exclusively upon stationary rails or tracks or propelled by the use of electricity obtained from overhead trolley structures; or

(7) Is a farm tractor used exclusively in agricultural operations, including threshing, or used exclusively to provide power to drive other machinery, or to transport from job to job machinery driven by such tractor; or

(8) Is a trailer or semitrailer consisting of a farm machine or implement with a gross weight of not more than 12,000 pounds and is used as an implement of husbandry in farm operations; or

(9) Is a trailer or semitrailer used exclusively for the transportation of farm machinery, implements, produce or supplies on a farm or between farms; or

(10) Is a farm trailer with a gross weight of not more than 8,000 pounds and used as a farm trailer; or

(11) Is a trailer or semitrailer permanently equipped with a well-drilling outfit or designed for moving pea viners and used exclusively for either of such purposes; or

(12) Is a fork-lift truck or a trailer which is used principally off the highway and is operated only across a highway; or

(13) Is a trailer or semitrailer having a gross weight of 3,000 pounds or less and not used for hire; or

(14) Is a trailer or semitrailer not operated in conjunction with a motor vehicle; or

(15) Is a motor vehicle being towed, except when the person operating the vehicle supplying the motive power is a transporter he must be registered as a transporter; or

(16) Is a piece of road machinery.

341.06 OPTIONAL REGISTRATION. (1) The department shall register the following vehicles upon proper application therefor and

payment of the required fee even though such vehicles may be exempt from registration:

(a) A trailer or semitrailer having a gross weight of 3,000 pounds or less and not used for hire. The registration fee charged shall be the same as if the trailer or semitrailer were to be used for hire.

(b) A vehicle owned by a nonresident and which would be subject to registration if owned by a resident. The registration fee charged shall be the same as if the vehicle were owned by a resident.

(2) A vehicle registered under authority of this section is not on that account exempt from any property tax which would be payable in the absence of such registration.

341.07 CERTAIN VEHICLES TO BE REGISTERED BY RESIDENT LESSEE. (1) If a motor truck or truck tractor is to be operated in this state under authority of a common carrier certificate or contract carrier license issued by the public service commission to a resident of this state, including a Wisconsin corporation, and such operation is in accordance with a lease or operating agreement with the owner of the motor truck or truck tractor or other person authorized to enter into such lease or operating agreement, the certificated or licensed carrier shall register such motor truck or truck tractor in this state unless it has been so registered by the owner. This section applies even though the motor truck or truck tractor is owned by a nonresident.

(2) If a motor truck or truck tractor is operated by or with the consent of such certificated or licensed carrier on any highway of this state when such vehicle is not registered in this state or when such vehicle is required by s. 341.04 (2) to be re-registered, such carrier is subject to the penalty provided in s. 341.04 (3). The court, in addition to imposing the penalty, shall order the carrier to make application for registration or re-registration and to pay the fee therefor.

(3) This section does not affect the interchange of trailers and semitrailers as authorized by s. 341.41 (4).

341.08 APPLICATION FOR REGISTRATION. (1) Application for original registration and for renewal of registration shall be made to the department upon forms prescribed by it and shall be accompanied by the required fee.

(2) Applications for original registration of a vehicle shall contain the following information:

(a) The name of the owner.

(b) The name of the town, city or village in which the owner resides and, if the owner resides in a city of the first or second class, his true residential or business address.

(c) A description of the vehicle, including make, model, identifying number and any other information which the department may reasonably require for proper identification of the vehicle.

(d) The city, village or town in which the vehicle is kept.

(e) Such further information as the department may reasonably require to enable it to determine whether the vehicle is by law entitled to registration or to enable it to determine the proper registration fee for the vehicle.

(3) Applications for renewal of registration shall contain the information required in sub. (2) for original applications or such parts thereof as the department deems necessary to assure the proper registration of the vehicle. The department may require that applications for renewal of registration be accompanied by the certificate of title issued for the vehicle.

(4) The department shall supply the several county clerks with blank application forms for original registration of vehicles.

341.09 TEMPORARY OPERATION PERMITS. (1) The department may issue a temporary operation permit for an unregistered vehicle under any of the circumstances set forth in this section. Such permits shall contain the date of expiration and sufficient information to identify the vehicle for which and the person to whom it is issued.

(2) Upon request therefor by a person who has made application for registration and paid the registration fee, the department shall issue to him without charge a temporary operation permit if it appears that he would otherwise be unable to lawfully operate his vehicle pending receipt by him of his registration plates. Such permit expires on the 15th day from the date of issuance.

(3) Upon application therefor to the commissioner by a person engaged in the active military service of the United States or its allies and upon satisfactory proof of the active military status of the applicant and of a furlough granted to him the commissioner shall issue to the applicant without charge a temporary operation permit which authorizes the applicant to operate his own or any other vehicle designated by him without registration of such vehicle. Such permit is valid only while the applicant is on furlough and for a period not to exceed 30 days.

341.10 GROUNDS FOR REFUSING REGISTRATION. The department shall refuse registration of a vehicle under the following circumstances:

(1) The required fee has not been paid; or

(2) The applicant has failed to furnish the information or documents required by law or by the department pursuant to authority of law; or

(3) A certificate of title is a prerequisite to registration of the vehicle and the applicant does not hold a valid certificate of title and is not entitled to the issuance of a certificate of title; or

(4) The applicant has had his registration suspended or revoked and such suspension or revocation still is in effect; or

(5) The vehicle is exempt from registration under this chapter and voluntary registration of the vehicle is not expressly authorized.

341.11 CONTENTS, ISSUANCE AND DISPLAY OF CERTIFICATE OF REGISTRATION; ISSUANCE OF DUPLICATE CERTIFICATE. (1) Except as provided in sub. (2) the department upon registering a vehicle shall issue and deliver to the owner a certificate of registration. The certificate shall contain the name, residence and address of the owner, a brief description of the vehicle, the registration number assigned and the date of expiration of registration. The certificate shall be in such form and may contain such additional information as the department deems advisable.

(2) Whenever a certificate of registration is issued upon registration of a motor truck or truck tractor by a certificated or licensed carrier in accordance with s. 341.07, the certificate shall show that the vehicle is registered in the name of _____, owner, _____, lessee, and shall be delivered to the applicant.

(3) The department shall issue a duplicate certificate of registration upon application therefor by any person in whose name the vehicle is registered and upon payment of a fee of 25 cents.

(4) In the case of motor trucks, motor busses, truck tractors and road tractors, the certificate of registration must be displayed in a prominent place in the driver's compartment of the vehicle to which the certificate refers. Any person who operates and any person in whose name the

vehicle is registered who consents to the operation of any such vehicle without the certificate of registration being so displayed may be fined not more than \$200 or imprisoned not more than 6 months or both.

341.12 DESIGN, PROCUREMENT AND ISSUANCE OF REGISTRATION PLATES. (1) The department upon registering a vehicle pursuant to s. 341.25 or 341.30 shall issue and deliver prepaid to the applicant 2 registration plates for an automobile, motor truck, motor bus, school bus or self-propelled mobile home and one plate for other vehicles. The department upon registering a vehicle pursuant to any other section shall issue one plate unless it believes that 2 plates will better serve the interests of law enforcement.

(2) The department shall purchase plates from the state prison at Waupun unless otherwise approved by the governor. Subject to any specific requirements which may be imposed by statute, the department shall determine the size, color and design of registration plates with a view toward making them visible evidence of the period for which the vehicle is registered and the fee class into which the vehicle falls as well as making them a ready means of identifying the specific vehicle or owner for which the plates were issued.

(3) All registration plates shall have displayed upon them the following:

(a) The registration number or letters assigned to the vehicle or owner.

(b) The name "Wisconsin" or abbreviation "Wis".

(c) An indication of the period for which the specific plate is issued or the date of expiration of registration.

341.13 ADDITIONAL SPECIFICATIONS FOR DESIGN OF CERTAIN PLATES. (1) In addition to the matter specified in s. 341.12 (3), registration plates for automobiles registered pursuant to the monthly series system shall comply with the following specifications:

(a) The words "America's Dairyland" shall be displayed across the lower portion of the plate.

(b) A 3-letter abbreviation for the month of registration and the year of registration shall be displayed in the upper right-hand portion of the plate in symbols not less than three-fourths inch high.

(c) The name or abbreviation of the state shall be displayed in the upper left-hand portion of the plate.

(d) The registration number, including the prefix which may consist of one or more letters, shall be located prominently in the center of the plate and shall be at least 3 inches high and of a clearly distinguishable design.

(e) There shall be 2 slots in the plate, one near each end or side of the year designation, and so designed as to permit the insertion of a tag showing a succeeding annual registration.

(2) In addition to the matter specified in s. 341.12 (3), the registration plates for a vehicle registered on the basis of gross weight shall bear a distinguishing letter or letters to indicate the weight class into which the vehicle falls.

(3) In lieu of issuing new plates upon each renewal of registration of a vehicle, the department may issue insert tags to indicate the period of registration. Such tags are to be provided by the department and used only in the event of a national emergency determined by the emergency board which would cause shortage of metal or other suitable material for the annual replacement of plates.

341.14 APPLICATION FOR AND ISSUANCE OF SPECIAL PLATES. The department shall issue special plates as specified in this section under the following circumstances:

(1) Whenever any resident of this state who is registering or has registered his automobile makes affidavit to the department that by reason of injuries sustained while in the military service of the United States he is disabled by paraplegia, amputation of a member, minimum faulty vision of 20/200 or other condition resulting in an equal degree of disability (specifying the particular condition) so as not to be able to get about without great difficulty, the department shall procure, issue and deliver to him, plates of a special design in lieu of the plates which ordinarily would be issued for the automobile. The plates shall be so designed as to readily apprise law enforcement officers of the fact that the automobile is owned by a disabled veteran and is entitled to the parking privileges specified in s. 346.50 (2). No charge in addition to the registration fee shall be made for the issuance of such plates.

(2) Upon compliance with the laws relating to registration of motor vehicles, including payment of the prescribed fee plus an additional fee of \$1 accompanied by an application showing satisfactory proof that the applicant is the holder of an unexpired amateur radio station license issued by the federal communications commissions and that all necessary transmitting and receiving equipment has been installed in the vehicle, the department shall issue registration plates on which, in lieu of the usual registration number, shall be inscribed in large legible form the call letters of such applicant as assigned by the federal communications commission.

(3) Upon request therefor by the state or a county or municipality which is registering a vehicle owned by it and to be used in law enforcement work, the department shall issue the same type of registration plate as it would issue for a privately-owned vehicle of the same type in lieu of the type of plate it ordinarily would issue for a vehicle owned by the state or by a county or municipality. This subsection does not affect the registration fee to be charged.

341.15 DISPLAY OF REGISTRATION PLATES. (1) Whenever 2 registration plates are issued for a vehicle, one such plate shall be attached to the front and one to the rear of the vehicle. Whenever only one registration plate is issued, the plate shall be attached to the front, if the vehicle is a truck tractor or road tractor; otherwise, it shall be attached to the rear.

(2) Registration plates shall be attached firmly and rigidly in a horizontal position and conspicuous place. The plates shall at all times be maintained in a legible condition and shall be so displayed that they can be readily and distinctly seen and read. Any peace officer may require the operator of any vehicle on which plates are not properly displayed to display such plates as required by this section.

(3) Any of the following may be fined not more than \$200 or imprisoned not more than 6 months or both:

(a) A person who operates a vehicle for which a current registration plate or insert tag has been issued without such plate or tag being attached to the vehicle, except when such vehicle is being operated pursuant to a temporary operation permit;

(b) A person who operates a vehicle with a registration plate attached in a non-rigid or non-horizontal manner or in an inconspicuous place so as to make it difficult to see and read the plate;

(c) A person who operates a vehicle with a registration plate in an illegible condition due to the accumulation of dirt or other foreign matter.

341.16 ISSUANCE OF DUPLICATE PLATES. (1) Whenever a current registration plate is lost or destroyed, the owner of the vehicle to which the plate was attached shall immediately apply to the department for a replacement plate. Upon satisfactory proof of the loss or destruc-

tion of the plate and upon payment of a fee of \$1, the department shall issue a replacement plate. In the case of a plate being used for more than one year and the loss or destruction occurs more than one year after the issuance of the plate, the replacement plate shall be issued without payment of a fee.

(2) Whenever a current registration plate becomes illegible, the owner of the vehicle to which the plate is attached may apply to the department for a replacement plate. Upon receipt of satisfactory proof of illegibility, the department shall issue a replacement plate without fee. Upon receipt of his replacement plate, the applicant shall forthwith surrender his illegible plate to the department or to a law enforcement officer designated by the department.

(3) When issuing a replacement plate, the department may assign a new number and issue a new plate rather than a duplicate of the original if in its judgment that is in the best interests of economy or prevention of fraud. In such event, the person receiving the replacement plates shall surrender both original plates if 2 plates were issued.

(4) Any person issued replacement plates who fails to surrender his illegible plate or plates as required by subs. (2) or (3) may be fined not more than \$200 or imprisoned not more than 6 months or both.

(5) This section does not apply to plates issued pursuant to the law pertaining to the registration of dealers, distributors, manufacturers or transporters.

341.17 DEPARTMENT TO COMPILE AND PUBLISH REGISTRATION LISTS. (1) At the close of each month, the department shall compile and produce in book form a list of registrations made during that month pursuant to the monthly series system of registering automobiles. Such list shall give the name and address of each registrant, the registration number assigned, and such other identifying information as the commissioner deems necessary.

(2) The department shall compile daily a list by counties of new automobile and motor truck registrations. Such list shall contain only those automobiles and motor trucks being registered for the first time after sale by a dealer. Such list shall contain the name and permanent address of the owner, the make, model, serial number and motor number of the vehicle, the registration number assigned, the name and address of the firm selling the vehicle and the date of the sale.

(3) Prior to January 1 of each year the commissioner shall compile a list of all registrations made under the law relating to operators of mobile amateur radio stations. Such list shall contain the name and address of each owner and the registration plate letters assigned to each such owner. The list shall be arranged alphabetically according to the names of the owners.

(4) The department shall make the following free distribution of registration lists compiled as provided in this section:

(a) To each county clerk, one copy of each monthly automobile registration list.

(b) To each county clerk making request therefor, one copy of each daily new automobile and motor truck registration list.

(c) To the sheriff of each county, one copy of each monthly automobile registration list and one copy of each list of registrations made under the law relating to operators of mobile amateur radio stations.

(d) To each chief of police, one copy of each monthly automobile registration list.

(e) To each village clerk making request therefor, one copy of each monthly automobile registration list.

(f) To the state highway commission, 10 copies of each monthly automobile registration list.

(g) To the state department of taxation, 5 copies of each monthly automobile registration list.

(5) Public officers and agencies receiving free copies of registration lists shall keep such lists current and open to public inspection.

(6) The commissioner shall sell subscriptions to the monthly automobile registration lists at not more than \$50 per year. Other registration information may be sold by the commissioner at his discretion. In computing the charge to be made for subscriptions to the daily new automobile and motor truck registration lists, the commissioner shall determine the cost of compiling such lists and shall fairly apportion the major share of such cost among the subscribers.

(7) The department may suspend the compilation and distribution of the monthly automobile registration list during the period of national war emergency and while new registration numbers are not being issued annually, but shall continue to transmit from time to time to the persons designated by this section to receive free copies of the monthly lists such additions to or changes in the monthly lists issued during the year preceding suspension as are caused by the registration of vehicles not previously registered in the state or by the issuance of new registration numbers for vehicles previously registered.

PROVISIONS RELATING TO REGISTRATION FEES

341.25 ANNUAL REGISTRATION FEES. (1) Unless a different fee is prescribed for a particular vehicle by s. 341.26, the following registration fees shall be paid to the department for the annual registration of each motor vehicle, mobile home, trailer or semitrailer not exempted by s. 341.05 from registration in this state:

(a) For each automobile, a fee of \$16, except that an automobile registered in this state prior to September 1, 1947 at a fee of less than \$16 shall continue to be registered for such lesser fee.

(b) For each motor vehicle with a shipping weight of 1,000 pounds or less which is designed primarily for the transportation of persons rather than property, a fee of \$5.

(c) For each motor truck, a fee to be determined in accordance with sub. (2) on the basis of the maximum gross weight of the vehicle. Maximum gross weight shall be determined by adding together the weight in pounds of the vehicle when equipped to carry a load and the maximum load in pounds which the applicant proposes to carry on the vehicle.

(d) For each road tractor, a fee to be determined in accordance with sub. (2) on the basis of the maximum gross weight of the vehicle.

(e) For each truck tractor, a fee to be determined in accordance with sub. (2) on the basis of the maximum combined gross weight of such truck tractor and any semitrailer which the applicant proposes to combine with such truck tractor. The maximum combined gross weight shall in every case be determined by adding together the weight in pounds of the combination of vehicles when equipped to carry a load and the maximum load in pounds which the applicant proposes to carry on the combinations of vehicles.

(f) For each semitrailer operated in connection with a truck tractor, a fee of \$10.

(g) For each trailer or semitrailer designed to be hauled by a motor vehicle other than a truck tractor, a fee which is one-half of the fee prescribed for a motor truck of the same maximum gross weight. The maximum gross weight shall be determined in the same manner as for a motor truck.

(h) For each motor bus and for each vehicle operated exclusively as a school bus, a fee to be determined in accordance with sub. (2) on the basis of the maximum gross weight of the vehicle. The maximum

gross weight shall be determined by adding together the weight in pounds of the vehicle when equipped ready to carry passengers and the total passenger weight capacity in pounds. The total passenger weight capacity in pounds shall be determined by dividing by 20 the total length in inches of seating space in or on the vehicle, including the driver's seat, and multiplying this result by 150.

(i) For each mobile home 25 feet or less in length, a fee of \$5; for each mobile home more than 25 feet in length, a fee of \$10.

(j) For each self-propelled mobile home, a fee of \$16. All provisions applicable to the registration of private automobiles also apply to the registration of self-propelled mobile homes.

(2) The following schedule shall be used in determining fees based on gross weight:

<i>Maximum gross weight in pounds</i>	<i>Annual fee</i>
Not more than 3,000 -----	\$ 16.00
Not more than 4,500 -----	25.00
Not more than 6,000 -----	35.00
Not more than 8,000 -----	55.00
Not more than 10,000 -----	90.00
Not more than 12,000 -----	115.00
Not more than 14,000 -----	140.00
Not more than 16,000 -----	165.00
Not more than 18,000 -----	190.00
Not more than 20,000 -----	215.00
Not more than 22,000 -----	240.00
Not more than 24,000 -----	265.00
Not more than 26,000 -----	290.00
Not more than 28,000 -----	315.00
Not more than 30,000 -----	350.00
Not more than 32,000 -----	375.00
Not more than 34,000 -----	400.00
Not more than 36,000 -----	425.00
Not more than 38,000 -----	450.00
Not more than 40,000 -----	475.00
Not more than 42,000 -----	500.00
Not more than 44,000 -----	535.00
Not more than 46,000 -----	560.00
Not more than 48,000 -----	585.00
Not more than 50,000 -----	610.00
Not more than 52,000 -----	635.00
Not more than 54,000 -----	660.00
Not more than 56,000 -----	685.00
Not more than 58,000 -----	710.00
Not more than 60,000 -----	735.00
Not more than 62,000 -----	770.00
Not more than 64,000 -----	805.00
Not more than 66,000 -----	840.00
Not more than 68,000 -----	875.00

(3) Upon payment of the fee prescribed by law, a vehicle subject to registration on the basis of gross weight may be registered at a weight in excess of the manufacturer's maximum gross weight rating, but such registration does not exempt such vehicle from compliance with weight limitations imposed by law or by state or local authorities pursuant to authority of law.

341.26 SPECIAL ANNUAL REGISTRATION FEES FOR CERTAIN VEHICLES. (1) A fee of \$10 shall be paid to the department for the

annual registration of the following types of special mobile equipment unless the vehicle or class of vehicles is exempted by s. 341.05 from registration in this state:

(a) A motor truck or traction well-drilling rig permanently equipped with a well-drilling outfit and used exclusively for well-drilling purposes;

(b) A motor truck or traction sawmill or corn sheller rig permanently equipped with a portable sawmill or corn sheller outfit and used exclusively for sawmill or corn sheller purposes;

(c) A trailer not used for hire and used for transporting any ditching machine which is used exclusively for farm ditching or for the loading of gravel or other road material and which has a dipper capacity of not to exceed five-eighths of a yard;

(d) A mobile crane or trench hoe used for bridge or building construction, for ditching and excavating, for heavy machinery removal or installation or for loading and handling of heavy articles;

(e) A motor vehicle, trailer or semitrailer, if operated empty or transporting the equipment of the owner to or from a certain location, when such operation at the location is any of the following:

1. The performance of work on a contract for the construction or maintenance of highways or airports for the United States, the state or any political subdivision thereof; or

2. The production of agricultural lime; or

3. The clearing of land, building of dikes, or terracing and ditching for the purpose of soil erosion control, farm drainage or forestry.

(2) A registration fee of \$1 shall be paid to the department for the annual registration of each of the following vehicles:

(a) Any vehicle owned by this state or by any county or municipality of this state and operated exclusively in the public service by such state, county or municipality;

(b) Any vehicle loaned to this state or to any county or municipality of this state for the duration of any war emergency and operated exclusively for civilian defense purposes by such state, county or municipality;

(c) Any motor vehicle loaned to an approved public or private school for the sole purpose of driver education;

(d) A motor bus or automobile owned and operated by a private school or college and used exclusively for transportation of students to and from such school or college;

(e) A motor bus owned and operated by a charitable corporation and used exclusively for the purposes for which incorporated and not used for hire;

(f) A motor vehicle operated exclusively as a Red Cross blood bank vehicle;

(g) A motor vehicle operated exclusively by a nationally chartered war veterans' organization and used only for the purpose of advertising the organization;

(h) A motor vehicle used for the urban mass transportation of passengers as defined in s. 71.18 (2) (a) or operated as auxiliary to or as part of a street railway system.

(3) In recognition of the relationship of the basic economy of the state to agriculture and the production and marketing of milk, there shall be paid to the department for the annual registration of the following vehicles the fees prescribed in this subsection:

(a) For each farm truck having a gross weight of 10,000 pounds or less, a fee of \$10; for each farm truck having a gross weight of more than 10,000 pounds, a fee which is one-fourth of the fee prescribed by s. 341.25 for a motor truck of the same gross weight;

(b) For each farm trailer having a gross weight of more than 8,000 pounds but less than 12,000, a fee of \$5; for each farm trailer having a gross weight of 12,000 pounds or more, a fee which is one-half of the fee prescribed by s. 341.25 for a motor truck of the same gross weight;

(c) For each motor vehicle used exclusively in the transportation of milk from the point of production to the primary market, and the return of dairy supplies and dairy products from such primary market to the farm, a fee to be determined in accordance with par. (g) on the basis of maximum gross weight;

(d) For each motor vehicle used exclusively in the transportation of liquid dairy products, or cheese, butter and powdered milk when such cheese, butter and powdered milk are transported from plant to plant or to warehouses within Wisconsin and are transported by vehicles registered at a gross weight of not more than 20,000 pounds, a fee to be determined in accordance with par. (g) on the basis of maximum gross weight.

(e) A person owning and operating more truck tractors than semitrailers registered by him within this state and used exclusively for transporting liquid dairy products may register such excess truck tractors at the annual fees specified in par. (g), provided that he uses such excess truck tractors exclusively with such semitrailers. The fee shall be determined on the basis of weight of the truck tractor only.

(f) In pars. (d) and (e), "Liquid dairy products" means milk and products of milk in liquid form, including without limitation because of enumeration, condensed and sweetened condensed products of milk, both in raw and pasteurized form.

(g) The following schedule shall be used in determining fees for vehicles registered pursuant to par. (c), (d) or (e):

<i>Max. gross weight in pounds</i>	<i>Annual fee</i>
Not more than 3,000 -----	\$ 16
Not more than 4,500 -----	20
Not more than 6,000 -----	24
Not more than 8,000 -----	33
Not more than 10,000 -----	54
Not more than 12,000 -----	69
Not more than 14,000 -----	84
Not more than 16,000 -----	99
Not more than 18,000 -----	114
Not more than 20,000 -----	129
Not more than 22,000 -----	144
Not more than 24,000 -----	159
Not more than 26,000 -----	174
Not more than 28,000 -----	189
Not more than 30,000 -----	210
Not more than 32,000 -----	225
Not more than 34,000 -----	240
Not more than 36,000 -----	255
Not more than 38,000 -----	270
Not more than 40,000 -----	285
Not more than 42,000 -----	300
Not more than 44,000 -----	321
Not more than 46,000 -----	336
Not more than 48,000 -----	351
Not more than 50,000 -----	366
Not more than 52,000 -----	381
Not more than 54,000 -----	396
Not more than 56,000 -----	411

Not more than 58,000	-----	\$426
Not more than 60,000	-----	441
Not more than 62,000	-----	462
Not more than 64,000	-----	483
Not more than 66,000	-----	504
Not more than 68,000	-----	525

(h) Except as otherwise provided in par. (e) the maximum gross weight of each vehicle, the registration fee for which is to be determined in accordance with sub. (3) shall be computed as provided in s. 341.25 for the same type of vehicle.

341.27 REGISTRATION PERIODS FOR PRIVATE AUTOMOBILES AND TAXICABS. (1) All automobiles other than those required by s. 341.29 to be registered on a calendar-year basis shall be registered by the department according to the monthly series system of registration prescribed by this section.

(2) There are established 12 registration periods, each to be designated by a calendar month and to start on the first day of such month and end on the last day of the twelfth month from the date of commencing. The department shall so administer the monthly series system of registration as to distribute the work of registering automobiles as uniformly as practicable throughout the calendar year.

(3) All automobiles subject to registration under the monthly series system shall be registered by the department for a period of 12 consecutive calendar months except as follows:

(a) If the applicant holds current registration plates which were removed from an automobile of which he no longer is the owner, or which has been junked, and such plates were issued to him under the monthly series system, the department shall register the automobile which is the subject of the application for the remainder of such unexpired registration period.

(b) If the applicant does not hold current registration plates under the circumstances described in par. (a) and the application is an original rather than renewal application, the department may register the automobile which is the subject of the application for such period or part thereof as the commissioner determines will help to equalize the registration and renewal work-load of the department.

341.28 WHEN PART-YEAR FEES PAYABLE FOR PRIVATE AUTOMOBILES; COMPUTATION OF PART-YEAR FEES. (1) The applicant for registration of an automobile under the monthly series system shall pay in full the annual registration fee prescribed by law, except as otherwise provided in this section.

(2) If the applicant for registration holds current registration plates which were removed from an automobile of which he no longer is the owner, or which has been junked, and such plates were issued to him under the monthly series system, the applicant is exempt from the payment of a registration fee, except in the following cases:

(a) If the annual fee prescribed for the automobile being registered is higher than the annual fee prescribed for the automobile from which the plates were removed, the applicant shall pay a fee computed on the basis of one-twelfth of the difference between the 2 annual fees multiplied by the number of months for which the automobile which is the subject of the application is being registered. The start of the new registration, for the purpose of computing the fee, shall be determined in accordance with sub. (7).

(b) If the automobile which is the subject of the application was owned by the applicant at the time of and on or before the 15th day of

the month in which the transfer or junking of the other automobile occurred and was not currently registered at the time of such transfer or junking, the applicant shall pay a fee to be computed as provided in subs. (3) to (5) but he shall receive a credit for the unused portion of the current registration. Such credit shall be computed on the basis of one-twelfth of the annual fee paid for the vehicle from which the plates were removed multiplied by the number of months remaining in the registration period represented by the removed plates, including the month during which the applicant transferred or junked the automobile from which the plates were removed if such transfer or junking occurred on or before the 15th day of the month.

(3) If the applicant does not hold current registration plates under the circumstances described in sub. (2) and the automobile which is the subject of the application has not previously been registered in this state by the applicant, the fee payable by the applicant shall be computed on the basis of one-twelfth of the annual fee multiplied by the number of months for which the automobile is being registered, the start of such registration period to be determined in accordance with sub. (7).

(4) If the applicant does not hold current registration plates under the circumstances described in sub. (2) but the automobile which is the subject of the application has previously been registered in this state by the applicant, he shall pay a fee covering all the time since the end of the period for which the automobile previously was registered unless:

(a) The automobile in the meantime has been owned by another person or registered in another state; or

(b) At least 12 months have elapsed since the end of the period for which the automobile previously was registered and the applicant satisfied the department by affidavit that he did not during those 12 months operate or consent to the operation of such automobile under circumstances making the automobile subject to registration in this state; or

(c) The automobile is owned by a person who received a refund pursuant to s. 341.33 (3) because of active military service and the automobile has not been operated since such refund was granted.

(5) Under the circumstances described in sub. (4), the fee payable by the applicant shall be computed as prescribed in sub. (3) for an automobile not previously registered by him in this state, provided that he first files a satisfactory affidavit of nonoperation if required to do so by sub. (7).

(6) If the automobile being registered under the circumstances described in sub. (3) or (4) is a replacement for a registered vehicle which has been junked, the applicant is entitled to a credit to be computed and applied in accordance with s. 341.31 (2) (b).

(7) For the purpose of computing the registration fee payable upon registration of an automobile under circumstances described in subs. (2) to (4), the beginning of the current registration period shall be determined as follows:

(a) If the first operation of an automobile under circumstances making the owner liable for its registration in this state occurs on or before the fifteenth day of a given month, the registration period commences on the first day of such month. If the first operation occurs on or after the sixteenth day of a given month, the registration period commences on the first day of the following month. "First operation" means operation of an automobile for the first time after it was transferred to the applicant or after it was registered in another state or after an active service refund or after the expiration of 12 months of nonoperation since expiration of the last registration in this state.

(b) In the case of an automobile which has not previously been registered or which has not been registered in this state by the present

owner since he last acquired ownership of the automobile, the department shall assume that the date of first operation within the meaning of sub. (7) (a) is the date of the bill of sale evidencing the transfer of ownership to the applicant unless the applicant files an affidavit to the effect that the automobile was not so operated until a later date, specifying the date of such first operation. In the case of at least 12 months of non-operation of an automobile previously registered by the applicant, he must file an affidavit to the effect that he did not operate or consent to the operation of his automobile under circumstances making it subject to registration in this state during such 12 month period and must specify the date following such period when the automobile was first so operated. The department may refuse to accept an affidavit which projects the date of first operation into the future.

341.29 REGISTRATION PERIODS FOR VEHICLES OTHER THAN PRIVATE AUTOMOBILES AND TAXICABS. (1) Annual registration of each of the following vehicles shall be for the calendar year and expires on December 31 of the year for which the vehicle is registered:

- (a) All vehicles registered pursuant to s. 341.25 (1) (b).
- (b) All automobiles owned and operated exclusively in the public service by this state or by any county or municipality of this state.
- (c) All motor trucks with a maximum gross weight of 8,000 pounds or less and not used for hire.
- (d) All farm trucks.
- (e) All mobile homes, except those which are self-propelled.
- (f) All vehicles for which the registration period is not otherwise prescribed.

(2) Annual registration of each of the following vehicles shall be for the year beginning July 1 and ending June 30 and expires on June 30 of the year for which the vehicle is registered.

- (a) All automobiles used for the purpose of transporting goods or persons for hire, except taxicabs.
- (b) All motor busses.
- (c) All vehicles operated exclusively as school busses.
- (d) All truck tractors, road tractors, trailers and semitrailers.
- (e) All motor trucks with a maximum gross weight of more than 8,000 pounds and all motor trucks used for hire, regardless of maximum gross weight.

(3) If an application for registration of a vehicle subject to registration on a calendar year basis is received after November 30 or an application for registration of a vehicle subject to registration on a fiscal year basis is received after May 31 and the vehicle is not registered in this state at the time of application and the applicant desires to register for the succeeding registration period as well as for the remainder of the current period, the department upon registering the vehicle shall issue registration plates designed for the succeeding registration period rather than for the current period. Such plates also shall serve during the remainder of the current registration period as lawful evidence of the registration of the vehicle. This subsection does not affect computation of the fee payable by the applicant.

341.30 QUARTERLY REGISTRATION. (1) Any of the following vehicles may be registered on a quarterly basis in lieu of the annual registration specified in s. 341.29.

- (a) A motor bus having a registered gross weight of more than 8,000 pounds;
- (b) A vehicle operated exclusively as a school bus having a registered gross weight of more than 8,000 pounds;

(c) A motor truck, road tractor or trailer having a registered gross weight of more than 8,000 pounds;

(d) A truck tractor, when the aggregate combined registered gross weight of the truck tractor and any semitrailer operated in conjunction with it is more than 8,000 pounds;

(e) Any of the vehicles subject to registration under s. 341.26 (3) (c), (d) or (e) having a registered gross weight of more than 8,000 pounds.

(2) For the purpose of quarterly registration of vehicles, the quarters are the 3-month periods commencing on July 1, October 1, January 1 and April 1. A registration made on a quarterly basis expires on the last day of the quarter for which the vehicle is registered.

(3) The quarterly registration fee is one-fourth of the annual fee plus \$1. The department shall register a vehicle subject to quarterly registration for as many quarters less than a full year as the applicant desires, but the fee payable for each quarter shall be computed as provided in this subsection.

341.31 WHEN PART-PERIOD FEES PAYABLE FOR VEHICLES OTHER THAN AUTOMOBILES; COMPUTATION OF PART-PERIOD FEES. (1) The annual registration fee shall be paid in full on all vehicles registered pursuant to s. 341.29 and the quarterly registration fee shall be paid in full on all vehicles registered pursuant to s. 341.30 unless the vehicle comes within one of the following categories, in which event the applicant is liable for the payment of only a part-period fee to be computed in accordance with sub. (2):

(a) The vehicle has not previously been registered in this state; or

(b) The vehicle previously was registered in this state but:

1. The vehicle in the meantime has been registered in another jurisdiction and such foreign registration was in effect during or subsequent to the expiration of the previous registration in this state; or

2. The vehicle was transferred to the applicant after the expiration of the last registration in this state; or

3. At least 12 months have elapsed since the end of the period for which the vehicle previously was registered and the applicant satisfies the department by affidavit that he did not, during such 12-month period, operate or consent to the operation of the vehicle under circumstances making the vehicle subject to registration in this state; or

(c) The vehicle is a replacement for a registered vehicle which has been junked; or

(d) The vehicle is owned by a person who received a refund pursuant to s. 341.33 (3) because of active military service and the vehicle has not been operated since such refund was granted.

(2) Part-period registration fees shall be computed as follows:

(a) For vehicles registered under the conditions set forth in sub.

(1) (a), (b) or (d), the fee for the current registration period shall be computed on the basis of one-twelfth of the annual registration fee prescribed for the vehicle multiplied by the number of months of the current registration period which have not fully expired on the date the vehicle first is operated by or with the consent of the applicant under circumstances making it subject to registration in this state (plus \$1, in case of a quarterly registration). In the case of a vehicle which has not previously been registered or which has not been registered in this state by the present owner since he last acquired ownership of the vehicle, the department shall assume that the date of first operation is the date of the bill of sale evidencing transfer of ownership to the applicant unless he files an affidavit to the effect that the vehicle was not so operated until a later date, specifying the date of such first operation. The department

may refuse to accept an affidavit which projects the date of first operation into the future.

(b) For the registration of a replacement vehicle under the conditions set forth in sub. (1) (c), the fee shall be computed as for a vehicle not previously registered in this state but a credit shall be allowed for the unused portion of the fee paid for the vehicle being replaced. Such credit shall be computed on the basis of one-twelfth of the annual registration fee prescribed for the vehicle being replaced multiplied by the number of full months of registration which have not expired at the time the vehicle being replaced was permanently removed from the highways. It is not necessary that the replacement vehicle be of the same type as the one being replaced in order for the applicant to take advantage of the credit but the credit may be applied toward registration of the replacement vehicle only up to the date when the registration of the vehicle being replaced would have expired.

(3) A school bus may be registered for part of a quarter even though it was registered in this state by the same owner during the preceding year or quarter and the owner is liable for payment of only a part period fee if he files a satisfactory affidavit of nonoperation covering the first part of the current registration period. The fee in such a case shall be computed as if the vehicle had not been previously registered in this state.

(4) The transferee of a vehicle registered as provided in s. 341.29 or 341.30 is not subject to the payment of any registration fee for the remainder of the period for which the vehicle is registered unless, by reason of his status or the use to which the vehicle is put, the fee prescribed by law is higher than that paid by the former owner. In such event, the fee shall be computed on the basis of one-twelfth of the difference between the 2 annual fees multiplied by the number of months of the current registration period which have not fully expired on the date, after the vehicle is acquired by the applicant, when such vehicle is first operated by him or with his consent under circumstances making it subject to registration in this state.

(5) This section does not apply to persons authorized to register vehicles at a special annual fee of \$1 or to vehicles registered at an annual fee of \$3 or less. Such vehicles, whether registered for a full period or part thereof and whether or not previously registered, shall be registered at the full annual fee. If a person authorized to register a vehicle at a special fee of \$1 transfers the vehicle to a person not so authorized, the fee payable by the transferee shall be computed as for a vehicle not previously registered in this state.

341.32 VEHICLE TO BE REREGISTERED IF SUBJECT TO A DIFFERENT FEE. (1) Whenever the construction or the use of a registered vehicle is changed in a manner making the vehicle subject to a different registration fee than the fee for which the vehicle currently is registered, the owner shall immediately make application for reregistration. The fee payable upon such reregistration shall be computed as for a vehicle not previously registered in this state but a credit shall be allowed for the unused portion of the fee paid for the previous registration if the registration plates issued upon the previous registration are returned to the department. Such credit shall be computed on the basis of one-twelfth of the annual registration fee prescribed for the vehicle as previously registered multiplied by the number of full months of registration which have not expired on the date the vehicle became subject to the different fee.

(2) Whenever the owner or other person responsible for registration of a vehicle required to be registered on the basis of gross weight desires to carry a greater load than that permitted under the current registration of such vehicle, he shall make application for reregistration

of the vehicle at a higher gross weight. Whenever such person is convicted of carrying a greater load than that permitted under his current registration, the court, in addition to imposing the penalty prescribed by law, shall order such person to make application for reregistration of the vehicle at a gross weight sufficiently high to cover the load which he was convicted of carrying. The fee payable upon reregistration shall be computed on the basis of one-twelfth of the difference between the annual fee prescribed for the vehicle as previously registered and the annual fee prescribed for the vehicle as reregistered, multiplied by the number of months of the quarter or year for which the vehicle is being reregistered which had not fully expired when the vehicle became subject to the higher fee. This subsection does not apply under the circumstances stated in sub. (3).

(3) A motor truck with a registered gross weight of 10,000 pounds or less and loaded exclusively with fluid milk or cream may, during the months of May, June and July, carry from the point of production of such milk to the primary market therefor 1,500 pounds or less in excess of the gross weight for which such motor truck is registered without a reregistration of such motor truck on account of such excess loading.

341.33 WHEN FEES REFUNDABLE. (1) The department shall not refund a fee paid to it except when expressly authorized or directed by this section or some other provision of the statutes to do so.

(2) The department shall refund all except \$2 of the registration fee collected from a nonresident who acquires a vehicle in this state if the registration plates are returned to the department within 30 days after they were issued.

(3) The department shall refund the unused portion of a registration fee paid for the registration of a vehicle owned by a person who is entering active service in the naval or military forces of the United States if such person makes application for such refund upon a form prescribed by the department, furnishes such proof as the commissioner may require that the vehicle will not be operated in this or another state during the remainder of the period for which the vehicle is registered, and returns to the department his certificate of registration and registration plates. The refund shall be computed on the basis of one-twelfth of the annual registration fee paid for the vehicle multiplied by the number of full months remaining in the period for which the vehicle is registered when the vehicle ceases to be operated.

341.34 DEPARTMENT TO CERTIFY NET REGISTRATION FEES TO HIGHWAY COMMISSION. (1) Not later than November 1 of each year the department shall compute the amount of the net registration and title fees derived from vehicles customarily kept in each town, village and city in the state for the fiscal year ending the previous June 30 and certify such amounts for each town, village and city to the highway commission. In such certification the amounts for each town, village and city shall be classified in the manner required for the computation of the privilege highway tax allotment as provided in s. 86.35 (1). Registration and title fees paid by a town, village or city pursuant to s. 341.26 (2) shall be credited to the town, village or city from which received. For the purpose of computing the net registration and title fees derived from vehicles customarily kept in any particular town, village or city, the status and boundaries of that town, village or city shall be determined as of January 1 of the fiscal year for which the fees are being computed.

(2) Whenever through erroneous information furnished the department or through a mistake in computation, a town, village or city has received credit for an incorrect portion of the registration and title fees, the commissioner shall certify to the highway commission the fiscal year

and the names of units of government involved and the amount of such error, classified in the manner required for the computation of the privilege highway tax allotment as provided in s. 86.35 (1). The commissioner may issue a corrected certification either upon complaint or upon his own motion but any such certification issued more than 3 years after the close of the fiscal year to which the error applies is void unless a complaint was received prior to the expiration of the 3 year period.

EXEMPTION OF NONRESIDENTS

341.40 EXEMPTION OF NONRESIDENTS AND FOREIGN-REGISTERED VEHICLES. (1) Except as to foreign-owned vehicles required by s. 341.07 to be registered in this state, any vehicle having a gross weight of 8,000 pounds or less which is registered in another jurisdiction is exempt from the laws of this state providing for the registration of such vehicles if:

(a) The vehicle carries a registration plate indicating the registration in such other jurisdiction; and

(b) The vehicle is owned by a nonresident; and

(c) The jurisdiction in which the vehicle is registered allows such vehicles when registered in Wisconsin to be operated tax free upon its highways under conditions substantially as favorable to residents of Wisconsin as to its own residents.

(2) If the owner of any such vehicle moves to Wisconsin or if the vehicle is purchased by a Wisconsin resident, the vehicle immediately becomes subject to the laws of this state providing for the registration of vehicles.

341.41 RECIPROCITY AGREEMENTS AUTHORIZED. (1) The commissioner with the approval of the governor is authorized to enter into reciprocal agreements with the responsible officers of other jurisdictions as to licenses, permit fees, mileage and flat taxes under which motor vehicles, trailers, or semitrailers properly licensed or registered in other jurisdictions may be operated in commerce in this state without a Wisconsin registration or the payment of permit fees or mileage or flat taxes, provided like privileges are accorded to vehicles owned by Wisconsin residents when operated in such other jurisdictions. Such agreement may include such restrictions, conditions and privileges, including any proportional registration, taxes or fees, as are deemed advisable. Such agreement shall provide that a resident of this state when using the highways of such other jurisdiction shall receive exemptions of a similar kind to a like degree.

(1a) The commissioner with the approval of the governor is authorized to enter into reciprocal agreements with the responsible officers of other jurisdictions as to licenses, permit fees, mileage and flat taxes under which motor vehicles, trailers, or semitrailers properly licensed or registered in other jurisdictions may be operated in interstate commerce in this state without a Wisconsin registration or the payment of permit fees or mileage or flat taxes, provided like privileges are accorded to vehicles owned by Wisconsin residents when operated in such other jurisdictions. Such agreement may include such restrictions, conditions and privileges, including any proportional registration, taxes or fees, as are deemed advisable. Such agreement shall provide that a resident of this state when using the highways of such other jurisdiction shall receive exemptions of a similar kind to a like degree.

(2) A nonresident operating a vehicle in this state is not exempt by virtue of any reciprocity agreement entered into pursuant to sub. (1) or (1a) unless:

(a) The vehicle is properly registered in the jurisdiction of the residence of its owner, its domicile, or the principal place of business of its owner or is registered on a proportional registration basis pursuant to an interstate compact; and

(b) The vehicle has conspicuously displayed upon it a valid registration plate; and

(c) The operator of the vehicle has in his possession a valid registration certificate or other evidence that the vehicle is properly registered; and

(d) If the vehicle is subject to s. 341.42, the vehicle has displayed upon it an identification plate or decal indicating that a reciprocity permit has been issued.

(3) If the laws of another jurisdiction impose upon the vehicles of residents of this state any taxes, fees, charges, penalties, obligations, restrictions, prohibitions or limitations of any kind additional to those imposed by this state upon the vehicles of residents of such other jurisdiction the commissioner with the approval of the governor is authorized to impose and collect fees or charges in like amount and to provide for similar obligations, prohibitions or limitations upon the owner or operator of a vehicle registered in such other jurisdiction so long as the laws of such other jurisdiction requiring such imposition remain in effect.

(4) Trailers and semitrailers owned by residents of a jurisdiction with which a reciprocal agreement is in effect pursuant to this section may be operated in commerce by a Wisconsin resident in Wisconsin without the payment of fees or ton mile or flat taxes when such trailers or semitrailers are operated in exchange for trailers or semitrailers or are operated in accordance with rules adopted by the commissioner respecting the interchange of equipment.

(5) In this section, "proportional registration, taxes or fees" means the registration of a portion of the vehicles or the payment of a portion of the taxes or fees in Wisconsin and a portion in the reciprocating jurisdiction in a general ratio or proportion based on the total number of miles traveled by the owner or operator in the reciprocating jurisdictions.

341.42 RECIPROCITY PERMITS REQUIRED FOR CERTAIN VEHICLES. (1) An operator or owner of a motor truck having a gross weight of more than 8,000 pounds or a truck tractor which is operated in conjunction with a semitrailer as a unit having an aggregate combined gross weight of more than 8,000 pounds is not eligible to receive reciprocity privileges under an agreement entered into pursuant to s. 341.41 unless he has made application for and been issued a nonresident reciprocity permit pursuant to this section.

(2) Application shall be made to the department upon a form prescribed by it and shall be subscribed by the applicant and duly acknowledged before a notary public or other officer with like authority. The application shall contain the name and address of the owner and such other information as the department requires to enable it to determine whether the applicant is entitled to a permit.

(3) Upon receipt of a properly completed application form and upon being satisfied that the applicant is entitled to reciprocity privileges, the department shall issue to the applicant a permit for each vehicle for which application is made. The permit shall be in the form of a certificate of registration. The department also shall issue an identification plate or decal for each vehicle for which a permit is issued. If reciprocity between this state and the other jurisdiction ceases to exist, the department shall forthwith cancel all permits issued to residents of that jurisdiction.

(4) Upon being issued a reciprocity permit and identification plate or decal, the permittee shall display such permit in the cab of his motor

truck or truck tractor and shall attach the identification plate or decal to the front of the vehicle for which issued in such a manner that the plate or decal is readily visible. If a decal was issued, it shall be displayed on the inside of the windshield in the lower right-hand corner. If the laws of the permittee's home jurisdiction prohibit the placing of decals or stickers on the windshield, the decal may be placed in a transparent plastic envelope or similar container and temporarily affixed to the windshield only during such times as the vehicle is being operated on Wisconsin highways. Any person who operates on a highway in this state, and any owner who consents to the operation of a vehicle for which a reciprocity permit and identification plate or decal has been issued without displaying such permit, plate or decal as required by this subsection may be fined not more than \$200 or imprisoned not more than 6 months or both.

(5) The owner and operator of a vehicle for which a reciprocity permit has been issued is entitled to any reciprocity privileges which may be granted under a reciprocity agreement as long as the permit remains in effect. A permit expires upon transfer of the vehicle for which it was issued. Any person who operates or any owner who consents to the operation in this state of a vehicle for which a reciprocity permit is required when such permit has not been obtained for the vehicle or when such permit has been canceled or for any other reason is void is subject to the penalty for operating an unregistered vehicle and, in addition, the court shall order the offender to immediately register such vehicle as a Wisconsin resident vehicle.

(6) If the operator or owner of a vehicle for which a reciprocity permit has been issued is convicted a second or subsequent time of violating the weight limitations imposed by ss. 348.15 or 348.16, the department shall cancel the permit of such owner or operator and order him to pay the same taxes and fees for a period of one year as is required under chs. 194 and 341 for like vehicles owned by residents of this state.

REGISTRATION OF DEALERS, DISTRIBUTORS, MANUFACTURERS AND TRANSPORTERS

341.47 WHEN VEHICLES OF DEALERS, DISTRIBUTORS, MANUFACTURERS AND TRANSPORTERS EXEMPT FROM GENERAL REGISTRATION REQUIREMENTS. (1) Except as provided in sub. (2), any motor vehicle, mobile home, trailer, or semitrailer owned by a dealer, distributor or manufacturer may be operated on the highways of this state for either private or business purposes without being registered if such vehicle has displayed upon it valid registration plates issued pursuant to s. 341.51 to the dealer, distributor or manufacturer who is the owner of the vehicle and such vehicle:

(a) Is actually offered for sale by a dealer, distributor or manufacturer; or

(b) Is in transit from the factory to a distributor or dealer or from the dealer to the purchaser; or

(c) Is being used by a manufacturer primarily for trial tests.

(2) A tow truck, service truck or pickup truck owned by a dealer, distributor or manufacturer must be registered in the same manner as similar vehicles owned by other persons, except that a service or pickup truck actually for sale and only incidentally used for business purposes may be operated under the conditions specified in sub. (1).

(3) A vehicle which is being transported in tow on its own wheels or under its own power from the manufacturer to the distributor, dealer or branch of the manufacturer, or from the distributor or dealer to another distributor or dealer or to the manufacturer or branch of the manufacturer, or from the branch of the manufacturer to the distributor, dealer or manufacturer by a transporter of vehicles need not be registered if

such vehicle has displayed upon it valid registration plates issued to the transporter pursuant to s. 341.51

341.48 APPLICATION FOR REGISTRATION BY DEALER, DISTRIBUTOR, MANUFACTURER OR TRANSPORTER. (1) Except as provided in sub. (3), every dealer, distributor and manufacturer shall file with the department and every transporter may file with the department a duly acknowledged application for registration which shall contain:

(a) The name under which the applicant is transacting business within the state.

(b) If the applicant is a partnership, the names and addresses of the several persons constituting the partnership.

(c) If the applicant is a corporation, the corporate name under which it is authorized to transact business and the names and addresses of its principal officers, resident general agent and attorney in fact.

(d) The place or places of business of the applicant which, in the case of a dealer, distributor or manufacturer, must be an established place of business.

(e) If the applicant is a dealer, distributor or manufacturer, whether he is engaged in wholesale or retail selling or both.

(2) Except as provided in sub. (3), any dealer, distributor or manufacturer engaged in business in this state who fails to apply for registration or fails to apply for separate registrations for each Wisconsin municipality in which such dealer, distributor or manufacturer has an established place of business may be fined not more than \$200 or imprisoned not more than 6 months or both.

(3) A person licensed under s. 218.01 as a dealer, distributor or manufacturer of only power driven cycles or motor bicycles may, but need not, apply for registration under this section.

341.49 CERTIFICATE OF APPOINTMENT TO BE FILED. (1) Except as provided in sub. (2), every dealer and distributor of new motor vehicles other than power driven cycles or motor bicycles shall, at the time he applies for registration, file with the department a certified copy of his franchise from or contract with the manufacturer and a certificate of appointment executed by an authorized officer of the manufacturer. A distributor's appointment shall be certified by the manufacturer which the distributor represents. A dealer's appointment shall be certified by the manufacturer through whom the dealer receives vehicles for the purpose of sale.

(2) A dealer or distributor need not file a contract, franchise or certificate of appointment if the manufacturer by whom he was appointed utilizes the identical basic franchise or contract for all its dealers or distributors in Wisconsin and has filed with the department one such franchise or contract together with a list of authorized dealers or distributors. Such manufacturer shall notify the department immediately of the appointment of any additional dealers or distributors, of any revisions of or additions to the basic franchise or contract on file, or of any individual dealer or distributor supplements to such franchise or contract. Such manufacturer shall notify the department of the discontinuation or cancellation of the franchise or contract of any of its dealers or distributors at least 60 days before the effective date thereof together with the specific grounds for cancellation of the franchise or contract, if canceled. Franchises, contracts, and appointments are deemed to be continuing unless the manufacturer has notified the department of the discontinuation or cancellation of the franchise or contract of any of its dealers or distributors, and annual renewal of certifications filed as provided in this subsection is not necessary.

(3) Any manufacturer who has filed with the department a franchise or contract used by all its dealers or distributors in this state together with a list of all such dealers or distributors who fails to notify the department of any revisions, changes or additions when and as required by sub. (2) may be fined not more than \$200 or imprisoned not more than 6 months or both.

341.50 DEALER TO HAVE DISPLAY AND REPAIR FACILITIES.

(1) The department shall not register as a dealer an applicant for the sale of motor vehicles at retail unless such applicant owns or leases a permanent building wherein there are facilities to display automobiles and facilities to repair functional and nonfunctional parts of automobiles and where replacement parts, repair tools and equipment to service automobiles are kept, and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business. A residence, tent or temporary stand is not a sufficiently permanent place of business within the meaning of this section.

(2) An approved service contract with an established repair shop having the repair parts and facilities specified in sub. (1) shall serve in lieu of the applicant's owning or leasing his own facilities if such service connection is within a reasonable distance from the applicant's place of business and if such service connection guarantees in writing the making of the repairs or replacements ordered by the dealer.

(3) This section does not apply to sales finance companies licensed under s. 218.01 or to persons who deal only in power driven cycles or motor bicycles.

341.51 WHEN DEPARTMENT TO REGISTER DEALER, DISTRIBUTOR, MANUFACTURER OR TRANSPORTER.

(1) The department shall register a person as a dealer, distributor or manufacturer of motor vehicles, trailers or semitrailers or as a transporter of vehicles upon receipt of a properly completed application form together with a fee of \$25 and upon being satisfied that the applicant is by law entitled to be registered. The department shall register a person as a dealer, distributor or manufacturer of mobile homes upon receipt of a properly completed application form together with a fee of \$2 and upon being satisfied that the applicant is by law entitled to be so registered. The department shall assign to each person registered under this section a distinctive registration number and shall issue to him a certificate of registration bearing the registration number assigned.

(2) Upon registering a dealer, distributor, manufacturer or transporter the department also shall issue to him a registration plate. The department, upon receiving a fee of \$1 for each additional plate desired by a dealer, distributor or manufacturer of motor vehicles, trailers or semitrailers, \$2 for each additional plate desired by a dealer, distributor or manufacturer of mobile homes and \$3 for each additional plate desired by a transporter shall issue to such registered dealer, distributor, manufacturer or transporter such additional plates as he orders.

(3) When a dealer, distributor, manufacturer or transporter has an established place of business in more than one Wisconsin municipality, he shall make separate applications for each such municipality. The department shall assign a different registration number, issue a separate certificate of registration and charge a separate registration fee for each such municipality.

341.52 DESIGN OF REGISTRATION PLATES.

Registration plates for dealers, distributors, manufacturers and transporters are subject to the provisions of s. 341.12 (2) and (3). In addition, each plate shall have displayed upon it a symbol capable of distinguishing it from any other plate which may be issued to the same dealer, distributor, manufacturer

or transporter. Plates issued to transporters also shall have displayed upon them the words "IN TRANSIT".

341.53 EXPIRATION OF REGISTRATION; TRANSFERABILITY OF PLATES. Certificates of registration and registration plates issued to dealers, distributors, manufacturers or transporters shall be issued for the calendar year and are valid only during the calendar year for which issued. Registration plates are transferable from one motor vehicle, trailer or semitrailer to another motor vehicle, trailer or semitrailer and from one mobile home to another.

341.54 CHANGES IN PLACES OF BUSINESS TO BE REPORTED.

(1) Before changing the location of his place of business or opening a new place of business in a municipality in which he is authorized to do business, a registered dealer, distributor, or manufacturer shall apply to the department for a supplemental certificate of registration. The department shall issue such certificate without charge.

(2) Whenever a registered dealer, distributor, manufacturer or transporter opens a new place of business, he shall promptly report such fact, including the address thereof, to the department.

(3) Whenever a registered dealer, distributor or manufacturer discontinues or disposes of his business, he shall promptly report such fact to the department and return the registration plates issued to him.

(4) Any dealer, distributor, manufacturer or transporter who fails to comply with the requirements of this section may be fined not more than \$200 or imprisoned not more than 6 months or both.

341.55 PENALTY FOR MISUSE OF PLATES. Any of the following may be fined not more than \$200 or imprisoned not more than 6 months or both:

(1) A dealer, distributor or manufacturer or an employe of any of them who operates or consents to the operation of a vehicle under purported authority of a registration plate issued to the dealer, distributor or manufacturer pursuant to s. 341.51 when such vehicle is not owned by the dealer, distributor, or manufacturer or, even though owned by the dealer, distributor or manufacturer, does not come within any of the exceptions listed in s. 341.47 (1) (a) to (c);

(2) Any person who operates a vehicle under purported authority of a registration plate issued to a dealer, distributor or manufacturer pursuant to s. 341.51, knowing that such vehicle is not owned by a dealer, distributor or manufacturer or does not come within any of the exceptions listed in s. 341.47 (1) (a) to (c);

(3) Any transporter who operates a vehicle under purported authority of a registration plate issued to him pursuant to s. 341.51 for any purpose other than that authorized by s. 341.47 (3);

(4) Any person not registered as a transporter who operates a vehicle under purported authority of a registration plate issued pursuant to s. 341.51 to a transporter.

341.56 WHEN DEPARTMENT TO REVOKE REGISTRATION OF DEALER, DISTRIBUTOR, MANUFACTURER, OR TRANSPORTER. (1) If a dealer, distributor or manufacturer is convicted under s. 341.55 (1) a second or subsequent time within the same registration year, the department shall revoke the registration of such dealer, distributor or manufacturer for a period not to exceed one year. For the purposes of this subsection, the conviction of the employe of a dealer, distributor or manufacturer shall be counted as a conviction of the employer.

(2) If a transporter is convicted under s. 341.55 (3) a second or subsequent time within the same registration year, the department shall

revoke the registration of such transporter for a period not to exceed one year.

(3) A dealer, distributor, manufacturer or transporter whose registration has been revoked shall forthwith surrender his registration plates to a traffic officer or peace officer designated by the department. A dealer, distributor, manufacturer or transporter who fails to return the plates as required by this section may be fined not more than \$200 or imprisoned not more than 6 months or both.

(4) The appeal of a conviction does not suspend the act or order of revocation unless a stay is ordered by the judge of the court to which the appeal is taken.

PENALTY FOR FRAUDULENT PRACTICES

341.60 FRAUDULENT APPLICATION FOR REGISTRATION.

Any person who gives a false or fictitious name or address in an application for registration or who makes application for registration in the name of a person other than the true owner, or true owner and lessee, may be fined not more than \$200 or imprisoned not more than 6 months or both.

341.61 IMPROPER USE OF EVIDENCE OF REGISTRATION. Any person who does any of the following may be fined not more than \$200 or imprisoned not more than 6 months or both:

(1) Lends to another a registration plate, knowing that the person borrowing the plate is not authorized by law to use it; or

(2) Displays upon a vehicle a registration plate not issued for such vehicle or not otherwise authorized by law to be used thereon.

341.62 FALSE EVIDENCE OF REGISTRATION. Whoever operates or has in his possession a motor vehicle, mobile home, trailer or semi-trailer having attached thereto any plate or similar device fashioned in imitation of or altered so as to resemble the current registration plate issued by the department may be fined not more than \$200 or imprisoned not more than 6 months or both.

341.63 WHEN REGISTRATION TO BE SUSPENDED. (1) The commissioner shall suspend the registration of a vehicle when:

(a) The registration was completed through fraud or error and the person who registered the vehicle does not or cannot register the vehicle properly; or

(b) The required fee has not been paid and the same is not paid upon reasonable notice and demand.

(2) Any registration suspended pursuant to this section continues to be suspended until reinstated by the commissioner. The commissioner shall reinstate the registration when the reason for the suspension has been removed.

(3) Whenever the registration of a vehicle is suspended pursuant to this section, the owner or person in possession of the registration plates shall forthwith return them to the department. A person who fails to return the plates as required by this section may be fined not more than \$200 or imprisoned not more than 6 months or both.

CHAPTER 342

VEHICLE TITLE AND ANTI-THEFT LAW CERTIFICATE OF TITLE

342.01 WORDS AND PHRASES DEFINED. Words and phrases defined in s. 340.01 are used in the same sense in this chapter unless a different definition is specifically provided.

342.05 WHEN CERTIFICATE OF TITLE REQUIRED. (1) The owner of a vehicle subject to registration in this state shall make application for certificate of title for the vehicle under the following circumstances:

(a) If he has newly acquired the vehicle, he shall make application when and as required by s. 342.19;

(b) If he applies for registration of a vehicle for which he does not hold a valid certificate of title previously issued to him by the department for the vehicle in question, he shall at the same time apply for a certificate of title.

(2) Except as provided in sub. (3), an applicant's eligibility for a certificate of title is a prerequisite to registration of the vehicle. If the applicant for registration holds a valid certificate of title previously issued to him by the department for the vehicle in question, that is prima facie evidence that he is the owner of the vehicle and he need not apply for a new certificate of title each time he applies for registration.

(3) This section does not apply in a situation where the law expressly authorizes registration of a vehicle in the name of a person other than the owner or where the law expressly authorizes registration without a certificate of title.

(4) Any owner who operates or consents to the operation of a vehicle for which a certificate of title is required without such certificate having been issued or applied for or any other person who operates a vehicle for which a certificate of title is required, knowing that the certificate of title has not been issued or applied for, may be fined not more than \$200 or imprisoned not more than 6 months or both. A certificate is considered to have been applied for when the application accompanied by the required fee has been delivered to the department or deposited in the United States mail properly addressed and with postage prepaid.

342.06 APPLICATION FOR CERTIFICATE OF TITLE. (1) An application for a certificate of title shall be made to the department upon a form prescribed by it and shall be accompanied by the required fee. Each application for certificate of title shall contain the following information:

(a) The name and address of the owner.

(b) A description of the vehicle, including make, model, identifying number and any other information which the department may reasonably require for proper identification of the vehicle.

(c) The date of purchase by the applicant, the name and address of the person from whom the vehicle was acquired and the names and addresses of any lienholders.

(d) If the vehicle is a new vehicle being registered for the first time, the signature of a dealer authorized to sell such new vehicle.

(e) Any further evidence of ownership which may reasonably be required by the department to enable it to determine whether the owner is entitled to a certificate of title.

(f) If the identification number of the vehicle has been removed, obliterated or altered, or if the original casting has been replaced, or if the vehicle has not been numbered by the manufacturer, the application for certificate of title shall so state.

(g) If the vehicle is a used motor vehicle which was last previously registered in another jurisdiction, the applicant shall furnish a sworn statement pertaining to the title history of such motor vehicle, such statement to be in such form as the department may prescribe, and shall furnish a certification by a law enforcement officer to the effect that the physical description of the motor vehicle has been checked and conforms to the description given in the application.

(h) If the applicant for certificate of title for a motor vehicle intends to utilize that vehicle as a taxicab or for public transportation, he shall state that fact in the application. If he knows that the vehicle has previously been used as a taxicab or for public transportation and that fact is not noted on the old certificate of title, he shall state in the application that the vehicle has previously been so used.

(2) Any person who knowingly makes a false statement in an application for a certificate of title may be fined not more than \$5,000 or imprisoned not more than 5 years or both.

(3) Any person intending to use a vehicle as a taxicab or for public transportation who fails to state such intent in his application for certificate of title or any person who fails to furnish any other information required by sub. (1) (h) may be fined not more than \$1,000 or imprisoned not more than one year in county jail or both.

342.07 APPLICATION WHEN VEHICLE PREVIOUSLY JUNKED.

(1) Application for registration of and certificate of title for a motor vehicle which has previously been junked must be accompanied by the certificate of a state or county traffic officer to the effect that he has examined the motor vehicle described in the application and that, in his opinion, it is in such mechanical condition that operation thereof on the public highways will not jeopardize the safety of motorists or pedestrians and that the description of the vehicle conforms to the description given in the application. The application also must be accompanied by the inspection fee receipt from the clerk of the county employing the county traffic officer who made the examination or from the state traffic officer who made the examination.

(2) The applicant for registration of and certificate of title for a previously junked vehicle shall pay an examination fee of \$25 to the clerk of the county employing the examining officer or to the state traffic officer making the examination. Such clerk or state traffic officer shall give to the applicant a receipt showing payment of the fee and containing the applicant's name and the make and identifying numbers of the vehicle inspected.

342.08 DEPARTMENT TO EXAMINE RECORDS. Before issuing a certificate of title for a vehicle last previously registered in another jurisdiction, the department shall check the application against its records of stolen and recovered vehicles and felonies committed.

342.09 WHEN DEPARTMENT TO ISSUE CERTIFICATE AND TO WHOM; MAINTENANCE OF RECORDS. (1) The department shall file each application for certificate of title received by it and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue and deliver a certificate to the owner of the vehicle.

(2) The department shall maintain a record of all applications and all certificates of title issued by it:

- (a) According to title number.
- (b) According to engine or identification number.
- (c) Alphabetically, according to name of owner.
- (d) In any other manner which the department determines to be

desirable.

342.10 CONTENTS OF CERTIFICATE OF TITLE. (1) Each certificate of title issued by the department shall contain:

- (a) The name and address of the owner.
- (b) The names of any lienholders.
- (c) The title number assigned to the vehicle.

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(d) A description of the vehicle, including make, model and identifying number.

(e) Any other data which the department deems pertinent and desirable.

(2) The certificate of title shall contain forms for assignment and warranty of title by the owner, and for assignment and warranty of title by a dealer, and may contain forms for application for a certificate of title by a transferee and for the naming of a lienholder.

(3) Before issuing any new or duplicate certificate of title for a motor vehicle previously junked and reconditioned, the department shall stamp thereon the words "This vehicle previously junked and reconditioned". Before issuing a new or duplicate certificate of title for a motor vehicle previously licensed and used as a taxicab or for public transportation, the department shall stamp on such certificate the words "This motor vehicle has previously been used as a taxicab or for public transportation".

342.11 GROUNDS FOR REFUSING ISSUANCE OF CERTIFICATE OF TITLE. The department shall refuse issuance of a certificate of title if any required fee is not paid or if it has reasonable grounds to believe that:

(1) The person alleged to be the owner of the vehicle is not the owner; or

(2) The application contains a false or fraudulent statement; or

(3) The applicant fails to furnish the information or documents required by law or by the department pursuant to authority of law.

342.12 APPLICATION FOR AND ISSUANCE OF DUPLICATE CERTIFICATE. When a certificate of title is lost or destroyed, the owner shall make application for a duplicate upon a form prescribed by the department. Upon satisfactory proof that the certificate has been lost or destroyed and upon payment of the required fee, the department shall issue a duplicate certificate to the owner.

342.13 TITLE FEES. For the issuance of a certificate of title upon registration of a vehicle not previously registered in this state or last previously registered in another jurisdiction or for the issuance of a certificate of title upon transfer of a vehicle or for the issuance of a duplicate certificate upon application therefor pursuant to s. 342.12, there shall be paid to the department a fee of \$1. Such fee is in addition to any registration fee which may be payable upon registration of the vehicle.

TRANSFER OF TITLE

342.18 DUTY OF OWNER UPON SALE OF VEHICLE. (1) Whenever the owner of a vehicle for which a certificate of title has been issued sells or otherwise transfers his interest in such vehicle, he shall at the time of sale or transfer of the vehicle to the transferee:

(a) Endorse upon the certificate of title in the space provided therefor, an assignment of his title together with a statement of all liens or encumbrances on the vehicle; and

(b) Deliver the endorsed certificate of title to the transferee, except that if the vehicle being transferred has been junked he shall return the certificate of title to the department in accordance with s. 342.34; and

(c) If the vehicle being transferred is an automobile registered pursuant to the monthly series system, remove the registration plates and retain and preserve them for use on any other automobile which may subsequently be registered in his name. If the vehicle being transferred is a vehicle registered pursuant to s. 341.26 at a special fee and the new owner will not be entitled to register the vehicle at such fee, the trans-

feror shall remove the plates and return them to the department. In all other cases the transferor shall permit the plates to remain attached to the vehicle being transferred, except that if the vehicle has been junked he shall return the plates to the department in accordance with s. 342.34.

(2) Any owner of a vehicle for which a certificate of title has been issued, who upon transfer of the vehicle, fails to endorse such certificate and deliver it to the transferee as required by sub. (1) (a) and (b) may be fined not more than \$200 or imprisoned not more than 6 months or both.

(3) Any owner of a vehicle currently registered in this state who fails to comply with the requirements of sub. (1) (c) may be fined not more than \$200 or imprisoned not more than 6 months or both.

342.19 DUTY OF NEW OWNER UPON ACQUIRING A VEHICLE.

(1) Immediately after transfer to him of a vehicle subject to registration, the new owner shall execute an application for a new certificate of title in the space provided therefor on the certificate of title delivered to him by the previous owner and cause the certificate to be mailed or delivered to the department. If the transferred vehicle is new or for some other reason does not have a certificate of title, the new owner shall execute the application upon the form prescribed therefor by the department. If ownership of the vehicle was transferred by judicial decree or judicial sale or by operation of law, the application shall be accompanied by such evidence as the department reasonably requires as proof that ownership of the vehicle passed to the applicant. Applications shall in every case be accompanied by the required fee.

(2) A dealer, distributor or manufacturer registered under s. 341.51 need not apply for a certificate of title for a vehicle in stock or acquired for stock purposes. Upon transfer of such vehicle, he shall give the transferee evidence of title which, in case the vehicle has a certificate of title, shall be a reassignment of such certificate and delivery thereof to the transferee.

(3) Except as provided in sub. (2), any transferee of a vehicle who fails to make application for a new certificate of title immediately upon transfer to him of a vehicle may be fined not more than \$200 or imprisoned not more than 6 months or both. A certificate is considered to have been applied for when the application accompanied by the required fee has been delivered to the department or deposited in the United States mail properly addressed and with postage prepaid.

342.20 WHEN DEPARTMENT TO ISSUE NEW CERTIFICATE FOR TRANSFERRED VEHICLE. (1) The department shall issue and deliver a new certificate of title to the transferee of a vehicle upon receipt of such proof as is required by law or by the department pursuant to authority of law that ownership passed to the transferee and upon receipt of the required fee.

(2) Under the following circumstances only, the department shall issue a certificate of title for a transferred vehicle without requiring registration of the vehicle:

(a) Application therefor accompanied by the required fee is made by a dealer licensed under s. 110.09 or s. 218.01 and the vehicle in question is a used vehicle for which the department had issued a certificate of title to the previous owner or a vehicle previously registered in another jurisdiction or is a mobile home; or

(b) Application therefor accompanied by the required fee is made by any other person and the vehicle in question is a vehicle for which the department had issued a certificate of title to the previous owner or is a mobile home and the department is satisfied that the present owner has not operated or consented to the operation of the vehicle since it was transferred to him and that he understands that the certificate of title

merely is evidence of his ownership of the vehicle and does not authorize operation of the vehicle on the highways of this state.

342.25 ISSUANCE OF NEW CERTIFICATE UPON RELEASE OF LIEN. Upon receiving a certificate of title upon which a lienholder has released or assigned his interest to the owner or upon receipt of a certificate of title not so endorsed but accompanied by a legal release from a lienholder of his interest in the vehicle, the department shall issue to the owner a new certificate of title without charge.

ANTI-THEFT AND ANTI-FRAUD PROVISIONS

342.30 ASSIGNMENT AND STAMPING OF NEW IDENTIFICATION NUMBERS. (1) The department shall assign a new identification number for each vehicle subject to registration which has not been numbered by the manufacturer or on which the original number has been removed, obliterated or altered or on which the original casting has been replaced. Identification numbers assigned by the department shall begin with 101, run consecutively, and be followed by the letters "WIS".

(2) An identification number assigned by the department to a mobile home, trailer or semitrailer shall be stamped upon the frame. An identification number assigned to a 1954 or earlier model of a motor vehicle shall be stamped upon the engine. An identification number assigned to a 1955 or later model shall be stamped upon or welded to the body. Such stamping or welding shall be done under the supervision of a dealer, distributor or manufacturer registered under s. 341.51 or under the supervision of a peace officer. The person supervising the stamping or welding shall make report thereof to the department.

(3) Any owner of a vehicle for which the department has issued a new identification number who fails to have such number attached or stamped as required by sub. (2) may be fined not more than \$200 or imprisoned not more than 6 months or both.

342.31 REPORT OF STOLEN OR ABANDONED MOTOR VEHICLES. (1) Each sheriff and police department in the state shall immediately report to the department each motor vehicle reported stolen or recovered and each felony involving a motor vehicle committed and detected within its jurisdiction.

(2) An owner of a garage or trailer park or of any type of storage or parking lot for motor vehicles shall report in writing to the department and to the local law enforcement agency the make, motor number and serial or identification number of any motor vehicle stored, parked or left in his garage, park or lot for a period of more than 30 consecutive days unless arrangements have been made by the owner of the vehicle for its continuous storage or parking or unless the owner of the vehicle is personally known to the owner of the garage, park or lot. Any person who fails to submit the report required of him by this subsection may be fined not more than \$25.

342.32 DEPARTMENT TO FILE, INDEX AND PUBLISH STOLEN VEHICLE REPORTS. The department shall keep a file and index of reports received by it pursuant to s. 342.31 and of similar reports received by it from other states. Once each month, on the basis of such reports received by it during the preceding month, the department shall compile a list of stolen and recovered vehicles and of felonies committed involving motor vehicles and shall forward a copy of such list to each sheriff and police department in this state, to each motor vehicle organization in this state requesting a copy, and to the motor vehicle registration official in each state of the United States.

342.33 SALE OF VEHICLE USED AS TAXICAB. No person shall sell or exchange, authorize or direct the sale or exchange of, or offer for sale or exchange any motor vehicle which he knows has been used as a taxicab or for public transportation unless the certificate of title for such vehicle has been stamped by the department with the words "This motor vehicle has previously been used as a taxicab or for public transportation" and unless such certificate of title is exhibited by the vendor to the vendee before the sale of such vehicle is consummated. Any person who violates this section may be fined not more than \$1,000 or imprisoned not more than one year in county jail or both.

342.34 DEPARTMENT TO BE NOTIFIED OF DESTRUCTION OR JUNKING OF VEHICLE. (1) Any person owning or possessing a motor vehicle which has been junked or destroyed shall, within 10 days after the destruction or junking occurred:

- (a) Notify the department of the destruction or junking; and
- (b) Return the certificate of title to the department; and
- (c) If the motor vehicle is an automobile registered pursuant to the monthly series system, remove the registration plates and retain and preserve them for use on any other automobile which may subsequently be registered in his name. If the motor vehicle is not an automobile registered pursuant to the monthly series system, he shall remove the plates and return them to the department.

(2) Any person violating this section may be fined not more than \$200 or imprisoned not more than 6 months or both.

342.35 MOTOR VEHICLE SALVAGE DEALERS TO BE LICENSED. No person shall carry on or conduct the business of wrecking or dismantling any motor vehicle or selling parts thereof unless licensed to do so by the department. Any person violating this section may be fined not less than \$25 nor more than \$200 or imprisoned not more than 60 days or both.

342.36 APPLICATION FOR SALVAGE DEALER'S LICENSE.

(1) Application for a motor vehicle salvage dealer's license shall be made upon the form prescribed by the department and shall contain:

- (a) The name and address of the applicant.
- (b) When the applicant is a partnership, the name and address of each partner.
- (c) When the applicant is a corporation, the names of the principal officers of the corporation and the name of the state in which incorporated.
- (d) The place or places where the business is to be conducted and the nature of the business.

(e) Such other pertinent information as may be required by the department for the purpose of determining the eligibility of the applicant to be licensed.

(2) Every application shall be executed by the applicant, if an individual, or in the event the applicant is a partnership or corporation, by a partner or officer thereof. Every such application shall be accompanied by the fee required by law.

(3) Any person who knowingly makes a false statement in an application for a motor vehicle salvage dealer license may be fined not more than \$5,000 or imprisoned not more than 5 years or both.

342.37 WHEN DEPARTMENT TO LICENSE SALVAGE DEALERS. (1) The department shall issue a license certificate to the applicant for a motor vehicle salvage dealer's license upon receipt of a properly completed application form accompanied by a fee of \$25 and upon being satisfied that the applicant is of good character and that, so far as can be ascertained, he has complied with and will comply with the laws of this state with reference to the provisions of ss. 342.35 to 342.38.

(2) A motor vehicle salvage dealer's license entitles the licensee to carry on and conduct the business of a motor vehicle salvage dealer during the calendar year in which the license is issued. Such license expires on December 31 of the calendar year for which it was issued and may be renewed upon application therefor and upon payment of the annual license fee of \$25.

(3) The department may refuse to issue a license when satisfied that the applicant does not qualify. The department, after written notice to the licensee and a hearing, may cancel a license when satisfied that the licensee has failed to comply with ss. 342.35 to 342.38.

342.38 LICENSEE TO MAINTAIN RECORDS; SALE OF VEHICLES BY LICENSEE. (1) Whenever a licensed motor vehicle salvage dealer acquires a motor vehicle for the purpose of wrecking it, he shall mail or deliver the certificate of title for such vehicle to the department within 10 days after the vehicle is delivered to the salvage yard unless the previous owner already has done so. In the event he subsequently wishes to transfer such vehicle to another person, he shall make such transfer only by bill of sale. In such bill of sale, he shall describe the vehicle and shall state that the certificate of title for the vehicle has been mailed or delivered to the department on the ground that the vehicle was to have been junked.

(2) Every licensed motor vehicle salvage dealer shall maintain a record of every vehicle which is bought or otherwise acquired and wrecked by him, which record shall state the name and address of the person from whom such vehicle was acquired and the date thereof. The record shall be in the form prescribed by the department.

(3) Any person violating this section may be fined not less than \$25 nor more than \$200 or imprisoned not more than 60 days or both.

CHAPTER 343

OPERATOR'S LICENSES

GENERAL PROVISIONS

343.01 WORDS AND PHRASES DEFINED. (1) Words and phrases defined in s. 340.01 are used in the same sense in this chapter unless a different definition is specifically provided.

(2) In this chapter the following words and phrases have the designated meanings:

(a) "Conviction" or "convicted" means that the court of original jurisdiction has made an adjudication of guilt, including such an adjudication made on a plea of nolo contendere. It is immaterial that an appeal has been taken. "Conviction" or "convicted" also includes:

1. A forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated;
2. A stipulation of guilt pursuant to s. 345.14;
3. An adjudication of having violated a local ordinance which has been enacted pursuant to s. 349.06 and which is in conformity with state law;
4. A finding by a juvenile court under ch. 48 of a violation of any provision of chs. 341 to 349 or a local ordinance which is in conformity therewith.

(b) "License" means any authority to operate a motor vehicle granted pursuant to ch. 343, including temporary and restricted licenses and instruction permits, unless the context clearly indicates a different or more restricted meaning.

(c) "Other jurisdiction" or "another jurisdiction" means any state other than Wisconsin and includes the District of Columbia and any territory or possession of the United States and any province of the Dominion of Canada.

(d) "Record of conviction" means the report of conviction furnished to the department as required by this chapter, including a report of a forfeiture of bail, stipulation of guilt, adjudication of ordinance violation or finding of a juvenile court as specified in par. (a) 1. to 4.

343.02 ADMINISTRATION OF OPERATORS' LICENSE LAW. The department shall administer and enforce the provisions of ch. 343.

ISSUANCE, EXPIRATION AND RENEWAL OF LICENSES

343.05 OPERATORS TO BE LICENSED; EXCEPTIONS. (1) Except as provided in sub. (2), no person shall operate a motor vehicle upon a highway in this state unless such person has a license issued to him by the department, which license is not revoked, suspended, canceled or expired.

(2) The following are exempt from the licensing requirements of ch. 343:

(a) Any person in the armed services while operating a motor vehicle owned by or leased to the United States government.

(b) Any person while operating any farm tractor or implement of husbandry temporarily operated or moved on a highway.

(c) Any nonresident who is at least 16 years of age and who has in his immediate possession a valid license issued to him in his home jurisdiction.

(3) Any person violating sub. (1) may be fined not more than \$100 or imprisoned not more than 6 months or both.

343.06 PERSONS NOT TO BE LICENSED. The department shall not issue a license:

(1) To any person whose operator's license or nonresident's operating privilege was withheld, suspended, revoked or canceled under the provisions of the law in effect prior to September 1, 1941, unless such person complies with the requirements of this chapter relative to obtaining a license or restoration of operating privileges after suspension, revocation or cancellation.

(2) To any person whose operating privilege has been suspended or revoked or is subject to immediate mandatory suspension or revocation under this chapter, except as otherwise expressly provided in this chapter.

(3) To any person who is under 16 years of age, except as provided in ss. 343.07 and 343.08.

(4) To any person who is an habitual drunkard or who is addicted to the use of narcotic drugs or to the use of dangerous drugs as defined in s. 151.07 (1) (a) 1 to 8, unless one of the following conditions is fulfilled and then only in the discretion of the commissioner:

(a) The applicant at the time of application has been legally declared to have recovered; or

(b) The applicant, in case he has been institutionalized, exhibits the certificate of the superintendent of the institution to the effect that the applicant has recovered or has been absolutely or conditionally released from the institution and, in the superintendent's opinion, is competent to drive a motor vehicle; or

(c) The applicant, in lieu of the certification specified in par. (b), submits to such medical or other examination as the department directs for the purpose of determining his recovery or his competency to drive a motor vehicle.

(5) To any person who has been adjudged mentally ill or mentally deficient, unless one of the following conditions is fulfilled and then only in the discretion of the commissioner:

(a) The applicant at the time of application has been judicially declared restored to competency; or

(b) The applicant, in case he has been institutionalized, exhibits the certificate of the superintendent of the institution to the effect that he has recovered or has been released from the institution, absolutely or conditionally or on temporary discharge, and that, in the superintendent's opinion, the applicant is competent to drive a motor vehicle; or

(c) The applicant, in lieu of the certification specified in par. (b), submits to such medical or other examination as the department directs for the purpose of determining his recovery or his competency to drive a motor vehicle.

(6) To any person subject to epileptic seizures, except as provided in s. 343.09.

(7) To any person who is afflicted with or suffering from any mental or physical disability or disease such as to prevent him from exercising reasonable control over a motor vehicle.

(8) To any person who is required by this chapter to take an examination, unless such person takes and successfully passes such examination. Deaf persons otherwise qualified under this chapter to receive a license shall be issued such license in the discretion of the commissioner.

(9) To any person who is required under the motor vehicle financial responsibility laws of this state to furnish proof of financial responsibility, and who has not furnished such proof in the manner prescribed by statute and any lawful rules of the department pertaining thereto.

(10) To any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person will be inimical to the public safety or welfare.

343.07 INSTRUCTION PERMITS. (1) GENERAL PERMITS. Upon application therefor by a person who, except for his lack of training in the operation of a motor vehicle, is qualified to obtain a license, the department may issue to the applicant an instruction permit. Such permit shall be valid for a period not to exceed 60 days and entitles the permittee during such period and while having such permit in his immediate possession to operate a motor vehicle upon the highways, subject to the following restrictions:

(a) He shall not operate a motor vehicle other than a motor driven cycle unless he is accompanied by a licensed person occupying the seat beside him.

(b) He shall not operate a motor vehicle if there are passengers in the vehicle other than the licensed person who is required to occupy the seat beside him.

(c) He shall not operate a motor vehicle during hours of darkness.

(2) SCHOOL PERMITS. (a) Upon application therefor by a person 16 years of age or older who is enrolled in a driver education and training course in any school and who, except for his lack of training in the operation of a motor vehicle, is qualified to obtain a license, the department may issue to the applicant a school instruction permit. Such permit shall be valid for a period not to exceed 5 months and entitles the permittee during such period and while having such permit in his immediate possession to operate a motor vehicle upon the highways subject to the restrictions imposed by sub. (1) upon holders of general instruction permits, except as otherwise provided in par. (c).

(b) Upon application therefor by a person 15 years of age who is enrolled in a driver education and training course in a school, which

course includes practice driving and has been approved by the department of public instruction, the department may issue to the applicant a special school instruction permit, provided the applicant is qualified to obtain a license except for age and his lack of training in the operation of a motor vehicle and provided he can complete the driver education program not earlier than 2 months before he reaches the age of 16. Such permit is valid only for the duration of the course in which the permittee is enrolled and entitles the permittee while having such permit in his immediate possession to operate a motor vehicle within a designated area and only at times other than hours of darkness and only when an approved instructor is occupying a seat beside the permittee or he is accompanied by an authorized license examiner for the purpose of examining his ability to operate a motor vehicle.

(c) When a motor vehicle equipped with dual controls is used by any school, public or private, for the purpose of training motor vehicle operators and a qualified instructor occupies a seat beside the operator, not exceeding 3 other persons may occupy seats in the motor vehicle other than the front seat.

(d) The department shall not issue a permit under sub. (2) unless it has the certificate of the applicant's driver training instructor to the effect that the applicant is enrolled in a driver education and training course in a school.

343.08 RESTRICTED LICENSES FOR PERSONS UNDER 16 YEARS OF AGE. (1) Upon application therefor, the department may issue a restricted license to a person who is at least 14 and less than 16 years of age if the following conditions, in addition to any others specified in this chapter, are fulfilled:

(a) The department must be satisfied that it is necessary for the applicant to operate either an automobile, farm truck or power driven cycle owned and registered by his parent or guardian.

(b) The applicant, accompanied by his parent or guardian, must have appeared in person before an examining officer with a certificate of birth to show that the applicant is at least 14 years of age.

(c) The applicant must have passed an examination as specified in s. 343.16, including a test of his ability to safely operate the type of vehicle which he is making application for license to operate.

(d) If the applicant is for a license to operate a power driven cycle, the dealer from whom the power driven cycle was originally purchased or the manufacturer of the vehicle must have certified on a form to be supplied by the department that the vehicle meets all the specifications set forth in sub. (3).

(2) A restricted license issued pursuant to this section is valid only until the licensee reaches 16 years of age and entitles him to operate either an automobile or farm truck owned and registered by his parent or guardian or a power driven cycle owned and registered by his parent or guardian or both, depending on the restrictions placed by the department on the particular license. A license issued pursuant to this section does not authorize the licensee to operate any such vehicle during hours of darkness or to operate a vehicle in a city with a population of 500,000 or more or to operate a motorcycle, motor bicycle, commercial motor truck, motor bus or taxicab.

(3) In this section, "power driven cycle" means a motor vehicle of the cycle type designed to travel on not more than 3 wheels, having a seat for use of the rider, weighing between 100 and 300 pounds fully equipped but without gasoline or oil, designed to travel not over 35 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind and having brakes as specified in s. 347.35 (2) and lights as specified in ss. 347.09 and 347.13 (1).

343.09 TEMPORARY LICENSES FOR EPILEPTICS. (1) The department may issue a temporary license to any person afflicted with epilepsy who is otherwise qualified to obtain a license, provided such person submits to the department a certificate in the form prescribed in sub. (2). Unless sooner revoked, suspended or canceled, such license continues in force as long as the licensee presents to the department 6 months from the date of issuance of such license and at 6-month intervals thereafter a certificate in the form prescribed in sub. (2), except that in no event is such license valid beyond the date of expiration shown on the license. On such date, the license is subject to renewal.

(2) The department shall not issue a license pursuant to this section unless the applicant has submitted to a physical examination by a physician or surgeon duly licensed to practice medicine in this state and unless such examining physician or surgeon has completed and signed the certificate required by sub. (1). Such certificate shall be devised by the commissioner with the advice of such qualified experts in the field of diagnosing and treating epilepsy as he may select to assist him and shall be designed to elicit the maximum medical information necessary to aid in determining whether or not it would be a hazard to public safety to permit the applicant to operate a motor vehicle, including, if such is the fact, the examining physician's statement that the applicant is under medication and free from seizures while under medication. The certificate shall contain the recommendation of the examining physician to the commissioner as to whether a temporary license should be issued to the applicant.

(3) The commissioner is not bound by the recommendation of the examining physician but shall give fair consideration to such recommendation in exercising his discretion in acting upon the application, the criterion being whether or not, upon all the evidence, it appears that it is safe to permit the applicant to operate a vehicle. The burden of proof of such fact is upon the applicant. In deciding whether to issue or deny a license the commissioner may be guided by opinion of experts in the field of diagnosing and treating epilepsy and may take into consideration any other factors which bear on the issue of public safety.

(4) Whenever a license is denied by the commissioner, such denial may be reviewed by a reviewing board upon written request of the applicant filed with the department within 10 days after receipt of notice of such denial. The reviewing board shall consist of the commissioner and 4 persons designated by the chairman of the state board of health. The persons designated by the chairman of the state board of health shall be either members of the state board of health or physicians duly licensed to practice medicine in this state. The members so designated by the chairman of the state board of health shall receive the same per diem and expenses as provided by law for members of the state board of health, which per diem and expenses shall be charged to the same appropriation as per diems and expenses for members of the state board of health. The commissioner plus any 2 of the members designated by the chairman of the state board of health constitute a quorum. Actions of the reviewing board are subject to judicial review as provided in s. 343.40.

343.10 OCCUPATIONAL LICENSES. (1) If a person has had or will have his license revoked because he has been convicted of operating a motor vehicle while under the influence of intoxicating liquor, and if such person is engaged in an occupation or trade making it essential that he operate a motor vehicle, he may after complying with sub. (2) file with a judge of a court of record or of a municipal court having criminal jurisdiction in the county of residence a verified petition setting forth in detail his need for operating a motor vehicle. Thereupon, if the petitioner has not been convicted of any such offense within the 18-month period

immediately preceding the present conviction, the judge may order the commissioner to issue an occupational license to such person. The order for issuance of an occupational license shall contain definite restrictions as to hours of the day (not to exceed 12), type of occupation and areas or routes of travel to be permitted under the license. A copy of the petition and the order for the occupational license shall be forwarded to the department. No order for an occupational license shall be issued until after 90 days following the date of conviction.

(2) No person 18 years of age or over shall file a petition for an occupational license unless he first pays to the county treasurer a fee of \$10. The treasurer shall give such person a receipt and shall pay the full amount of the fee to the state treasurer for deposit in the general fund.

(3) The department shall issue an occupational license upon receipt of a court order for such a license if at least 90 days have elapsed since the conviction and if proof of the financial responsibility of the owners of all vehicles which the holder of the occupational license will be permitted to operate has been furnished as required by ch. 344.

(4) The occupational license issued by the department shall contain such restrictions as are ordered by the court. In addition to such restrictions, an occupational license authorizes the licensee to operate a motor vehicle not to exceed 12 hours per day and then only when such operation is an essential part of the licensee's occupation or trade. An occupational license is valid from the date of issuance until one year following the date of conviction unless sooner revoked, suspended or canceled.

(5) An occupational license is not renewable when it expires at the end of one year following the date of conviction. If an occupational license expires without having been revoked, suspended or canceled, the licensee may obtain a new license upon such expiration but only if he complies with the conditions specified in s. 343.38. Revocation, suspension or cancellation of an occupational license has the same effect as revocation, suspension or cancellation of any other license.

(6) Any person convicted of violating any restriction of an occupational license may, in addition to the immediate revocation of the license, be fined not less than \$50 nor more than \$200 or imprisoned not more than 6 months or both.

343.11 TEMPORARY LICENSE FOR PERSONS PREVIOUSLY LICENSED IN ANOTHER STATE. (1) The department shall not issue a license to a person previously licensed in another jurisdiction unless such person surrenders to the department all valid operator's licenses in his possession issued to him by any other jurisdiction, which surrender operates as a cancellation of the surrendered licenses in so far as the person's privilege to operate a motor vehicle in this state is concerned. When such applicant surrenders his license to the department, the department shall issue a receipt therefor, which receipt also shall constitute a temporary license to operate a motor vehicle while the application for license is being processed. Such temporary license shall be valid for a period not to exceed 30 days.

(2) Upon the expiration of 30 days following the application, the department shall return all surrendered licenses to the issuing department together with information that the licensee is now licensed in this state or has been refused a license by this state, whichever the case may be.

(3) The department is authorized to issue a receipt to any applicant for a first operators license in this state, a renewal of a previous license in this state or an original or renewal of a school bus license, which receipt shall constitute a temporary license to operate a motor vehicle while the application for license is being processed. Such temporary license shall be valid for a period not to exceed 30 days. No such temporary license

shall be issued to any applicant for reinstatement of an operating privilege which was revoked or canceled.

343.12 SCHOOL BUS OPERATORS TO OBTAIN SPECIAL LICENSE. (1) No person shall operate a school bus without having first applied for and received a school bus operator's license.

(2) The department shall issue a school bus operator's license to a person only if such person meets all of the following requirements:

- (a) He is at least 21 years of age.
- (b) He holds a valid operator's license issued under this chapter.
- (c) He has the natural use of both his hands.
- (d) He has the natural use of the foot normally employed to operate the foot brake and foot accelerator.
- (e) He takes and passes a special examination to determine his ability to safely operate a school bus.

(3) Any person violating sub. (1) may be fined not more than \$100. or imprisoned not more than 6 months or both.

343.13 RESTRICTED LICENSES. The department upon issuing any license pursuant to this chapter may, whenever good cause appears, impose restrictions suitable to the licensee's operating ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate, or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

343.14 APPLICATION FOR LICENSE. (1) Every application to the department for a license or for renewal thereof shall be made upon a form furnished by the department and shall be accompanied by the required fee.

(2) The forms for application shall be determined by the commissioner and shall include:

- (a) The full name, residence and business address and occupation of the applicant;
- (b) The applicant's date of birth, color of eyes, color of hair, sex, height, weight and race;
- (c) A statement as to whether the applicant has heretofore been licensed as an operator or chauffeur and, if so, when and by what jurisdiction;

(d) Whether any previous license or operating privilege has ever been suspended or revoked or whether application has ever been refused and, if so, the date and place of such suspension, revocation or refusal;

(e) If the application is made by a person under 18 years of age, the signature of an adult sponsor as provided in s. 343.15 (1);

(f) Such further information as the department may reasonably require to enable it to determine whether the applicant is by law entitled to the license applied for.

(3) Any person who uses a false or fictitious name in any application for a license or knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application may be fined not more than \$100 or imprisoned not more than 6 months or both.

343.15 APPLICATION OF MINORS; LIABILITY OF SPONSORS; RELEASE FROM LIABILITY. (1) The application of any person under 18 years of age for a license shall be signed and verified before a person duly authorized to administer oaths, by the applicant's father, if he has custody of the applicant; or if the father does not have custody, then by the mother if she has custody; or if neither parent has custody, then by the person or guardian having such custody or by the applicant's employer, subject to the exception stated in sub. (4). If the adult sponsor is the

applicant's parent, the application may be signed and verified before a traffic officer or before a duly authorized agent of the department in lieu of being signed and verified before a person duly authorized to administer oaths.

(2) Any negligence or wilful misconduct of a person under the age of 18 years when operating a motor vehicle upon the highways is imputed to the person who signed the application for such person's license. The person who so signed is jointly and severally liable with such operator for any damages caused by such negligent or wilful misconduct.

(3) Any adult who signed the application of a person under the age of 18 years for a license may thereafter file with the commissioner a verified written request that the license of such minor be canceled. Within 10 days after the receipt of such request the commissioner shall cancel the license. When the license has been so canceled, the adult who signed the application of such minor is relieved from the liability which otherwise would be imposed under sub. (2) by reason of his having signed such application, in so far as any negligence or wilful misconduct on the part of the minor while operating a motor vehicle subsequent to the cancellation is concerned.

(4) If a person who is under 18 years of age does not have a living parent, the department may issue a license to such person even though an adult sponsor has not signed his application, provided there has been filed with the department a certificate of insurance to the effect that such person is covered by an operator's policy of liability insurance meeting the requirements of s. 344.33 or, if such person owns a motor vehicle, that he is covered by an owner's policy of liability insurance endorsed to provide coverage equivalent to that provided by an operator's policy meeting the requirements of s. 344.33. Such policies may be canceled or terminated only after notice as provided in s. 344.34.

343.16 EXAMINATION OF APPLICANTS; REEXAMINATION OF LICENSED PERSONS. (1) The department shall examine every applicant for a license, except that it shall be the general policy of the department to issue a license without examination to a person previously licensed in this state. Such examination shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning and directing traffic, his knowledge of the traffic laws (including s. 346.26), and an actual demonstration of his ability to exercise ordinary and reasonable control in the operation of a motor vehicle. The department shall make provision for giving an examination at the examining station in the city or village of or nearest the applicant's residence. The person to be examined shall appear at such time and place as the department designates and shall furnish a motor vehicle in safe operating condition for use in testing his ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

(2) The commissioner may in his discretion require any applicant for a license or any licensed operator to submit to a special examination by such persons or agencies as the commissioner may direct to determine incompetency, physical or mental disability, disease or any other condition which might prevent such applicant or licensed person from exercising reasonable and ordinary control over a motor vehicle. When the department requires the applicant to submit to a physical examination, the applicant shall pay the cost thereof.

(3) Whenever the commissioner has good cause to believe that a licensed operator is incompetent or otherwise not qualified to be licensed, he may, upon written notice of at least 5 days to the licensee, require him to submit to an examination including all or part of the tests specified in sub. (1). Upon the conclusion of such examination the commissioner shall take such action as is appropriate under this chapter, including cancella-

tion of the license or permitting the licensee to retain the license subject to such restrictions as he may order or without restrictions.

(4) Any person required by or pursuant to this section to submit to an examination who by any means secures the services of another person to appear in his place to take such examination may be fined not less than \$100 nor more than \$200 or imprisoned not more than 6 months or both.

(5) Any person who appears for an examination under this section in the place of another person required to take such examination may be fined not less than \$100 nor more than \$200 or imprisoned not more than 6 months or both for the first offense and may be fined not less than \$200 nor more than \$500 or imprisoned not more than one year in county jail or both for the second or each subsequent offense thereafter.

343.17 CONTENTS AND ISSUANCE OF LICENSE. (1) The department shall issue to every applicant qualifying therefor and who has paid the required fee a license as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the date of expiration of the license, the full name, date of birth and residence address and a brief description of the licensee, and either a facsimile of the licensee's signature or a space upon which he shall write his usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed, unless the facsimile signature of the licensee appears thereon.

(2) The various types of licenses issued by the department pursuant to this chapter shall be in such form or so designed, colored or marked that each type may readily be distinguished from the others. If the license is subject to restrictions, they shall be shown on the license.

343.18 LICENSE TO BE CARRIED; VERIFICATION OF SIGNATURE. (1) Every licensee shall have his license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand from any judge, justice, magistrate or traffic officer. However, no person charged with violating this section shall be convicted if he produces in court or in the office of the arresting officer a license theretofore issued to him and valid at the time of his arrest.

(2) For the purpose of verifying the signature on a license, any judge, justice, magistrate or traffic officer may require the licensee to write his signature in the presence of such officer.

343.19 DUPLICATE LICENSES. (1) If a license issued pursuant to this chapter is lost or destroyed, the person to whom the license was issued may obtain a duplicate thereof or substitute therefor upon furnishing proof satisfactory to the department that such license has been lost or destroyed. If the original license is found it shall immediately be transmitted to the department.

(2) Any person who knowingly makes a false statement in an application for a duplicate license or fails to return the original to the department upon finding it may be fined not more than \$100 or imprisoned not more than 6 months or both.

343.20 EXPIRATION OF LICENSES. (1) Beginning July 1, 1955, all validly outstanding licenses shall be renewed in such number and at such time as is deemed advisable by the department in order to gain a uniform rate of renewal of licenses. Licenses issued or renewed on or after July 1, 1955 are valid for 2 years, except as otherwise expressly provided in this chapter. The department shall mail to the last-known address of a licensee at least 30 days prior to the expiration of his license a notice of the date upon which such license must be renewed.

(2) Any person who holds a valid license and who is unable to make a renewal application within the period declared by the department, due

to his serving with any branch of the armed services, may apply for a renewal of his license at any time during such service or within 6 months after the date of his discharge from such services. The department shall charge only the standard renewal fee upon renewal of such license.

343.21 LICENSE FEES. (1) The following fees shall be paid to the department for the issuance, renewal and reinstatement of licenses and instruction permits:

(a) For the issuance of an instruction permit or a duplicate thereof, \$1.

(b) For the issuance of a license to a person not previously licensed in this state or previously licensed only under s. 343.08, \$2. No fee shall be charged for issuance of a restricted license under s. 343.08.

(c) For the renewal of a license, \$1.

(d) For the reinstatement of a license after cancellation or which was not renewed prior to the date of expiration, \$2.

(e) For the reinstatement of a license previously revoked, \$2 if the applicant is under 18 years of age and \$10 if the applicant is 18 years of age or older.

(f) For the issuance of a duplicate license, \$1, except that no fee shall be charged if the reason for issuance of the duplicate license is a change of name and the original license is returned with the application.

(2) In this section, "license" does not include instruction permits.

343.22 NOTICE OF CHANGE OF ADDRESS OR NAME. (1) Whenever any person, after applying for or receiving a license, moves from the address named in such application or in the license issued to him, or when the name of a licensee is changed by marriage or otherwise, such person shall within 10 days thereafter notify the department in writing of his old and new address or of such former and new names and of the number of any license then held by him. If there has been a change of name, the licensee shall return his original license to the department at the time of giving the notice required by this section and shall make application for a duplicate license showing his correct name and address. If there has only been a change of address, the licensee shall endorse his new address on his present license and need not apply for a duplicate.

(2) Any person who fails to comply with any of the requirements of this section may be fined not more than \$100 or imprisoned not more than 6 months or both.

343.23 RECORDS TO BE KEPT BY THE DEPARTMENT. (1) The department shall file every application for license received by it and shall maintain suitable indices containing:

(a) All applications denied and on each thereof note the reason for such denial;

(b) All applications granted; and

(c) The name of every licensee whose license has been suspended, revoked or canceled by the department and note thereon the reason for such action.

(2) The department shall maintain a file for each licensee containing the application for license, a record of reports or abstract of convictions, and a record of any reportable accident in which the licensee has been involved. This information must be filed by the department so that the complete operator's record is available for the use of the commissioner in determining whether the operating privileges of such person shall be suspended, revoked, canceled or withheld in the interest of public safety. Such reports and records may be cumulative beyond the period for which a license is granted, but the commissioner, in exercising the power of revocation granted him under s. 343.32 (2) may consider only those reports

and records entered during the 4-year period immediately preceding the exercise of such power of revocation.

CANCELLATION, REVOCATION AND SUSPENSION OF LICENSES

343.25 CANCELLATION OF LICENSES. The commission shall cancel a license:

(1) Whenever he determines that the license was issued upon an application which contains a false statement as to any material matter; or

(2) Within 10 days after receiving a written request from a person who signed the application of a person under 18 years of age, or a notice of cancellation or termination of insurance, as provided in s. 343.15; or

(3) When the license is held by a person under 18 years of age and the commissioner receives satisfactory evidence of the death of the adult who signed the application for the license; or

(4) When the person holding the license falls into one of the classes of persons to whom the law prohibits issuance of a license.

343.26 LICENSE AFTER CANCELLATION. Any person whose license has been canceled, whether the license has been canceled by the commissioner or stands canceled as a matter of law, may apply for a new license at any time. Upon receipt of the application and the required fee, the department shall issue or refuse issuance of the license as upon an original application. The department may, but need not, require the applicant to submit to an examination as provided in s. 343.16.

343.27 ACCUSED TO BE INSTRUCTED AS TO MANDATORY REVOCATION PROVISIONS. (1) Whenever a person is charged with a violation of law which requires upon conviction that his operating privilege be revoked, the enforcement officer or district attorney handling the case shall inform him that a forfeiture of bail will result in such revocation and shall require him to sign a stipulation to the effect that he has been so informed. One copy of such stipulation shall be given to the defendant and one copy shall be filed with the court.

(2) Before taking the plea of a person charged with a violation of law which requires upon conviction that such person's operating privilege be revoked, it is the duty of the presiding judge or justice to inform the defendant that conviction will result in such revocation. No bail shall be forfeited on such charge unless a copy of the stipulation mentioned in sub. (1) has been filed with the court, but this shall not be construed to prevent revocation based on forfeiture of bail in a court in another jurisdiction even though the person whose bail was forfeited was not given notice in the manner provided in this section. Whenever a person has been convicted on the basis of a forfeiture of bail or a plea of guilty or nolo contendere and such person was not informed as required by this section, he may, within 60 days after being notified of the revocation of his operating privilege, petition the court for reopening the judgment and for an opportunity to defend on the merits and the court shall so order. Such an order automatically reinstates the revoked operating privilege.

(3) Whenever a person is charged with a violation of law which requires upon conviction that his operating privilege be revoked and such person is about to stipulate his guilt as authorized by s. 345.14 the officer authorized to receive the penalty shall inform the offender before accepting the stipulation of guilt that the stipulation will result in revocation of his operating privilege and shall require him to sign a statement to the effect that he has been so informed. Such statement shall be a part of the stipulation of guilt.

(4) This section applies only when the offense with which a person is charged, considered apart from the accused's previous operating record, is a basis for mandatory revocation.

343.28 COURTS TO REPORT CONVICTIONS AND FORWARD LICENSES TO THE DEPARTMENT. (1) Whenever a person is convicted of a moving traffic violation under chs. 341 to 349 or under a local ordinance which is in conformity therewith, the clerk of the court in which the conviction occurred, or the justice, judge or magistrate of a court not having a clerk, shall, within 48 hours after the conviction, forward to the department the record of such conviction. The record of conviction forwarded to the department shall state whether the offender was involved in an accident at the time of the offense.

(2) Whenever a person is convicted of any offense for which s. 343.31 makes mandatory the revocation by the commissioner of such person's operating privilege, the court in which the conviction occurred shall require the surrender to it of any license then held by such person. Within 48 hours after the conviction, the clerk of the court, or the justice, judge or magistrate if the court has no clerk, shall forward to the department the record of conviction and any surrendered license. The record of conviction forwarded to the department shall state whether the offender was involved in an accident at the time of the offense.

(3) Any person who fails to comply with any provision of this section relative to forwarding records of convictions to the department may be fined not more than \$100 or imprisoned not more than 6 months or both.

343.29 OFFICIALS RECEIVING STIPULATIONS OF GUILT TO REPORT STIPULATIONS AND FORWARD LICENSES TO THE DEPARTMENT. (1) Whenever a person, pursuant to s. 345.14, stipulates his guilt of a moving traffic violation under chs. 341 to 349 or under a local ordinance which is in conformity therewith, the official receiving the penalty shall, within 48 hours after the stipulation, forward to the department a certified copy of such stipulation, together with a statement whether the offender was involved in an accident at the time of the offense.

(2) Whenever a person, pursuant to s. 345.14, stipulates his guilt of any offense for which s. 343.31 makes mandatory the revocation by the commissioner of such person's operating privilege, the official receiving the penalty shall require the surrender to him of any license then held by such person. Within 48 hours after the stipulation of guilt, the official receiving the penalty shall forward to the department a certified copy of the stipulation of guilt, together with a statement whether the offender was involved in an accident at the time of the offense, and any surrendered license.

(3) Any person who fails to comply with any provision of this section relative to forwarding records of convictions to the department may be fined not more than \$100 or imprisoned not more than 6 months or both.

343.30 SUSPENSION AND REVOCATION BY THE COURTS. (1) A court may revoke a person's operating privilege for any period not exceeding one year upon such person's conviction in such court of violating any of the state traffic laws or any local ordinance which is in conformity therewith.

(2) A court shall revoke or suspend the operating privilege of a person under 18 years of age under the circumstances stated in s. 48.36.

(3) The judge who ordered the issuance of an occupational license may revoke such license whenever the judge, upon the facts, does not see fit to permit the licensee to retain his occupational license. Such revocation shall be for a period of one year.

(4) Whenever a court or judge suspends or revokes an operating privilege, the court or judge shall immediately take possession of any suspended or revoked license and shall forward it to the department together with the record of conviction and notice of suspension or revocation.

(5) No court shall suspend or revoke an operating privilege except as authorized by this section.

343.31 MANDATORY REVOCATION OF LICENSES AFTER CERTAIN CONVICTIONS. (1) The commissioner shall forthwith revoke a person's operating privilege upon receiving a record of conviction showing that such person has been convicted of any of the following offenses under a state law or under a local ordinance which is in conformity therewith:

(a) Homicide resulting from the operation of a motor vehicle and which is criminal under ss. 940.06, 940.08 or 940.09.

(b) Operation of a motor vehicle while under the influence of an intoxicating liquor or a narcotic or dangerous drug.

(c) Any felony in the commission of which a motor vehicle is used.

(d) Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in death of or personal injury to another or in serious property damage.

(e) Prejury or the making of a false affidavit or statement under oath to the department under this chapter or any other law relating to the ownership or operation of motor vehicles.

(f) Operating a motor vehicle while operating privileges are suspended or revoked.

(g) Operating a motor vehicle without having furnished proof of financial responsibility when proof of financial responsibility is required.

(h) Violation of a restriction on his license or a serious traffic violation by the holder of an occupational license.

(2) The commissioner shall revoke the operating privilege of any resident of this state upon receiving notice of the conviction of such person in another jurisdiction for an offense therein which, if committed in this state, would have been cause for mandatory revocation under this section. Upon receiving similar notice with respect to a nonresident, the commissioner shall revoke the privilege of such nonresident to operate a motor vehicle in this state.

(3) All revocations under this section shall be for a period of one year.

343.32 OTHER GROUNDS FOR REVOCATION OF LICENSES.

(1) The commissioner shall revoke a person's operating privilege whenever one or more of the following conditions exist:

(a) A record of conviction has been received showing that such person has been convicted under a state law or under a local ordinance which is in conformity therewith of a traffic violation which is the cause of an accident resulting in the death of or personal injury to another.

(b) Such person has been convicted under state law or under a local ordinance which is in conformity therewith of altering his license, loaning his license to another or unlawfully or fraudulently using or permitting an unlawful or fraudulent use of his license.

(c) Notice has been received of the conviction of such person in another jurisdiction for an offense therein which, if committed in this state, would have required revocation of such person's operating privilege under this subsection.

(d) Revocation is required under ch. 344.

(2) The commissioner may revoke a person's operating privilege if such person appears by the records of the department to be an habitually reckless or negligent operator of a motor vehicle or to have repeatedly violated any of the state traffic laws or any local ordinance which is in conformity therewith. For the purpose of determining when to revoke an operating privilege under this subsection, the commissioner may determine and adopt by rule a method of weighting traffic convictions by their seriousness and may change such weighted scale from time to time as experience or the accident frequency in the state makes necessary or desirable.

(3) A revocation under this section may be for any period not exceeding one year unless a different period is specifically prescribed by law.

343.33 HEARING ON REVOCATIONS. (1) Whenever the commissioner under authority of s. 343.32 revokes a person's operating privilege, the department shall immediately notify such person thereof in writing and upon his request shall afford him an opportunity for a hearing on the revocation unless the department is satisfied from the records and information in its possession that a hearing is not warranted. If the department is not so satisfied and the person requests a hearing, the department shall hold a hearing as soon as practicable and in any event within 20 days after receipt of the request therefor. If the person requesting the hearing is a resident of this state, the department shall fix the place of the hearing as close as practicable to the applicant's residence and in no event shall it be set for a place not in the county of the applicant's residence or a county contiguous thereto without the consent of the applicant. If the applicant is a nonresident, the department shall determine the place of the hearing. Any person who fails without cause to appear at the time and place specified in the notice served on him forfeits his right to a hearing.

(2) Upon the hearing the commissioner or his duly authorized agent may administer oaths, issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. No law enforcement officer or other witness produced by the person who has requested a hearing to testify on his behalf shall be paid a witness fee by the department nor shall any law enforcement officer called to appear for the department be paid any witness fee by the department. All testimony shall be taken and transcribed.

(3) Upon completion of the hearing, the department shall make findings of fact and the commissioner shall either let the order of revocation stand or, upon good cause appearing therefor, rescind the order of revocation or modify the period of revocation.

343.34 SUSPENSION OF LICENSES. In addition to suspensions authorized under s. 48.36 and ch. 344, the commissioner may suspend operating privileges under the following circumstances:

(1) Whenever the commissioner is satisfied that a person has violated a restriction on his license and that it is in the interests of public safety to suspend the license, the commissioner shall suspend such license for a period not exceeding one year unless the violation is cause for revocation.

(2) When a licensee who has been ordered pursuant to s. 343.16 to submit to an examination fails or refuses to do so, the commissioner shall suspend such person's license until compliance with the order has been secured or the order is rescinded.

343.35 SURRENDER OF LICENSES UPON CANCELLATION, REVOCATION OR SUSPENSION. (1) Whenever a person is notified that his operating privilege has been canceled, revoked or suspended, such person or any other person in whose possession the license may be shall forthwith surrender such license to the department upon being notified of such action on the part of the commissioner and to the court or judge for return to the department upon being notified of such action on the part of a court or judge.

(2) Any person who fails to surrender a license as required by this section may be fined not more than \$100 or imprisoned not more than 6 months or both.

(3) The commissioner or his duly appointed agent is authorized to take possession of any license required to be surrendered to the department or may direct any traffic officer to take possession thereof and return it to the department.

343.36 DEPARTMENT TO DISTRIBUTE SUSPENSION AND REVOCATION LISTS AND NONRESIDENTS' RECORDS OF CONVICTION. (1) Whenever the operating privilege of a resident of this state is canceled, revoked or suspended or his application for license denied, the department forthwith shall forward the name and address of such person to the sheriff and county traffic department of the county in which such person resides and to the police department of the municipality wherein such person resides.

(2) Once each month, the department shall compile a list of the names and addresses of all residents of this state whose operating privileges were revoked or suspended during the preceding month and the periods thereof and shall forward such list to the sheriff of each county, to the chief of police of each city and to all county traffic officers.

(3) Upon receiving a record of conviction showing that a nonresident operator of a motor vehicle has been convicted in this state of an offense which is grounds for revocation or suspension under the laws of this state, the department shall forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

343.37 NO OPERATION UNDER FOREIGN LICENSE DURING REVOCATION OR SUSPENSION. (1) An operator's license or permit issued by another jurisdiction does not authorize a resident of this state whose operating privilege has been revoked or suspended pursuant to the laws of this state to operate a motor vehicle in this state until he has obtained a new license when and as provided in this chapter. This subsection applies to a resident of this state even though he was a nonresident at the time his operating privilege was revoked or suspended.

(2) Notwithstanding the privilege conferred on nonresidents by s. 343.05 (2) (c), a nonresident whose operating privilege has been revoked or suspended pursuant to the laws of this state is not authorized to operate a motor vehicle in this state under an operator's license or permit issued by another jurisdiction until his operating privilege in this state has been reinstated pursuant to the laws of this state. This subsection applies to a nonresident even though he was a resident of this state at the time his operating privilege was revoked or suspended.

343.38 LICENSE AFTER REVOCATION OR SUSPENSION; REINSTATEMENT OF NONRESIDENT'S OPERATING PRIVILEGE.

(1) **LICENSE AFTER REVOCATION.** Except as provided in ss. 343.10 and 343.39, the department shall not issue a license to a person whose operating privilege has been duly revoked unless the period of revocation has expired and such person:

(a) Files with the department an application for license together with the required fee; and

(b) If the commissioner so prescribes, passes an examination including the tests specified in s. 343.16 or such parts thereof as the commissioner may require; and

(c) Unless 3 years have elapsed since the expiration of the period of revocation, files with the department proof of financial responsibility in the amount, form and manner specified in ch. 344. Such proof of financial responsibility shall be maintained at all times during such 3-year period when the license is in effect.

(2) **REINSTATEMENT OF NONRESIDENT'S OPERATING PRIVILEGE AFTER REVOCATION.** A nonresident's operating privilege revoked pursuant to the laws of this state is reinstated as a matter of law when the period of revocation has expired and such nonresident:

(a) Obtains a valid operator's license in the jurisdiction of his residence; and

(b) Files proof of financial responsibility in this state in the manner and for the period required of residents of this state whose operating privileges have been revoked.

(3) REINSTATEMENT AFTER SUSPENSION. The department shall not issue a license to a person whose operating privilege has been duly suspended while such suspension remains in effect but, upon the expiration of the period of suspension, such person's operating privilege is automatically reinstated as provided in s. 343.39.

343.39 WHEN OPERATING PRIVILEGE AUTOMATICALLY REINSTITATED. (1) An operating privilege is automatically reinstated under any of the following circumstances:

(a) When, in the case of a suspended operating privilege, the period of suspension has terminated.

(b) When, in the case of a revocation or suspension based on a conviction, the conviction is reversed, set aside or vacated. This paragraph applies whether or not the conviction occurred in this state and whether or not the conviction was cause for revocation or suspension only when considered in connection with the person's previous operating record.

(c) Whenever any other provision of law provides for automatic reinstatement.

(2) Whenever a person's operating privilege is automatically reinstated, the department shall forthwith notify such person thereof and shall return to him any surrendered and unexpired license in its possession. If the license expired during the period of revocation or suspension, such person may renew his license at the standard renewal fee at any time within 30 days after the reinstatement of his operating privilege.

343.40 JUDICIAL REVIEW OF SUSPENSION, REVOCATION, CANCELLATION OR DENIAL OF LICENSE. Unless mandatory under this chapter, the denial or cancellation of a license or the revocation or suspension of an operating privilege is subject to judicial review in the manner provided in ch. 227 for the review of administrative decisions, except that if the petitioner resides in Wisconsin the place of review shall be the circuit court of the county in which he resides.

UNLAWFUL PRACTICES RELATIVE TO LICENSES

343.43 UNLAWFUL USE OF LICENSE. (1) No person shall:

(a) Represent as valid any canceled, revoked or suspended license; or
(b) Lend his license to any other person or knowingly permit the use thereof by another; or

(c) Represent as one's own any license not issued to him; or
(d) Violate any of the restrictions placed on his license by or pursuant to law; or

(e) Permit any unlawful use of a license issued to him; or
(f) Reproduce by any means whatever a copy of a license.

(2) Unless a different penalty is specifically prescribed, any person who violates any provision of sub. (1) may be fined not more than \$100 or imprisoned not more than 6 months or both.

343.44 DRIVING AFTER LICENSE REVOKED OR SUSPENDED.

(1) No person whose operating privilege has been duly revoked or suspended pursuant to the laws of this state shall operate a motor vehicle upon any highway in this state before he has obtained a new license in this state or his operating privilege has been reinstated under the laws of this state.

(2) Any person violating this section may be fined not less than \$50 nor more than \$200 or imprisoned not more than 6 months or both.

CHAPTER 260

343.45 PERMITTING UNAUTHORIZED PERSON TO DRIVE. (1)

No person shall cause or knowingly permit his child or ward under 18 years of age to operate a motor vehicle upon any highway in violation of this chapter or when such minor is not authorized under this chapter to operate a motor vehicle.

(2) No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be operated upon any highway in violation of this chapter or by a person who is not authorized under this chapter to operate a motor vehicle.

(3) Any person violating any provision of this section may be fined not more than \$100 or imprisoned not more than 6 months or both.

343.46 DUTY OF PERSONS RENTING VEHICLES TO ANOTHER.

(1) No person shall rent a motor vehicle, trailer or semitrailer to another unless the person who is to operate such rented vehicle is duly licensed under this chapter or, in the case of a nonresident, is duly licensed under the laws of the jurisdiction of his residence.

(2) No person shall rent a motor vehicle, trailer or semitrailer to another until he has inspected the license of the person who is to operate the vehicle and has compared and verified the signature thereon with the signature of such person written in his presence.

(3) Every person renting a motor vehicle, trailer or semitrailer to another shall keep a record of the registration number of the motor vehicle so rented or, in the case of a trailer or semitrailer, the registration number of the motor vehicle to which such trailer or semitrailer is to be attached, the name and address of the person who is to operate such rented vehicle, the number of the license of such person and the date when and place where such license was issued. Such record shall be open to inspection by any traffic officer or employe of the department.

(4) Any person violating any provision of this section may be fined not more than \$100 or imprisoned not more than 6 months or both.

CHAPTER 344

FINANCIAL RESPONSIBILITY

GENERAL PROVISIONS

344.01 WORDS AND PHRASES DEFINED. (1) Words and phrases defined in ss. 340.01 and 343.01 are used in the same sense in this chapter unless a different definition is specifically provided.

(2) In this chapter the following words and phrases have the designated meanings:

(a) "Judgment" means a judgment for damages rendered by a court of competent jurisdiction of any state or of the United States upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, including damages for care and for loss of services because of bodily injury to or death of any person and damages because of injury to or destruction of property and the consequent loss of use thereof, which judgment has become final by expiration without appeal of the time within which an appeal might have been perfected or by final affirmation on appeal. "Judgment" also includes a judgment rendered by a court of competent jurisdiction upon a cause of action on an agreement of settlement for damages of the type specified in this paragraph, which judgment has become final within the meaning of this paragraph.

(b) "Motor vehicle" means a self-propelled vehicle and also includes trailers and semitrailers designed for use with such vehicles, except that "motor vehicle" does not include farm tractors, well drillers or road machinery.

(c) "Operator" means a person who is in actual or constructive physical control of a motor vehicle. It includes a person who has parked a motor vehicle. It includes the driver of a vehicle being pushed or towed and, in case there is no person actually doing the driving, the person who is doing the pushing or towing.

(d) "Proof of financial responsibility" or "proof of financial responsibility for the future" means proof of ability to respond in damages for liability on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the amount of \$10,000 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, in the amount of \$20,000 because of bodily injury to or death of 2 or more persons in any one accident and in the amount of \$5,000 because of injury to or destruction of property of others in any one accident.

(e) "Registration" means, in the case of a person whose vehicle is registered under ch. 341, the registration so issued; in the case of a person whose vehicle is not so registered, it means the privilege to register a vehicle in Wisconsin and the reciprocal privilege granted a non-resident to operate in Wisconsin a vehicle not registered in Wisconsin.

(f) "State" means any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

(g) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except vehicles used exclusively upon stationary rails or tracks or vehicles propelled by use of electricity obtained from overhead trolley structures.

344.02 ADMINISTRATION OF RESPONSIBILITY LAW. The commissioner shall administer and enforce this chapter and may, in his discretion, appoint any employe in the department as his representative to affix his signature, including any facsimile signature adopted by him, to the administrative letters, notices and orders to enforce this chapter.

344.03 JUDICIAL REVIEW OF COMMISSIONER'S ACTION. Any person aggrieved by any order or act of the commissioner pursuant to this chapter may, within 10 days after notice thereof, file a petition in the circuit court of Dane county for a review thereof in the manner provided in ch. 227 for review of administrative decisions. The court shall summarily hear the petition and may make any appropriate order or decree.

344.04 POWER OF COURT TO STAY SUSPENSION OF REGISTRATION OF VEHICLES. (1) Notwithstanding any other provision of this chapter, the commissioner shall not revoke or suspend the registration of a vehicle when ordered not to do so by the court wherein the judgment for damages was had or, in a case not involving a judgment, when ordered not to do so by a court pursuant to petition of the registrant in accordance with sub. (2).

(2) Upon receiving information, other than of a judgment for damages in a court of this state, that would be cause for revocation or suspension of registration, the commissioner shall notify the registrant of his intention to revoke or suspend such registration. The registrant may thereupon petition any court of record in his county for an order enjoining the commissioner's contemplated action, whereupon the judge of such court shall grant an order restraining the commissioner in the matter until the petition is finally determined by the court. If such petition and order are served upon the commissioner within 10 days after the date of the commissioner's notice or in any event before the commissioner has revoked or suspended the registration, the commissioner shall await

the final determination of the court. The commissioner shall be given notice of the hearing. Upon a showing that it would result in undue hardship upon the petitioner to have any such registration revoked or suspended, the court shall issue an order restraining the commissioner from revoking or suspending the registration.

(3) This section does not authorize a court to stay suspension or revocation of an operator's license.

344.05 COURTS TO REPORT NONPAYMENT OF CERTAIN JUDGMENTS. (1) Whenever any judgment in excess of \$100 for damages arising out of a motor vehicle accident is not satisfied within 30 days after its having become final by expiration without appeal of the time within which an appeal might have been perfected or by final affirmation on appeal, the clerk of the court in which such judgment was rendered, or the judge if the court has no clerk, shall forthwith forward to the commissioner a certified copy of such judgment.

(2) If the defendant named in any certified copy of a judgment reported to the commissioner is a nonresident, the commissioner shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the state of which the defendant is a resident.

344.06 COMMISSIONER TO FURNISH OPERATING RECORD. The commissioner shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter. If there is no record that such person has been convicted of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the commissioner shall so certify in the abstract. The abstract of the operating record also shall fully designate the motor vehicles, if any, registered in the name of such person. Such abstract is not admissible in evidence in any action for damages or criminal proceeding arising out of a motor vehicle accident.

344.07 RESPONSIBILITY LAW NOT TO PREVENT OTHER PROCESS. Nothing in this chapter shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

344.08 SUSPENSION FOR FAILURE TO REPORT ACCIDENT. (1) The commissioner may suspend the operating privilege or registration of any person who fails to report an accident as required by s. 346.70 or to give correctly the information requested by the commissioner in connection with such report unless, in the judgment of the commissioner, there was excusable cause for such failure or unless the accident did not result in injury or damage to the person or property of anyone other than the person so required to report.

(2) Any operating privilege suspended pursuant to this section, or suspended pursuant to any other section for failure to report an accident, shall be reinstated in accordance with s. 344.09 at the end of 13 months following the accident if, during such 13-month period, no notice of action instituted within one year from the date of the accident has been filed with the department in the manner specified in s. 344.18 (1) (d).

344.09 REINSTATEMENT OF SUSPENDED OPERATING PRIVILEGE AND REGISTRATION. (1) Whenever the commissioner is satisfied that the reason for suspension of an operating privilege under this chapter has been removed, including satisfaction of any of the requirements of s. 344.18, he shall forthwith order reinstatement of such operating privilege and shall give notice of such reinstatement to the person whose operating privilege has been suspended. Such reinstatement order has the same effect as an automatic reinstatement under s. 343.39.

(2) Whenever an operating privilege suspended or revoked pursuant to this chapter is reinstated, any registration which was suspended or revoked along with the operating privilege is automatically reinstated and the department shall return any surrendered and unexpired registration plate in its possession.

SECURITY FOR PAST ACCIDENTS

344.12 APPLICABILITY OF PROVISIONS RELATING TO DEPOSIT OF SECURITY FOR PAST ACCIDENTS. Subject to the exceptions contained in s. 344.14, the provisions of this chapter requiring deposit of security and requiring suspension for failure to deposit security apply to the operator and owner of every motor vehicle which is in any manner involved in an accident in this state which has resulted in bodily injury to or death of any person or damage to property of any one person in excess of \$100.

344.13 COMMISSIONER TO DETERMINE AMOUNT OF SECURITY REQUIRED FOLLOWING ACCIDENT AND TO GIVE NOTICE THEREOF. (1) The commissioner after receipt of a report of an accident of the type specified in s. 344.12 shall determine, with respect to such accident, the amount of security which is sufficient in his judgment to satisfy any judgment for damages resulting from such accident which may be recovered against each operator and owner of the vehicles involved in such accident. Such determination shall be based upon the total property damage suffered by other persons whose property was involved in the accident, not including the vehicle a person was operating when such operation was with the owner's permission, and on the extent of personal injuries, including deaths, involving other parties to the accident. The determination as to the amount of security required shall be made without regard to the fault of the persons involved but shall not be made with respect to operators or owners who are exempt from the requirements of security and suspension under s. 344.14 (2).

(2) The commissioner shall determine the amount of security required to be deposited by each person on the basis of the accident reports or other information submitted. In addition to the accident reports required by law, the commissioner may request from any of the persons, including passengers and pedestrians, involved in such accident such further information, sworn statements or other evidence relating to property damage, personal injury or death in motor vehicle accidents as he deems necessary to aid in determining the amount to be deposited as security under s. 344.14. Failure of a person to comply with such request is grounds for suspending such person's operating privilege but no suspension shall be made on such grounds until one follow-up request has been made and at least 20 days have elapsed since the mailing of the first request.

(3) The commissioner, after receipt of a report of an accident of the type specified in s. 344.12 and upon determining the amount of security to be required of any person involved in such accident or to be required of the owner of any vehicle involved in such accident, shall give at least 10 days written notice to every such person of the amount of security required to be deposited by him. The notice also shall state that an order of suspension will be made as provided in s. 344.14 upon the expiration of 60 days following the receipt of the report of the accident, unless within such time security is deposited as required by the notice. The order of suspension may be made a part of the notice, with a provision that it will take effect on the date specified in this subsection unless security is deposited prior to that date.

344.14 SUSPENSION FOR FAILURE TO DEPOSIT SECURITY; EXCEPTIONS. (1) If a person who was given notice pursuant to

s. 344.13 (3) fails to deposit security in the amount and by the time specified in the notice, the commissioner shall forthwith suspend his operating privilege if he was the operator of a motor vehicle involved in the accident and all his registrations if he was the owner of a motor vehicle involved in the accident unless he furnishes proof satisfactory to the commissioner that he comes within one of the exceptions set forth in sub. (2). If the owner and operator are separate persons, only one of them need deposit security or the 2 persons may co-operate in depositing security. Upon request of the owner or operator in question, the commissioner may postpone the effective date of a suspension under this section not to exceed 20 days.

(2) The requirements as to security and suspension stated in sub. (1) do not apply:

(a) To the owner or operator of a motor vehicle involved in an accident if the owner had in effect at the time of the accident an automobile liability policy with respect to such motor vehicle, which policy complies with the requirements of s. 344.15, except that the operator is not exempt under this paragraph if, at the time of the accident, the vehicle was being operated without the owner's permission, express or implied.

(b) To the operator who is not the owner of the vehicle involved in the accident if there was in effect at the time of the accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him and which policy or bond meets the requirements of s. 344.15.

(c) To the operator or owner whose liability for damages resulting from the accident is, in the judgment of the commissioner, covered by any other form of liability insurance policy or bond meeting the requirements of s. 344.15.

(d) To any person qualifying as a self-insurer under s. 344.16 or to any person operating a vehicle for such self-insurer.

(e) To the operator or owner of a vehicle involved in an accident wherein no injury was caused to the person of anyone other than such operator or owner and wherein damage to property of any one person other than such operator or owner did not exceed \$100.

(f) To the operator or owner of a vehicle legally parked at the time of the accident, provided that the operators of the other vehicles involved admit that such vehicle was legally parked or other proof establishing such fact to the commissioner's satisfaction is filed.

(g) To the owner of a vehicle if, at the time of the accident, the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such vehicle without such permission.

(h) To any person who would otherwise have to deposit security if, prior to the date the commissioner would otherwise suspend such person's operating privilege and registrations under sub. (1), there is filed with the commissioner evidence satisfactory to him that such person has been released from liability or has been finally adjudicated not to be liable or has executed a warrant for confession of judgment payable when and in such instalments as the parties have agreed to or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in instalments with respect to all claims for injuries or damage resulting from the accident. The commissioner may accept a release from liability executed by a parent as natural guardian on behalf of a minor child with respect to property damage or personal injuries sustained by such minor, provided that the total damages, including the cost of medical care, does not exceed \$200 and that, in the case of personal injury, the doctor's certificate of injury filed with the department certifies that such minor received no permanent injury.

(i) To the owner of a vehicle insured as required by ss. 40.57, 194.41 or 194.42 or to the operator of such vehicle if operating with the owner's permission at the time of the accident.

(j) To the owner of a vehicle involved in an accident if at the time of the accident such vehicle was owned by or leased to the United States, this state or any county or municipality of this state, or to the operator of such vehicle if operating such vehicle with permission.

344.15 REQUIREMENTS AS TO POLICY OR BOND. (1) No policy or bond is effective under s. 344.14 unless issued by an insurance company or surety company authorized to do business in this state, except as otherwise provided in sub. (2), nor unless such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interests and costs, of not less than \$10,000 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, to a limit of not less than \$20,000 because of bodily injury to or death of 2 persons in any one accident and, if the accident has resulted in injury to or destruction of property, to a limit of not less than \$5,000 because of injury to or destruction of property of others in any one accident.

(2) A policy or bond with respect to a vehicle which was not registered in this state or was registered elsewhere at the time of the effective date of the policy or bond or the most recent renewal thereof may be effective under s. 344.14 even though not issued by an insurance company or surety company authorized to do business in this state if the following conditions are complied with:

(a) The policy or bond either meets the liability limits specified in sub. (1) or meets the liability limits of the equivalent law of the state in which issued and such limits are, in the judgment of the commissioner, adequate to cover any damage or injury involved in the accident in question.

(b) The company which issued the policy or bond executes a power of attorney authorizing the commissioner to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident.

(3) Where service of process is made on the commissioner under a power of attorney filed in accordance with sub. (2), the commissioner shall forthwith mail by registered mail a copy of the process papers to the company at the address given in the filed power of attorney. In all cases of such service, there shall be served the original, one copy for the commissioner's record of service and such number of copies as there are defendants so served in the action. The original shall be returned with proper certificate of service attached for filing in court as proof of service of the copies by having mailed them by registered mail to the defendants named therein. The service fee shall be \$2 for each defendant so served.

(4) Upon receipt of notice of an accident, the insurance company or surety company which issued the policy or bond shall furnish for filing with the commissioner a written notice that such policy or bond was in effect at the time of such accident.

344.16 REQUIREMENTS AS TO SELF-INSURERS. (1) Any person in whose name more than 25 motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the commissioner as provided in sub. (2).

(2) The commissioner may, in his discretion, upon the application of such a person, issue a certificate of self-insurance when he is satisfied that such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person.

(3) Upon not less than 5 days' notice and a hearing pursuant to such notice, the commissioner may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within 30 days after such judgment has become final constitutes a reasonable ground for cancellation of a certificate of self-insurance.

344.17 REQUIREMENTS AS TO FORM AND AMOUNT OF SECURITY. (1) The security required under s. 344.14 shall be in such form and in such amount as the commissioner may require but in no case in excess of the limits specified in s. 344.15 (1) with reference to the acceptable limits of a policy or bond. The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made and, at any time while such deposit is in the custody of the commissioner or state treasurer, the person depositing it may, in writing, amend the specification of the persons on whose behalf the deposit is made to include an additional person or persons, subject to the limitation that a single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

(2) The commissioner may reduce the amount of security ordered in any case if, in his judgment, from evidence submitted, the amount ordered is excessive or has become excessive by filed release on part of the liability or by adjudication reducing the extent of the liability. In case the security originally ordered had been deposited at the time the reduced amount is ordered, the excess over the reduced amount shall be returned to the depositor or his personal representative forthwith, notwithstanding the provisions of s. 344.20.

(3) In all cases where the commissioner accepts security in the form of a lien on real estate, the party owning such real estate shall prepare the proper instrument to effect such lien, payable to the state and all persons entitled thereto under ch. 344, and shall record such instrument in the office of the register of deeds in the county where the real estate is situated. The commissioner may require the party to furnish the commissioner an abstract of merchantable title showing the lien to be a first lien on the premises. A certified copy of the recorded instrument and abstract, when required, shall be deposited by the commissioner with the state treasurer. In all cases where a judgment has been entered against a person involved in a motor vehicle accident and such judgment remains unsatisfied 60 days after it has become final, the judgment creditor may for his own use and benefit and at his sole expense bring an action to foreclose such lien in the name of the state for his use and benefit under this section. The costs of such foreclosure may be estimated by the commissioner and added to the amount required to be posted. In the foreclosure of such lien, the provisions of ch. 278 on foreclosure of real estate mortgages shall apply as far as possible.

(4) In all cases where the commissioner accepts security in the form of a lien on personal property, the party owning such personal property shall prepare the proper instrument to effect such lien payable to the state and all persons entitled thereto under ch. 344 and shall file such instrument in the office of the register of deeds in the county where such property is kept. He shall furnish the commissioner a certified copy of the filed instrument and, if required by the commissioner, a chattel abstract from the register of deeds showing the lien to be a first lien on such property. The certified copy and abstract shall be deposited by the commissioner with the state treasurer. In all cases where a judgment has been entered against a person involved in a motor vehicle accident and it remains unsatisfied 60 days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action to foreclose such lien in the name of the state for his

use and benefit under ch. 344. The costs of such foreclosure shall be estimated by the commissioner and added to the amount required to be posted. In foreclosure of such lien the provisions of s. 241.13 on foreclosure of chattel mortgages shall apply as far as possible.

(5) In all cases where the commissioner has accepted security in the form of a lien on real estate or personal property the state treasurer shall satisfy such lien of record on order of the commissioner to return the security upon the party's compliance with ch. 344. The state treasurer shall execute a satisfaction in legal form in the name of the state by state treasurer, custodian security "Motor Vehicle Safety Responsibility Act." The treasurer shall note on the satisfaction that the commissioner has issued such order, and such notation shall be prima facie evidence of such issuance. The treasurer shall record or file such satisfaction with the proper register of deeds.

344.18 DURATION OF SUSPENSION FOR FAILURE TO DEPOSIT SECURITY. (1) Any operating privilege or registration suspended as provided in s. 344.14 shall remain suspended and shall not be renewed or reinstated until one of the following requirements has been met:

(a) There is deposited on behalf of the person whose operating privilege or registration was suspended the security required under s. 344.14.

(b) There is filed with the commissioner evidence satisfactory to him that the person whose operating privilege or registration was suspended has been released from liability or has been finally adjudicated not to be liable. The commissioner may accept a release executed by a parent on behalf of a minor child only if the release satisfies the requirements specified in s. 344.14 (2) (h).

(c) There is filed with the commissioner evidence satisfactory to him that the person whose operating privilege or registration was suspended has executed a warrant for confession of judgment or duly acknowledged written agreement in accordance with s. 344.14 (2) (h), subject however to the provisions of subs. (2) and (3) of this section.

(d) Thirteen months have elapsed since the date of the accident and, during such period, no notice has been filed with the commissioner by any claimant that an action was instituted by a party in interest by actual service of summons and complaint within the one-year period following the date of the accident or by service of counter-claim or cross-complaint within the 20-day answer period. If the action was commenced in a court of record, the notice required by this paragraph shall include a certified copy of the summons and complaint or counterclaim or cross-complaint and proof of service filed therein. If the action was commenced before a justice of the peace, the notice required by this section shall include a certificate from such justice establishing the fact that the action was so commenced.

(2) If there is any default in the payment of any instalment under any confession of judgment, the commissioner, upon notice of such default given within the terms of the instalment agreement or in no event later than 30 days after the time for the final instalment, shall forthwith suspend the operating privilege and registrations of the defaulting person, which suspension shall remain in effect until the entire amount provided for in the confession of judgment has been paid.

(3) If there is any default in the payment of any instalment under a duly acknowledged written agreement, the commissioner, upon notice of such default, shall forthwith suspend the operating privilege and registrations of the defaulting person, which suspensions shall remain in effect until one of the following requirements has been met:

(a) There is deposited on behalf of such person the security required under s. 344.14.

(b) Thirteen months have elapsed since the date when the security was required and, during such period, no notice has been filed with the commissioner by any claimant that an action was instituted by a party in interest by actual service of summons and complaint within the one-year period following the date when such security was required or by service of counterclaim or cross-complaint within the 20-day answer period. The notice required by this paragraph shall comply with the provisions of sub. (1) (d).

(4) The commissioner shall not suspend, as required by sub. (2) or (3), if the defaulting person has made payments to the extent specified in s. 344.15 (1) with reference to the acceptable limits of a policy or bond.

344.19 APPLICABILITY TO NONRESIDENTS, UNLICENSED DRIVERS, UNREGISTERED MOTOR VEHICLES AND ACCIDENTS IN OTHER STATES. (1) If the operator or the owner of a motor vehicle involved in an accident within this state has no license or registration, whether because he is a nonresident or because he is a resident who has failed or neglected to obtain a license or registration in this state, he shall not be allowed a license or registration until he has complied with the requirements of this chapter to the same extent as would be necessary if, at the time of the accident, he had held a license and registration in this state.

(2) If the operating privilege or registration of a nonresident is suspended pursuant to s. 344.14, the commissioner shall transmit a certified copy of the record of such action to the motor vehicle commissioner or equivalent official of the state in which that person resides if the law of the state in which that person resides provides for similar action by the commissioner or equivalent official of that state in the event that a resident of this state has his nonresident's operating privilege or registration in that state suspended or revoked for failure to comply with the safety responsibility law of that state.

(3) Upon receipt of such certification from another state to the effect that the operating privilege or registration of a resident of this state has been suspended or revoked in such other state pursuant to a law providing for its suspension or revocation for failure to deposit security for payment of judgments arising out of a motor vehicle accident, under circumstances which would require the commissioner to suspend a nonresident's operating privilege or registration had the accident occurred in this state, the commissioner shall suspend the license of such resident if he was the operator and all of his registrations if he was the owner of a motor vehicle involved in such accident. The department may accept a certification which is in the form of a combined notice of required security and suspension or revocation order, but shall not suspend a resident's operating privilege or registration on the basis of such order until at least 30 days have elapsed since the time for depositing security in the other state expired. A suspension under this section shall continue until such resident furnishes evidence of his compliance with the law of the other state relating to the deposit of security.

344.20 CUSTODY, DISPOSITION AND RETURN OF SECURITY.

(1) Security deposited in compliance with this chapter shall be placed by the commissioner in the custody of the state treasurer and shall be applied only as provided in this section. When placing security in the custody of the state treasurer, the commissioner shall also file with the state treasurer a memorandum specifying the respective portions of such deposit required because of property damage or personal injuries, including deaths, suffered by each person who will be entitled to a portion of

such deposit in the event of a judgment against the person or persons on whose behalf the deposit is made.

(2) The state treasurer shall apply the security only to the payment of judgments and assignments and only as provided in this subsection:

(a) The security may be applied to the payment of judgments for damages arising out of the accident in question rendered against the person or persons on whose behalf the deposit was made in an action at law begun not later than one year after the date of the accident or not later than one year after the date of deposit of any security under s. 344.18 (2). Any party to such action in favor of whom a judgment was rendered may move to have the court order the state treasurer to transmit to the court for application to the payment of the judgment the money or securities available for such purpose, and the court may so order. A certified copy of the order shall be served upon the state treasurer, which service shall be by mail only. Upon being so served, the state treasurer shall transmit to the clerk of the court the money or securities in the amount authorized by par. (c) or in the amount specified in the court order if less than the amount so authorized. Securities transmitted shall be valued at the same amount as when received from the department. The state treasurer shall have no further responsibility for the amount of the deposit so transmitted and the court shall determine and direct the application thereof. Any excess shall be returned by the court to the state treasurer to be held by him subject to the provisions of this chapter.

(b) Subject to the restrictions imposed by par. (c), the security may be applied to the payment of a duly acknowledged assignment by the person on whose behalf the deposit was made, provided the assignment is accompanied by an instrument signed by the assignee and releasing the assignor from all liability to the assignee on account of damages arising out of the accident in question.

(c) No amount in excess of the portion designated in the commissioner's filed security memorandum as having been deposited on account of damages suffered by the assignee or judgment creditor or person representing either of them shall be paid out on behalf of such person unless the depositor has been released from liability by all other parties in interest. In the latter event, the deposit may be applied to the payment of the judgment or assignment in question without regard to the designations in the security memorandum.

(3) The deposit of security or any balance thereof shall be returned to the depositor or his personal representative when evidence satisfactory to the commissioner has been filed with him that one of the contingencies specified in s. 344.18 (1) (b), (c) or (d) or (3) (b) has occurred.

344.21 MATTERS NOT TO BE EVIDENCE IN CIVIL SUITS.

Neither the report required following an accident, the action taken by the commissioner pursuant to this chapter, the findings, if any, upon which such action is based nor the security filed as provided in this chapter shall be referred to in any way or be any evidence of the negligence or due care of either party at the trial of any action at law to recover damages, but this shall not be construed to exclude a notice of insurance filed pursuant to s. 344.15 (4) from being admissible in evidence where it would otherwise be material and admissible under the rules of evidence.

344.22 SHORT TITLE. Sections 344.12 to 344.22 and the general provisions applicable thereto may be cited as the safety responsibility law.

PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE

344.24 APPLICABILITY OF SECTIONS RELATING TO PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE. Sections

344.29 to 344.41 are applicable in all cases in which a person is required to deposit proof of financial responsibility for the future, including those cases in which a person is required to deposit proof of financial responsibility for the future under ss. 344.25 to 344.27 and those cases in which the deposit of proof of financial responsibility for the future is a condition precedent to reinstatement of an operating privilege revoked pursuant to ch. 343.

344.25 REVOCATION OF LICENSE AND REGISTRATION FOR NONPAYMENT OF JUDGMENT; EXCEPTIONS. Upon the receipt, pursuant to s. 344.05, of a certified copy of a judgment for damages in excess of \$100 arising out of a motor vehicle accident, the commissioner shall forthwith revoke the operating privilege and all registrations of the person against whom such judgment was rendered, subject to the following exceptions:

(1) If the judgment arose out of an accident caused by the ownership or operation, with permission, of a vehicle owned by or leased to the United States, this state or any county or municipality of this state or a vehicle subject to the requirements of ss. 40.57, 194.41 or 194.42, the commissioner shall not revoke such license or registration.

(2) If the judgment creditor consents in writing in such form as the commissioner may prescribe that the judgment debtor be allowed to retain or reinstate his operating privilege and registrations, the same may be allowed by the commissioner, in his discretion, for 6 months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment or of any instalments thereof as prescribed in s. 344.27, provided the judgment debtor furnishes proof of financial responsibility for the future and maintains such proof at all times when such license and registrations are in effect during a period of 3 years following the entry of the judgment.

(3) The commissioner shall not revoke such license or registrations if the judgment debtor obtains a court order for instalment payments and furnishes proof of financial responsibility as provided in s. 344.27.

344.26 REVOCATION TO CONTINUE UNTIL JUDGMENT PAID AND PROOF OF FINANCIAL RESPONSIBILITY GIVEN. (1) Subject to the exceptions stated in ss. 344.25 (2) and 344.27 (2), any operating privilege or registration revoked pursuant to s. 344.25 shall remain revoked until every judgment mentioned in s. 344.25 is stayed, satisfied or discharged and, unless 3 years have elapsed since the date of entry of the judgment which was the cause for revocation, until the person whose operating privilege and registration was revoked furnishes proof of financial responsibility for the future and maintains such proof at all times during such 3-year period when the operating privilege or registration is in effect.

(2) A discharge in bankruptcy following the rendering of any such judgment does not relieve the judgment debtor from any of the requirements of this section.

(3) Judgments in excess of the amounts specified in s. 344.01 (2) (d) shall, for the purpose of this section only, be deemed satisfied when payments in the amounts so specified have been credited thereon. Payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the respective amounts so specified.

344.27 INSTALMENT PAYMENT OF JUDGMENTS; REVOCATION UPON DEFAULT. (1) A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in instalments and the court, in its discretion and without prejudice to any other legal reme-

dies which the judgment creditor may have, may so order and fix the amounts and times of payment of the instalments.

(2) The commissioner shall not revoke the operating privilege or registration and shall restore any operating privilege or registration revoked following nonpayment of a judgment when the judgment debtor obtains such order permitting the payment of the judgment in instalments and, unless 3 years have elapsed since the entry of judgment, furnishes and maintains proof of financial responsibility for the future.

(3) If the judgment debtor fails to pay any instalment as specified by such order, the commissioner, upon notice of such default, shall forthwith revoke the operating privilege and registrations of the judgment debtor until such judgment is satisfied as provided in s. 344.26.

344.29 PROOF OF FINANCIAL RESPONSIBILITY REQUIRED FOR EACH REGISTERED VEHICLE. Proof of financial responsibility for the future shall be furnished for each motor vehicle registered by any person required to give such proof.

344.30 ALTERNATE METHODS OF GIVING PROOF OF FINANCIAL RESPONSIBILITY. Whenever the owner or operator of a motor vehicle is required under chs. 343 or 344 to give proof of financial responsibility for the future, such proof may be given by filing:

- (1) A certificate of insurance as provided in ss. 344.31 or 344.32; or
- (2) A bond as provided in s. 344.36; or
- (3) A certificate of deposit of money or securities as provided in s. 344.37; or

(4) A certificate of self-insurance as provided in s. 344.16, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he will pay the same amounts that an insurer would have been obligated to pay under an owner's motor vehicle liability policy if it had issued such a policy to such self-insurer.

344.31 CERTIFICATE OF INSURANCE AS PROOF. (1) Proof of financial responsibility for the future may be furnished by filing with the commissioner the written certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

(2) No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such motor vehicle is so designated in such a certificate.

344.32 CERTIFICATE FURNISHED BY NONRESIDENTS AS PROOF. (1) The nonresident owner of a motor vehicle not registered in this state may give proof of financial responsibility by filing with the commissioner a written certificate of an insurance carrier authorized to transact business in the state in which the motor vehicle described in such certificate is registered or, if such nonresident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms to the provisions of this chapter. The commissioner shall accept the certificate only upon condition that such insurance carrier complies with the following provisions with respect to the policies so certified:

(a) Such insurance carrier shall execute a power of attorney authorizing the commissioner to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state.

(b) Such insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued herein.

(2) If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any such undertakings or agreements, the commissioner shall not thereafter accept as proof any certificate of such carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

344.33 "MOTOR VEHICLE LIABILITY POLICY" DEFINED. (1) CERTIFICATION. A "motor vehicle liability policy" as that term is used in this chapter means an owner's policy or an operator's policy of liability insurance, certified as provided in ss. 344.31 or 344.32 as proof of financial responsibility for the future, and issued, except as otherwise provided in s. 344.32, by an insurance carrier duly authorized to transact business in this state to or for the benefit of the person named therein as insured.

(2) OWNER'S POLICY. An owner's policy of liability insurance:

(a) Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

(b) Shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: \$10,000 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, \$20,000 because of bodily injury to or death of 2 or more persons in any one accident, and \$5,000 because of injury to or destruction of property of others in any one accident.

(3) OPERATOR'S POLICY. An operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth in sub. (2) with respect to an owner's policy of liability insurance.

(4) REQUIRED STATEMENTS IN POLICY. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter with respect to bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

(5) CERTAIN TYPES OF COVERAGE EXCLUDED. Such motor vehicle liability policy shall not insure any liability under any workmen's compensation law as provided in ch. 102 nor any liability on account of bodily injury to or death of any employe of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such motor vehicle or any liability for damage to property owned by, rented to, in charge of or transported by the insured.

(6) PROVISIONS INCORPORATED IN POLICY BY LAWS. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(a) The policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the

occurrence of any injury or damage covered by such motor vehicle liability policy.

(b) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

(c) The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in sub. (2) (b).

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter constitutes the entire contract between the parties.

(7) EXCESS OR ADDITIONAL COVERAGE. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage is not subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" applies only to that part of the coverage which is required by this section.

(8) REIMBURSEMENT PROVISION PERMITTED. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this section.

(9) PRORATION OF INSURANCE PERMITTED. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(10) MULTIPLE POLICIES. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

(11) BINDERS. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

344.34 NOTICE OF CANCELLATION OR TERMINATION OF CERTIFIED POLICY. When an insurance carrier has certified a motor vehicle liability policy under s. 344.31 or a policy under s. 344.32, the insurance so certified shall not be canceled or terminated until at least 10 days after a notice of cancellation or termination of the insurance so certified has been filed in the office of the commissioner, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

344.35 THIS CHAPTER NOT TO AFFECT OTHER POLICIES. (1) This chapter does not apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state. If such policies contain an agreement or are endorsed to conform to the requirements of this chapter, they may be certified as proof of financial responsibility under this chapter.

(2) This chapter does not apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of motor vehicles not owned by the insured.

344.36 BOND AS PROOF. (1) Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state or a bond with at least 2 individual sureties each owning real estate within this state and together having equities equal in

value to at least twice the amount of the bond, which real estate shall be scheduled in the bond approved by a judge of a court of record. Such bond shall be conditioned for the payment of the amounts specified in s. 344.01 (2) (d). The bond shall be filed with the commissioner and shall not be cancellable except after 10 days' written notice to the commissioner.

(2) The bond constitutes a lien in favor of the state upon any surety's real estate which is scheduled in the bond and which is not exempt by law from execution. Such lien is effective as of the time when the commissioner records the bond in the office of the register of deeds of the county wherein such real estate is located, as provided in s. 235.45. Such lien exists in favor of any holder of a final judgment against the person who filed such bond, for damages resulting from the ownership, maintenance, use or operation of a motor vehicle after such bond was recorded, including damages for care and for loss of services because of bodily injury to or death of any person and damages because of injury to or destruction of property and the consequent loss of use thereof.

(3) If the judgment rendered against the principal on the bond is not satisfied within 60 days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action in the name of the state against the company or persons executing the bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond. In the foreclosure of such lien, ch. 278 on the foreclosure of real estate mortgages shall apply as far as possible.

344.37 MONEY OR SECURITIES AS PROOF. (1) Proof of financial responsibility for the future may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him \$25,000 in cash, or in securities such as may legally be purchased by savings banks or for trust funds of a market value of \$25,000. The state treasurer shall not accept any such deposit and issue a certificate therefor and the commissioner shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

(2) Deposits made under this section shall be held by the state treasurer to satisfy, in accordance with this chapter, any execution on a judgment issued against the person making the deposit, for damages resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made, including damages for care and for loss of services because of bodily injury to or death of any person and damages because of injury to or destruction of property and the consequent loss of use thereof. Money or securities so deposited are not subject to attachment or execution unless such attachment or execution arises out of a suit for damages as set forth in this section.

344.38 OWNER MAY GIVE PROOF FOR OTHERS. Whenever any person required to give proof of financial responsibility for the future under this chapter is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the commissioner shall accept proof given by such owner in lieu of proof by such other person. When proof has been given as provided in this section, the person on whose behalf such owner gave proof may be granted a license, but only to operate those vehicles for which proof was so given. The department shall note such restriction on the person's license, including a designation of each vehicle for which proof was given.

344.39 SUBSTITUTION OF PROOF. The commissioner shall consent to the cancellation of any bond or certificate of insurance or the commissioner shall direct and the state treasurer shall return any money or securities to the person entitled thereto upon the substitution and

acceptance of other adequate proof of financial responsibility pursuant to this chapter.

344.40 SUSPENSION FOR FAILURE TO MAINTAIN PROOF; OTHER PROOF MAY BE REQUIRED. (1) Whenever any person who has furnished proof of financial responsibility fails to maintain such proof at any time during the period when proof of financial responsibility is required, the commissioner shall suspend such person's operating privilege and registration until such time as either satisfactory proof of financial responsibility is furnished or the period during which proof is required to be furnished has expired.

(2) Whenever any proof of financial responsibility filed under this chapter no longer fulfills the purposes for which required, the commissioner shall require other proof meeting the requirements of this chapter and shall suspend the operating privilege and registration pending the filing of such other proof.

344.41 DURATION OF PROOF; WHEN PROOF MAY BE CANCELLED OR RETURNED. (1) Subject to the exceptions set forth in sub. (2), the commissioner shall, upon request, consent to the immediate cancellation of any bond or certificate of insurance, shall direct the state treasurer to return to the person entitled thereto any money or securities deposited pursuant to this chapter as proof of financial responsibility (with which directive the state treasurer shall comply) and shall waive any requirement of the filing of proof of financial responsibility whenever any of the following events has occurred:

(a) The period during which proof of financial responsibility is required has expired; or

(b) The person on whose behalf such proof was filed has died or has become permanently incapacitated to operate a motor vehicle; or

(c) The person who has given proof surrenders his license and registration to the commissioner.

(2) The commissioner shall not consent to the cancellation of any bond or the return of any money or securities if any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or if the person who filed the bond or deposited the money or securities has, within one year immediately preceding the request for cancellation of the bond or return of the money or securities, been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable for such injury or damages is sufficient evidence thereof in the absence of evidence to the contrary in the records of the commissioner.

(3) Whenever any person whose proof has been canceled or returned under sub. (1) (c) applies for a license or registration within the period when proof of financial responsibility is required, such application shall be refused unless the applicant reestablishes such proof for the remainder of such period and otherwise complies with the requirements applicable to reinstatement of a license after revocation.

PENALTIES FOR VIOLATIONS OF CHAPTER

344.45 SURRENDER OF LICENSE AND REGISTRATION UPON SUSPENSION. (1) Whenever a person's operating privilege or registration is revoked or suspended pursuant to this chapter, the commissioner shall also order such person to surrender to the department his

license and the registration plates and certificates of registration of the vehicles for which registration was revoked or suspended. If such person fails forthwith to return such license, registration plates or certificates of registration to the department, the commissioner shall direct a traffic officer to take possession thereof and return them to the department.

(2) Any person who intentionally fails or refuses to return a license, registration plate or certificate of registration as required by this section may be fined not more than \$100 or imprisoned not more than 6 months or both.

344.46 TRANSFER OF VEHICLE OWNERSHIP TO DEFEAT PURPOSE OF CHAPTER. (1) No owner of a motor vehicle involved in an accident in this state which is reportable under s. 346.70 shall transfer the ownership or registration of such vehicle until this chapter has been complied with or until the commissioner is satisfied that such transfer is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this chapter.

(2) Any person violating this section may be fined not more than \$200 or imprisoned not more than 6 months or both.

(3) This section does not apply to or affect the registration of any vehicle sold by a person who, pursuant to the terms or conditions of any written instrument giving a right of repossession, has exercised such right and has repossessed such vehicle from a person whose registration has been suspended pursuant to this chapter.

344.47 OPERATING VEHICLE AFTER SUSPENSION OR REVOCATION. (1) No person whose registration has been revoked or suspended pursuant to this chapter shall, during such revocation or suspension, operate or knowingly permit the operation of any motor vehicle owned by him, except as permitted under this chapter.

(2) Any person violating this section may be fined not less than \$50 nor more than \$200 or imprisoned not more than 6 months or both.

344.48 FORGED PROOF. (1) No person shall:

(a) Forge or, without authority, sign any notice provided for in s. 344.15 (4) to the effect that a policy or bond is in effect or, knowing or having reason to believe that such notice has been forged or signed without authority, file or offer such notice for filing; or

(b) Forge or, without authority, sign any evidence of proof of financial responsibility or, knowing or having reason to believe that such evidence has been forged or signed without authority, file or offer such evidence for filing.

(2) Any person violating this section may be fined not more than \$1,000 or imprisoned not more than one year or both.

FINANCIAL RESPONSIBILITY FOR RENTED VEHICLES

344.51 FINANCIAL RESPONSIBILITY FOR DOMESTIC RENT-A-CARS. (1) No person shall for compensation rent any motor vehicle to be operated by or with the consent of the person renting such vehicle unless there is filed with the department a good and sufficient bond or policy of insurance or certificate issued by a company or exchange organized under the laws of this state or duly authorized to transact business in this state. Such bond, policy, or certificate shall provide that the company or exchange which issued it will be liable for damages caused by the negligent operation of such motor vehicle in the amounts set forth in s. 344.01 (2) (d).

(2) Any person failing to comply with this section is directly liable for all damages caused by the negligence of the person operating such rented vehicle to the extent that such liability could have been established if this section had been complied with.

(3) Any person violating this section may be fined not more than \$200 or imprisoned not more than 6 months or both.

(4) In this section, "motor vehicle" means a self-propelled vehicle.

344.52 FINANCIAL RESPONSIBILITY FOR FOREIGN RENT-A-CARS. (1) Whenever any motor vehicle rented for compensation outside this state is operated in this state, the lessor of such motor vehicle is directly liable for all damages to persons or property caused by the negligent operation of such rented vehicle unless, at the time when such damage or injury occurs, the operation of the vehicle is effectively covered by a policy of insurance which provides coverage at least in the amounts specified in s. 344.01 (2) (d) for property damage, personal injury or death suffered by any person on account of the negligent operation of such vehicle. The amount of liability imposed upon the lessor by this section in the absence of insurance coverage shall not exceed the limits set forth in s. 344.01 (2) (d) with respect to the acceptable limits of liability when furnishing proof of financial responsibility. The fact that the rented vehicle is operated in this state contrary to any understanding or agreement with the lessor is not a defense to any liability imposed by this section.

(2) If a motor vehicle rented for compensation outside this state is operated in this state, the lessor of such vehicle is deemed to have irrevocably appointed the commissioner as his agent or attorney upon whom legal process and the notice of injury required by s. 330.19 (5) may be served in any action or proceeding against such lessor or his executor, administrator, personal representative, successors or assigns, growing out of the operation of such rented motor vehicle in this state. Such appointment is binding upon the lessor's executor, administrator, personal representative, successors or assigns. The operation of such rented motor vehicle in this state is a signification of the lessor's agreement that such legal process or notice may be served upon him or his executor, administrator, personal representative, successors or assigns and that process or notice so served has the same legal force as if personally served upon him or them in this state. Service of such process or notice shall be made in the manner provided in s. 345.09. This section does not affect the right to serve process or notice on the nonresident operator of the rented motor vehicle as provided in s. 345.09.

(3) In this section, "motor vehicle" means a self-propelled vehicle.

CHAPTER 345

RULES RELATING TO CIVIL AND CRIMINAL LIABILITY

GENERAL PROVISIONS

345.01 WORDS AND PHRASES DEFINED. Words and phrases defined in s. 340.01 are used in the same sense in this chapter unless a different definition is specifically provided.

CIVIL LIABILITY

345.05 STATE AND MUNICIPAL LIABILITY FOR MOTOR VEHICLE ACCIDENTS. (1) In this section the following terms have the designated meanings:

(a) "Municipality" means any county, city, village, town, school district (as enumerated in s. 67.01 (1)), sewer district, drainage district, community center and, without restriction because of failure of enumeration, any other political subdivision of the state.

(b) "Governing body" means the state legislature with reference to the state, the county board with reference to counties, the town board

with reference to towns, the legislative body of a city or village with reference to cities and villages and the board of any district, center or other municipality with reference to other municipalities enumerated in par. (a).

(c) "Business" means any business whether governmental or proprietary.

(2) Any person suffering any damage proximately resulting from the negligent operation of a motor vehicle owned and operated by the state or any municipality, or from the negligent operation of a motor vehicle owned or operated by the state through the agency of the Wisconsin national guard, the Wisconsin air national guard, or the members or employes thereof when on state duty and whether paid from state or federal funds, and which damage is occasioned by the operation of such motor vehicle in the performance of its business, may file a claim therefor against the state or such municipality and the governing body thereof may allow, compromise, settle and pay the same.

(3) The manner and form of and the place for filing claims shall be:

(a) If against the state, as provided in s. 15.18 (8), with the director of budget and accounts.

(b) If against any county, as provided in s. 59.76 and 59.77 (1), with the county clerk.

(c) If against any city, as provided in s. 62.25, with the city clerk.

(d) If against any village, as provided in s. 61.51, with the village clerk.

(e) If against any town, as provided in s. 60.36, with the town clerk.

(f) If against any school district, as provided in s. 40.31.

(g) If against any other municipality, the claim shall be filed with the person who performs the duties of a clerk or secretary and shall state the time and place of the accident and an itemized statement of the damages sought.

(4) Failure of the governing body to pass upon the claim within 60 days after presentation constitutes a disallowance. Disallowance by the governing body bars any action founded on the claim unless brought within 6 months after disallowance. Actions against the state and payment of the amount recovered shall be as provided in ss. 285.01 and 285.04. For the purposes of this section, judgments against municipalities shall be certified, filed and collected as provided in s. 66.09 whether named therein or not.

(5) If the allowance of claim is by or the judgment is against any municipality lying in more than one town, city, village or county, the governing body of the debtor municipality shall prorate the amount of the claim allowed or the judgment and so certify to the proper officials for tax levy, so that the taxable property of the debtor municipality will equitably bear the amount of the claim or judgment.

(6) This section does not create any liability against a county for any act of the sheriff where such liability is prohibited by Article VI, section 4, Wisconsin constitution.

345.06 OWNER'S LIABILITY FOR ACT OF OPERATOR. The owners of every vehicle operating upon any highway for the conveyance of passengers for hire are jointly and severally liable to the party injured for all injuries and damage done by any person in the employment of such owners as an operator, while operating such vehicle, whether the act occasioning such injuries or damage was intentional, negligent or otherwise, in the same manner as such operator would be liable.

345.07 CIVIL ACTIONS BY COMMISSIONER. In addition to all existing remedies afforded by civil and criminal law, the commissioner is authorized to bring civil actions for the recovery of all fees, taxes,

interest and penalties to which the state may be entitled by reason of the operation by any person of a motor vehicle upon the highways of this state.

345.08 SUIT TO RECOVER PROTESTED TAX OR FEE. No suit shall be maintained in any court to restrain or delay the collection or payment of the taxes levied or the fees imposed or enacted in chs. 341 to 349. The aggrieved taxpayer shall pay the tax or fee as and when due and, if paid under protest, may at any time within 90 days from the date of such payment sue the state in an action at law to recover the tax or fee so paid. If it is finally determined that such tax or fee or any part thereof was wrongfully collected for any reason, the director of budget and accounts shall issue a warrant on the state treasurer for the amount of such tax or fee so adjudged to have been wrongfully collected and the state treasurer shall pay the same out of the highway fund. A separate suit need not be filed for each separate payment made by any taxpayer, but a recovery may be had in one suit for as many payments as were made within the 90-day period preceding the commencement of the action. Such suits shall be commenced as provided in s. 285.01.

345.09 SERVICE OF PROCESS ON NONRESIDENT. (1) The use and operation of a motor vehicle over the highways of this state by a nonresident is deemed an irrevocable appointment by such nonresident of the motor vehicle commissioner to be his true and lawful attorney upon whom may be served all legal processes and the notice of injury required by s. 330.19 (5) in any action or proceeding against him or his executor, administrator or personal representative, growing out of the use or operation of the motor vehicle in this state and resulting in damage or loss to person or property, whether the damage or loss occurs on a highway or on abutting public or private property. Such appointment is binding upon the nonresident's executor, administrator or personal representative. Such use or operation of a motor vehicle by such nonresident is a signification of his agreement that any such process or notice against him or his executor, administrator or personal representative which is so served shall be of the same legal force and validity as if served on him personally, or on his executor, administrator or personal representative.

(2) The commissioner as attorney upon whom processes and notices may be served under this section shall, upon being served with such process or notice, forthwith mail by registered mail a copy thereof to such nonresident at the address given in the papers so served. It is the duty of the party or his attorney to certify in the papers so served that the address given therein is the last known address of the nonresident to be served. In all cases of service under this section there shall be served the original, one copy for the commissioner's record of service and such additional number of copies as there are defendants so served in the action. The original shall be returned with proper certificate of service attached for filing in court as proof of service of the copies by having mailed them by registered mail to the defendants named therein. The service fee shall be \$2 for each defendant so served. The commissioner shall keep a record of all such processes and notices, which record shall show the day and hour of service.

(3) This section applies to a nonresident defendant who was a resident of this state at the time of the accident or occurrence which gave rise to the cause of action sued on.

(4) This section, insofar as it is the same in substance as s. 85.05 (3) and (4), statutes of 1951, is hereby declared to be retroactive to August 13, 1953. Section 85.05 (3) and (4), statutes of 1951, was unintentionally repealed by ch. 593, laws of 1953, and was recreated by ch. 648, laws of 1953.

ARREST, BAIL, PENALTIES

345.12 TRAFFIC OFFICERS NOT TO PROFIT FROM ARRESTS.

(1) No traffic officer shall demand, solicit, receive or be paid any remuneration upon the basis of number of arrests made, convictions obtained or amount of fines collected.

(2) Any person violating this section may be fined not less than \$25 nor more than \$200 for the first offense and, for the second and each subsequent conviction within one year thereafter, may be fined not less than \$50 nor more than \$500 or imprisoned not more than one year in county jail or both.

345.13 BAIL IN SPEED VIOLATION CASES. (1) Whenever a person is arrested for violating a speed limitation, whether imposed by statute or by local ordinance enacted in conformity therewith or by state or local authorities pursuant to authority of law, or is arrested for violating any ordinance enacted pursuant to s. 344.06, the sheriff, chief of police or clerk of the court having jurisdiction of the violation is authorized to receive at his office, from the accused, a deposit in money not to exceed the amount of the maximum penalty which may be imposed if the accused is found guilty. Thereupon, the accused may be released from arrest until the court having jurisdiction of the violation opens on the next succeeding day in which such court is in session or until such time as is fixed for the hearing of the case.

(2) If the person so arrested and released fails to appear, personally or by an authorized attorney or agent, before the court at the time fixed for the hearing of the case, the money deposited by the accused pursuant to sub. (1) shall be retained and used for the payment of the penalty, which may be imposed, together with costs, after an ex parte hearing upon the accused. The excess, if any, shall be returned to the person who made the deposit, upon his application therefor. If the accused is acquitted, the entire amount of the deposit shall be refunded to the depositor upon application therefor.

(3) This section shall not be construed so as to make the county or municipality in any case liable for the whole or any part of any money deposited pursuant to this section.

345.14 STIPULATION OF GUILT IN CASE OF ORDINANCE VIOLATIONS. Local ordinances adopted pursuant to s. 349.06 may contain a provision for stipulation of guilt of any or all offenses under such ordinances and may designate the manner in which such stipulation is to be made and fix the penalty to be paid. When a person charged with an offense for which stipulation of guilt is authorized makes a timely stipulation and pays the required penalty to the designated official, such person need not appear in court and no witness fees or other additional costs shall be taxed unless the local ordinance so provides. The official receiving the penalty shall comply with ss. 343.27 (3) and 343.29.

345.15 BAIL FORFEITED ONLY ON ORDER OF COURT. If any person gives bail for his appearance to answer a charge of violation of a traffic regulation enacted pursuant to s. 349.06, except for a parking violation, it shall not be forfeited for his failure to appear except by order of the court. Any officer paying bail money into the county or municipal treasury without such court order is guilty of violating s. 946.12.

345.16 PENALTY OF COMPULSORY SAFETY SCHOOL ATTENDANCE. (1) In addition to or in lieu of other penalties provided by law for violation of chs. 346 to 348, the trial court may in its judgment of conviction order the convicted person to attend, for a certain number of school days, a traffic safety school whose course and mode of instruction is approved by the motor vehicle commissioner and which is conducted

by the police department of the municipality, the sheriff's office of the county or by any regularly established safety organization.

(2) This section also applies in the case of an adjudication of violation of a local traffic regulation which is in conformity with chs. 346 to 348.

CHAPTER 346

RULES OF THE ROAD

GENERAL PROVISIONS

346.01 WORDS AND PHRASES DEFINED. Words and phrases defined in s. 340.01 are used in the same sense in this chapter unless a different definition is specifically provided.

346.02 APPLICABILITY OF CHAPTER. (1) APPLIES PRIMARILY UPON HIGHWAYS. Chapter 346 applies exclusively upon highways except as otherwise expressly provided in this chapter.

(2) APPLICABILITY TO PERSONS RIDING OR DRIVING ANIMALS OR PROPELLING PUSH CARTS. Every person riding an animal or driving any animal-drawn vehicle or propelling any push cart upon a roadway is granted all the rights and is subject to all the duties which ch. 346 grants or applies to the operator of a vehicle, except those provisions of ch. 346 which by their very nature would have no application.

(4) APPLICABILITY TO PERSONS RIDING BICYCLES. Subject to the special provisions applicable to bicycles, every person riding a bicycle upon a roadway is granted all the rights and is subject to all the duties which ch. 346 grants or applies to the operator of a vehicle, except those provisions which by their express terms apply only to motor vehicles or which by their very nature would have no application to bicycles.

(5) APPLICABILITY TO PUBLIC OFFICERS AND EMPLOYEES. The provisions of ch. 346 applicable to operators of vehicles apply also to operators of vehicles owned by or operated by or for any governmental agency, including the United States government, subject to the specific exceptions set forth in this section and s. 346.03.

(6) APPLICABILITY TO PERSONS WORKING ON HIGHWAYS. This chapter applies to persons, teams, motor vehicles and road machinery while traveling to or from highway construction or maintenance work but the provisions of ss. 346.05 (3) to 346.17, 346.28, 346.29 (2), 346.31 to 346.36, 346.52 to 346.56 and 346.59 do not apply to persons, teams, motor vehicles or road machinery when actually engaged in maintenance or construction work upon a highway.

(7) APPLICABILITY OF PROVISIONS REQUIRING SIGNPOSTING. No provision of ch. 346 for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section is effective even though no signs are erected or in place.

(8) APPLICABILITY TO PEDESTRIAN WAYS. (a) All of the applicable provisions of ch. 346 pertaining to highways, streets, alleys, roadways and sidewalks also apply to pedestrian ways. A pedestrian way means a walk designated for the use of pedestrian travel.

(b) Public utilities may be installed either above or below a pedestrian way, and assessments may be made therefor as if such pedestrian way were a highway, street, alley, roadway or sidewalk.

346.03 APPLICABILITY OF RULES OF THE ROAD TO AUTHORIZED EMERGENCY VEHICLES. (1) The operator of an authorized emergency vehicle, when responding to an emergency call or when in the

pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in subs. (2) to (5).

(2) The operator of an authorized emergency vehicle may:

- (a) Stop, stand or park, irrespective of the provisions of this chapter;
- (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (c) Exceed the speed limit;
- (d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemption granted the operator of an authorized emergency vehicle by sub. (2) (a) applies only when the operator of such vehicle is giving visual signal by means of at least one flashing, oscillating or rotating red light. The exemptions granted by sub. (2) (b), (c) and (d) apply only when the operator of the emergency vehicle is giving both such visual signal and also an audible signal by means of a siren or exhaust whistle, except as otherwise provided in sub. (4).

(4) For the purpose of obtaining evidence of a speed violation, the operator of a police vehicle may exceed the speed limit without giving audible and visual signal but otherwise shall comply with the requirements of sub. (3) relative to the giving of audible and visual signals.

(5) The exemptions granted the operator of an authorized emergency vehicle by this section do not relieve such operator from the duty to drive with due regard under the circumstances for the safety of all persons nor do they protect such operator from the consequences of his reckless disregard for the safety of others.

346.04 OBEDIENCE TO TRAFFIC OFFICERS AND TRAFFIC SIGNS AND SIGNALS REQUIRED. (1) No person shall fail or refuse to comply with any lawful order, signal or direction of a traffic officer.

(2) No operator of a vehicle shall disobey the instructions of any official traffic sign or signal unless otherwise directed by a traffic officer.

DRIVING, MEETING, OVERTAKING AND PASSING

346.05 VEHICLES TO BE DRIVEN ON RIGHT SIDE OF ROADWAY; EXCEPTIONS. (1) Upon all roadways of sufficient width the operator of a vehicle shall drive on the right half of the roadway and in the right-hand lane of a 3-lane highway, except:

(a) When making an approach for a left turn under circumstances in which the rules relating to left turns require driving on the left half of the roadway; or

(b) When overtaking and passing under circumstances in which the rules relating to overtaking and passing permit or require driving on the left half of the roadway; or

(c) When the right half of the roadway is closed to traffic while under construction or repair; or

(d) When overtaking and passing pedestrians, animals or obstructions on the right half of the roadway; or

(e) When driving in a particular lane in accordance with signs or markers designating such lane for traffic moving in a particular direction or at designated speeds; or

(f) When the roadway has been designated and posted for one-way traffic, subject, however, to the rule stated in sub. (3) relative to slow moving vehicles.

(2) The operator of a vehicle actually engaged in constructing or maintaining the highway may operate on the left-hand side of the highway; however, whenever such operation takes place during the hours of darkness the vehicle shall be lighted as required by s. 347.23.

(3) Any vehicle proceeding upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand edge or curb of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

346.06 MEETING OF VEHICLES. Operators of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each operator shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

346.07 OVERTAKING AND PASSING ON THE LEFT. The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules stated in ss. 346.08 to 346.11:

(1) The operator of an overtaking motor vehicle not within a business or residence district shall give audible warning with his warning device before passing or attempting to pass on the left a vehicle proceeding in the same direction.

(2) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(3) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

346.08 WHEN OVERTAKING AND PASSING ON THE RIGHT PERMITTED. The operator of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety and only if he can do so without driving off the pavement or main-traveled portion of the roadway, and then only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn; or

(2) Upon a street or highway with unobstructed pavement of sufficient width to enable 2 or more lines of vehicles lawfully to proceed, at the same time, in the direction in which the passing vehicle is proceeding; or

(3) Upon a one-way street or divided highway with unobstructed pavement of sufficient width to enable 2 or more lines of vehicles lawfully to proceed in the same direction at the same time.

346.09 LIMITATIONS ON OVERTAKING ON LEFT OR DRIVING ON LEFT SIDE OF ROADWAY. (1) Upon any roadway where traffic is permitted to move in both directions simultaneously, the operator of a vehicle shall not drive to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be done in safety. In no case when overtaking and passing on a roadway divided into 4 or more clearly indicated lanes shall the operator of a vehicle drive to the left of the pavement marking indicating allocation of lanes to vehicles moving in the opposite direction or, in the absence of such marking, to the left of the center of the roadway. In no case shall the operator of a vehicle drive in a lane when signs or signals

indicate that such lane is allocated exclusively to vehicles moving in the opposite direction.

(2) Upon any roadway where traffic is permitted to move in both directions simultaneously, the operator of a vehicle shall not drive on the left side of the center of the roadway upon any part of a grade or upon a curve in the roadway where the operator's view is obstructed for such a distance as to create a hazard in the event another vehicle might approach from the opposite direction.

(3) The operator of a vehicle shall not drive on the left side of the center of a roadway on any portion thereof which has been designated a no-passing zone, either by signs or by a yellow unbroken line on the pavement on the right-hand side of and adjacent to the center line of the roadway, provided such signs or lines would be clearly visible to an ordinarily observant person.

346.10 WHEN PASSING AT RAILROAD CROSSING OR INTERSECTION PROHIBITED. (1) The operator of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any railroad crossing unless the roadway is of sufficient width for 2 or more lines of vehicles to lawfully proceed simultaneously in the direction in which such vehicle is proceeding or unless permitted or directed by a traffic officer to pass at such crossing.

(2) Subject to the exception stated in sub. (3), the operator of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any intersection unless the roadway is marked or posted for 2 or more lines of vehicles moving simultaneously in the direction in which such vehicle is proceeding or unless permitted or directed by a traffic officer to pass at such intersection.

(3) Outside of a business or residence district, the restrictions which sub. (2) places upon passing at an intersection apply only if such intersection has been designated by an official traffic sign or signal, regardless of whether such sign or signal was intended to guide, direct, warn or regulate traffic.

346.11 PASSING OR MEETING FRIGHTENED ANIMAL. Whenever a person riding, driving or leading an animal which is frightened gives a signal of distress to the operator of a motor vehicle by a raising of the hand or otherwise, the operator of the motor vehicle shall promptly stop his vehicle unless a movement forward is necessary to avoid an accident or injury and shall, upon request, stop all motive power until such animal is under control.

346.12 DRIVING THROUGH SAFETY ZONES PROHIBITED. The operator of a vehicle shall not at any time drive through or over a safety zone when such safety zone is clearly indicated.

346.13 DRIVING ON ROADWAYS LANED FOR TRAFFIC. Whenever any roadway has been divided into 2 or more clearly indicated lanes, including those roadways divided into lanes by clearly indicated longitudinal joints, the following rules, in addition to all others consistent with this section, apply:

(1) The operator of a vehicle shall drive as nearly as practicable entirely within a single lane and shall not deviate from the traffic lane in which he is driving without first ascertaining that such movement can be made with safety to other vehicles approaching from the rear.

(2) Upon a 2-way roadway which is divided into 3 lanes the operator of a vehicle shall not drive in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclu-

sively to traffic moving in the direction the vehicle is proceeding and is marked or posted to give notice of such allocation.

(3) Notwithstanding sub. (2), when lanes have been marked or posted for traffic moving in a particular direction or at designated speeds, the operator of a vehicle shall drive in the lane designated.

346.14 DISTANCE BETWEEN VEHICLES. (1) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the highway.

(2) Upon a highway outside a business or residence district, the operator of any motor truck with a gross weight of more than 10,000 pounds or of any motor vehicle which is drawing or towing another vehicle where the combined gross weight is more than 10,000 pounds shall keep the vehicle he is operating at a distance of not less than 500 feet to the rear of any vehicle immediately preceding it, being driven in the same direction. This subsection does not apply upon any lane especially designated for use by motor trucks or by truck tractor-semitrailer or tractor-trailer units nor does it apply when overtaking and passing another vehicle, but the fact that the operator of any vehicle or combination of vehicles mentioned in this subsection follows the preceding vehicle more closely than 500 feet for one mile or more or follows more closely than 500 feet when the preceding vehicle is moving at the maximum speed then and there permissible for such following vehicle is prima facie evidence that the operator of such following vehicle is violating this subsection.

346.15 DRIVING ON DIVIDED HIGHWAY. Whenever any highway has been divided into 2 roadways by a parkway or clearly indicated dividing space or by a physical barrier or dividing section so constructed as to impede vehicular traffic, the operator of a vehicle shall drive only to the right of such parkway, dividing space, barrier or section, except through an opening or at a cross-over or intersection established by public authority.

346.16 ENTERING OR LEAVING CONTROLLED-ACCESS HIGHWAY. No person shall drive a vehicle onto or from a controlled-access highway or expressway except through an opening provided for that purpose.

346.17 PENALTY FOR VIOLATING SECTIONS 346.04 to 346.16.

(1) Any person violating any provision of ss. 346.04, 346.06, 346.07 (1), 346.12 or 346.13 (1) or (3) may be fined not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the second or subsequent conviction within a year.

(2) Any person violating any provision of ss. 346.05, 346.07 (2) or (3), 346.08 to 346.11, 346.13 (2) or 346.14 to 346.16 may be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both.

RIGHT OF WAY

346.18 GENERAL RULES OF RIGHT OF WAY. (1) **GENERAL RULE AT INTERSECTIONS.** Except as otherwise expressly provided in this section or in s. 346.19 or 346.20, when 2 vehicles approach or enter an intersection at approximately the same time, the operator of the vehicle on the left shall yield the right of way to the vehicle on the right. The operator of any vehicle driving at an unlawful speed forfeits any right of way which he would otherwise have under this subsection.

(2) **TURNING LEFT AT INTERSECTION.** The operator of a vehicle within an intersection intending to turn to the left across the path of any vehicle approaching from the opposite direction shall yield the right of way to such vehicle.

(3) **RULE AT INTERSECTION WITH THROUGH HIGHWAY.** The operator of a vehicle shall stop as required by s. 346.46 before entering a through highway, and shall yield the right of way to other vehicles which have entered or are approaching the intersection upon the through highway.

(4) **ENTERING HIGHWAY FROM ALLEY OR NON-HIGHWAY ACCESS.** The operator of a vehicle entering a highway from an alley or from a point of access other than another highway shall yield the right of way to all vehicles approaching on the highway which he is entering.

(5) **MOVING FROM PARKED POSITION.** The operator of any vehicle that has been parked or standing shall, while moving such vehicle from such position, yield the right of way to all vehicles approaching on the highway.

346.19 WHAT TO DO ON APPROACH OF EMERGENCY VEHICLE. (1) Upon the approach of any authorized emergency vehicle giving audible signal by siren the operator of a vehicle shall yield the right of way and shall immediately drive such vehicle to a position as near as possible and parallel to the right-hand edge or curb of the roadway, clear of any intersection and, unless otherwise directed by a traffic officer, shall stop and remain standing in such position until the authorized emergency vehicle has passed.

(2) This section does not relieve the operator of an authorized emergency vehicle from the duty to drive with due regard under the circumstances for the safety of all persons using the highway.

346.20 RIGHT OF WAY OF FUNERAL PROCESSIONS. (1) Funeral processions have the right of way at intersections when vehicles comprising such procession have their bright headlights lighted, subject to the following conditions and exceptions:

(a) Operators of vehicles in a funeral procession shall yield the right of way in accordance with s. 346.19 upon the approach of an authorized emergency vehicle giving audible signal by siren;

(b) Operators of vehicles in a funeral procession shall yield the right of way when directed to do so by a traffic officer;

(c) The operator of the leading vehicle in a funeral procession shall comply with stop signs and traffic control signals, but when the leading vehicle has proceeded across an intersection in accordance with such signal or after stopping as required by the stop sign, all vehicles in such procession may proceed without stopping, regardless of the sign or signal.

(2) The operator of a vehicle not in the funeral procession shall not drive his vehicle between the vehicles of the funeral procession, except when authorized to do so by a traffic officer or when such vehicle is an authorized emergency vehicle giving audible signal by siren.

(3) Operators of vehicles not a part of a funeral procession shall not form a procession and have their headlights lighted for the purpose of securing the right of way granted by this section to funeral processions.

346.21 RIGHT OF WAY OF LIVESTOCK. The operator of a motor vehicle shall yield the right of way to livestock being driven over or along any highway but any person in charge of such livestock shall use reasonable care and diligence to open the roadway for vehicular traffic.

346.22 PENALTY FOR VIOLATING SECTIONS 346.18 TO 346.21.

(1) Any person violating any provision of ss. 346.18, 346.20 (1) (b) or (c), (2), (3) or 346.21 may be fined not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the second or subsequent conviction within a year.

(2) Any person violating any provision of ss. 346.19 or 346.20 (1)

(a) may be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both.

RESPECTIVE RIGHTS AND DUTIES OF DRIVERS AND PEDESTRIANS

346.23 CROSSING AT CONTROLLED INTERSECTION OR CROSSWALK. (1) At an intersection or crosswalk where traffic is controlled by traffic control signals or by a traffic officer, the operator of a vehicle shall yield the right of way to a pedestrian crossing or who has started to cross the highway on a green or "GO" or "WALK" signal and in all other cases pedestrians shall yield the right of way to vehicles lawfully proceeding directly ahead on a green or "GO" signal. The rules stated in this subsection are modified at intersections or crosswalks on divided highway or highways provided with safety zones in the manner and to the extent stated in sub. (2).

(2) At intersections or crosswalks on divided highways or highways provided with safety zones where traffic is controlled by traffic control signals or by a traffic officer, the operator of a vehicle shall yield the right of way to a pedestrian who is crossing or has started to cross the roadway either from the near curb or shoulder or from the center dividing strip or safety zone with the green or "GO" or "WALK" signal in his favor but when the signal turns against a pedestrian before he leaves the center dividing space or safety island, he shall yield the right of way to vehicles lawfully proceeding directly ahead on a green or "GO" signal.

346.24 CROSSING AT UNCONTROLLED INTERSECTION OR CROSSWALK. (1) At an intersection or crosswalk where traffic is not controlled by traffic control signals or by a traffic officer, the operator of a vehicle shall yield the right of way to a pedestrian who is crossing the highway within a marked or unmarked crosswalk.

(2) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is difficult for the operator of the vehicle to yield.

(3) Whenever any vehicle is stopped at an intersection or crosswalk to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

346.25 CROSSING AT PLACE OTHER THAN CROSSWALK. Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk shall yield the right of way to all vehicles upon the roadway.

346.26 BLIND PEDESTRIAN ON HIGHWAY. (1) An operator of a vehicle shall stop his vehicle before approaching closer than 10 feet to a pedestrian carrying a cane or walking stick which is white in color or white trimmed with red and which is held in an extended or raised position and shall take such precautions as may be necessary to avoid accident or injury to such pedestrian. The fact that such pedestrian may be violating any of the laws applicable to pedestrians does not relieve the operator of a vehicle from the duties imposed upon him by this subsection.

(2) Nothing in this section shall be construed to deprive any totally or partially blind person not carrying the white or the red and white cane or walking stick of the rights of other pedestrians crossing highways, nor shall the failure of such totally or partially blind pedestrian to carry such cane or walking stick be evidence of any negligence.

(3) No person who is not totally or partially blind shall carry or use on any street, highway or other public place any cane or walking stick which is white in color, or white trimmed with red.

346.27 PERSONS WORKING ON HIGHWAY. The operator of a vehicle shall yield the right of way to persons engaged in maintenance or construction work on a highway whenever he is notified of their presence by flagmen or warning signs.

346.28 PEDESTRIANS TO WALK ON LEFT SIDE OF HIGHWAY ; PEDESTRIANS ON SIDEWALKS. (1) Any pedestrian walking along and upon a highway other than upon a sidewalk shall walk on and along the left side of the highway and upon meeting a vehicle shall, if practicable, step to the extreme outer limit of the traveled portion of the highway.

(2) Operators of vehicles shall yield the right of way to pedestrians on sidewalks as required by s. 346.47.

346.29 WHEN STANDING OR LOITERING IN ROADWAY OR HIGHWAY PROHIBITED. (1) No person shall be on a roadway for the purpose of soliciting a ride from the operator of any vehicle other than a public passenger vehicle.

(2) No person shall stand or loiter on any roadway other than in a safety zone if such act interferes with the lawful movement of traffic.

(3) No person shall be on a bridge or approach thereto for the purpose of utilizing such bridge or approach for fishing or swimming when signs have been erected by the authority in charge of maintenance of the highway indicating that fishing or swimming off of such bridge or approach is prohibited.

346.30 PENALTY FOR VIOLATING SECTIONS 346.23 TO 346.29.

(1) Any person violating any provision of ss. 346.23, 346.24 (2), 346.25, 346.28 or 346.29 may be fined not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the second or subsequent conviction within a year.

(2) Any person violating any provision of s. 346.24 (1) or 346.27 may be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both.

(3) Any person violating any provision of s. 346.26 may be fined not less than \$25 nor more than \$200 or imprisoned not more than 6 months or both for the first offense and may be fined not less than \$50 nor more than \$500 or imprisoned not more than one year in county jail or both for the second or subsequent conviction within a year.

TURNING AND STOPPING AND REQUIRED SIGNALS

346.31 REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTIONS. (1) **TURNS INDICATED BY MARKERS.** Where state or local authorities have placed markers, buttons or signs within or adjacent to an intersection directing traffic turning at such intersection to follow a particular course, the operator of a vehicle turning at such intersection shall comply with such directions. In the absence of such markers, buttons or signs, the operator of a vehicle intending to turn at an intersection shall do as provided in subs. (2) to (4).

(2) **RIGHT TURNS.** Both the approach for a right turn and the right turn shall be made as closely as practicable to the right-hand edge or curb of the roadway. If, because of the size of the vehicle or the nature of the intersecting roadway, the turn cannot be made from the traffic lane next to the right-hand edge of the roadway, the turn shall be made with due regard for all other traffic.

(3) **LEFT TURNS.** Except as otherwise provided in sub. (4), left turns at intersections shall be made as follows:

(a) The approach for a left turn shall be made in that lane farthest to the left which is lawfully available to traffic moving in the direction of travel of the vehicle about to turn left. Unless otherwise marked or posted, this means the lane immediately to the right of the center line or center dividing strip of a 2-way highway and the lane next to the left-hand curb or edge of the roadway of a one-way highway.

(b) The intersection shall be entered in the lane of approach and, whenever practicable, the left turn shall be made in that portion of the

intersection immediately to the left of the center of the intersection. For the purposes of this paragraph, a divided highway intersected by any other highway is considered to be one intersection.

(c) A left turn shall be completed so as to enter the intersecting highway in that lane farthest to the left which is lawfully available to traffic moving in the direction of the vehicle completing the left turn. Unless otherwise marked or posted, this means the lane immediately to the right of the center line or center dividing strip of a 2-way highway and the lane next to the left-hand curb or edge of the roadway of a one-way highway.

(4) LEFT TURNS ON 3-LANE HIGHWAYS. On a 2-way highway having an uneven number of lanes the approach for a left turn shall be made in the center lane thereof, unless otherwise posted or marked. A left turn into a 2-way highway having an uneven number of lanes shall be made so as to enter the highway in the lane immediately to the right of the center lane.

346.32 REQUIRED POSITION FOR TURNING INTO PRIVATE ROAD OR DRIVEWAY. The operator of a vehicle on a highway who intends to turn into a private road or driveway shall make the approach for the turn in the same manner as specified in s. 346.31 for vehicles making an approach for a right or left turn at an intersection. If, because of the size of the vehicle or the nature of the intersecting private road or driveway, the turn cannot be made from the specified lane of approach, the turn shall be made with due regard for all other traffic.

346.33 WHERE TURNS PROHIBITED. (1) The operator of a vehicle shall not turn his vehicle so as to proceed in the opposite direction upon a highway at any of the following places:

(a) At any intersection at which traffic is being controlled by traffic control signals or by a traffic officer;

(b) In mid-block on any street in a business district;

(c) In mid-block on any through highway in a residence district.

(2) The operator of a vehicle shall not back his vehicle into an intersection at which turns are prohibited by sub. (1) (a) for the purpose of turning his vehicle so as to proceed in the opposite direction upon the highway.

(3) In this section, "mid-block" means any part of a street or highway other than an intersection.

346.34 TURNING MOVEMENTS AND REQUIRED SIGNALS ON TURNING AND STOPPING. (1) TURNING. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in s. 346.31, or turn a vehicle to enter a private road or driveway unless the vehicle is in proper position on the roadway as required in s. 346.32, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. In the event any other traffic may be affected by such movement, no person shall so turn any vehicle without giving an appropriate signal in the manner provided in s. 346.35. Such signal shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

(2) STOPPING. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in s. 346.35 to the operator of any vehicle immediately to the rear when there is opportunity to give such signal.

346.35 METHOD OF GIVING SIGNALS ON TURNING AND STOPPING. (1) Whenever a stop or turn signal is required by s. 346.34, such signal may in any event be given by a signal lamp or lamps or mechanical signal device of a type meeting the specifications set forth in s.

347.15. Except as provided in sub. (2), such signals also may be given by the hand and arm in lieu of or in addition to signals by signal lamp or mechanical signal device. When given by hand and arm, such signals shall be given from the left side of the vehicle in the following manner and shall indicate as follows:

- (a) Left turn—Hand and arm extended horizontally.
- (b) Right turn—Hand and arm extended upward.
- (c) Stop or decrease speed—Hand and arm extended downward.

(2) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle and also to any combination of vehicles.

346.36 PENALTY FOR VIOLATING SECTIONS 346.31 TO 346.35. Any person violating any provision of ss. 346.31 to 346.35 may be fined not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the second or subsequent conviction within a year.

TRAFFIC SIGNS, SIGNALS AND MARKINGS

346.37 TRAFFIC-CONTROL SIGNAL LEGEND. (1) Whenever traffic is controlled by traffic control signals exhibiting the words "Go," "Caution" or "Stop" or exhibiting different colored lights successively, or with arrows, the following colors shall be used and such terms and lights indicate and apply to operators of vehicles and pedestrians as follows:

(a) **GREEN OR "Go."** 1. Vehicular traffic facing a green or "Go" signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn, but vehicular traffic shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

2. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(b) **YELLOW OR "CAUTION."** When shown with or following the green, traffic facing a yellow or "Caution" signal shall stop before entering the intersection unless so close to it that a stop cannot be made in safety.

(c) **RED OR "STOP."** 1. Vehicular traffic facing a red or "Stop" signal shall stop before entering the crosswalk on the near side of an intersection, or if none, then before entering the intersection or at such other point as may be indicated by a clearly visible sign or marking and shall remain standing until green or "Go" or other signal permitting movement is shown.

2. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(d) **GREEN ARROW.** 1. Vehicular traffic facing a green arrow signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

2. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(2) In the event an official traffic signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

346.38 PEDESTRIAN CONTROL SIGNALS. Whenever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" are in place such signals indicate as follows:

(1) **WALK.** A pedestrian facing a "Walk" signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the operators of all vehicles.

(2) **WAIT OR DON'T WALK.** No pedestrian shall start to cross the roadway in the direction of a "Wait" or "Don't Walk" signal, but any pedestrian who has partially completed his crossing on the walk signal may proceed to a sidewalk or safety island while the wait signal is showing.

346.39 FLASHING SIGNALS. Whenever flashing red or yellow signals are used they require obedience by vehicular traffic as follows:

(1) **FLASHING RED (STOP SIGNAL).** When a red lens is illuminated with rapid intermittent flashes, operators of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed is subject to the rules applicable after making a stop at a stop sign.

(2) **FLASHING YELLOW (CAUTION SIGNAL).** When a yellow lens is illuminated with rapid intermittent flashes, operators of vehicles may proceed through the intersection or past such signal only with caution.

346.40 WHISTLE SIGNALS. (1) Whenever traffic is alternately being directed to stop and to proceed by a traffic officer using a whistle, such officer shall use the following whistle signals which shall signify as follows:

(a) One blast of the whistle means that all traffic not within the intersection shall stop.

(b) Two blasts of the whistle means that traffic which had been stopped prior to the one blast shall proceed through the intersection and that the traffic which was stopped by the one blast shall remain stopped.

(2) The traffic officer shall regulate the interval between the one and the 2 blasts so as to permit traffic that is legally within the intersection to clear the intersection.

346.41 DISPLAY OF UNAUTHORIZED SIGNS AND SIGNALS PROHIBITED. (1) No person shall place, maintain or display upon or in view of any highway or at or in view of any railroad crossing any unauthorized sign, light, reflector, signal, marking or device which:

(a) Purports to be or is an imitation of or resembles or may be mistaken for an official traffic sign or signal or railroad sign or signal; or

(b) Attempts to direct the movement of traffic; or

(c) Hides from view or by its color, location, brilliance or manner of operation interferes with the effectiveness of any official traffic sign or signal or railroad sign or signal.

(2) No person shall place or maintain nor shall any public authority permit upon any highway any traffic control device bearing thereon any advertising except that a federal yellow flag, 24 inches square and bearing either the words "Safety Patrol" or "School," attached to a light weight pole 8 feet or less in length may be used by members of school safety patrols standing adjacent to but off the roadway to warn traffic that children are about to cross the roadway.

346.42 INTERFERENCE WITH SIGNS AND SIGNALS PROHIBITED. No person shall intentionally damage, deface, move, or obstruct an official traffic sign or signal or intentionally interfere with the effective operation of such sign or signal.

346.43 PENALTY FOR VIOLATING SECTIONS 346.37 TO 346.42.

(1) Any person violating any provision of ss. 346.37 to 346.39 may be fined not less than \$10 nor more than \$20 for the first offense and not

less than \$25 nor more than \$50 for the second or subsequent conviction within a year.

(2) Any person violating any provision of s. 346.42 may be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both.

(3) Any person violating any provision of s. 346.41 may be fined not less than \$25 nor more than \$200 or imprisoned not more than 6 months or both for the first offense and may be fined not less than \$50 nor more than \$500 or imprisoned not more than one year in county jail or both for the second or subsequent conviction within a year.

REQUIRED STOPS

346.44 ALL VEHICLES TO STOP AT SIGNAL INDICATING APPROACH OF TRAIN. (1) The operator of a vehicle shall not drive on or across a railroad crossing under any of the following circumstances:

- (a) While any traffic officer or railroad employe signals to stop;
- (b) While any warning device signals to stop, except that if the operator of the vehicle after stopping and investigating finds that no railroad train is approaching he may proceed.

(2) The operator of a vehicle shall not drive through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

346.45 CERTAIN VEHICLES TO STOP AT ALL RAILROAD CROSSINGS. (1) The operator of any of the following vehicles shall stop such vehicle before driving on or across any main line track at a railroad crossing, whether or not any person or device signals to stop:

(a) A vehicle being operated by or for a common motor carrier as defined in s. 194.01 (5), when actually engaged in carrying passengers for hire.

(b) A school bus carrying school children to or from school or carrying school children in connection with any extracurricular school activity.

(c) A vehicle carrying flammable liquids in quantities over 100 gallons, "flammable liquid" meaning any liquid which has a flash point of 80° F. or less as determined by a Tagliabue or equivalent closed-cup test device.

(2) Every stop required by this section shall be made at least 15 but not more than 50 feet from the nearest rail of the main line tracks of such railroad. While the vehicle is so stopped, the operator shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train. After stopping and upon proceeding when it is safe to do so, the operator of such vehicle shall cross only in such gear of the vehicle as will make it unnecessary to manually shift gears while traversing the crossing and he shall not shift gears while traversing the crossing.

(3) This section does not apply at crossings with interurban railroad tracks which are laid on or along streets within the corporate limits of a city or village.

(4) The school board or public service commission may refuse to accept the bond of any person who has been convicted of a violation of this section and may cancel any such bond theretofore issued if it believes that the safety of the public requires such action.

346.46 VEHICLES TO STOP AT STOP SIGNS. (1) Every operator of a vehicle approaching an official stop sign at an intersection shall cause such vehicle to stop before entering the intersection except when directed to proceed by a traffic officer or traffic control signal.

(2) Stops required by sub. (1) shall be made in the following manner:

(a) If there is a clearly marked stop line, the operator shall stop his vehicle immediately before crossing such line.

(b) If there is no clearly marked stop line, the operator shall stop his vehicle immediately before entering the crosswalk on the near side of the intersection.

(c) If there is neither a clearly marked stop line nor a marked or unmarked crosswalk at the intersection or if the operator cannot efficiently observe traffic on the intersecting roadway from the stop made at the stop line or crosswalk, he shall, before entering the intersection, stop his vehicle at such point as will enable him to efficiently observe the traffic on the intersecting roadway.

(3) Every operator of a vehicle approaching an official stop sign at a railroad crossing shall, before proceeding on or over such crossing, stop his vehicle not less than 10 nor more than 30 feet from the nearest rail.

346.47 WHEN VEHICLES USING ALLEY OR NONHIGHWAY ACCESS TO STOP. (1) The operator of a vehicle emerging from an alley or about to cross or enter a highway from any point of access other than another highway shall stop such vehicle immediately prior to moving on to the sidewalk or on to the sidewalk area extending across the path of such vehicle and shall yield the right of way to any pedestrian and upon crossing or entering the roadway shall yield the right of way to all vehicles approaching on such roadway.

(2) The operator of a vehicle on an alley shall stop such vehicle immediately before crossing or entering an intersecting alley, whether or not such intersecting alley crosses the alley on which the vehicle is being operated.

346.48 VEHICLES TO STOP FOR SCHOOL BUSES LOADING OR UNLOADING CHILDREN. (1) The operator of a vehicle upon meeting or overtaking from the front or rear any school bus which has stopped on a street or highway for the purpose of loading or unloading any school children, shall stop the vehicle immediately upon the display of flashing red signals by the operator of the school bus and shall remain stopped until the school bus operator extinguishes the flashing red signals. This subsection does not apply to vehicles proceeding in the opposite direction of a school bus on the opposite side of a divided highway.

(2) The operator of a school bus shall not use the flashing red signals in the built-up areas of cities, villages or towns where passengers are to be loaded or unloaded from a curb or sidewalk or in special bus loading areas. When a school bus is being used upon a highway for purposes other than the actual transportation of children as provided in ss. 40.53 to 40.57, the flashing red signals shall not be used and all markings thereon indicating it is a school bus shall be removed or concealed.

346.49 PENALTY FOR VIOLATING SECTIONS 346.44 to 346.48.

(1) Any person violating any provision of s. 346.46 or 346.47 may be fined not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the second or subsequent conviction within a year.

(2) Any person violating any provision of ss. 346.44, 346.45 or 346.48 may be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both.

RESTRICTIONS ON STOPPING AND PARKING

346.50 EXCEPTIONS TO STOPPING AND PARKING RESTRICTIONS. (1) The prohibitions against stopping or leaving a vehicle stand contained in ss. 346.51 to 346.54 and 346.55 (1) and (3) do not apply when:

(a) The vehicle becomes disabled while on the highway in such a manner or to such an extent that it is impossible to avoid stopping or temporarily leaving the vehicle in the prohibited place; or

(b) The stopping of the vehicle is necessary to avoid conflict with other traffic or to comply with traffic regulations or the directions of a traffic officer or traffic control sign or signal.

(2) An automobile bearing a special registration plate issued pursuant to s. 341.14 (1) to a disabled war veteran is exempt from any ordinance imposing time limitations on parking but otherwise is subject to the laws relating to parking. Parking privileges granted by this subsection are limited to the person to whom the special plate was issued and to qualified operators acting under his express direction.

346.51 STOPPING, STANDING OR PARKING OUTSIDE OF BUSINESS OR RESIDENCE DISTRICTS. (1) No person shall park, stop or leave standing any vehicle, whether attended or unattended, upon the roadway of any highway outside a business or residence district when it is practical to park, stop or leave such vehicle standing off the roadway, but even the parking, stopping or standing of a vehicle off the roadway of such highway is unlawful unless the following requirements are met:

(a) An unobstructed width of at least 15 feet upon the roadway of such highway must be left opposite such standing vehicle for the free passage of other vehicles; and

(b) Such standing vehicle must be capable of being seen by operators of other vehicles from a distance of 500 feet in each direction along such highway.

(2) This section also applies to vehicles or equipment used in highway maintenance or construction work unless the nature of the work is such as to require the stopping or standing of the vehicle or equipment on the roadway.

346.52 STOPPING PROHIBITED IN CERTAIN SPECIFIED PLACES. (1) No person shall stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, in any of the following places:

(a) Within an intersection;

(b) On a crosswalk;

(c) Between a safety zone and the adjacent curb, or within 15 feet of a point on the curb immediately opposite the end of a safety zone unless a different distance is clearly indicated by an official traffic sign or marker or parking meter;

(d) On a sidewalk or sidewalk area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters;

(e) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway;

(f) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers;

(g) Within 15 feet of the driveway entrance to a fire station or directly across the highway from such entrance;

(h) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.

(2) During the hours of 7:30 a.m. to 4:30 p.m. during school days, no person shall stop or leave any vehicle standing, whether temporarily or otherwise, upon the near side of a through highway adjacent to a school house used for any children below the ninth grade. If the highway adjacent to such schoolhouse is not a through highway, the operator

of a vehicle may stop upon the near side thereof during such hours, provided such stopping is temporary and only for the purpose of receiving or discharging passengers.

346.53 PARKING PROHIBITED IN CERTAIN SPECIFIED PLACES. No person shall stop or leave any vehicle standing in any of the following places except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of an emergency or to avoid obstruction of traffic:

- (1) In a loading zone;
- (2) In an alley in a business district;
- (3) Within 10 feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign;
- (4) Within 4 feet of the entrance to an alley or a private road or driveway;
- (5) Closer than 15 feet to the near limits of a crosswalk;
- (6) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.

346.54 HOW TO PARK ON STREETS. (1) Upon streets where stopping or parking is authorized or permitted, a vehicle is not lawfully stopped or parked unless it complies with the following requirements:

(a) Upon a street where traffic is permitted to move in both directions simultaneously and where angle parking is not clearly designated by official traffic signs or markers, a vehicle must be parked parallel to the edge of the street, headed in the direction of traffic on the right side of the street;

(b) Upon a one-way street or divided street where parking on the left side of the roadway is clearly authorized by official traffic signs or markers, vehicles shall be parked as indicated by such markers;

(c) Upon streets where angle parking is clearly authorized by official traffic signs or markers, vehicles shall be parked at the angle and within the spaces indicated.

(d) In parallel parking, a vehicle shall be parked facing in the direction of traffic with the right wheels within 12 inches of the curb or edge of the street when parked on the right side and with the left wheels within 12 inches of the curb or edge of the street when parked on the left side. In parallel parking, a vehicle shall be parked with its front end at least 2 feet from the vehicle in front and with its rear end at least 2 feet from the vehicle in the rear, unless a different system of parallel parking is clearly indicated by official traffic signs or markers.

(2) No person shall stop or leave a vehicle standing in violation of this section.

346.55 OTHER RESTRICTIONS ON PARKING. (1) No person shall stop or leave standing any vehicle on the left side of a highway except as provided in s. 346.54.

(2) No person shall stop or leave standing upon any highway any vehicle displayed for sale.

(3) No person shall, without the permission of the owner or lessee of any private property, leave or park any motor vehicle thereon if there is in plain view on such property a "No Parking" sign.

346.56 PENALTY FOR VIOLATING SECTIONS 346.51 TO 346.55.

(1) Any person violating any provision of ss. 346.52 to 346.54 or 346.55 (3) may be fined not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the second or subsequent conviction within a year.

(2) Any person violating any provision of s. 346.51 or 346.55 (1) or (2) may be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both.

SPEED RESTRICTIONS

346.57 SPEED RESTRICTIONS. (1) DEFINITIONS. In this section, the following terms have the designated meanings:

(a) "Outlying district" means the territory contiguous to and including any highway within the corporate limits of a city or village where on each side of the highway within any 1,000 feet along such highway the buildings in use for business, industrial or residential purposes fronting thereon average more than 200 feet apart.

(b) "Semiurban district" means the territory contiguous to and including any highway where on either side of the highway within any 1,000 feet along such highway the buildings in use for business, industrial or residential purposes fronting thereon average not more than 200 feet apart or where the buildings in use for such purposes fronting on both sides of the highway considered collectively average not more than 200 feet apart.

(2) REASONABLE AND PRUDENT LIMIT. No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of a vehicle shall be so controlled as may be necessary to avoid colliding with any object, person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and using due care.

(3) CONDITIONS REQUIRING REDUCED SPEED. The operator of every vehicle shall, consistent with the requirements of sub. (2), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, when passing school children, highway construction or maintenance workers or other pedestrians, and when special hazard exists with regard to other traffic or by reason of weather or highway conditions.

(4) FIXED LIMITS. In addition to complying with the speed restrictions imposed by subs. (2) and (3), no person shall drive a vehicle at a speed in excess of the following limits unless different limits are indicated by official traffic signs:

(a) 15 miles per hour when passing a schoolhouse at those times when children are going to or from school or are playing within the sidewalk area at or about the school.

(b) 15 miles per hour when passing an intersection properly marked with a "school crossing" sign of a type approved by the state highway commission when children are crossing or are about to cross the highway.

(c) 15 miles per hour when passing a safety zone occupied by pedestrians and at which a public passenger vehicle has stopped for the purpose of receiving or discharging passengers.

(d) 15 miles per hour in any alley.

(e) 25 miles per hour on any highway within the corporate limits of a city or village, other than on highways in outlying districts in such city or village.

(f) 35 miles per hour in any outlying district within the corporate limits of a city or village.

(g) 35 miles per hour on any highway in a semiurban district outside the corporate limits of a city or village.

(h) In the absence of any other fixed limits or the posting of limits as required or authorized by law, 55 miles per hour during hours of darkness and 65 miles per hour at other times.

(5) ~~ZONED AND POSTED LIMITS.~~ In addition to complying with the speed restrictions imposed by sub. (2) and (3), no person shall drive a vehicle in excess of any speed limit established pursuant to law by state or local authorities and indicated by official signs.

(6) ~~CERTAIN STATUTORY LIMITS TO BE POSTED.~~ On state trunk highways and connecting streets and on county trunk highways or highways marked and signed as county trunks, the speed limits specified in sub. (4) (e) and (f) are not effective unless official signs giving notice thereof have been erected by the authority in charge of maintenance of the highway in question. The speed limit specified in sub. (4) (g) is not effective on any highway unless official signs giving notice thereof have been erected by the authority in charge of maintenance of the highway in question. The signs shall be erected at such points as the authority in charge of maintenance deems necessary to give adequate warning to users of the highway in question, but an alleged failure to post a highway as required by this subsection is not a defense to a prosecution for violation of the speed limits specified in sub. (4) (e), (f) or (g), or in an ordinance enacted in conformity therewith, if official signs giving notice of the speed limit have been erected at those points on the highway in question where a person traversing such highway would enter it from an area where a different speed limit is in effect.

346.58 SPECIAL SPEED RESTRICTIONS FOR CERTAIN VEHICLES. In addition to complying with other speed restrictions imposed by law, no person shall drive any of the following types of vehicles at a speed in excess of the limits fixed by this section:

(1) 15 miles per hour for any vehicle equipped with metal or solid rubber tires. "Metal tire" means a tire the surface of which in contact with the highway is wholly or partially of metal or other hard, nonresilient material; "solid rubber tire" means a tire made of rubber but not inflated with compressed air.

(2) 45 miles per hour for any commercial vehicle or combination of commercial vehicles, except busses, having a gross weight of more than 10,000 pounds.

346.59 MINIMUM SPEED REGULATION. (1) No person shall drive a motor vehicle at a speed so slow as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or is necessary to comply with the law.

(2) The operator of a vehicle moving at a speed so slow as to impede the normal and reasonable movement of traffic shall, if practicable, yield the roadway to an overtaking vehicle whenever the operator of the overtaking vehicle gives audible warning with his warning device and shall move at a reasonably increased speed or yield the roadway to overtaking vehicles when directed to do so by a traffic officer.

346.60 PENALTY FOR VIOLATING SECTIONS 346.57 TO 346.59.

(1) Any person violating any provision of s. 346.59 may be fined not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the second or subsequent conviction within a year.

(2) Any person violating any provision of s. 346.57 (4) (d) to (h) or (5) or 346.58 may be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both.

(3) Any person violating any provision of s. 346.57 (2), (3) or (4) (a) to (c) may be fined not less than \$25 nor more than \$200 or imprisoned not more than 6 months or both for the first offense and may be fined not less than \$50 nor more than \$500 or imprisoned not more than one year in county jail or both for the second or subsequent conviction within a year.

RECKLESS AND DRUNKEN DRIVING

346.61 APPLICABILITY OF SECTIONS RELATING TO RECKLESS AND DRUNKEN DRIVING. In addition to being applicable upon highways, ss. 346.62 to 346.64 are applicable upon all premises held out to the public for use of their motor vehicles, whether such premises are publicly or privately owned and whether or not a fee is charged for the use thereof.

346.62 RECKLESS DRIVING. (1) It is unlawful for any person to endanger the safety of his own person or property or the safety of another's person or property by a high degree of negligence in the operation of a vehicle.

(2) It is unlawful for any person to cause injury to another person by a high degree of negligence in the operation of a vehicle.

(3) A high degree of negligence is conduct which demonstrates ordinary negligence to a high degree consisting of an act which the person should realize creates a situation of unreasonable risk and high probability of death or great bodily harm to another.

346.63 OPERATING UNDER INFLUENCE OF INTOXICANT.

(1) It is unlawful for any of the following to operate a motor vehicle:

(a) A person who is under the influence of an intoxicant or under the influence of a dangerous or narcotic drug;

(b) A person who is an habitual user of dangerous or narcotic drugs;

(c) A person who is subject to epilepsy and who does not hold a valid operator's license issued pursuant to s. 343.09.

(2) It is unlawful for any person to cause injury to another person by the negligent operation of a vehicle while under the influence of an intoxicant. No person shall be convicted under this subsection except upon proof of causal negligence in addition to such operation while under the influence of an intoxicant.

(3) In this section, "dangerous drug" means any drug enumerated in s. 151.07 (1) (a) 1 to 8.

346.64 EMPLOYMENT OF DRUNKEN OPERATORS. (1) No person who owns or has direct control of any vehicle operated upon a highway for the conveyance of passengers for hire shall employ as an operator of such vehicle and retain in his employment any person who is addicted to the excessive use of intoxicating liquor or to the use of a narcotic or dangerous drug. In addition to being subject to fine or imprisonment as prescribed by law, such person shall forfeit \$5 for each day such operator is retained in his employ.

(2) Upon conviction of an operator of any vehicle operated for the conveyance of passengers for hire, for operating such vehicle while under the influence of an intoxicant, the owner or person having direct control of such vehicle shall discharge such operator from such employment. No person shall employ or retain in employment as an operator of a vehicle operated upon a highway for the conveyance of passengers for hire any person who has been so convicted within the preceding 6-month period. In addition to being subject to fine or imprisonment as prescribed by law, such person shall forfeit \$5 for each day such operator is retained in his employ contrary to the provisions of this subsection.

346.65 PENALTY FOR VIOLATING SECTIONS 346.62 TO 346.64.

(1) Any person violating any provision of s. 346.62 (1) or 346.64 may be fined not less than \$25 nor more than \$200 or imprisoned not more than 6 months or both for the first offense and, for the second or subsequent violation of s. 346.62 (1) within 4 years and the second or subsequent violation of s. 346.64 within one year, may be fined not less than \$50

nor more than \$500 or imprisoned not more than one year in county jail or both.

(2) Any person violating s. 346.63 (1) may be fined not more than \$200 or imprisoned not more than 6 months or both for the first offense and, upon the second or subsequent conviction within 5 years, shall be imprisoned not less than 5 days nor more than one year and in addition may be fined not more than \$200.

(3) Any person violating any provision of s. 346.62 (2) or 346.63 (2) may be imprisoned in county jail for not less than 30 days nor more than one year.

ACCIDENTS AND ACCIDENT REPORTS

346.66 APPLICABILITY OF SECTIONS RELATING TO ACCIDENTS AND ACCIDENT REPORTING. In addition to being applicable upon highways, ss. 346.67 to 346.70 are applicable upon all premises held out to the public for use of their motor vehicles, whether such premises are publicly or privately owned and whether or not a fee is charged for the use thereof. Such sections do not apply to accidents involving only vehicles propelled by human power or drawn by animals.

346.67 DUTY UPON STRIKING PERSON OR ATTENDED OR OCCUPIED VEHICLE. (1) The operator of any vehicle involved in an accident resulting in injury to or death of any person or in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the following requirements:

(a) He shall give his name, address and the registration number of the vehicle he is driving to the person struck or to the operator or occupant of or person attending any vehicle collided with; and

(b) He shall, upon request and if available, exhibit his operator's license to the person struck or to the operator or occupant of or person attending any vehicle collided with; and

(c) He shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

346.68 DUTY UPON STRIKING UNATTENDED VEHICLE. The operator of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the operator and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck, a written notice giving the name and address of the operator and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

346.69 DUTY UPON STRIKING PROPERTY ON OR ADJACENT TO HIGHWAY. The operator of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's license and shall make report of such accident when and as required in s. 346.70.

346.70 DUTY TO REPORT ACCIDENT. (1) **IMMEDIATE NOTICE OF ACCIDENT.** The operator of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an adjacent

extent of \$100 or more shall immediately by the quickest means of communication give notice of such accident to the police department, the sheriff's department or the traffic department of the county or municipality in which the accident occurred or to a state traffic patrol officer. In this subsection, "injury" means injury to a person of a physical nature resulting in death or the need of first aid or attention by a physician or surgeon, whether or not first aid or medical or surgical treatment was actually received; "total property damage" means the sum total cost of putting the property damaged in the condition it was before the accident, if repair thereof is practical, and if not practical, the sum total cost of replacing such property.

(2) **WRITTEN REPORT OF ACCIDENT.** Within 10 days after an accident of the type described in sub. (1), the operator of a vehicle involved in such accident shall forward a written report of the accident to the motor vehicle department. Any occupant or owner of the vehicle or witness of the accident shall make written reports to the department when and if required to do so by the department. Every accident report required to be made in writing shall be made on the appropriate form approved by the department and shall contain all of the information required therein unless not available.

(3) **WHO TO REPORT WHEN OPERATOR UNABLE.** Whenever the operator of a vehicle is physically incapable of giving the notice and making the report required by subs. (1) and (2), and there was another occupant in the vehicle at the time of the accident capable of giving the notice and making the report, such occupant shall give or cause such notice to be given and shall make the report. If there is no other occupant of the vehicle or if such occupant is physically or mentally incapable of giving the notice and making the report, the owner of the vehicle involved in the accident shall, as soon as he learns of the accident, give the notice and make the report required by subs. (1) and (2).

(4) **FALSIFYING REPORTS.** No person shall falsely make and file any accident report or knowingly make a false statement in any accident report which is filed pursuant to this section.

346.71 CORONERS TO REPORT. Every coroner or other official performing like functions shall on or before the tenth day of each month report in writing to the motor vehicle department the death of any person within his jurisdiction during the preceding calendar month as the result of an accident involving a motor vehicle and the circumstances of such accidents.

346.72 GARAGES TO KEEP RECORD OF REPAIRS OF ACCIDENT DAMAGE. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident shall keep a record of the date such vehicle is brought in and the nature of the repair, the name and address of the owner, and the make, year and registration number of the vehicle. Such record shall be kept in the place of business during business hours and shall be open to inspection by any traffic officer. Shop records normally kept by garages and repair shops are adequate for the purpose of this section if they contain the information specified in this section.

346.73 ACCIDENT REPORTS CONFIDENTIAL. (1) All required written accident reports, including those required by county and municipal authorities and reports supplemental thereto, are without prejudice to the individual so reporting. Reports made to the motor vehicle department are for the confidential use of the department and for the confidential use of the state highway commission for highway engineering purposes. Written reports made to county and municipal authorities are for the confidential use of such authorities. Notwithstanding the confidential nature

of written accident reports, the motor vehicle department or county or municipal authority may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.

(2) No written accident report required to be filed with the motor vehicle department or with a county or municipal authority shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has or claims to have made such a report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirement that such a report be made to the department.

346.74 PENALTY FOR VIOLATING SECTIONS 346.67 TO 346.73.

(1) Any person violating any provision of s. 346.72 may be fined not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the second or subsequent conviction within a year.

(2) Any person violating any provision of ss. 346.70 (1), (2) or (3), 346.71 or 346.73 may be fined not less than \$20 nor more than \$200 for the first offense and not less than \$50 nor more than \$500 for the second or subsequent conviction within a year.

(3) Any person violating any provision of s. 346.68 or 346.69 may be fined not more than \$200 or imprisoned not more than 6 months or both.

(4) Any person violating s. 346.70 (4) may be fined not less than \$25 nor more than \$50 or imprisoned not less than 30 nor more than 60 days or both.

(5) Any person violating any provision of s. 346.67 may be fined not more than \$200 or imprisoned not more than 6 months or both if the accident did not involve death or injury to a person and may be fined not less than \$5 nor more than \$5,000 or imprisoned not less than 10 days nor more than one year if the accident involved death or injury to a person.

BICYCLES AND PLAY VEHICLES

346.77 RESPONSIBILITY OF PARENT OR GUARDIAN FOR VIOLATION OF BICYCLE AND PLAY VEHICLE REGULATIONS. No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of ss. 346.78 to 346.81.

346.78 PLAY VEHICLES NOT TO BE USED ON ROADWAY. No person riding upon any coaster, roller skates, sled, toboggan or toy vehicle shall attach the same or himself to any vehicle upon a roadway or go upon any roadway except while crossing a roadway at a crosswalk.

346.79 SPECIAL RULES APPLICABLE TO BICYCLES. Whenever a bicycle is operated upon a highway, the following rules apply:

(1) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(2) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(3) No person operating a bicycle shall carry any package, bundle or article which prevents the operator from keeping at least one hand upon the handle bars.

(4) No person riding a bicycle shall attach himself or his bicycle to any vehicle upon a roadway.

346.80 RIDING BICYCLE ON ROADWAY. (1) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(2) Persons riding bicycles upon a roadway shall ride single file.

(3) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

346.81 LAMPS AND OTHER EQUIPMENT ON BICYCLES. (1) No person shall operate a bicycle upon a highway during nighttime unless such bicycle is equipped with a lamp on the front emitting a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear so mounted and maintained as to be visible from all distances from 50 to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 300 feet to the rear may be used in addition to the red reflector.

(2) No person shall operate a bicycle upon a highway unless it is equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement and with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, but a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

346.82 PENALTY FOR VIOLATING SECTIONS 346.77 TO 346.81. (1) Any person violating any provision of ss. 346.77, 346.79 (1) to (3), 346.80 or 346.81 (2) may be fined not more than \$20.

(2) Any person violating any provision of ss. 346.78 or 346.79 (4) may be fined not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the second or subsequent conviction within a year.

(3) Any person violating s. 346.81 (1) may be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both.

MISCELLANEOUS RULES

346.87 LIMITATIONS ON BACKING. The operator of a vehicle shall not back the same unless such movement can be made with reasonable safety.

346.88 OBSTRUCTION OF OPERATOR'S VIEW OR DRIVING MECHANISM. (1) No person shall drive a vehicle when it is so loaded or when there are in the front seat such number of persons, or any persons so situated, as to obstruct the view of the operator to the front or to the sides or as to interfere with the operator having free use of both hands and feet to the operating mechanisms or controls of the vehicle.

(2) No passenger in a vehicle shall ride in such a position as to interfere with the operator's view ahead or to the sides or to interfere with the operator's control of the operating mechanism of the vehicle.

(3) No person shall operate any motor vehicle upon a highway with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows of such vehicle other than a certificate or other paper authorized by law to be so displayed or a safety inspection sticker.

(4) The windshield, side wings and side and rear windows of a motor vehicle shall be kept reasonably clean at all times.

346.89 INATTENTIVE DRIVING. (1) No person while driving a motor vehicle shall be so engaged or occupied as to interfere with the safe driving of such vehicle.

(2) No person shall drive any motor vehicle equipped with any device for visually receiving a television broadcast when such device is located in the motor vehicle at any point forward of the back of the operator's seat or when such device is visible to the operator while driving the motor vehicle.

346.90 FOLLOWING EMERGENCY VEHICLE. The operator of any vehicle other than one on official business shall not follow an authorized emergency vehicle responding to a call or alarm closer than 500 feet or drive into or park his vehicle within the block where fire apparatus has stopped in response to an alarm.

346.91 CROSSING FIRE HOSE. No person without the consent of the fire department official in command shall drive a vehicle over any unprotected hose of a fire department when such hose is laid down on any street, private driveway or streetcar track to be used at any fire or alarm of fire.

346.92 ILLEGAL RIDING. (1) No person shall drive a vehicle when any person other than an employe engaged in the necessary discharge of his duty is upon any portion thereof not designed or intended for the use of passengers.

(2) No person other than an employe engaged in the necessary discharge of his duty shall ride upon any portion of a vehicle not designed or intended for the use of passengers.

(3) This section does not apply to persons riding within truck bodies in spaces intended for merchandise or to the operator of any such vehicle.

346.94 MISCELLANEOUS PROHIBITED ACTS. (1) **DRIVING ON SIDEWALK.** The operator of a vehicle shall not drive upon any sidewalk area except at a permanent or temporarily established driveway unless permitted to do so by the local authorities.

(2) **RACING.** No operator of a motor vehicle shall participate in any race or speed or endurance contest upon any highway.

(3) **LEADING ANIMAL FROM MOTOR VEHICLE.** No person shall lead any animal upon a highway from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.

(4) **THROWING MISSILE IN VEHICLE.** No person shall throw any missile, circular or pamphlet at the occupants of any vehicle or throw or place any missile, circular or pamphlet in or on any vehicle, whether or not the vehicle is occupied.

(5) **PLACING INJURIOUS SUBSTANCE ON HIGHWAY.** No person shall place or cause to be placed upon a highway any foreign substance which is or may be injurious to any vehicle or part thereof.

(6) **THROWING DEBRIS ON HIGHWAY.** No person shall throw or deposit any type of debris or waste material on or along any highway.

(7) **PAINTING VEHICLE TO RESEMBLE SCHOOL BUS.** No owner of any vehicle using the highways for purposes other than the transportation of school children shall paint or in any way designate his vehicle in the manner described in s. 40.59.

(8) **TRANSPORTING PERSONS IN MOBILE HOMES.** No person shall operate a motor vehicle propelling any mobile home upon a highway when any person is in such mobile home.

(9) **ALIGHTING FROM OR BOARDING MOVING VEHICLE.** No person shall alight from or board any vehicle when such vehicle is in motion.

(10) **CLINGING TO MOVING VEHICLE.** No person riding upon a motor driven cycle shall attach the same or himself to any other moving vehicle upon a highway.

346.95 PENALTY FOR VIOLATING SECTIONS 346.87 TO 346.94.

(1) Any person violating any provision of ss. 346.87, 346.88, 346.89 (2), 346.90 to 346.92 or 346.94 (1), (6), (9) or (10) may be fined not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the second or subsequent conviction within a year.

(2) Any person violating s. 346.89 (1) or 346.94 (2) to (5), (7) or (8) may be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both.

CHAPTER 347
EQUIPMENT OF VEHICLES

GENERAL PROVISIONS

347.01 WORDS AND PHRASES DEFINED. Words and phrases defined in s. 340.01 are used in the same sense in this chapter unless a different definition is specifically provided.

347.02 APPLICABILITY OF CHAPTER. (1) No provision of this chapter requiring vehicles to be equipped in a particular manner is applicable to any of the following vehicles unless the vehicle is expressly included within or made subject to the particular provision:

- (a) Farm tractors and self-propelled farm implements;
- (b) Implements of husbandry;
- (c) Vehicles drawn by animals;
- (d) Road machinery or a trailer or semitrailer used to transport road machinery;
- (e) Bicycles.
- (f) Trackless trolley busses purchased prior to July 1, 1958.

(2) No provision of this chapter requiring or prohibiting certain types of equipment on a vehicle is applicable when such vehicle is not operated upon or occupying a highway.

(3) Nothing in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with this chapter.

347.03 SALE OF PROHIBITED EQUIPMENT UNLAWFUL. No person shall sell for highway use any device, appliance, accessory or replacement part the use of which on a motor vehicle is unlawful.

347.04 OWNER RESPONSIBLE FOR IMPROPERLY EQUIPPED VEHICLE. Any owner of a vehicle not equipped as required by this chapter who knowingly causes or permits such vehicle to be operated on a highway in violation of this chapter is guilty of the violation the same as if he had operated the vehicle himself.

347.05 RECIPROCITY AGREEMENTS AS TO EQUIPMENT. (1) The motor vehicle commissioner, with the approval of the governor, is authorized to enter into reciprocal agreements with the duly authorized representatives of other jurisdictions exempting the residents of those jurisdictions from details of vehicle equipment requirements of this state which are particularly burdensome to residents of such other jurisdictions operating vehicles in this state, provided the law of such other jurisdiction requires vehicles to be equipped in a manner rendering them substantially as safe as those equipped in the manner required by the laws of this state. The agreements shall provide substantially like exemptions for residents of this state when operating vehicles in such other jurisdiction.

(2) This section does not authorize reciprocity agreements as to laws governing the size and weight of vehicles.

LIGHTING EQUIPMENT

347.06 WHEN LIGHTED LAMPS REQUIRED. (1) Except as provided in sub. (2), no person shall operate a vehicle upon a highway during hours of darkness unless all headlamps, tail lamps and clearance lamps with which such vehicle is required to be equipped are lighted.

(2) Headlamps need not be lighted on a towed vehicle or on a vehicle having at least 2 lighted adverse weather lamps on the front thereof and being operated under the circumstances described in s. 347.26 (2) (b).

(3) The operator of a vehicle shall keep all lamps and reflectors with which such vehicle is required to be equipped reasonably clean and in proper working condition at all times.

347.07 SPECIAL RESTRICTIONS ON LAMPS AND THE USE THEREOF. (1) Whenever a motor vehicle equipped with headlamps also is equipped with any adverse weather lamps, spotlamps or auxiliary lamps, or with any other lamp on the front thereof projecting a beam of intensity greater than 300 candlepower, not more than a total of 4 of any such lamps or combinations thereof on the front of the vehicle shall be lighted at any one time when such vehicle is upon a highway.

(2) Except as otherwise expressly authorized or required by this chapter, no person shall operate any vehicle or equipment on a highway which has displayed thereon:

- (a) Any color of light other than white or amber visible from directly in front; or
- (b) Any color of light other than red on the rear; or
- (c) Any flashing light.

347.08 DETERMINING THE VISIBILITY DISTANCE AND MOUNTED HEIGHT OF LAMPS. (1) Whenever this chapter states a requirement as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, such distance shall be measured during hours of darkness under normal atmospheric conditions and upon a straight, level, unlighted highway unless a different time, direction or condition is expressly stated.

(2) Whenever this chapter requires a lamp or device to be mounted at a certain height, the distance shall be measured from the center of the lamp or device to the level ground upon which the vehicle stands when such vehicle is without load.

347.09 HEADLAMPS ON MOTOR VEHICLES. (1) No person shall operate a motor vehicle on a highway during hours of darkness unless such vehicle is equipped as follows:

(a) Every motor vehicle other than a motor driven cycle shall be equipped with at least 2 headlamps, which headlamps shall comply with the requirements and limitations set forth in sub. (2) and s. 347.10 and shall be mounted symmetrically with respect to the vertical plane extending through the longitudinal axis of the vehicle with at least one on each side of the center of the front of the motor vehicle.

(b) Every motorcycle shall be equipped with at least one and not more than 2 headlamps, which headlamps shall comply with the requirements and limitations set forth in sub. (2) and s. 347.10.

(c) Every power driven cycle and motor bicycle shall be equipped with at least one and not more than 2 headlamps, which headlamps shall comply with the requirements and limitations set forth in sub. (2) and s. 347.11.

(2) Every headlamp on a motor vehicle shall be located at a height of not more than 54 inches nor less than 24 inches.

347.10 HEADLAMP SPECIFICATIONS FOR MOTOR VEHICLES OTHER THAN POWER-DRIVEN CYCLES AND MOTOR BICYCLES

(1) Except as provided in sub. (4), the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than power-driven cycles and motor bicycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations. Such lamps may, in addition, be so arranged that such selection can be made automatically.

(2) Multiple-beam headlamps shall comply with the following requirements:

(a) There shall be an uppermost distribution of light or composite beam so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading;

(b) There shall be a lowermost distribution of light or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead, and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be so directed as to strike the eyes of an approaching driver.

(3) No person shall sell after July 1, 1958 any new motor vehicle equipped with multiple beam headlamps and no person shall operate any motor vehicle sold new after July 1, 1958 and equipped with multiple beam headlamps unless such vehicle also is equipped with a beam indicator which is lighted whenever the uppermost distribution of light from the headlamps is in use and which is not otherwise lighted. Such indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped. This subsection does not apply to motor driven cycles.

(4) Any motor vehicle may be operated during hours of darkness when equipped with 2 lighted lamps upon the front thereof capable of revealing persons and objects 75 feet ahead in lieu of lamps required by subs. (1) to (3) if such vehicle at no time is operated at a speed in excess of 20 miles per hour.

347.11 HEADLAMP SPECIFICATIONS FOR POWER-DRIVEN CYCLES AND MOTOR BICYCLES. The headlamps on power-driven cycles or motor bicycles may be of the single-beam or multiple-beam type but in either event shall comply with the following requirements and limitations:

(1) The headlamp shall be an electric headlamp and the current shall be supplied by a wet battery and electric generator, by a current-generating coil incorporated into the magneto or by a generator driven directly by the motor by means of gears, friction wheel, chain or belt.

(2) The headlamp shall display a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of 200 feet ahead and shall be so adjusted or operated that the glaring light rays therefrom are not directed into the eyes of the driver of any oncoming vehicle.

(3) If the power-driven cycle or motor bicycle is equipped with a multiple-beam headlamp, the upper beam shall meet the minimum requirements set forth in sub. (2) and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in s. 347.10 (2) (b).

(4) If the power-driven cycle or motor bicycle is equipped with a single-beam lamp, such lamp shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of 25 feet ahead, projects higher than the level of the center of the lamp from which it comes.

347.12 USE OF MULTIPLE-BEAM HEADLAMPS. Whenever a motor vehicle is being operated on a highway during hours of darkness, the operator shall use a distribution of light or composite beam directed high enough and of sufficient intensity to reveal a person or vehicle at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(1) Whenever the operator of a vehicle equipped with multiple-beam headlamps approaches an oncoming vehicle within 500 feet, he shall dim, depress or tilt his headlights so that the glaring rays are not directed into the eyes of the operator of the other vehicle.

(2) Whenever the operator of a vehicle equipped with multiple-beam headlamps approaches or follows another vehicle within 500 feet to the rear, he shall dim, depress, or tilt his headlights so that the glaring rays are not reflected into the eyes of the operator of the other vehicle.

347.13 TAIL LAMPS AND REGISTRATION PLATE LAMPS. (1)

No person shall operate a motor vehicle or mobile home upon a highway during hours of darkness unless such motor vehicle or mobile home is equipped with at least one tail lamp mounted on the rear which, when lighted during hours of darkness, emits a red light plainly visible from a distance of 500 feet to the rear. No motor vehicle originally equipped at the time of manufacture and sale with 2 tail lamps shall be operated upon a highway during hours of darkness unless both such lamps are in good working order.

(2) Every tail lamp on a vehicle shall be located at a height of not more than 72 inches nor less than 20 inches.

(3) No person shall operate on a highway during hours of darkness any motor vehicle upon the rear of which a registration plate is required to be displayed unless such motor vehicle is equipped with a lamp so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Such lamp may be incorporated as part of a tail lamp or may be a separate lamp.

(4) Tail lamps and registration plate lamps shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

347.14 STOP LAMPS. (1) No person shall operate a motor vehicle or mobile home upon a highway unless such motor vehicle or mobile home is equipped with at least one stop lamp mounted on the rear and meeting the specifications set forth in this section. The stop lamp on a mobile home shall be controlled and operated from the driver's seat of the propelling vehicle. A stop lamp may be incorporated with a tail lamp. No motor vehicle originally equipped at the time of manufacture and sale with 2 stop lamps shall be operated upon a highway unless both such lamps are in good working order.

(2) A stop lamp shall be so constructed as to be actuated upon application of the service or foot brake and shall emit a red or amber light plainly visible and understandable from a distance of 100 feet to the rear both during normal sunlight and during hours of darkness.

347.15 DIRECTION SIGNAL LAMPS OR DEVICES. (1) No person shall sell any new motor vehicle, other than a motor driven cycle, unless such motor vehicle is equipped with direction signal lamps meeting the requirements of this section. No person shall operate on a highway any motor vehicle sold new after January 1, 1955, other than a vehicle which is operated pursuant to s. 341.47 (1) (b) or a motor driven cycle, unless such motor vehicle is equipped with direction signal lamps meeting the requirements of this section. Any other vehicle may be equipped with such lamps.

(2) There shall be 2 direction signal lamps showing to the front and 2 showing to the rear so as to indicate intention to turn right or left. Both lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and both lamps showing to the rear shall be located on the same level and as widely spaced laterally as practicable. Such lamps shall project a flashing white or amber light visible to the front and a flashing red or amber light visible to the rear. Direction signal lamps when in use shall be plainly visible and understandable from a distance of 100 feet both during normal sunlight and during hours of darkness. When actuated, such lamps shall indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made.

(3) Vehicles equipped with direction signal lamps shall also be equipped with a visible signal in the driver's compartment to indicate to the driver when either signal lamp is operating.

(4) Vehicles sold new prior to July 1, 1958, are exempt from the requirements of this section if they either comply with the requirements of s. 85.06 (15), statutes of 1955, or are exempt from the requirements of that section.

347.16 CLEARANCE LAMPS AND REFLECTORS. (1) No person shall operate on a highway during hours of darkness any vehicle having a width at any part in excess of 80 inches unless such vehicle is equipped with:

(a) Two clearance lamps mounted on the front of the vehicle so as to be visible from the front; and

(b) Two clearance lamps mounted on the rear of the vehicle so as to be visible from the rear; and

(c) Two reflectors mounted on the front and 2 reflectors mounted on the rear of the vehicle in such a manner as to indicate as nearly as possible the extreme width of the vehicle.

(2) No person shall operate any of the following vehicles on a highway during hours of darkness unless such vehicles are equipped as indicated:

(a) Every truck tractor shall carry on the front 2 clearance lamps, one at each side.

(b) Every trailer or semitrailer shall carry on the rear 2 reflectors, one on each side. If any trailer or semitrailer is so loaded or if of such dimensions as to obscure the stop light on the towing vehicle, then such trailer or semitrailer shall also be equipped with one stop lamp.

(3) Reflectorized material extending across the full width of the vehicle and otherwise meeting the mounting and visibility specifications for reflectors may be used in lieu of the reflectors required by this section.

347.17 COLOR OF CLEARANCE AND MARKER LAMPS AND REFLECTORS. Whenever a vehicle is equipped with clearance lamps, sidemarker lamps or reflectors:

(1) Those clearance and marker lamps and reflectors mounted on the front or on the side near the front of the vehicle shall display or reflect an amber color;

(2) Those clearance lamps and marker lamps and reflectors mounted on the rear or on the sides near the rear of the vehicle, or on both, shall display or reflect a red color.

347.18 MOUNTING OF CLEARANCE LAMPS AND REFLECTORS.

(1) Whenever s. 347.16 requires any reflector to be displayed upon a vehicle, each such reflector shall be mounted at a height not less than 16 inches nor more than 60 inches above the ground on which the vehicle stands. On vehicles which are more than 80 inches wide, the front and rear reflectors shall be mounted so as to indicate as nearly as possible the extreme width of the vehicle. Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp but such reflector shall meet all the other reflector requirements of this chapter.

(2) Whenever this chapter requires a vehicle to be equipped with clearance lamps, such lamps shall be mounted in such a manner as to indicate the extreme width of the vehicle and as near the top thereof as practicable.

347.19 VISIBILITY OF CLEARANCE LAMPS AND REFLECTORS.

(1) Every reflector required by s. 347.16 to be displayed upon a vehicle shall be of such size and characteristics and so maintained as to be readily visible during hours of darkness from all distances within 500 feet to 50 feet from the vehicle when directly in front of lawful upper beams of headlamps.

(2) Front and rear clearance lamps when lighted shall be capable of being seen and distinguished under normal atmospheric conditions during hours of darkness at a distance of 500 feet from the front and rear, respectively, of the vehicle.

347.20 LAMP OR FLAG ON PROJECTING LOAD. (1) No person shall operate on a highway during hours of darkness any vehicle with a load thereon extending more than 4 feet beyond the rear of the bed or body thereof unless there is displayed at the extreme rear end of the load a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern shall be in addition to any tail lamp or clearance lamp which the vehicle is required to carry.

(2) No person shall operate on a highway, at times other than hours of darkness, any vehicle with a load thereon extending more than 4 feet beyond the rear of the bed or body thereof unless there is displayed at the extreme rear end of such load a red flag or cloth not less than 12 inches square and so hung that the entire area is visible to the operator of a vehicle approaching from the rear.

(3) This section does not apply to vehicles loaded with loose hay or straw.

347.21 LAMPS AND FLAGS ON TRAINS OF AGRICULTURAL VEHICLES AND TOWED TRUCKS. (1) No person shall operate on a highway during hours of darkness any train of agricultural vehicles authorized by s. 348.08 (1) (b) unless there is mounted on each side of every vehicle in such train, including farm tractors and implements of husbandry, at least one lamp emitting a red light visible from a distance of 500 feet to the side of the vehicle on which mounted or, in lieu thereof, at least one red reflector visible from all distances within 500 feet to 50 feet of the side of the vehicle when directly in front of lawful upper beams of headlamps.

(2) No person shall operate on a highway, at times other than hours of darkness, any train of agricultural vehicles authorized by s. 348.08 (1) (b) unless there is displayed a red flag at least 12 inches square on each rear corner of the rearmost vehicle in the train.

(3) No person shall tow a motor truck on a highway, at times other than hours of darkness, unless a red flag at least 12 inches square is displayed upon the rear of such towed truck, or unless such towed motor truck is being transported in compliance with s. 341.47 (1) (b).

347.22 LAMPS ON FARM TRACTORS AND SELF-PROPELLED FARM IMPLEMENTS. (1) No person shall operate or park a farm tractor or self-propelled farm implement upon a highway during hours of darkness unless such tractor or implement carries the lighted headlamps and tail lamps which would be required of other motor vehicles under similar circumstances.

(2) No person shall operate or park a farm tractor or self-propelled farm implement upon a highway during hours of darkness with any lamp thereon showing any light to the rear other than red in color.

347.23 LAMPS ON HIGHWAY MAINTENANCE EQUIPMENT. (1) No person shall operate upon a highway during hours of darkness any road machinery or motor vehicle used in highway construction or maintenance unless such vehicle or road machinery is equipped either as prescribed by par. (a) or (b) :

(a) A red light visible from a distance of 500 feet shall be displayed on each side of the front and on each side of the rear to give adequate warning of the presence of such vehicle or machinery and to show safe clearance for passing or overtaking vehicles; or

(b) In lieu of the red lights prescribed by par. (a), 2 amber floodlamps may be used, one to be mounted on each side of the vehicle or machinery so as to illuminate its sides and its attachments, if any, to show safe clearance for passing or overtaking vehicles. Such floodlamps shall display an amber light of sufficient illuminating power to indicate safe clearance from a distance of 200 feet to the front and rear of such vehicle or machinery.

(2) The lights specified in sub. (1) need not be displayed upon motor vehicles used in highway construction or maintenance work when such vehicles are traveling along the highway at their normal operating speed in the ordinary course of traffic.

(3) No person shall operate upon the left-hand side of a highway during hours of darkness any road machinery or motor vehicle used in highway construction or maintenance unless such vehicle or machinery is equipped with an auxiliary lamp or lamps projecting a blue light visible from a distance of 500 feet from the front and rear. The lenses of such auxiliary lamps shall be not less than 6 inches in diameter and the lamps shall be mounted approximately midway between the extremities of the width of the vehicle or machinery and at the highest practicable point.

347.24 LAMPS ON NONMOTOR VEHICLES AND EQUIPMENT.

No person shall operate on a highway during hours of darkness any implement of husbandry or animal-drawn vehicle or any other vehicle not specifically required by law to be equipped with lamps or other lighting devices unless such implement or vehicle is equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of 500 feet ahead and a lighted lamp or lantern exhibiting a red light visible from a distance of 500 feet to the rear or, as an alternative to the red lamp or lantern, 2 red reflectors mounted as specified in s. 347.18 and meeting the visibility requirements of s. 347.19 may be displayed on the rear of such vehicle or implement of husbandry.

347.25 SPECIAL WARNING LAMPS ON EMERGENCY VEHICLES AND SCHOOL BUSES. (1) An authorized emergency vehicle may be equipped with one or more flashing, oscillating or rotating red lights and shall be so equipped when the operator thereof is exercising the privileges granted by s. 346.03. Such lights shall be so designed and mounted as to be plainly visible and understandable from a distance of 500 feet both during normal sunlight and during hours of darkness. No operator of an authorized emergency vehicle shall use such warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway.

(2) No person shall operate a school bus for the transportation of school children to or from school or for transporting school groups engaged in extracurricular activities unless such school bus is equipped with flashing red signals of a type and actuated in a manner approved by the state superintendent of public instruction and the motor vehicle commissioner.

347.26 RESTRICTIONS ON CERTAIN OPTIONAL LIGHTING EQUIPMENT. (1) GENERAL RESTRICTIONS. A vehicle need not be equipped with the lamps specified in this section, but if a vehicle is equipped with any such lamps, no person shall operate such vehicle on a highway during hours of darkness unless such lamps comply with the requirements of this section and no person shall use such lamps in a manner inconsistent with this section.

(2) SPOTLAMPS. (a) Any motor vehicle may be equipped with not more than 2 spotlamps which shall be mounted at a height of not less than 30 nor more than 72 inches.

(b) No spotlamp shall be used as a substitute for headlamps. No spotlamp shall be used as an auxiliary driving light on any motor vehicle except when such spotlamp is set or adjusted so that the rays of light are projected directly upon the road surface at a distance not exceeding 150 feet directly in front of the vehicle and to the right of the center of the traveled roadway. No spotlamp shall project any glaring light into the eyes of an approaching driver.

(3) ADVERSE WEATHER LAMPS. (a) Any motor vehicle may be equipped with not more than 2 adverse weather lamps which shall be mounted on the front of the vehicle below the level of the centers of the headlamps.

(b) Adverse weather lamps shall not be used in lieu of headlamps unless absolutely necessary in case of rain, snow, dust or fog and then only when a vehicle is equipped with 2 adverse weather lamps mounted on opposite sides of the front of the vehicle and when both such adverse weather lamps are lighted. Whenever any vehicle is equipped with only one adverse weather lamp, both headlamps of such vehicle shall be lighted at all times when such adverse weather lamp is lighted.

(4) BACK-UP LAMPS. (a) Any motor vehicle may be equipped with not more than 2 back-up lamps which shall be so directed as to project a white or amber light illuminating the roadway to the rear of such vehicle for a distance not to exceed 75 feet.

(b) No lighted back-up lamp shall be displayed on any vehicle upon a highway except when such vehicle is about to be or is being driven backward. Whenever a back-up lamp is lighted during hours of darkness, the tail lamp or tail lamps on the vehicle displaying such lighted back-up lamp also shall be lighted.

(5) IDENTIFICATION LAMPS ON TAXICABS AND BUSES. No person shall operate a motor vehicle regularly used for transporting passengers for hire displaying any lighting device for identification purposes other than a single illuminated sign or lighted lamp mounted above the top line of the windshield, colored white, amber or green. Such illuminated sign or lamp shall be so constructed as to emit a steady or flashing nonglaring light.

(6) WARNING LAMPS ON TOW TRUCKS. The chief of police of any city or, when the owner resides outside of a city, the sheriff of the county may authorize the owner of a motor truck equipped and used for towing or moving disabled vehicles to mount not to exceed 2 fixed flashing red lamps on the front of such truck. Such lamps may be lighted only when the truck is being used to move a disabled vehicle along or upon a highway or when the truck is standing on or near the traveled portion of a highway preparatory to towing the disabled vehicle. Chiefs of police and sheriffs shall keep a record of all authorizations issued by them pursuant to this subsection.

(7) WARNING LAMPS ON CERTAIN HIGHWAY VEHICLES. Any vehicle of the state highway commission or a county or municipal highway department which by reason of its use upon a highway creates a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing may be equipped with a flashing red or amber lamp of the dome-light type or with 2 flashing red or amber lamps, one showing to the front and one showing to the rear. Such lamp or lamps shall be mounted approximately midway between the extremities of the width of the vehicle and at the highest practicable point and shall be used only for the purpose of warning operators of other vehicles of the presence of the traffic hazard.

347.27 WHEN LIGHTED LAMPS REQUIRED ON PARKED VEHICLES. (1) No person shall park or leave a vehicle standing, whether attended or unattended, upon a roadway or the shoulder immediately adjacent thereto during hours of darkness unless:

(a) Such vehicle is parked or standing where there is sufficient artificial light to render it visible from a distance of 500 feet or is lawfully parked within the corporate limits of a city or village and in either case is equipped with at least one red reflector mounted on the rear thereof as near as practicable to the side of the vehicle which is closest to passing traffic and otherwise meeting the mounting and visibility requirements specified in ss. 347.18 and 347.19; or

(b) Such vehicle displays one or more lighted lamps meeting the following requirements:

1. At least one lamp shall display a white or amber light visible from a distance of 500 feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of 500 feet to the rear of the vehicle.

2. The location of such lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic.

3. If the vehicle is equipped with 2 parking lamps and 2 tail lamps, both parking lamps and both tail lamps shall be lighted.

(2) Any lighted headlamps on a vehicle parked on a highway shall be depressed or dimmed.

(3) In this section, "vehicle" includes farm tractors and self-propelled farm implements, implements of husbandry, animal-drawn vehicles and road machinery.

347.28 CERTAIN VEHICLES TO CARRY FLARES OR OTHER WARNING DEVICES. (1) No person shall operate a motor truck or motor bus more than 80 inches in width or a truck tractor or road tractor on any highway outside the corporate limits of a city or village during hours of darkness unless such vehicle carries in a place readily accessible to the driver the following warning devices:

(a) At least 3 pot torches or 3 red electric lanterns, each of which shall be capable of being seen and distinguished at a distance of at least 600 feet under normal atmospheric conditions during hours of darkness. If pot torches are carried in lieu of red electric lanterns, at least 3 red-burning fusees shall be carried in addition to such pot torches; and

(b) At least 2 red-cloth flags, not less than 12 inches square, with standards to support such flags.

(2) No person shall operate upon a highway outside the corporate limits of a city or village during hours of darkness any motor vehicle used for the transportation of explosives or any cargo tank truck used for the transportation of flammable liquids or compressed gases unless there is carried in such vehicle 3 red electric lanterns meeting the requirements of sub. (1). No pot torch or fusee or signal produced by flame shall be carried in any such vehicle.

347.29 DISPLAY OF WARNING DEVICES FOR CERTAIN VEHICLES WHEN STANDING ON HIGHWAY. (1) Whenever any motor truck, motor bus, trailer or semitrailer more than 80 inches in width or truck tractor or road tractor is left standing, whether attended or unattended, during hours of darkness upon the traveled portion of any highway or the shoulder adjacent thereto outside the corporate limits of a city or village, the operator of such vehicle shall display the following warning devices upon the highway during the entire time the vehicle is so left standing and such devices shall be placed in the following order:

(a) A lighted fusee or lighted red electric lantern shall immediately be placed at the traffic side of the vehicle in the direction of the nearest approaching traffic. If a lighted fusee was so placed, the driver shall replace such fusee with a lighted pot torch or lighted red electric lantern

after he has placed the warning devices specified in pars. (b) and (c) and before the fusee burns out.

(b) A lighted pot torch or lighted red electric lantern shall be placed approximately 100 feet from the standing vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.

(c) One lighted pot torch or lighted red electric lantern shall be placed approximately 100 feet from the standing vehicle in the center of the lane occupied by such vehicle and in the opposite direction from the warning device placed in accordance with par. (b).

(2) Whenever any vehicle referred to in this section is left standing, whether attended or unattended, within 500 feet of a curve, hillcrest or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than 100 feet nor more than 500 feet from the standing vehicle.

(3) Whenever any vehicle of a type referred to in this section is left standing, whether attended or unattended, upon any roadway of a divided highway during hours of darkness, the appropriate warning devices prescribed in subs. (1) and (4) shall be placed as follows:

(a) One shall be placed at a distance of approximately 200 feet from the vehicle in the center of the lane occupied by the standing vehicle and in the direction of traffic approaching in that lane;

(b) One shall be placed at a distance of approximately 100 feet from the vehicle in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane;

(c) One shall be placed at the traffic side of the vehicle and approximately 10 feet from the vehicle in the direction of the nearest approaching traffic.

(4) No operator of a motor vehicle used in the transportation of explosives, or of a cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas shall use any flame-producing emergency signal for protecting any such vehicle. In lieu thereof, red electric lanterns shall be used, the placement of which shall be in the same order and manner as prescribed in subs. (1) to (3).

(5) Whenever any vehicle of a type referred to in this section is left standing at any place mentioned in this section at times other than during hours of darkness, the operator of the vehicle shall display 2 red flags upon the roadway in the lane of traffic occupied by the standing vehicle, one at a distance of approximately 100 feet in advance of the vehicle and one at a distance of approximately 100 feet to the rear of the vehicle.

(6) The flares, fusees, red electric lanterns and flags to be displayed as required in this section shall conform with the requirements of s. 347.28.

(7) This section does not apply to vehicles standing on a highway in compliance with traffic regulations or the directions of a traffic officer or official traffic sign or signal.

347.30 PENALTY FOR VIOLATING LIGHTING EQUIPMENT REQUIREMENTS. (1) Any person violating s. 347.13 (3) may be fined not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the second or subsequent conviction within a year.

(2) Any person violating any provision of ss. 347.03, 347.06 to 347.12, 347.13 (1) or 347.14 to 347.29 may be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both.

OTHER EQUIPMENT

347.35 BRAKES. (1) **MOTOR VEHICLES.** No person shall operate any motor vehicle, other than a motor driven cycle, upon a highway unless

such motor vehicle is equipped with brakes adequate to control the movement of and to stop and hold such vehicle and capable of meeting the performance specifications set forth in s. 347.36. There shall be 2 separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least 2 wheels. If these 2 separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism will not leave the motor vehicle without brakes on at least 2 wheels. One of the means of brake operation shall consist of a mechanical connection from the operating lever to the brake shoes or bands and this brake shall be capable of holding the vehicle, or combination of vehicles, stationary under any condition of loading on any up grade or down grade upon which it is operated.

(2) MOTOR DRIVEN CYCLES. No person shall operate a motor driven cycle upon a highway unless such motor driven cycle is equipped with at least one brake capable of meeting the performance specifications set forth in s. 347.36. Such brake may be designed to be operated either by hand or by foot. The brake on a power driven cycle shall be an enclosed brake of sound design with the disc or brake drum directly connected or integral with the rear wheel and with internal-expanding brake shoes or engaging discs. The design shall permit simple and easy adjustment to compensate for wear. If the brake control is hand-operated, there shall be no other controls linked to it.

(3) TRAILERS, SEMITRAILERS AND TOWED VEHICLES. (a) No person shall operate on a highway any trailer, semitrailer or other towed vehicle having a gross weight of 3,000 pounds or more and manufactured after January 1, 1942 unless such vehicle is equipped with brakes adequate to control the movement of and to stop and hold it.

(b) This subsection does not apply to farm trailers or to disabled vehicles while being towed to a place of repair or to automobiles or trucks while being towed or being transported pursuant to s. 341.47 (1) (b).

(4) MOBILE HOMES. No person shall manufacture and no person shall sell a new mobile home in this state unless such mobile home is equipped with brakes adequate to control the movement of and to stop and hold it. No person shall operate on a highway any mobile home sold new after January 1, 1940 unless such mobile home is equipped with brakes adequate to control the movement of and to stop and hold it. The brakes on a mobile home shall be so designed as to be applied by the driver of the towing vehicle from the driver's compartment.

347.36 PERFORMANCE ABILITY OF BRAKES. (1) Brakes on motor vehicles other than power driven cycles and brakes on combinations of vehicles shall be capable of bringing the vehicle or combination of vehicles to a stop, under normal conditions, within 50 feet when traveling at a speed of 20 miles per hour.

(2) Brakes on a power driven cycle shall be capable of bringing such vehicle to a stop within 35 feet when traveling at a speed of 20 miles per hour with a 150 pound rider and on a level, dry, hard surface free from loose material and with no wind.

(3) All required brakes shall be maintained in good working order.

347.38 HORNS AND WARNING DEVICES. (1) No person shall operate a motor vehicle upon a highway unless such motor vehicle is equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no person shall at any time use a horn otherwise than as a reasonable warning or make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device.

(2) Except as otherwise provided in this section, no vehicle shall be equipped with nor shall any person use upon a vehicle any siren or compression or exhaust whistle.

(3) Any vehicle may be equipped with a theft alarm signal device if such device is so arranged that it cannot be used by the driver as an ordinary warning signal.

(4) An authorized emergency vehicle shall be equipped with a siren, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which events the driver of such vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers.

347.39 MUFFLERS. (1) No person shall operate on a highway any motor vehicle subject to registration unless such motor vehicle is equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise or annoying smoke.

(2) No muffler or exhaust system on any vehicle mentioned in sub. (1) shall be equipped with a cutout, by-pass or similar device nor shall there be installed in the exhaust system of any such vehicle any device to ignite exhaust gases so as to produce flame within or without the exhaust system. No person shall modify the exhaust system of any such motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all the requirements of this section.

(3) In this section, "muffler" means a device consisting of a series of chambers of baffle plates or other mechanical design for receiving exhaust gases from an internal combustion engine and which is effective in reducing noise.

347.40 MIRRORS. No person shall operate any motor vehicle upon a highway unless such vehicle is equipped with a mirror so located as to reflect to the operator a view of the roadway for a distance of 200 feet to the rear of such vehicle.

347.41 SPEEDOMETERS. No person shall operate on a highway any motor vehicle primarily designed for use upon a highway unless such motor vehicle is equipped with a speedometer which with reasonable accuracy registers the speed of the vehicle.

347.42 WINDSHIELD WIPERS. No person shall operate on a highway any motor vehicle equipped with a windshield unless such motor vehicle also is equipped with a device for cleaning rain, snow or other moisture from the windshield. Such device shall be so constructed as to be controlled or operated by the operator of the vehicle and shall at all times be maintained in good working order.

347.43 SAFETY GLASS. (1) No person shall operate upon a highway any trackless trolley bus manufactured after January 1, 1952, or any other motor vehicle manufactured after January 1, 1936, unless such trackless trolley bus or motor vehicle is equipped with safety glass wherever glass is used thereon in partitions, doors, windows or windshields.

(2) No person shall sell any new motor vehicle unless such vehicle is equipped with safety glass in accordance with the requirements of sub. (1).

(3) In this section, "safety glass" means glass so treated or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from external sources or by such glass when it is struck, cracked or broken.

(4) If a common carrier or person operating under a permit or certificate issued by the public service commission is convicted of operating a vehicle in violation of this section, the commission may suspend or revoke such permit or certificate until such time as the vehicle has been equipped with safety glass as required by this section.

347.45 TIRE EQUIPMENT. (1) All automobiles, motor trucks, motor busses, trackless trolley busses, truck tractors, trailers, semitrailers and mobile homes when operated upon a highway shall be completely equipped with tires inflated with compressed air and all other motor vehicles when operated on a highway shall be equipped with tires of rubber or of some material or construction of equal resiliency. No person shall operate on a highway any motor vehicle, trailer, semitrailer or mobile home having any metal tire in contact with the roadway, except that tire chains of reasonable proportions may be used when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid.

(2) No person shall operate on a highway any vehicle, including farm tractors, self-propelled farm implements, implements of husbandry, animal-drawn vehicles and road machinery, if such vehicle has on the periphery of any of its tires any block, stud, flange, cleat, spike or other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that:

(a) Farm tractors, self-propelled farm implements, implements of husbandry, animal-drawn vehicles and road machinery may be operated with metal tires or tires having protuberances which will not injure the highway; and

(b) Tire chains of reasonable proportions may be used on any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid.

(3) The authority in charge of maintenance of the highway in question may, in its discretion, issue a special permit authorizing operation upon such highway of a vehicle the operation of which would otherwise be prohibited under this section.

347.46 FENDERS AND MUDGUARDS. (1) No person shall operate a vehicle of the tractor type on a highway unless the driving wheels of such vehicle are protected by suitable fenders.

(2) No person shall operate on a highway in intercity movement any privately owned motor truck or privately owned semitrailer drawn by a truck tractor, except those motor trucks and semitrailers equipped with dump bodies, unless such motor truck or semitrailer is equipped with rear fenders or mudguards of such material and so constructed and placed as to restrict to a minimum the splashing of water, mud or other material which may be thrown by the rear wheels. Such rear fenders or mudguards shall meet the following minimum specifications:

(a) The fenders or mudguards shall cover the tire or multiple tires they are protecting starting at the top from a line drawn vertically through the center of the axle and extending rearward and downward so that the fender or mudguard under any condition of operation or loading of the vehicle has a ground clearance of not more than one third of the horizontal distance from the center of the rearmost axle to the fender or mudguard;

(b) The fenders or mudguards shall be at least as wide as the tire or multiple tires they are protecting;

(c) If the vehicle is so designed and constructed that the rear wheels are covered in the manner specified in pars. (a) and (b) by means of fenders, body construction or other means of enclosure, then no special mudguards are required. Otherwise, the vehicle shall be equipped with

special mudguards to the extent necessary to meet the requirements of pars. (a) and (b).

347.47 DRAWBARS, TRAILER HITCHES AND MOBILE HOME COUPLINGS. (1) No person shall operate a vehicle towing or drawing another vehicle or vehicles on a highway if the drawbar or other connection between any 2 vehicles exceeds 12 feet in length.

(2) No person shall operate a motor vehicle drawing a mobile home, trailer or semitrailer upon a highway unless the hitch or coupling attaching the mobile home, trailer or semitrailer to the vehicle by which it is drawn is of such construction as to cause such mobile home, trailer or semitrailer to follow in direct line with the propelling vehicle without side swing or wobble. In addition, every mobile home shall be coupled with stay chains or cables of sufficient size and strength to prevent its parting from the drawing vehicle if the regular hitch or coupling breaks or otherwise becomes disengaged.

347.49 EQUIPMENT OF VEHICLES TRANSPORTING FLAMMABLE LIQUIDS. (1) In this section, "flammable liquid" means any gasoline, naphtha, benzine, fuel oil, crude oil, kerosene or other liquid which has a flashpoint of 80° F. or less as determined by a Tagliabue or equivalent closed-cup test device.

(2) No person shall transport in or on any motor vehicle, trailer or semitrailer upon a highway any flammable liquid except by tank mounted on or attached to or structurally a part of such motor vehicle, trailer or semitrailer and which is plainly marked to show that flammable liquids are being transported therein.

(3) This section does not apply to transportation of flammable liquids as freight only by the consumer from the place of purchase to the place of consumption if such liquids are transported in drums or other containers having a capacity of not more than 100 gallons each and if the total amount of such liquids so transported in any one vehicle or combination of vehicles does not exceed 500 gallons.

347.50 PENALTY FOR VIOLATING SECTIONS 347.35 TO 347.49. Any person violating any provision of ss. 347.35 to 347.49 may be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both.

CHAPTER 348

SIZE, WEIGHT AND LOAD

GENERAL PROVISIONS

348.01 WORDS AND PHRASES DEFINED. (1) Words and phrases defined in s. 340.01 are used in the same sense in this chapter unless a different definition is specifically provided.

(2) In this chapter the following terms have the designated meanings:

(a) "Gross weight" means the weight of a vehicle or combination of vehicles equipped for service plus the weight of any load which the vehicle or combination of vehicles may be carrying.

348.02 APPLICABILITY OF CHAPTER. (1) The provisions of ch. 348 restricting the size, weight and load of vehicles apply also to vehicles owned by or operated by or for a governmental agency, subject to such exceptions as are set forth in specific sections of the chapter.

(2) The provisions of ch. 348 restricting the size and weight of vehicles apply to the vehicle and any load which it is carrying.

(3) Any owner of a vehicle who causes or permits such vehicle to be operated on a highway in violation of this chapter is guilty of the violation the same as if he had actually operated the vehicle himself.

(4) The limitations on size, weight and load imposed by this chapter do not apply to road machinery actually engaged in construction or maintenance of a highway within the limits of the project.

SIZE AND LOAD

348.05 WIDTH OF VEHICLES. (1) No person without a permit therefor, shall operate on a highway any vehicle having a total width in excess of 8 feet, except as otherwise provided in sub. (2).

(2) The following vehicles may be operated without a permit for excessive width if the total outside width does not exceed the indicated limitations:

(a) No limitation for implements of husbandry temporarily operated upon a highway;

(b) No limitation for snowplows operated by or for a governmental agency;

(c) 9 feet for farm tractors;

(d) 10 feet 6 inches for snowplows attached to motor vehicles normally used for the transportation of milk;

(e) 8 feet 6 inches for loads of tie logs, pulpwood slabs and unplanned dimension material cut therefrom;

(f) 8 feet 8 inches for urban passenger busses;

(g) 8 feet 8 inches for busses operated as auxiliary to or as a part of a street railway system in counties of 500,000 population or more;

(h) 8 feet 8 inches for trackless trolley busses and passenger busses operated within or between counties of 500,000 or more population and counties contiguous thereto or such greater width for trackless trolley busses as has been expressly authorized by the public service commission with the consent of the municipality in which such trolley bus is operated.

(i) A realistic body width of 8 feet for mobile homes.

348.06 HEIGHT OF VEHICLES. (1) No person, without a permit therefor, shall operate on a highway any motor vehicle, mobile home, trailer or semitrailer having an over-all height in excess of 12½ feet, except as otherwise provided in sub. (2).

(2) The following vehicles may be operated without a permit for excessive height if the over-all height does not exceed the indicated limitations:

(a) No limitation for implements of husbandry temporarily operated upon a highway;

(b) 13½ feet for auto carriers, commonly known as "haulaways", specially constructed to transport motor vehicles.

(3) The limitations on total height stated in this section shall not be construed as requiring a clearance of such height or as relieving the owners of vehicles not exceeding such total height from liability for any damage.

348.07 LENGTH OF VEHICLES. (1) No person, without a permit therefor, shall operate on a highway any single vehicle with an over-all length in excess of 35 feet or any combination of 2 vehicles with an over-all length in excess of 50 feet, except as otherwise provided in sub. (2).

(2) The following vehicles may be operated without a permit for excessive length if the over-all length does not exceed the indicated limitations:

(a) 40 feet for passenger busses other than trackless trolley busses;

(b) 40 feet for trolley busses, or such greater length as has been expressly authorized by the public service commission with the consent of the municipality in which such trolley bus is operated;

(c) 45 feet for mobile homes;

(d) 60 feet for a combination of mobile home and towing vehicle, except that no mobile home and towing vehicle having a combined length in excess of 45 feet shall be operated during the hours of 12:00 noon to 12:00 midnight on Sundays, New Year's, Memorial, Independence, Labor, Thanksgiving and Christmas days;

(e) No limitation for implements of husbandry temporarily operated upon a highway.

(3) The over-all length of a semitrailer or mobile home shall be measured from the rear thereof to the rear of the vehicle to which it is attached.

348.08 VEHICLE TRAINS. (1) No person, without a permit therefor shall operate on a highway any motor vehicle drawing or having attached thereto more than one vehicle, except that:

(a) Two vehicles may, without such permit, be drawn or attached when such vehicles are being transported by the drive-away method in saddle-mount combination and the overall length of such combination of vehicles does not exceed 50 feet; or

(b) Two trailers used primarily as implements of husbandry in connection with seasonal agricultural activities or one such trailer and any other implement of husbandry may, without such permit, be drawn by a farm tractor if the operation of such combination of vehicles is exclusively a farming operation and not for the transportation of property for hire and if the overall length of such combination of vehicles does not exceed 55 feet.

(2) Whenever any train of agricultural vehicles being operated under authority of sub. (1) (b) is about to cross an intersection with a through highway, the operator of the train shall cause the intersection to be flagged at points on the through highway approximately 125 feet in each direction from the place of crossing. Such trains of agricultural vehicles shall be equipped as provided in s. 347.21 and trailer hitches shall be of a positive nature so as to prevent accidental release.

348.09 PROJECTING LOADS ON SIDE OF VEHICLES. (1) No person, without a permit therefor, shall operate on a highway any motor vehicle, trailer or semitrailer carrying any load extending beyond the fender line on the left side or extending more than 6 inches beyond the fender line on the right side of the vehicle. In the case of motor trucks, "fender line" means the outermost limits of the rear fenders, flare boards or floor of the body, whichever projects outward the farthest.

(2) This section applies even though the total width of the vehicle and load does not exceed the maximum permitted under s. 348.05.

348.10 SPECIAL LIMITATIONS ON LOAD. (1) No person, without a permit therefor, shall operate on a highway any vehicle or combination of vehicles with any load thereon extending more than 3 feet beyond the front of the foremost vehicle, except that a vehicle carrying another vehicle equipped with a crane or boom which extends more than 3 feet beyond the front of the foremost vehicle may be operated without permit if the total length of the vehicle or combination of vehicles, measuring from the end of the foremost projection of the load to the rear of the rearmost vehicle, does not exceed statutory length limitations.

(2) No person shall operate a vehicle on a highway unless such vehicle is so constructed and loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.

(3) No person shall operate on a highway any motor vehicle, trailer or semitrailer carrying logs unless the logs are securely fastened to the vehicle by chains or unless the vehicle is equipped with stakes which are securely fastened by chains and the top of the load is lower than the top of the stakes.

348.11 PENALTY FOR VIOLATING SIZE AND LOAD LIMITATIONS. (1) Any person violating any provision of s. 348.09 or 348.10 may be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both.

(2) Any person violating any provision of ss. 348.05 to 348.08 may be fined not less than \$50 nor more than \$100 for the first offense and may be fined not more than \$200 or imprisoned not less than 10 nor more than 30 days or both for the second and each subsequent conviction within a year.

WEIGHT

348.15 WEIGHT LIMITATIONS ON CLASS "A" HIGHWAYS. (1) In this section:

(a) "Axle" includes all wheels of a vehicle imposing weight on the highway, the centers of which are included between 2 parallel transverse vertical planes 40 inches apart, extending across the full width of vehicle and load;

(b) "Class 'A' highway" includes all state trunk highways and connecting streets and all those county trunk highways which have not been designated as class "B" highways.

(2) Subject to the enforcement tolerances specified in sub. (3) and subject to any modifications made by a city of the first class pursuant to s. 349.15 (3), no person, without permit therefor, shall operate on a class "A" highway any vehicle or combination of vehicles which does not comply with the following weight limitations:

(a) The gross weight imposed on the highway by any one wheel or multiple wheels supporting one end of an axle shall not exceed 9,500 pounds total and in no event shall it exceed 800 pounds per inch of tire width according to the manufacturer's rated width;

(b) The gross weight imposed on the highway by the wheels of any one axle shall not exceed 18,000 pounds;

(c) The gross weight imposed on the highway by any group of 2 or more axles shall not exceed 26,000 pounds plus 1,000 pounds for each foot of distance measured longitudinally to the nearest foot between the foremost and rearmost of the axles of the particular group under consideration.

(3) For enforcement purposes only and in recognition of the possibility of increased weight on a particular wheel or axle or group of axles due to practical operating problems, including but not limited to accumulation of snow, ice, mud or dirt, the use of tire chains or minor shifting of load, no summons or complaint shall be issued, served or enforced under sub. (2) unless:

(a) The gross weight imposed on the highway by any one wheel or multiple wheels supporting one end of an axle exceeds 11,000 pounds, in the case of a 2-axle motor truck transporting unmanufactured forest products, or 10,000 pounds in the case of any other vehicle; or

(b) The gross weight imposed on the highway by the wheels of any one axle exceeds 21,000 pounds, in the case of a 2-axle motor truck transporting unmanufactured forest products, or 19,500 pounds in the case of any other vehicle; or

(c) The gross weight imposed on the highway by any group of 2 or more consecutive axles exceeds the maxima set forth in the following table for the respective distance between axles:

Distances in feet between first and last axles of group under consideration	Maximum allowed load in pounds on group of axles
4	32,000
5	32,000

Distances in feet between first and last axles of group under consideration	Maximum allowed load in pounds on group of axles
6	32,000
7	33,000
8	35,000
9	37,000
10	38,000
11	39,000
12	43,000
13	44,000
14	45,000
15	46,000
16	47,000
17	48,000
18	49,000
19	50,000
20	51,500
21	52,000
22	52,500
23	53,000
24	53,500
25	54,000
26	54,500
27	55,000
28	56,000
29	57,000
30	58,000
31	59,000
32	60,000
33	61,000
34	62,000
35	63,000
36	64,000
37	65,000
38	66,000
39	67,000
40 and over	68,000

(4) The maximum weights set forth in sub. (3) include absolutely all tolerances allowable for enforcement purposes and in judging violations of the law. The distance between axles shall be measured to the nearest even foot. When a fraction is exactly one-half foot, the next larger whole number shall be used.

348.16 WEIGHT LIMITATIONS ON CLASS "B" HIGHWAYS. (1)
In this section:

(a) "Axle" comprises all wheels the centers of which are included between 2 parallel transverse vertical planes 40 inches apart;

(b) "Class 'B' highway" includes all county trunk highways which have been designated as class "B" highways by the local authorities pursuant to authority of law.

(2) Except as provided in sub. (3) and subject to any modifications made by a city of the first class pursuant to s. 349.15 (3), no person, without a permit therefor, shall operate on a class "B" highway any vehicle or combination of vehicles which does not comply with the following weight limitations:

(a) The gross weight imposed on the highway by any one wheel or multiple wheels supporting one end of an axle shall not exceed 6,000 pounds

total and in no event shall it exceed 800 pounds per inch of tire width according to the manufacturer's rated width;

(b) The gross weight imposed on the highway by the wheels of any one axle shall not exceed 12,000 pounds;

(c) The gross weight imposed on the highway by any group of 2 or more axles shall not exceed 16,000 pounds plus 600 pounds for each foot of distance measured longitudinally to the nearest foot between the foremost and rearmost of the axles of the particular group under consideration. When a fraction is exactly one-half foot, the next larger whole number shall be used.

(3) Any motor vehicle whose operation is pick-up or delivery may pick-up or deliver on a class "B" highway if the gross weight imposed on the highway by the wheels of any one axle does not exceed 16,500 pounds, subject to the approval of the county highway commissioner or the county highway committee in the case of highways maintained by the county.

348.17 SPECIAL OR SEASONAL WEIGHT LIMITATIONS. (1) No person, whether operating under a permit or otherwise, shall operate a vehicle in violation of special weight limitations imposed by state or local authorities on particular highways, highway structures or portions of highways when signs have been erected as required by s. 349.16 (2) giving notice of such weight limitations, except when the vehicle is being operated under a permit expressly authorizing such weight limitations to be exceeded.

(2) Whenever the operator of a vehicle is ordered by the officer or agency in charge of maintenance or by a traffic officer to suspend operation of such vehicle because of the damage such vehicle is causing or likely to cause to the highway or the public investment therein, he shall forthwith comply with such order.

348.175 SEASONAL OPERATING RIGHTS FOR VEHICLES HAULING UNMANUFACTURED FOREST PRODUCTS. The transportation of unmanufactured forest products shall not be restricted because of gross weight limitations during the winter months when the highways are so frozen that no damage may result thereto by reason of such transportation. If at any time any person is so transporting unmanufactured forest products upon a class "A" highway in such frozen condition then he may likewise use a class "B" highway without other limitation, except that chains and other traction devices are prohibited on class "A" highways but such chains and devices may be used in cases of necessity. The officers or agencies in charge of maintenance of highways, upon determination of such frozen condition and freedom of damage to such highways by such transportation, forthwith shall grant such operating right. Any person transporting any such product over any highway of this state under this section is liable to the state for any damage caused to such highway.

348.18 WEIGHT LIMITATIONS APPLY TO PUBLICLY-OWNED VEHICLES; EXCEPTIONS. (1) Except as provided in sub. (2), ss. 348.15 to 348.17 and the penalties for violations thereof also apply to vehicles owned by the state, a county or municipality, except when such vehicles are being used for the removal, treatment or sanding of snow or ice or when such vehicles are authorized emergency vehicles.

(2) State, county or municipal vehicles having a manufacturers gross vehicle weight rating, as established by the motor truck division of the automobile manufacturers' association, of 26,000 pounds or more may be operated for any purpose until July 1, 1958. On and after July 1, 1958, all state, county and municipal vehicles not exempt under sub. (1) must comply with the weight limitations imposed by this chapter.

348.185 EMPTY WEIGHT TO BE INDICATED ON SIDE OF CERTAIN VEHICLES. No person shall operate upon a highway any motor truck, truck tractor, road tractor or motor bus, or a trailer or semitrailer used in connection therewith, unless there is attached to or lettered upon the left side thereof a sign giving its empty weight.

348.19 TRAFFIC OFFICERS MAY WEIGH VEHICLES AND REQUIRE REMOVAL OF EXCESS LOAD. (1) Any traffic officer having reason to believe that the gross weight of a vehicle is unlawful or in excess of the gross weight for which the vehicle is registered may require the operator of such vehicle to stop and submit the vehicle and any load it may be carrying to a weighing by means of either portable or stationary scales and may require that such vehicle be driven to the nearest usable certified public scale.

(2) Whenever after a weighing of a vehicle and load as provided in sub. (1) a traffic officer determines that the weight exceeds the limitations imposed by s. 348.15 or 348.16 or any limitations posted as provided in s. 348.17 (1), the operator of such vehicle shall not proceed (except to drive to such place as directed by the traffic officer for the purpose of reloading or unloading) until such portion of the load has been reloaded or unloaded as may be necessary to reduce the weight of the vehicle and load to comply with the limitations imposed by s. 348.15 or 348.16 and any limitations posted as provided in s. 348.17 (1). All material so reloaded or unloaded shall be reloaded or unloaded and cared for by and at the risk of the owner or operator of the vehicle.

(3) No operator of a vehicle shall fail or refuse to stop and submit the vehicle and load to a weighing or to drive the vehicle to a public scale when directed to do so by a traffic officer. No operator of a vehicle shall fail or refuse after a weighing to reload or unload as provided in this section or to comply with the directions of a traffic officer relative to such reloading or unloading.

348.20 POLICY IN PROSECUTING WEIGHT VIOLATIONS. (1) It is declared to be the public policy of the state that prosecutions for overweight violations shall in every instance where practicable be instituted against the person holding the authority, certificates, licenses or permits evidencing operating privileges from the public service commission or motor vehicle department which may be the proper object of cancellation or revocation proceedings. In instances where a combination of tractor and trailer or semitrailer is used, the person standing in the relationship of principal or employer to the driver of the tractor portion of the vehicle combination is liable for violation of s. 348.15 to 348.17 along with the owner holding authority, certificates, licenses or permits from the state. It is a violation of ss. 348.15 to 348.17 for the owner or any other person employing or otherwise directing the operator of the vehicle to require or knowingly to permit the operation of such vehicle upon a highway contrary to ss. 348.15 to 348.17.

(2) The operator of a vehicle, as agent of the person holding authority, certificate, license or permit from the state or as agent of the owner of the tractor portion of a vehicle combination of tractor and trailer or semitrailer, shall accept service of a summons on behalf of such person or owner.

348.21 PENALTY FOR VIOLATING WEIGHT LIMITATIONS. (1) Any person violating s. 348.185 may be fined not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the second and each subsequent conviction within one year.

(2) Any person who violates ss. 348.15 (2) (a), 348.16 (2) (a), 348.17 (2) or 348.19 (3) may be fined not less than \$50 nor more than \$100 for the first offense and, for the second or each subsequent conviction

within a 12-month period, may be fined not less than \$100 nor more than \$200 or imprisoned not less than 10 nor more than 30 days or both.

(3) Any person violating ss. 348.15 (2) (b) or (c) or 348.16 (2) (b) or (c) or any weight limitation posted as provided in s. 348.17 (1) may be penalized as follows:

(a) If the weight exceeds by 1,000 pounds or less the maximum set forth in s. 348.15 (3) or 348.16 or posted as provided in s. 348.17 (1), a fine of not less than \$50 nor more than \$100 for the first offense and, for the second and each subsequent conviction within a 12-month period, a fine of not less than \$100 nor more than \$200 or imprisonment for not less than 10 nor more than 30 days or both.

(b) If the weight exceeds by more than 1,000 pounds the maximum set forth in s. 348.15 (3) or 348.16 or posted as provided in s. 348.17 (1), the fine shall be computed according to the following schedule and, in the case of violation of s. 348.15, shall be computed on the basis of the legal weight limitations set forth in s. 348.15 (2) rather than on the basis of the enforcement tolerances set forth in s. 348.15 (3):

1. For the first conviction, a fine of not less than \$50 nor more than \$200 plus an amount equal to: 1 cent for each pound of total excess load when the total excess is not over 2,000 pounds; 2 cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds; 3 cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds; 5 cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds; 7 cents for each pound of total excess load if the excess is over 5,000 pounds.

2. For the second and each subsequent conviction within a 12-month period, a fine of not less than \$100 nor more than \$300 or imprisonment for not less than 10 nor more than 30 days or both, plus an amount equal to: 2 cents for each pound of total excess load when the total excess is not over 2,000 pounds; 4 cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds; 6 cents for each pound of total excess load if the excess is over 3,000 and not over 4,000 pounds; 8 cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds; 10 cents for each pound of total excess load if the excess is over 5,000 pounds.

(4) For the purpose of determining a repetitious violator, receipt of a certificate of conviction by the department is prima facie evidence of conviction. In determining whether a second or subsequent conviction has occurred within a given 12-month period, either the original judgment of conviction in justice or trial court or the affirmance of the judgment by an appellate court, if such judgment has been affirmed, may be counted. This method of counting is authorized to effectively reach the repetitious violator and to prevent misuse of the right of appeal for the purpose of forestalling imposition of the penalties provided by this section. Forfeiture of bail or appearance money or payment of a fine is a conviction within the meaning of this section.

348.22 COURTS TO REPORT WEIGHT VIOLATION CONVICTIONS. Whenever any owner or operator is convicted of violating any provision of ss. 348.15 to 348.17 or any ordinance enacted pursuant to s. 349.15 (3), the clerk of the court in which such conviction occurred, or the judge, justice or magistrate if the court has no clerk, shall, within 48 hours after the conviction, forward a certificate thereof to the department upon a suitable form to be devised and furnished by the department. Forfeiture of bail or appearance money or payment of a fine is a conviction within the meaning of this section.

PERMITS

348.25 GENERAL PROVISIONS RELATING TO PERMITS FOR VEHICLES AND LOADS OF EXCESSIVE SIZE AND WEIGHT. (1)

No person shall operate a vehicle on or transport an article over a highway without first obtaining a permit therefor as provided in s. 348.26 or 348.27 if such vehicle or article exceeds the maximum limitations on size, weight or projection of load imposed by this chapter.

(2) Vehicles or articles transported under permit are exempt from the restrictions and limitations imposed by this chapter on size, weight and load to the extent stated in the permit. Any person who violates a condition of a permit under which he is operating is subject to the same penalties as would be applicable if he were operating without a permit.

(3) The state highway commission shall prescribe forms for applications for all single trip permits the granting of which is authorized by s. 348.26 and for those annual or multiple trip permits the granting of which is authorized by s. 348.27 (2), (4), (5), (6) and (7). The commission may impose such reasonable conditions prerequisite to the granting of any permit authorized by s. 348.26 or 348.27 and adopt such reasonable rules for the operation of a permittee thereunder as it deems necessary for the safety of travel and protection of the highways. Local officials granting permits may impose such additional reasonable conditions as they deem necessary in view of local conditions.

(4) Permits shall be issued only for the transporting of a single article or vehicle which exceeds statutory size, weight or load limitations and which cannot reasonably be divided or reduced to comply with statutory size, weight or load limitations, except that a permit may be issued for the transportation of property consisting of more than one article all of which exceed statutory size limitations, provided statutory gross weight limitations are not thereby exceeded and provided the additional articles transported do not cause the vehicle and load to exceed statutory size limitations in any way in which such limitations would not be exceeded by the single article.

(5) The officer or agency authorized by s. 348.26 or 348.27 to issue permits may require the permittee to file a bond, certificate of insurance or certified check which, to the satisfaction of such officer or agency, saves the state and any county, city, village or town through which the vehicle or article will be operated or transported harmless from any claim, loss or damage that may result from the granting of such permit or that may arise from or on account of any act done pursuant thereto and conditioned to require the permittee to pay for restoration to a condition satisfactory to the officer in charge of the maintenance of any such highway any pavement, bridge, culvert, sewer pipe or other improvement that may be injured by reason of the use of the highways by the permittee. If a permittee refuses to pay for damage caused, the officer or agency who required the filing of a bond may maintain an action upon such bond.

(6) The officer or agency authorized by s. 348.26 or 348.27 to issue permits may require the permittee to file proof satisfactory to such officer or agency that personal injury and property damage insurance in an amount considered sufficient by such officer or agency will be in force to cover any claim for bodily injury or property damage which may occur in connection with operation under the permit and for which the permittee is legally responsible. Proof of such insurance shall be required in the case of annual permits for transportation of oversize mobile homes.

(7) The officer or agency which issued a permit may, for good cause, suspend or revoke such permit after having given the permittee reasonable opportunity for a hearing.

348.26 SINGLE TRIP PERMITS. (1) APPLICATIONS. All applications for single trip permits for the movement of oversize or overweight vehicles or loads shall be made upon the form prescribed by the state highway commission and shall be made to the officer or agency designated by this

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section as having authority to issue the particular permit desired for use of the particular highway in question.

(2) **PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES OR LOADS.** Except as provided in sub. (4), single trip permits for oversize or overweight vehicles or loads may be issued by the state highway commission for use of the state trunk highways and by the officer in charge of maintenance of the highway to be used in the case of other highways. Such local officials also may issue such single trip permits for use of state trunk highways within the county or municipality which they represent. Every single trip permit shall designate the route to be used by the permittee. Whenever the officer or agency issuing such permit deems it necessary to have a traffic officer accompany the vehicle through his municipality or county, a reasonable charge for such traffic officer's services shall be paid by the permittee.

(3) **TRAILER TRAIN PERMITS.** The state highway commission and those local officials who are authorized to issue permits pursuant to sub. (2) also are authorized to issue single trip permits for the operation of trains consisting of truck tractors, tractors, trailers, semitrailers or wagons on highways under their jurisdiction, except that no trailer train permit issued by a local official for use of a highway outside the corporate limits of a city or village is valid until approved by the state highway commission. No permit shall be issued for any train exceeding 100 feet in total length. Every permit issued pursuant to this subsection shall designate the route to be used by the permittee.

(4) **MOBILE HOME PERMITS.** Single trip permits for the movement of oversize mobile homes may be issued only by the state highway commission, regardless of the highways to be used. Every such permit shall designate the route to be used by the permittee and shall authorize use of the highways only between sunrise and sunset on days other than Saturdays, Sundays and holidays. No single trip permit for the movement of an overwidth mobile home shall be issued to the owner thereof unless provision has been made for surveillance of such movement by a traffic officer.

348.27 ANNUAL OR MULTIPLE TRIP PERMITS. (1) **APPLICATIONS.** All applications for annual or multiple trip permits for the movement of oversize or overweight vehicles or loads shall be made to the officer or agency designated by this section as having authority to issue the particular permit desired for use of the particular highway in question. All applications under subs. (2), (4), (5), (6) and (7) shall be made upon forms prescribed by the state highway commission.

(2) **ANNUAL PERMITS.** Annual permits for oversize or overweight vehicles or loads may be issued by the state highway commission, regardless of the highways involved. A separate permit is required for each oversize or overweight vehicle to be operated upon a highway.

(3) **GENERAL PERMITS.** For good cause in specified instances for specified construction or maintenance operations or for a specified period, the officer or agency in charge of maintenance of a highway may allow loads exceeding the size or weight limitations imposed by this chapter to be hauled on such highway. No such officer or agency shall issue such permits for use of a highway the cost of maintenance of which is paid by a unit of government other than the unit of government which such officer or agency represents.

(4) **INDUSTRIAL INTERPLANT PERMITS.** The state highway commission may issue to industries owning and operating oversize vehicles in connection with its interplant operations in this state annual permits for the operation of such vehicles over designated routes. If the routes desired to be used by the applicant involve city or village streets or county or town

highways, the application shall be accompanied by a written statement of route approval by the officer in charge of maintenance of the highway in question. A separate permit is required for each oversize vehicle to be operated.

(5) **POLE TRANSPORTATION PERMITS.** The state highway commission may issue an annual permit to public service corporations for transportation of poles, girders, and similar materials used in its business and which exceed the maximum limitations on length of vehicle and load imposed by this chapter.

(6) **TRAILER TRAIN PERMITS.** Annual permits for the operation of trains consisting of truck tractors, tractors, trailers, semitrailers or wagons which do not exceed a total length of 100 feet may be issued by the state highway commission for use of the state trunk highways and by the officer in charge of maintenance of the highway to be used in the case of other highways. No trailer train permit issued by the local officials for use of highways outside the corporate limits of a city or village is valid until approved by the state highway commission. Every permit issued pursuant to this subsection shall designate the route to be used by the permittee.

(7) **MOBILE HOME PERMITS.** The state highway commission may issue annual statewide permits to licensed mobile home transport companies and to licensed mobile home manufacturers and dealers authorizing them to transport oversize mobile homes over any of the highways of the state in the ordinary course of their business. Every such permit shall authorize use of the highways only between sunrise and sunset on days other than Saturdays, Sundays and holidays.

CHAPTER 349

POWERS OF STATE AND LOCAL AUTHORITIES

GENERAL PROVISIONS

349.01 WORDS AND PHRASES DEFINED. Words and phrases defined in s. 340.01 are used in the same sense in this chapter unless a different definition is specifically provided.

349.02 POLICE AND TRAFFIC OFFICERS TO ENFORCE TRAFFIC LAW. It is the duty of the police and traffic departments of every unit of government and each authorized department of the state to enforce chs. 346 to 348. Police and traffic officers are authorized to direct all traffic within their respective jurisdictions either in person or by means of visual or audible signal in accordance with chs. 346 to 348. In the event of fire or other emergency, police and traffic officers and officers of the fire department may direct traffic as conditions may require notwithstanding the provisions of chs. 346 to 348.

349.03 REGULATION BY LOCAL AUTHORITIES FORBIDDEN; EXCEPTIONS. (1) Chapters 341 to 348 shall be uniform in operation throughout the state. No local authority may enact or enforce any traffic regulation unless such regulation:

(a) Is not contrary to or inconsistent with chs. 341 to 348; or

(b) Is expressly authorized by ss. 349.06 to 349.25 or some other provision of the statutes.

(2) No local authority may enact or enforce any traffic regulation providing for suspension or revocation of motor vehicle operator's licenses or requiring local registration of vehicles or in any manner excluding or prohibiting any motor vehicle, mobile home, trailer or semitrailer whose owner has complied with chs. 341 to 348 from the free use of all highways, except as authorized by ss. 66.046 and 349.17.

EXPRESS REGULATORY POWERS

349.06 AUTHORITY TO ADOPT TRAFFIC REGULATIONS IN STRICT CONFORMITY WITH STATE LAW. Except for the suspension or revocation of motor vehicle operator's licenses, any local authority may enact and enforce any traffic regulation which is in strict conformity with chs. 341 to 348 but the penalty for violation of any of its provisions shall be limited to a forfeiture.

349.07 AUTHORITY TO DESIGNATE THROUGH HIGHWAYS.

(1) The state highway commission may, when it deems it necessary for the public safety, by order declare any state trunk highway or connecting street or portion thereof to be a through highway.

(2) Every county highway committee may, when it deems it necessary for the public safety, by order declare any county trunk highway or portion thereof to be a through highway, except that where a state trunk highway intersects a county trunk highway the state highway commission shall designate the through highway.

(3) Every local authority may, when it deems it necessary for the public safety, by ordinance or resolution declare any highway or portion thereof under its exclusive jurisdiction to be a through highway.

(4) No order, ordinance or resolution declaring any highway to be a through highway is effective until official stop signs or traffic control signals have been installed at the entrances thereto from other highways.

349.08 DESIGN, INSTALLATION, OPERATION AND COST OF STOP SIGNS AND TRAFFIC CONTROL SIGNALS. (1) The state highway commission shall adopt rules for the design and installation of stop signs and for the design, installation and operation of traffic control signals. In amending such rules, the state highway commission shall take into account the needs and conveniences of local authorities as well as the policy of the state to require uniform stop signs and traffic control signals wherever possible and may authorize the continued use of stop signs and traffic control signals presently in place, on hand or on order for such length of time as it deems expedient.

(2) No stop sign or traffic control signal shall be installed unless the design, installation and operation of such sign or signal conforms to the rules of the state highway commission.

(3) The cost of any stop sign or traffic control signal installed by reason of an order of the state highway commission, a county highway committee, or any local authority, shall be paid for from any funds available for the maintenance of through highways.

(4) The state highway commission may when requested furnish official traffic signs or signals at cost to any local authority.

(5) Nothing in this section shall prohibit local authorities from placing additional stop signs on the roadway if such signs do not interfere with the free movement of vehicles over or about such signs.

349.09 AUTHORITY TO REMOVE PROHIBITED SIGNS OR SIGNALS. Every sign, signal, marking or device which is placed, maintained or displayed in violation of s. 346.41 is declared to be a public nuisance. The authority in charge of maintenance of the highway in question may notify in writing the owner or occupant of the premises upon which the nuisance exists or the person causing or maintaining the nuisance to remove the same. If such nuisance is not removed within 30 days after such notice is given or if an unauthorized signal or device is found to be in operation at any time after such notice is given, the authority in charge of maintenance of the highway may cause the nuisance to be removed and collect the expense of removal from the person notified to remove it. The expense of removal may be charged against the premises and, upon

certificate of the highway authority causing the removal, assessed as are other special taxes.

349.10 AUTHORITY TO DESIGNATE ONE-WAY HIGHWAYS, SAFETY ZONES, TURNS AND LANES. The state highway commission, county highway committees and local authorities in regard to highways under their respective jurisdictions, may:

(1) Declare by order, ordinance or resolution and designate by appropriate signs any highway or portion thereof to be a one-way highway and require that all vehicles be operated in one specific direction on such highway.

(2) Designate by mark or markers certain places on highways as safety zones or erect and maintain islands of safety and regulate and control traffic with respect to such safety zones and islands of safety not inconsistent with ss. 346.83 (2) and 346.84 (2).

(3) Where traffic conditions warrant, prohibit right or left turns at intersections or prohibit U-turns.

(4) Place markers, buttons, or signs within or adjacent to intersections and thereby require and direct that a different course from that specified in s. 346.31 be traveled by vehicles turning at the intersection.

(5) Mark lanes for traffic upon any roadway and designate specific lanes for slow-moving traffic or for traffic moving in a particular direction.

349.11 AUTHORITY TO MODIFY SPEED RESTRICTIONS. (1) Whenever the state highway commission with respect to the state trunk highway system and the local authorities with respect to highways under their jurisdiction determine upon the basis of an engineering and traffic investigation that any statutory speed limit is greater or less than is reasonable or safe under the conditions found to exist upon any part of a highway or that the actual speed of vehicles upon any part of a highway is greater or less than is reasonable and prudent, the commission with respect to the state trunk highway system and the local authorities with respect to highways under their jurisdiction may, subject to the limitations set forth in subs. (2) and (3), determine and declare a reasonable and safe speed limit on the highway or part thereof in question. When appropriate signs giving notice of such speed limit have been erected and are in place, such speed limit shall be effective at all times or at such times as indicated by the signs.

(2) The state highway commission may not:

(a) Declare a speed limit which is in excess of the limits stated in s. 346.57 (4) (h); or

(b) Modify the limits stated in s. 346.57 (4) (a) to (c) or 346.58 (1); or

(c) Modify the statutory speed limit on more than 2,000 miles of state trunk highways. The first mile outside of and immediately adjacent to any incorporated municipality shall not be counted in computing such 2,000 miles.

(3) Local authorities may not:

(a) Declare a speed limit which is in excess of the limits stated in s. 346.57 (4) (h); or

(b) Modify the limits stated in s. 346.57 (4) (a) to (c) or 346.58 (1); or

(c) Modify any existing speed limit without the consent of the state highway commission except to increase the speed limit stated in s. 346.57 (4) (e), (f) or (g). Whenever state highway commission approval is required, no signs giving notice of a modification of the speed limit shall be erected until such approval has been received.

(4) The state highway commission upon request from any county highway committee or local authority shall, or upon its own initiative

may, conduct an investigation of any bridge, causeway, viaduct or structure on any highway. If it finds that any such structure cannot with safety to itself withstand vehicles traveling at the speeds otherwise permitted by law or if it finds that such structure is substandard as to width and that it is necessary from the standpoint of traffic safety to reduce the speed of vehicles using such structure, the commission shall determine and declare the maximum vehicular speed which such structure can withstand or which can be maintained in safety on such structure. When appropriate signs giving notice of such maximum speed have been erected at a suitable distance before each end of the structure, such posted speed limit is the effective speed limit on such structure at all times when the signs are in place. The findings and determination of the commission are conclusive evidence of the maximum speed which can be maintained with safety to or on any such structure.

(5) The state highway commission and local authorities shall place and maintain upon all highways, where the speed limit is modified by them pursuant to this section, standard signs giving notice of such speed. All speed limit signs so erected shall conform to the rules of the state highway commission.

(6) No liability shall attach to the state highway commission or to any local authority by reason of the posting of a speed limit pursuant to this section nor shall such posting guarantee that the posted speed is reasonable and safe under all conditions.

349.12 AUTHORITY TO DESIGNATE NO-PASSING ZONES. The state highway commission is authorized to determine those portions of any state trunk highway where overtaking and passing or driving to the left of the center of the roadway would be especially hazardous and may, by appropriate signs or by a yellow unbroken line on the pavement on the right-hand side of and adjacent to the center line of the roadway, indicate the beginning and end of such zones.

349.13 AUTHORITY TO REGULATE THE STOPPING, STANDING OR PARKING OF VEHICLES. (1) The state highway commission with respect to state trunk highways outside of corporate limits and the local authorities with respect to highways under their jurisdiction, including state trunk highways or connecting streets within corporate limits, may, within the reasonable exercise of the police power, prohibit, limit the time of or otherwise restrict the stopping, standing or parking of vehicles beyond the prohibitions, limitations or restrictions imposed by ch. 346, except that they may not modify the exceptions set forth in s. 346.50. The state highway commission may also restrict or prohibit the stopping, standing or parking of vehicles on any part of a state trunk highway or connecting street within corporate limits if the local authority having jurisdiction has not enacted any stopping, standing or parking regulation applicable to the highway or part thereof in question. The authority granted by this subsection may be delegated to a traffic officer or to the officer in charge of the maintenance of the highway in question, but no prohibition, limitation or restriction on parking imposed pursuant to this section is effective unless official traffic signs or markers or parking meters have been placed or erected indicating the particular prohibition, limitation or restriction. A sign indicating that stopping or standing is prohibited shall signify that all stopping or standing is prohibited except under the circumstances described in s. 346.50 (1). A sign indicating that parking is prohibited shall signify that parking is prohibited but that stopping temporarily for the purpose of receiving or discharging passengers or loading or unloading is not prohibited, provided the vehicle is attended by a licensed operator.

(2) Except as provided in this subsection, neither the state highway commission nor local authorities may extend stopping, standing or parking privileges to areas where stopping, standing or parking is prohibited by ch. 346. The state highway commission and local authorities, with respect to highways under their respective jurisdictions as described in sub. (1) may:

(a) Permit parking on sidewalk areas when such parking will not unduly interfere with pedestrian traffic;

(b) Permit parking on the roadway side of other parked vehicles when such double parking will not unduly interfere with the flow of vehicular traffic;

(c) Permit parking closer than 15 feet to the end of a safety zone when such parking will not unduly interfere with the flow of vehicular traffic;

(d) Designate parking upon the left side of a one-way street or roadway instead of the right side or permit parking on both sides;

(e) Designate angle parking on any roadway under its jurisdiction.

(3) Whenever any traffic officer finds a vehicle standing upon a highway in violation of a prohibition, limitation or restriction on stopping, standing or parking, he is authorized to move such vehicle or to require the operator in charge thereof to move such vehicle to a position where parking is not prohibited.

349.14 AUTHORITY TO USE PARKING METERS. (1) It is the public policy of this state that the use of parking meters by cities and villages to measure the time for parking vehicles is a local matter to be determined by the local authorities.

(2) Local authorities in cities and villages may by ordinance, resolution or rule provide for the installation and operation of parking meters within the corporate limits and may provide for the use of the revenue collected from such parking meters for general street and highway maintenance, repair and construction, for meeting the cost of traffic and parking regulation, for the purchase and operation of municipally-owned off-street parking facilities, and for such other expenses and purposes as the local authority deems reasonably necessary to provide for the convenience, safety and welfare of persons using the streets and highways of the municipality for vehicular traffic.

349.15 AUTHORITY TO MODIFY WEIGHT LIMITATIONS AND CLASSIFY HIGHWAYS. (1) The limitations on size and weight imposed by ch. 348 are lawful throughout the state and local authorities may not alter such limitations except as otherwise provided in this chapter.

(2) The county highway committee with respect to that portion of the county trunk highways maintained by the county and the local authorities with respect to those portions of a county trunk highway maintained by a municipality may designate all or parts of such county trunk highways to be class "B" highways for the purpose of putting into effect the weight limitations set forth in s. 348.16, except that no portion of the county trunk system which is also a state trunk highway or connecting street may be so designated.

(3) Any city of the first class may, with respect to the streets of such city, by ordinance increase the maximum weight limitations specified in ss. 348.15 and 348.16.

349.16 AUTHORITY TO IMPOSE SPECIAL OR SEASONAL WEIGHT LIMITATIONS. (1) The officer in charge of maintenance in case of highways maintained by a town, city or village, the county highway commissioner or county highway committee in the case of highways maintained by the county and the state highway commission in the case of highways maintained by the state may:

(a) Impose special weight limitations on any such highway or portion thereof which, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary condition, would likely be seriously damaged or destroyed in the absence of such special limitations;

(b) Impose special weight limitations on bridges or culverts when in its judgment such bridge or culvert cannot safely sustain the maximum weights permitted by statute;

(c) Order the owner or operator of any vehicle being operated on a highway to suspend operation if in its judgment such vehicle is causing or likely to cause injury to such highway or is visibly injuring the permanence thereof or the the public investment therein, except when s. 84.20 is applicable or when the vehicle is being operated pursuant to a contract which provides that the governmental unit will be reimbursed for any damage done to the highway. Traffic officers also may order suspension of operation under the circumstances and subject to the limitations stated in this paragraph.

(2) Imposition of the special weight limitations authorized by sub. (1) (a) shall be done by erecting signs on or along the highway on which it is desired to impose the limitation sufficient to give reasonable notice that a special weight limitation is in effect and the nature of that limitation. Imposition of the special weight limitations authorized by sub. (1) (b) shall be done by erecting similar signs within 100 feet before each end of the bridge or culvert to which the weight limitation applies. All weight limitation signs shall comply with the rules of the state highway commission and shall be standard throughout the state.

349.17 AUTHORITY OF CITIES AND VILLAGES TO REGULATE HEAVY TRAFFIC. (1) Any city or village may by ordinance or resolution designate any street under its jurisdiction as a heavy traffic route and designate the type and character of vehicles which may be operated thereon. Such city or village may restrict or prohibit heavy traffic from using other streets under its jurisdiction except that it may not place such restrictions on streets over which are routed state trunk highways and may not prohibit heavy traffic from using a street for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence fronting on such street. Whenever a city or village designates any street under its jurisdiction as a heavy traffic route, it shall cause appropriate signs to be erected giving notice thereof.

(2) In this section, "heavy traffic" means all vehicles not operating completely on pneumatic tires and all vehicles or combination of vehicles, other than motor busses, designed or used for transporting property of any nature and having a gross weight of more than 6,000 pounds.

349.18 ADDITIONAL TRAFFIC-CONTROL AUTHORITY OF CITIES AND VILLAGES. Any city or village may by ordinance:

(1) Designate the number of persons that may ride on a power driven cycle or motor cycle at any one time and the time of day at which and the highways upon which a power driven cycle or motor bicycle may or may not be operated;

(2) Regulate the operation of bicycles and require their registration, including the payment of a registration fee;

(3) Regulate processions or assemblages on the highways, subject to s. 84.07 (4);

(4) Regulate the traffic of pedestrians upon highways within its jurisdiction, including the prohibition of pedestrian crossings at places otherwise permitted by law and the erection of signs indicating such prohibition.

349.19 AUTHORITY TO REQUIRE ACCIDENT REPORTS. Any city, village, town or county may by ordinance require the operator of a vehicle involved in an accident to file with a designated municipal department or officer a report of such accident or a copy of any report required to be filed with the motor vehicle department. All such reports are for the confidential use of such department or officer and are otherwise subject to the provisions of s. 346.73.

349.20 AUTHORITY TO PROHIBIT USE OF BRIDGES FOR FISHING OR SWIMMING. The authority in charge of maintenance of a highway on which is located a bridge or approach thereto which constitute an undue traffic hazard, if used by pedestrians for the purpose of fishing or swimming, may erect signs prohibiting the fishing or swimming off of such bridge or approach.

LICENSING POWERS

349.24 AUTHORITY TO LICENSE TAXICAB OPERATORS AND TAXICABS. (1) The council of any city and every village village board may:

(a) Regulate and license chauffeurs and operators of taxicabs used for hire;

(b) Regulate and license the taxicab business by licensing each taxicab used for hire;

(c) Prohibit any person from operating any motor vehicle for taxicab purposes upon the highways of such city or village unless such person is licensed as a chauffeur and operator and unless such taxicab business is licensed by the licensing of each taxicab;

(d) Revoke any license mentioned in this section when in its judgment the public safety so requires.

(2) Any person licensed by any city or village as a chauffeur and operator shall not be required to procure either a chauffeur's and operator's license or a taxicab license in any other municipality for the purpose of carrying taxicab passengers for hire from one municipality to another, but this exception does not permit such chauffeur or operator to operate a taxicab wholly within the limits of any municipality in which such chauffeur or operator is not licensed.

349.25 AUTHORITY TO LICENSE HAYRACK AND SLEIGH RIDES. (1) In counties containing a city of the first or second class, the owner of a vehicle to be operated upon a highway for the purpose of transporting persons for hire in what is commonly known as a hayrack ride, a sleigh, boxsled or bobsled ride or a ride of similar nature and every person who is to operate such a vehicle shall obtain a license from the county board before so operating such a vehicle. Any person operating any such vehicle under the circumstances described without first obtaining a license from the county board may be fined not more than \$100 or imprisoned not more than 30 days or both.

(2) No county board shall issue a license for any of the vehicles mentioned in sub. (1) until the applicant exhibits proof that he is a person of good moral character and that liability insurance will be in force for the protection of his passengers in the minimum amount of \$10,000 for any one passenger and \$50,000 for any single accident. Section 204.30

(4) is applicable to the insurance required under this section, whether the vehicle is a motor vehicle or is propelled in some other manner. The county board shall charge a fee of \$1 for each license issued.

(3) The county board may, after notice and hearing accorded the licensee, revoke any license issued by it pursuant to this section whenever in its judgment the public safety so requires.

(4) No vehicle licensed pursuant to this section shall be operated upon a highway for the purpose of transporting persons for hire unless it is equipped with at least one red reflector at each of the 2 rear corners of the vehicle and with at least one blue reflector at each of the 2 front corners of the vehicle and at the front end of the pole or tongue. All such reflectors shall be of a type approved by the motor vehicle department.

(5) The county board in any county not containing a city of the first or second class may by ordinance require owners and operators of vehicles to be used for the purposes specified in sub. (1) to be licensed. The actual issuance of the licenses may be delegated to the county clerk.

SECTION 2. 20.420 (intro. par.) of the statutes is amended to read:

20.420 (intro. par.) There is appropriated to the state highway commission as received in the state highway fund the surplus of the motor vehicle registration fees, operator's license fees, motor vehicle fuel taxes, and motor carrier fees and taxes, after deducting the amount paid or transferred for the costs of administration and operation of the motor vehicle department, department of taxation, and public service commission in performing their functions under chs. 78, * * * 110, 129, 194, * * * 218 and 341 to 349 and ss. 40.53 (7) and 76.54 (17), and the costs paid from the appropriation made by ss. 20.520 (71) and 20.822 (71). The amount thereof collected in each fiscal year and appropriated by this section shall be apportioned and allotted by the commission in the amounts and on the dates hereinafter provided; and if no date is specified, then at such * * * times during * * * the fiscal year as the commission * * * determines. * * *

SECTION 3. 20.560 (1), (71) and (72) of the statutes are amended to read:

20.560 (1) There is appropriated from the general fund to the motor vehicle department annually, a sum sufficient to carry out its functions under * * * ss. 342.35 to 342.38.

(71) On July 1, 1955, \$2,206,848, and annually, beginning July 1, 1956, \$2,239,510, for the execution of its functions under chs. * * * 110, * * * 194 and 341 to 349, excluding postage and the purchase of * * * registration plates.

(72) Annually, beginning July 1, 1951, a sum sufficient for postage and purchase of * * * registration plates.

SECTION 4. 20.560 (74) of the statutes is repealed.

SECTION 5. 20.560 (75) and (76) of the statutes are amended to read:

20.560 (75) A sum sufficient to carry out the provisions of s. * * * 341.17 relative to the compilation and distribution of the monthly automobile registration list.

(76) As a revolving appropriation, sums received under s. 20.951 (5), to be used for the refund of overpayments of motor vehicle * * * registration fees.

SECTION 6. 20.951 (5) of the statutes is amended to read:

20.951 (5) The motor vehicle department * * * is authorized to receive checks in payment of motor vehicle * * * registration fees and such checks shall be deposited to the credit of the state of Wisconsin in a duly qualified state depository selected by the state treasurer. Amounts so deposited shall be receipted for by the state treasurer upon proper notification from the depository bank and shall be credited to the state highway fund. Any overpayment on account of any * * * registration fees shall be re-

funded by the state treasurer from the state highway fund on the certificate and audit of the motor vehicle department. All excess payments not so refunded shall be placed in the revolving fund created in s. 20.560 (76) from which revolving fund there shall be paid the amount of any check which * * * is returned unpaid. It * * * is the duty of the motor vehicle department to immediately demand payment of any such unpaid check, and in the event the same is not paid within 5 days to cancel any motor vehicle * * * registration issued in consideration of such check, and to forward the same to the district attorney of the county where such check was issued for prosecution according to law.

SECTION 7. 48.17 of the statutes is amended to read:

48.17 Except in counties having a population of 500,000 or more, courts of civil jurisdiction shall have concurrent jurisdiction with the juvenile court in proceedings against children for violation of county or municipal ordinances enacted under s. * * * 349.06. But disposition of such cases shall be made under s. 48.36 instead of under the ordinance.

SECTION 8. 48.20 (4) of the statutes is amended to read:

48.20 (4) In case of a violation of * * * chs. 341 to 349 or a county or municipal ordinance enacted under s. * * * 349.06 no petition is necessary and the complaint may serve as sufficient basis for a court hearing, unless the child is alleged to be delinquent under s. 48.12.

SECTION 9. 48.36 (1) (intro. par.) and (a) and (2) (intro. par.) and (a) of the statutes are amended to read:

48.36 (1) (intro. par.) If a juvenile court finds that a child has violated any provision of * * * chs. 341 to 349 or any county or municipal ordinance enacted under s. * * * 349.06, it shall dispose of the case in the following manner:

(a) In cases of moving vehicle violations, it shall *either suspend or revoke* the child's motor vehicle operator's license * * * *upon the first violation and shall revoke such license upon a second or subsequent violation. Such suspensions or revocations shall be for a period of not less than 30 days nor more than one year. Immediately upon suspending or revoking the license, the court shall take possession thereof and mail it with a report of the violation to the state motor vehicle department as required by ss. 343.28 and 343.30.* In addition, the court may require the child to attend traffic safety school as provided in s. * * * 345.16 or may adjudge him delinquent and proceed under s. 48.34.

(2) (intro. par.) If a civil court finds that a child has violated a county or municipal ordinance enacted under s. * * * 349.06, it shall dispose of the case in the following manner:

(a) In cases of moving vehicle violations, it shall not impose a forfeiture but shall *either suspend or revoke* the child's motor vehicle operator's license * * * *upon the first violation and shall revoke such license upon a second or subsequent violation. Such suspensions or revocations shall be for a period of not less than 30 days nor more than one year. Immediately upon suspending or revoking the license, the court shall take possession thereof and mail it with a report of the violation to the state motor vehicle department as required by ss. 343.28 and 343.30.*

SECTION 10. 59.20 (8) of the statutes is amended to read:

59.20 (8) Retain 10 per cent for fees in receiving and paying into the state treasury all moneys received by him for the state for fines and penalties, except that 50 per cent of the fines and penalties under * * * chs. 341 to 349 shall be retained as fees, and retain such other fees for receiving and paying money into the state treasury as are prescribed by law.

SECTION 11. 66.18 of the statutes is amended to read:

66.18 * * * *The state, and municipalities* as defined in s. * * * 345.05, are empowered to procure liability insurance covering both the *state or municipal corporation* and * * * *their* officers, agents and employes.

SECTION 12. 66.185 of the statutes is amended to read:

66.185 Nothing in the statutes shall be construed to limit the authority of *the state or municipalities*, as defined in s. * * * 345.05, to provide for the payment of premiums for hospital, surgical and other health and accident insurance and life insurance for employes and officers, and such authority is hereby granted.

SECTION 13. 66.61 (2) of the statutes is amended to read:

66.61 (2) The emergency power of the common council herewith conferred shall include such general authority to order, by ordinance or resolution, whatever is necessary and expedient for the health, safety, welfare and good order of such city in such emergency and shall include such authority as is necessary and expedient without limitation or restriction because of enumeration and shall include the power to bar, restrict or remove all unnecessary traffic, both vehicular and pedestrian, from the local highways, notwithstanding any provision of * * * *chs. 341 to 349* or any other provisions of law. The common council may provide penalties for violation of any emergency ordinance or resolution, not to exceed the maximum penalty of \$100 fine or, in lieu of payment thereof, 6 months imprisonment for each separate offense.

SECTION 14. 76.54 (1) of the statutes is amended to read:

76.54 (1) Any common motor carrier of property or of passengers, any contract motor carrier or any private motor carrier on account of any operation of a motor vehicle which is subject to registration or taxation under ch. * * * 341.

SECTION 15. The title to ch. 85 and 85.01 to 85.09 (5) (d) of the statutes are repealed.

SECTION 16. 85.09 (5) (e) of the statutes is renumbered 218.01 (6m) and amended to read:

218.01 (6m) NOTICE OF INSURANCE TO BUYER UNDER INSTALMENT SALES CONTRACT. * * * *Whenever a person sells or agrees to sell* any motor vehicle at retail under a retail instalment contract * * * wherein provision is made for insurance coverage, or a charge is made therefor, such policy so issued or provided for, shall include public liability coverage protecting the driver of such motor vehicle against damages resulting from the negligent use thereof, or the seller shall, in writing, notify the buyer at the time of making such contract that the motor vehicle is not covered by public liability insurance protecting the driver against damages resulting from the negligent use thereof, and shall obtain a dated, written receipt for such notice signed by the buyer.

SECTION 17. 85.09 (6) to 85.92 of the statutes are repealed.

SECTION 18. 85.93 of the statutes is renumbered 204.30 (4).

SECTION 19. 85.94 and 85.95 of the statutes are repealed.

SECTION 20. 86.35 (1) of the statutes is amended to read:

86.35 (1) From the appropriation made by s. 20.420 (81) * * * *the highway commission shall allot* annually on December 15 * * * to each town, village and city, a privilege highway tax in an amount as herein set forth in lieu of the general property tax assessed prior to 1931 on motor

vehicles. Each town, village and city shall receive an amount equal to 11 per cent of the net registration *and title* fees, derived from * * * vehicles customarily kept in such town, village or city in the fiscal year ended the previous June 30 and registered under * * * s. 341.25 (1) (c), (d) or (e) and 20 per cent of the net registration *and title* fees derived from all other * * * vehicles registered under * * * ch. 341 (excluding fees collected from nonresidents pursuant to reciprocity agreements), but in no case shall the amount allotted be less than the approximate amount collected by * * * such town, village or city from the property tax on motor vehicles levied in the year 1930 as computed under ch. 22, laws of 1931. * * * Allotments made pursuant to this section shall be based on the net registration and title fees certified annually by the motor vehicle department pursuant to s. 341.34.

SECTION 21. 86.35 (2) of the statutes is renumbered 86.35 (3) and amended to read:

86.35 (3) * * * From each * * * annual allotment received by * * * a city of the first class under sub. (1), the city treasurer shall * * * set aside for each * * * city school fund established by law an amount which bears the same proportion to the amount set aside for such fund in the previous year as the total allotment received bears to the total allotment received in the previous year, but in no case shall the amount set aside for any such fund be less than the amount set aside from the first allotment received under sub. (1). * * *

SECTION 22. 86.35 (2) of the statutes is created to read:

86.35 (2) When the commissioner of motor vehicles files a certification pursuant to s. 341.34 (2) showing that through erroneous information or other mistake, a town, village or city has received credit for an incorrect portion of the registration or title fees or when any other error is found to have occurred in the computation and payment of the privilege highway tax allotment, the highway commission shall determine the respective amounts of overpayment and underpayment and effect an adjustment thereof by deducting the amount of the overpayment from the next succeeding normal allotment or allotments to the town, village or city which received the overpayment and by adding the amount of the underpayment to the next normal allotment to the town, village or city entitled thereto. Such deductions and additional allotments shall be respectively credited and charged to the appropriation of the fiscal year in which such adjustment is made.

SECTION 23. 110.04 of the statutes is created to read:

110.04 DUTY OF DEPARTMENT WITH RESPECT TO ACCIDENT REPORTS. (1) The department may require any operator, occupant or owner of a vehicle involved in an accident of which report must be made as provided in s. 346.70 to file supplemental reports whenever the original report is insufficient in the opinion of the department and may require witnesses of accidents to render reports to the department.

(2) The department shall tabulate and may analyze all accident reports and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents.

(3) The department shall prepare and supply at its own expense to police departments, coroners, sheriffs and other suitable agencies or individuals, forms for accident reports required to be made to the department. The report forms shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.

SECTION 24. 110.06 (3) of the statutes is amended to read:

110.06 (3) All orders, determinations * * * and rules * * * made by the commissioner of * * * motor * * * vehicles under the powers and authority transferred to him by this chapter * * * have the same force and effect as is provided for similar orders, determinations * * * and rules * * * of any department, made under the powers transferred hereby * * *. *Violations of those orders, determinations and rules pertaining to chs. 341 to 349 shall be punished as provided by s. 341.04 (3), those pertaining to ch. 194 as provided by s. 194.17 and those pertaining to s. 110.10 as provided by s. 110.10 (13).*

SECTION 25. 110.07 (1) of the statutes is amended to read:

110.07 (1) The commissioner of motor vehicles shall, in the years 1955 and 1956, increase the number of traffic officers in the employ of the department at the rate of 90 men per year. Such traffic officers, in addition to the director of the enforcement division of the department and the traffic officers authorized by ch. 326, laws of 1953, shall constitute the state traffic patrol, to enforce and assist in the administration of * * * chs. * * * 110 * * *, 194 and 341 to 349, or orders * * * or rules * * * issued pursuant thereto. Such traffic officers shall have the powers of sheriff in the enforcing of the above chapters * * * and orders * * * or rules * * * issued pursuant thereto. Such traffic officers shall have authority to enter any place where vehicles subject to * * * chs. * * * 110 * * *, 194 and 341 to 349 are stored or parked at any time to examine such vehicles, or to stop such vehicles while en route at any time upon the public highways to examine the same and make arrests for all violations thereof. It * * * is the duty of all justices of the peace, judges, district attorneys and law enforcement officers to assist in enforcing * * * chs. * * * 110 * * *, 194 and 341 to 349, and orders * * * or rules * * * issued pursuant thereto, and law enforcement officers shall report to the motor vehicle department all arrests and disposition of court cases involving the aforementioned statutes.

SECTION 26. 110.08 (1) of the statutes is amended to read:

110.08 (1) The motor vehicle department shall employ not to exceed 85 persons whose duty it shall be to give operator's license examinations as prescribed by s. * * * 343.16. One of the persons so employed shall be the chief examiner. He shall have general supervisory powers over the other examiners and shall be responsible for the training of the other examiners and for assigning and co-ordinating their operations and functions. Not to exceed 5 of the persons employed shall be intermediate supervising examiners. The department may contract for specialists in driver's license examining to augment the department training program for examiners. The department shall train and assign sufficient examining personnel to carry out an intensive driver improvement program including re-examination and personal interview of problem drivers.

SECTION 27. 110.09 (4) of the statutes is repealed:

SECTION 28. 182.47 (1) of the statutes is amended to read:

182.47 (1) The provisions of chs. * * * 86 and 341 to 349 relative to the operation of motor vehicles on highways and the protection of public highways including the weight restriction laws shall be applicable to turnpikes and for the purpose of these laws, turnpikes shall be deemed to be public highways. Turnpikes shall be considered as class "A" highways under s. * * * 348.15 and all limitations on the use of such class "A" highways shall be applicable. Turnpikes shall not be subject to traffic control by any local governmental ordinance * * * or rule * * *.

SECTION 29. 192.29 (2) of the statutes is amended to read:

192.29 (2) In any proceeding under sub. (1) or under s. 195.28, the commission may by order require that the state or municipality install * * * at any crossing involved in such proceeding * * * *an official stop sign of the size and type prescribed by the state highway commission pursuant to s. 349.08.*

SECTION 30. 193.01 (1) of the statutes is amended to read:

193.01 (1) Corporations for constructing, maintaining and operating street railways may be formed under ch. 180, and shall have powers and be governed accordingly. Any municipality or county may grant to such corporation, under whatever law formed, or to any person who has the right to operate street railways, the use, upon such terms as it * * * *determines*, of any streets, parkways or bridges within its limits for the purpose of laying tracks and running cars thereon, or of running cars without trucks by overhead trolley, and auxiliary vehicles operated by internal combustion engines, for the carriage of freight and passengers, to be propelled by such power as shall be agreed on, with all necessary curves, turnouts, switches and other conveniences. Every such road shall be constructed upon the most approved plan and be subject to such reasonable rules * * * and the payment of such license fees as the grantor may by ordinance * * * prescribe. Transportation systems employing overhead trolley structures for the propulsion of cars without tracks shall be deemed railroads subject to * * * ch. 195. The cars used for the operation of any such trackless trolley system shall not be deemed motor vehicles within the meaning of * * * ch. 194 * * *.

SECTION 31. 194.04 (1) (cm) and (2) of the statutes are amended to read:

194.04 (1) (cm) Vehicles permitted under common or contract motor carrier authorities shall pay permit fees for the same period as registration fees are paid under ch. * * * 341.

(2) Every permit, except the quarterly permits issued pursuant to * * * *sub. (1) (cm)*, for the operation of a motor vehicle * * * *expires* on June 30 of each year. Except as herein provided application for permits shall be made annually and shall be accompanied by the annual fee reduced by one-fourth for each quarter of the permit year in which the vehicle has not been operated, except that there shall be no reduction of the fees paid by private motor carriers or on renewals. No permit shall be issued or renewed for any motor vehicle unless the registration required by * * * *ch. 341* is paid in this state.

SECTION 32. 194.10 of the statutes is amended to read:

194.10 If any common motor carrier of property or of passengers, any contract motor carrier, or any private motor carrier, subject to this chapter, is a nonresident of this state, he shall, prior to operating under this chapter, appoint an agent in this state upon whom process *and notices* in any or all legal proceedings, arising out of its operation within this state or under this chapter, may be served and shall forthwith notify the motor vehicle department of such appointment and of the name and address of such agent, and such nonresident carrier shall, so long as he continues to operate in this state, maintain such an agent. Unless such an agent is appointed by the time the certificate, license or permit is issued, authorizing such nonresident carrier to operate in this state under this chapter, or if at any time thereafter, so long as he continues to operate in this state under this chapter, he does not maintain such an agent in this state, he shall be deemed to have authorized the commissioner of * * * motor * * * *vehicles* to act as his agent for the service of process *and the notice*

of injury required by s. 330.19 (5) in the legal proceedings above set forth. The commissioner, while he is such agent shall, upon being served with process or notice as the agent of such nonresident carrier, forthwith mail to him the papers so served. Such service on the commissioner shall be effected by serving upon him the original, *one copy for the commissioner's record of service* and * * * *such additional* number of copies * * * *as* there are defendants so served in the action, the original to be returned with proper certificate of service attached for filing in court as proof of service of the copies by having mailed them by registered mail to the defendants named therein. The service fee * * * *is* \$2 for each defendant so served.

SECTION 33. 194.16 of the statutes is amended to read:

194.16 No motor carrier of property or of passengers shall operate any motor vehicle under any permit issued pursuant to this chapter * * * while delinquent in the payment of any part of the fees provided under ch. * * * 341.

SECTION 34. 194.355 of the statutes is amended to read:

194.355 The operation of a motor vehicle under a permit issued to a common motor carrier or a contract motor carrier shall, during the effective life of said permit, be deemed to be the operation of the permittee for all purposes related to the enforcement of chs. * * * 110 * * *, 194 and 341 to 349.

SECTION 35. 194.41 (1) (intro. par.) of the statutes is amended to read:

194.41 (1) (intro. par.) No common carrier of property, or contract motor carrier, shall operate any motor vehicle for which a permit is required by this chapter unless it * * * *has* on file with the motor vehicle department and in effect a good and sufficient indemnity bond, policy of insurance or other contract in writing in such form and containing such terms and conditions as may be approved by the department issued by a surety, indemnity or insurance company or exchange lawfully qualified to transact such business in this state under which such indemnitor shall assume the liability prescribed by this section with respect to such motor vehicle. Said undertaking shall be subject to the approval of the department and shall provide that the indemnitor shall be directly liable for and shall pay all damages for injuries to or for the death of persons or for injuries to or destruction of property that may be recovered against the owner or operator of each such motor vehicle by reason of the negligent use or operation thereof in an amount not less than (a) for injury to or death of persons, \$10,000, to or for any one person and \$20,000 for any one accident, or (b) for injury to or destruction of property, \$10,000 for any one accident. Such liability may be restricted so as to be inapplicable to damage claims on account of injury to or destruction of property transported, but the department may require an undertaking protecting the owner of the property transported by public carriers from loss or damage thereto, which undertaking shall be in such amount and under such * * * *conditions* as the department may require. No common motor carrier of passengers by any motor vehicle, or other carrier of passengers by motor bus, except those * * * *registered* in accordance with s. * * * 341.26 (2) (a) to (f) shall operate any motor vehicle unless it * * * *has* on file with the department a like undertaking in such form and containing such terms and conditions as may be approved by the department for the payment of damages for injuries to property in at least the amount hereinbefore specified and of damages for injuries to or for the death of persons, including passengers in at least the following amounts:

SECTION 36. 194.44 (2) of the statutes is amended to read:

194.44 (2) If any person engaged in the business of leasing motor vehicles without drivers, or leasing trailers to be hauled or propelled by a motor vehicle, leases such motor vehicles without drivers, or leases such trailers to private motor carriers, such lessor shall procure a private motor carrier permit in his name for the motor vehicles or trailers leased to private motor carriers. In such event, a lessor's private motor carrier's permit on a motor vehicle or trailer being used by a private motor carrier shall constitute compliance with this chapter on the part of such motor carrier with respect to the requirements for a permit on such motor vehicle or trailer. When a leased motor vehicle or trailer is used by a private motor carrier under permit issued to the lessor of such motor vehicle or trailer, the person in whose name the permit is issued shall be responsible to the state for the payment of all taxes, fees and other payments due under chs. * * * 194 and 341 because of the operation of the motor vehicle or trailer under such permit, and for the making of all reports in connection with the operation of such motor vehicle or trailer. The owner of each such leased motor vehicle or trailer shall before leasing the same comply with the insurance requirements of s. 194.41. The annual permit fee for each such leased motor vehicle or trailer * * * is \$10. It * * * is the duty of the department to supervise and regulate the operations of such leased motor vehicles and trailers to * * * effectively accomplish the intent of s. 194.02.

SECTION 37. 218.01 (1) (k) of the statutes is amended to read:

218.01 (1) (k) "Motor vehicle" means any motor driven or trailer type vehicle required to be registered under * * * ch. 341.

SECTION 38. 218.01 (2) (i) of the statutes is amended to read:

218.01 (2) (i) Application for dealers' licenses shall be submitted to the department in duplicate and contain such information as the licensors may require. Application for sales finance company licenses shall contain such information as the commissioner * * * requires. No motor vehicle dealer or sales finance company, unless so licensed, shall be permitted to register or receive or use * * * registration plates under * * * ss. 341.47 to 341.56. Sales finance companies licensed hereunder shall have all the rights accorded to and be liable to all the penalties imposed on motor vehicle dealers under * * * ss. 341.47 to 341.56. The department shall transmit the duplicate copy of each application for a dealer's license to the commissioner with \$1 for each application fee to cover the fee required under par. (d) 8 and the commissioner shall issue a sales finance company license to the dealer if no prior sales finance company license has been suspended or revoked, and if applicant meets the requirements of this section relating to sales finance companies.

SECTION 39. 218.01 (8) (b) of the statutes is amended to read:

218.01 (8) (b) For violation of * * * sub. (2) * * * or (6m), by a fine not exceeding \$500 or by imprisonment * * * not to exceed 90 days, or * * * both * * *.

SECTION 40. 262.08 (5) of the statutes is amended to read:

262.08 (5) In the situations specified in s. * * * 345.09, service in accordance with the procedure specified therein shall be the equivalent of personal service.

SECTION 41. 262.09 (13) of the statutes is amended to read:

262.09 (13) If the defendant is a foreign corporation and the cause of action arises in the situations specified in s. * * * 345.09, service may be made in accordance with the procedure specified therein.

SECTION 42. 301.22 of the statutes is amended to read:

301.22 Except for proceedings to recover forfeitures for violations of county or municipal ordinances enacted * * * *pursuant to s. 349.06*, after the service and return of civil process against any minor the action shall not be further prosecuted until a guardian for him has been appointed. Upon the request of a defendant the justice shall appoint some person, consenting thereto in writing, to be guardian of the defendant in the action; and if the defendant does not appear on the return day of the process or if he neglects or refuses to nominate such guardian the justice may, at the request of the plaintiff, appoint any suitable person as guardian. The guardian shall not be liable for costs.

SECTION 43. 330.19 (5) of the statutes is amended to read:

330.19 (5) An action to recover damages for an injury to property, real or personal, or for an injury to the person, character or rights of another, not arising on contract, except in case where a different period is expressly prescribed. But no action to recover damages for injuries to the person, received without this state, shall be brought in any court in this state when such action * * * *is* barred by any statute of limitations of actions of the state or country in which such injury was received unless the person so injured * * *, at the time of such injury, * * * *was* a resident of this state. No action to recover damages for an injury to the person shall be maintained unless, within 2 years after the happening of the event causing such damages, notice in writing, signed by the party damaged, his agent or attorney, * * * *is* served upon the person or corporation by whom it is claimed such damage was caused, stating the time and place where such damage occurred, a brief description of the injuries, the manner in which they were received and the grounds upon which claim is made and that satisfaction thereof is claimed of such person or corporation. Such notice shall be given in the manner required for the service of summons in courts of record, *including service upon the commissioner of motor vehicles when authorized by law*. No such notice shall be deemed insufficient or invalid solely because of any inaccuracy or failure therein in stating or omitting any detail, provided it appears that there was no intention on the part of the person giving the notice to mislead the other party and that such party was not in fact misled thereby. It is declared that the purpose of this statute is to prevent the prosecution of claims after the investigation of the facts upon which they are based * * * have become difficult and no notice which advises the person to whom it is addressed of the principal facts upon which the claim is based shall be deemed insufficient if it substantially meets the requirements hereof. When an action * * * *is* brought and a complaint actually served within 2 years after the happening of the event causing such damages, the notice herein provided for need not be served.

SECTION 44. 960.01 (5) (b) of the statutes is amended to read:

960.01 (5) (b) When the punishment whereof does not exceed 6 months' imprisonment or a fine of \$500 or both, or is for violation of * * * *ss. 348.15, 348.16 or 348.17* regardless of the monetary penalty involved, and the defendant upon arraignment * * * *requests* to enter a plea of guilty, to then make such a determination of guilt and pass sentence in the same manner as if the matter were within the court's original jurisdiction to hear, try and determine.

SECTION 45. This act shall take effect upon July 1, 1957.

Approved June 21, 1957.

CROSS REFERENCE TABLE

This table is designed to assist in tracing the various provisions of ch. 85 into the sections of the new vehicle code. It covers all sections repealed or renumbered by this bill. It does not show (except in the case of complete repeals) what specifically happened to a particular section of ch. 85, i.e., whether it was substantially changed or restated without change. To find that information, turn to the new section and the note attached thereto in Bill No. 99, S. The notes also will show what sections of ch. 85 are covered by a particular section of the new vehicle code.

<i>Old Section</i>	<i>New Section</i>	<i>Old Section</i>	<i>New Section</i>
85.01 (1) (first sentence)	341.04 (1)	85.01 (3) (a) (cont'd)	
(2nd sentence)	341.05 (4) and repealed in part ¹	(2nd sentence)	341.11 (4)
(3rd & 4th sentences)	341.04 (3) and repealed in part ¹	(3rd sentence)	342.10 (1) (b)
(5th sentence)	Repealed ¹	(4th sentence)	342.06 (1) (d)
(6th sentence)	341.05 (1), (3), (5)	(3) (b)	342.11 (3)
(7th to 10th sentences)	341.30	(4) (a)	342.20 (2) (a)
(11th, 12th, 13th sentences)	341.10 (1)	(4) (ad)	342.13
(14th and 15th sentences)	341.31	(4) (am)	Repealed ⁵
(1a) (a) and (b)	Repealed ²	(4) (an) (first sentence)	341.27 (3) (a)
(1a) (c)	340.01 (4)	(2nd and 3rd sentences)	341.28 (2) (a)
(1b) (a), (b) and (c)	341.04	(4th sentence)	341.33
(1b) (d)	341.27	(4) (ao)	Repealed ⁶
(1b) (e)	341.28 (7) (a)	(4) (b)	341.25 (1) (b)
(1d) (a)	341.13 (1), (3)	(4) (ba)	Repealed
(1d) (b)	Repealed ³	(4) (bb)	341.26 (2) (g)
(2)	Repealed ⁴	(4) (c)	341.25 (1) (d), (e), (2)
	341.08	(4) (cc) 1.	341.26 (3) (d), (g)
	341.10 (2)	(4) (cc) 2.	341.26 (3) (h)
	342.06	(4) (cc) 3.	341.26 (3) (e)
	342.10 (1) (a)	(4) (cc) 4.	341.26 (3) (e)
(2a)	341.07	(4) (cc) 5.	341.26 (3) (f)
	341.11 (2)	(4) (cc) 6.	341.30 (1) (e)
(3) (a) (first sentence)	341.11 (1)	(4) (cc) 7.	Repealed ⁷
	341.12 (1)	(4) (cd) 1.	341.26 (1) (a)
	342.09 (1)	(4) (cd) 2.	341.26 (1) (b)
	342.10 (1)	(4) (cd) 3.	341.26 (1) (c)
		(4) (cd) 4.	341.26 (1) (e) 1.
		(4) (cd) 5.	341.26 (1) (e) 2.
		(4) (cd) 6.	341.26 (1) (e) 3.

¹ See note to s. 341.04 in Bill No. 99, S.

² The 14th sentence is covered by s. 20.951 of the statutes. The fifteenth sentence is unnecessary in view of s. 341.31.

³ Not necessary under new drafts.

⁴ First sentence considered not necessary; last sentence covered by s. 990.001 (11) of the statutes.

⁵ This provision is obsolete.

⁶ The points covered by the repealed provision are covered by ss. 341.27 and 341.28, but in a somewhat different manner so as to conform to practice.

⁷ This provision is now obsolete.

CHAPTER 260

<i>Old Section</i>	<i>New Section</i>	<i>Old Section</i>	<i>New Section</i>
85.01 (4) (cd) 7.....	341.26 (1) (d)	85.01 (4) (i) (first sen- tence).....	341.62
(4) (cd) 8.....	341.05 (11)	(2nd sentence).....	341.61 (2)
(4) (cd) 9.....	341.05 (7), (16)	(3rd and 4th sen- tences).....	341.09 (2)
(4) (cd) 10.....	341.05 (8), (9), (10)	(5th sentence).....	341.04
(4) (cd) 12.....	341.05 (12)		341.61
(4) (cd) 13.....	341.05 (12)		341.62
(4) (cm).....	341.26 (3) (a)	(4) (j) (first sen- tence).....	341.04 (2)
(4) (cr) (first sen- tence).....	341.25 (1) (h)		341.32 (2)
(2nd and 3rd sen- tences).....	341.30		341.60
(4th sentence).....	341.31 (3)	(last sentence).....	341.25 (3)
(5th sentence).....	341.12	(5).....	341.29
(6th sentence).....	340.01 (56)		341.30 (2)
(4) (d).....	341.25 (1) (h)	(6) (a).....	341.12
(4) (dm).....	341.26 (2) (h)		341.13 (1) (a)
(4) (e) 1.....	341.25 (1) (g)	(6) (ad) (first sentence).....	341.14 (1)
(4) (e) 1m.....	341.05 (13)	(last 2 sentences) ..	346.50 (2)
(4) (e) 2.....	341.25 (1) (f)	(6) (b).....	341.13 (2)
(4) (el).....	341.26 (3) (b) and (h)	(6) (c) 1. (first 3 sentences).....	341.15 (1), (2)
(4) (em).....	341.04 (1)	(last sentence).....	341.61 (2)
	341.25 (1) (i)	(6) (c) 2. (first 2 sentences).....	342.18 (1) (c)
	342.05	(last sentence).....	341.61 (2)
(4) (en).....	347.35 (4)	(6) (e) 1.....	341.14 (2)
	347.36 (1)	(6) (e) 2.....	341.17 (3), (4)(c), (5)
(4) (f).....	341.25 (1) (d)	(7).....	341.12
(4) (g) (first 2 sentences).....	341.26 (2) (a) to (f)		341.15
(3rd sentence).....	341.12	(8) (a) (first sen- tence).....	342.18 (1)
(4th sentence).....	341.34 (1)	(2nd sentence).....	342.19 (1) ⁹
(5th sentence).....	Repealed ⁸	(3rd sentence).....	342.20 (1)
(4) (h) (first 4 sentences).....	341.28	(4th sentence).....	342.18 (1)
	341.31	(5th & 6th sen- tences).....	342.19 (1)
(last sentence).....	341.33 (2)	(last 2 sentences) ..	342.18 (1) (c)
(4) (ha) (first 2 sentences).....	341.33 (3)	(8) (am).....	342.18 (1) (c)
(last sentence).....	341.28 (4) (c)	(8) (b) (first 3 sentences).....	342.06 (1) (f)
	341.31 (1) (d)		342.30
(4) (hb).....	341.09 (3)	(last sentence).....	Repealed ¹⁰
(4) (hm) (first 3 sentences).....	341.28 (2) (a), (6)	(8) (c).....	342.19 (2)
	341.31 (1) (c), (2) (b)	(8) (d) (first 2 sentences).....	342.34
(last 3 sentences) ..	342.07		342.31 (1)
	342.10 (3)		

⁸ The provision serves no purpose since the legislature never has authorized purchase of automobiles for use by conservation wardens.

⁹ The statement that the transfer of a vehicle is not valid until the department has been notified thereof is repealed. See note to s. 342.19 in Bill No. 99, S.

¹⁰ See note to s. 342.30 in Bill No. 99, S.

<i>Old Section</i>	<i>New Section</i>	<i>Old Section</i>	<i>New Section</i>
85.01 (8) (d) (cont'd)		85.02 (10).....	341.53
(3rd, 4th sentences)	342.32	(10a).....	341.48 (3)
(5th sentence).....	Repealed		341.49
(6th sentence).....	342.08		341.50 (3)
(7th sentence).....	Repealed ¹¹	(11).....	341.48 (2)
(8) (e) (first sen- tence).....	342.06 (2) ¹²		341.49 (3)
(2nd sentence).....	342.05 (4)		341.54 (4)
	342.18 (2), (3)		341.55
	342.19 (3)		341.56
	342.30 (3)	85.025 (1) (first sentence)	341.48
	342.34 (2)		341.54 (2)
(9).....	342.09 (2)	(2nd sentence).....	341.51 (1)
(9a).....	342.31 (2)	(2) (first sentence).....	Repealed ¹³
(10) (a).....	341.16	(2nd sentence).....	341.51 (1)
(10) (b) (first sen- tence).....	342.12	(3) (first sentence).....	341.51
	342.13	(2nd sentence).....	341.52
(2nd sentence).....	341.11 (3)	(4).....	341.55 (3), (4)
(11).....	341.17	(5).....	341.53
(12) (first sentence)	341.04 (3)	(6).....	341.54 (4)
	341.11 (4)		341.55
	341.15 (3)		341.56
	341.16 (4)	85.03 (1).....	342.35
(2nd sentence).....	Repealed ¹³	(2).....	342.36 (1), (2)
85.015 (1).....	341.25 (1) (b)	(3).....	342.37 (1), (2)
(3).....	349.18 (1)	(4).....	342.37 (3)
85.02 (1) (a) (first sen- tence).....	341.48	(5).....	342.38 (1)
	341.54 (2)	(6).....	342.38 (1)
(2nd sentence).....	341.51 (1)	(7).....	342.38 (2)
(1) (ab).....	Repealed ¹⁴	(8).....	342.35
(1) (b) (first sen- tence).....	341.54 (1)		342.38 (3)
(2nd sentence).....	341.51 (3)	85.04 (1).....	342.06 (1) (g)
(1) (c).....	341.50	(2).....	342.33
(2).....	341.49	(3) (first sentence).....	342.06 (1) (h)
(3).....	341.47 (2)	(last 2 sentences).....	342.10 (3)
(6) (first sentence).....	341.51 (1), (2)	(4) (first sentence).....	342.06 (1) (h)
(2nd sentence).....	341.47 (1)	(2nd sentence).....	342.10 (3)
	341.52	(5).....	342.06 (3)
(7).....	341.55		342.33
(8).....	341.55	85.045 (1).....	Repealed ¹⁵
(9).....	341.54 (3)	(2).....	341.34 (1)
		85.05 (1) (a).....	341.40 ¹⁷
		(1) (b).....	341.40
		(2).....	341.41 (1), (2)

¹¹ Covered by s. 44.08 (3) of the statutes.

¹² Forgery of certificate of title is covered by the forgery provisions of the criminal code.

¹³ See note to s. 341.04 in Bill No. 99, S.

¹⁴ This provision is obsolete.

¹⁵ The authority to prescribe forms is covered by s. 110.06 (1) of the statutes. The remainder of the repealed provision never has been followed in practice.

¹⁶ The repealed provision is obsolete.

¹⁷ Exemption from driver licensing covered by s. 343.05.

CHAPTER 260

<i>Old Section</i>	<i>New Section</i>	<i>Old Section</i>	<i>New Section</i>
85.05 (3).....	341.41 (3)	85.06 (14) (b).....	347.26 (6)
(4).....	347.05	(15).....	347.15
(5).....	341.41 (1a), (4)	(16).....	347.12
(6).....	345.09 (1), (2)	(17).....	347.16
(7).....	345.09 (3)		347.17
(8).....	345.09 (4)		347.18 (2)
85.055 (1).....	341.42 (1), (2)		347.19 (2)
(2).....	341.42 (3), (4), (5)	(18).....	347.28
(3).....	341.42 (5)		347.29
(4).....	341.42 (6)	(19) (a) (first & 3rd sentences).....	Repealed ^{2 9}
(5).....	Repealed ^{1 8}	(2nd sentence).....	347.23 (1) (a)
85.06 (1) (a).....	340.01 (21)	(19) (b) and (c).....	347.23 (1) (b), (3)
(1) (b).....	340.01 (36)	(20).....	347.22
(1) (c).....	Repealed ^{1 9}	(21).....	347.09 (1) (c)
(1) (d).....	Repealed ^{1 9}		347.11
(1) (e).....	340.01 (59)		347.13 (1)
(1) (f).....	340.01 (1)	(22).....	346.81 (1)
(1) (g).....	340.01 (13)	(23).....	347.13
(1) (h).....	340.01 (62)		347.14
(1) (i).....	340.01 (65)	(24).....	347.24
(1) (j).....	Repealed ^{1 9}		347.27
(1) (k).....	Repealed ^{1 9}	(25).....	347.16 (1) (c)
(1) (l).....	340.01 (7)		347.17
(1) (m).....	Repealed ^{1 9}		347.18 (1)
(1) (n).....	340.01 (19)	(26).....	347.18 (1)
(1) (o).....	340.01 (44)		347.19 (1)
(1) (p).....	340.01 (49)	(27).....	347.17
(1) (q).....	340.01 (23)		347.19 (1)
(2) (a).....	347.06 (1)	(28).....	347.06 (3)
(2) (b).....	347.08 (1)	(29).....	349.02
(3).....	347.09 (1) (a)	85.063 (1).....	347.43 (1)
	347.10 (2)	(2).....	347.43 (3)
(4).....	347.09 (1) (b)	(3).....	Repealed ^{2 1}
	347.10 (2)	(4).....	Repealed ^{2 1}
(5).....	347.13 (1)	(5) (first sentence).....	347.50
	347.27	(2nd sentence).....	347.43 (4)
(6).....	347.14	85.08 (1) (c).....	340.01 (56)
(7).....	347.26 (2)	(1) (d).....	340.01 (37)
(8).....	347.26 (3)	(1) (e).....	343.01 (2) (b)
(9).....	347.26 (4)	(1) (f).....	Repealed ^{2 2}
(10).....	347.07 (1)	(1) (g).....	Repealed ^{2 2}
(11).....	347.07 (2) (a)	(1) (h).....	Repealed ^{2 2}
(12).....	347.07 (2) (b)	(1) (i).....	343.01 (2) (a)
(13).....	347.26 (5)	(1) (j).....	344.01 (2) (e)
(14) (a).....	347.25 (1)	(1) (k).....	343.01 (2) (d)

¹⁸ Adequate rule-making authority conferred by s. 110.06.

¹⁹ The repealed definitions are unnecessary in the new vehicle code.

²⁰ See note to s. 347.23 in Bill No. 99, S.

²¹ See note to s. 347.43 in Bill No. 99, S.

²² The repealed definitions are unnecessary in the new vehicle code.

<i>Old Section</i>	<i>New Section</i>	<i>Old Section</i>	<i>New Section</i>
85.08 (2) (a).....	343.02	85.08 (11).....	343.25 (3)
(2) (b).....	Repealed ²³		343.26
(3) (first sentence).....	343.05 (1)	(12) (a).....	343.16 (1)
(2nd sentence).....	343.26	(12) (b).....	Repealed ²⁶
	343.38	(12) (c).....	343.16 (1)
(3a).....	343.12	(12) (d).....	343.16 (2) ²⁷
(4) (a).....	343.05 (2) (a)	(12) (e).....	Repealed ²⁶
(4) (b).....	343.05 (2) (b)	(12) (f).....	343.16 (4)
(4) (c).....	343.05 (2) (c)	(12) (g).....	343.16 (5)
(4) (d).....	Repealed ²⁴	(13).....	343.17 (1)
(5).....	Repealed ²⁵		343.23 (1) (b)
(6) (a).....	343.06 (1)	(14).....	343.18
(6) (b).....	343.06 (3)	(15) (a) (first	
(6) (c).....	343.06 (2)	sentence).....	343.13
(6) (d).....	343.06 (4)	(2nd sentence).....	343.17 (2)
(6) (e).....	343.06 (5)	(15) (b).....	343.34 (1)
(6) (f).....	343.06 (7)	(16).....	343.19 (1)
(6) (g).....	343.06 (8)	(17) (b).....	343.20
(6) (h).....	343.06 (9)	(17) (c).....	343.14 (1)
(6) (i).....	343.06 (10)	(17) (d).....	343.17 (1)
(6) (j) (first sen-		(18).....	343.21
tence).....	343.06 (6)	(19) (first sentence)	343.22 (1)
(rest of section).....	343.09	(2nd & 3rd	
(6) (k).....	343.06 (2)	sentences).....	343.21 (1) (f)
	343.10 (3)	(20).....	343.23
(6m).....	343.35	(21).....	343.25 (1)
(7).....	343.07 (1)		343.35 (1)
(7m).....	343.07 (2)	(22) (a).....	340.01 (40) ²⁸
(8) (a).....	343.14 (1)	(22) (b).....	343.26 (3)
(8) (b).....	343.14 (2)	(23) (a).....	343.31 (2)
(8) (c).....	343.14 (2) (e)		343.32 (1) (c)
	343.15 (1)	(23) (b).....	Repealed ²⁹
(9) (a) (first sen-		(24) (a) (first	
tence).....	343.08 (1) (a)	sentence).....	343.28 (2)
(2nd sentence).....	343.08 (2)	(2nd sentence).....	343.29 (2)
	343.17 (2)	(24) (b) (first	
(3rd & 4th sen-		sentence).....	343.28 (1)
tences).....	343.08	(2nd sentence).....	343.29 (1)
(9) (b).....	343.08	(24) (c).....	343.28
	343.17 (2)		343.29
(9) (c).....	343.15 (2)	(24) (d).....	343.36 (1), (2)
(10).....	343.15 (3)	(24b).....	343.27 (1), (2)
	343.25 (2)	(24c).....	343.30 (2)

²³ Adequate rule-making authority conferred by s. 110.06.

²⁴ The repealed section is obsolete.

²⁵ The repealed provision is unnecessary.

²⁶ The repealed provisions are obsolete.

²⁷ The \$2 limitation on the physician's fee was dropped. See note to s. 343.16 in Bill No. 99, S.

²⁸ The term "operating privilege" is used whenever suspension or revocation is involved and "operating privilege" is defined to include the privilege granted a non-resident to operate a vehicle in this state.

²⁹ See note to s. 343.39 in Bill No. 99, S.

<i>Old Section</i>	<i>New Section</i>	<i>Old Section</i>	<i>New Section</i>
85.08 (25) (a).....	343.31 (1) (a)	85.08 (35) (e).....	343.14 (3)
(25) (b).....	343.31 (1) (b)	(35) (f).....	343.43 (1) (e)
(25) (c).....	343.31 (1) (c)	(35) (g).....	343.05 (3)
(25) (d).....	343.31 (1) (d)		343.12 (3)
(25) (e).....	343.31 (1) (e)		343.19 (2)
(25) (f).....	343.31 (1) (f), (g)		343.22 (2)
(25) (g).....	Repealed ³⁰	(35) (h).....	343.43 (1) (f)
(25a).....	343.39 (1) (b)	(38).....	343.45 (1)
(25c) (a).....	343.10 (1)	(39).....	343.45 (2)
(25c) (am).....	343.10 (2)	(40).....	343.46 (1), (2), (3)
(25c) (b) (first sentence).....	343.10 (4)	(41) (a).....	Repealed ³³
(2nd sentence).....	343.10 (1)	(41) (b).....	343.05 (3)
(last 2 sentences) ..	343.10 (3)		343.12 (3)
(25c) (c) (first sentence).....	343.10 (4)		343.19 (2)
(2nd sentence).....	343.10 (5)		343.22 (2)
(25c) (d).....	343.30 (3)		343.43 (2)
	343.31 (1) (h)		343.45 (3)
(25c) (e).....	343.10 (6)		343.46 (4)
(26).....	343.38 (1)	(42).....	343.30 (5)
	343.21 (1) (e)	(43).....	Repealed ³³
(26m).....	340.01 (40) ³¹	85.09 (1) (a).....	340.01 (8)
(27) (a).....	343.30 (1)	(1) (b).....	344.01 (2) (a)
(27) (b).....	343.32 (2)	(1) (c).....	343.01 (2) (b)
(27) (c).....	343.32 (1) (a)	(1) (d).....	344.01 (2) (b)
(27) (d).....	343.32 (1) (b)	(1) (e).....	340.01 (37)
(27) (e).....	343.32 (1) (d)	(1) (f).....	340.01 (40)
	344.25	(1) (g).....	344.01 (2) (c)
(27) (g).....	Repealed ³²	(1) (h).....	340.01 (42)
(28).....	343.33	(1) (i).....	Repealed ³⁴
(29).....	343.38 (1)	(1) (j).....	344.01 (2) (d)
	343.21 (1) (e)	(1) (jm).....	344.22
(30).....	343.32 (3)	(1) (k).....	344.01 (2) (e)
(31).....	343.38 (1) (c)	(1) (l).....	344.01 (2) (f)
(32).....	343.35 (1), (3)	(2) (a).....	344.02
(33) (first 2 sen- tences).....	343.16 (3)		110.06
(3rd sentence).....	343.34 (2)	(2) (b).....	344.03
(34).....	343.37		227.17
(34a).....	343.40	(2) (c).....	344.04
(35) (a).....	343.43 (1) (a)	(3).....	344.06
(35) (b).....	343.43 (1) (b)	(4).....	344.08
(35) (c).....	343.43 (1) (c)	(5) (a).....	344.12
(35) (d).....	343.35 (2)		344.13 (1), (3)
			344.14 (1)
		(5) (am).....	344.13 (2)

³⁰ See note to s. 343.31 in Bill No. 99, S.

³¹ The term "operating privilege" is used with reference to reinstatement after suspension or revocation and "operating privilege" is defined to include the privilege of an unlicensed person to secure a license.

³² The repealed provision is unnecessary in view of the definition of "local ordinance which is in conformity therewith".

³³ The repealed provisions are unnecessary.

³⁴ Covered by s. 990.01 (26) of the statutes.

<i>Old Section</i>	<i>New Section</i>	<i>Old Section</i>	<i>New Section</i>
85.09 (5) (b) 1.-----	344.14 (2) (a)	85.09 (39)-----	Repealed ^{3 5}
(5) (b) 2.-----	344.14 (2) (b)	85.095-----	345.05
(5) (b) 3.-----	344.14 (2) (c)	85.10 (1)-----	340.01 (73)
(5) (b) 4.-----	344.14 (2) (d)	(2)-----	340.01 (35)
(5) (c)-----	344.15 (1), (2), (3)	(3)-----	340.01 (4)
(5) (d)-----	344.15 (4)	(4) (first sentence)-----	340.01 (33)
(5) (e)-----	218.01 (6m)	(4) (a)-----	340.01 (45)
(6) (a)-----	344.14 (2) (e)	(4) (b)-----	340.01 (30)
(6) (b)-----	344.14 (2) (f)	(4) (c)-----	340.01 (32)
(6) (c)-----	344.14 (1), (2) (g)	(5)-----	340.01 (34)
(6) (d)-----	344.14 (2) (h)	(5a)-----	340.01 (18)
(6m)-----	344.16	(6)-----	340.01 (72)
(7)-----	344.18	(7)-----	340.01 (53)
(8)-----	344.19	(8)-----	340.01 (16)
(9)-----	344.17	(9)-----	Repealed ^{3 5}
(10)-----	344.20	(10)-----	Repealed ^{3 5}
(11)-----	344.21	(11)-----	340.01 (70)
(12)-----	344.05	(11a)-----	340.01 (17)
(13) (a)-----	344.25 (intro. par.)	(12)-----	340.01 (57)
(13) (b)-----	344.25 (2)	(13)-----	Repealed ^{3 5}
(14)-----	344.26 (1), (2)	(14)-----	340.01 (3)
(15)-----	344.26 (3)	(15)-----	Repealed ^{3 6}
(16)-----	344.27	(16)-----	340.01 (42)
(17)-----	344.24	(17)-----	340.01 (41)
(18)-----	344.29	(18)-----	340.01 (43)
	344.30	(19)-----	340.01 (69)
(19)-----	344.31	(20)-----	340.01 (26)
(20)-----	344.32	(21) (a)-----	340.01 (22)
(21)-----	344.33	(21) (b)-----	340.01 (63)
(22)-----	344.34	(21) (c)-----	340.01 (2)
(23)-----	344.35	(21) (d)-----	340.01 (46)
(24)-----	344.36	(21) (e)-----	340.01 (54)
(25)-----	344.37	(21) (f)-----	340.01 (15)
(26)-----	344.38	(21) (g)-----	346.02 (8)
(27)-----	344.39	(22)-----	340.01 (25)
(28)-----	344.40 (2)	(23)-----	340.01 (10)
(29)-----	344.41	(24)-----	340.01 (58)
(31)-----	344.45 (1)	(25)-----	340.01 (55)
(31m)-----	344.46 (1), (3)	(26)-----	Repealed ^{3 6}
(32) (a)-----	344.47	(27)-----	Repealed ^{3 6}
	343.44	(28)-----	340.01 (6)
(32) (b)-----	344.45 (2)	(29)-----	340.01 (50)
(32) (c)-----	344.48	(30)-----	Repealed ^{3 6}
(32) (d)-----	344.46 (2)	(31)-----	340.01 (67)
(33)-----	344.14 (2) (i), (j)	(32)-----	Repealed ^{3 6}
	344.25 (1)	(33)-----	349.17 (2)
(35)-----	Repealed ^{3 5}	(34)-----	Repealed ^{3 6}
(36)-----	Repealed ^{3 5}	(35)-----	340.01 (51)
(37)-----	344.07	(36) (a)-----	Repealed ^{3 6}
(38)-----	Repealed ^{3 5}	(36) (b)-----	Repealed ^{3 6}
		(36) (c)-----	340.01 (20)
			348.01 (2)(a)

³⁵ The repealed provisions were considered obsolete or unnecessary.

³⁶ The repealed definitions were considered unnecessary in the revised vehicle code.

<i>Old Section</i>	<i>New Section</i>	<i>Section Old</i>	<i>Section New</i>
85.10 (37)-----	340.01 (38)	85.16 (1)-----	346.07 (1)
(38)-----	340.01 (39)	(2)-----	346.13 (1)
(39)-----	340.01 (68)	(3)-----	346.07 (2)
(40)-----	Repealed ³⁷	(4)-----	346.07 (3)
(41)-----	340.01 (8)	(5)-----	346.09 (2)
(42)-----	340.01 (12)	(6)-----	346.10
(45)-----	340.01 (29)	(7)-----	Repealed
85.11 -----	Repealed ³⁸	(8)-----	Repealed
85.12 (1)-----	349.02	(9)-----	Repealed
(2)-----	346.04 (1)	(10)-----	346.24 (3)
(3)-----	346.04 (2)	(11)-----	346.11
(4)-----	346.02 (5)	(12) (a)-----	346.48
(5)-----	346.03	(12) (b) (first	
(6)-----	346.02 (2), (4)	sentence)-----	347.25 (2)
85.13 (1)-----	346.63 (1)	(2nd sentence)-----	346.48 (2)
(2)-----	340.01 (35), (73)	85.17 (1)-----	346.31 (2)
	346.63 (3)	(2)-----	346.31 (3), (4)
(3)-----	346.65 (2)		346.32
85.14 (1) (first sentence)-----	346.61	(2a)-----	346.31 (3), (4)
(2nd sentence)-----	349.09	(3)-----	346.31 (1)
(2)-----	346.42	(4)-----	346.33 (1) (a)
85.141 (1) (a)-----	346.67	(5)-----	346.33 (1) (b),
(1) (b)-----	346.74 (5)		(c), (3)
(2) (a)-----	346.67	85.175 -----	346.34
(2) (b)-----	346.74 (5)	85.176 -----	346.35
(3)-----	346.67	85.177 -----	346.35
(4) (a)-----	346.68	85.18 (1)-----	346.18 (1)
(4) (b)-----	346.74 (3)	(4)-----	346.18 (3)
(5) (a)-----	346.69	(5)-----	346.18 (2)
(5) (b)-----	346.74 (3)	(6)-----	346.20
(6) (a)-----	346.70 (1), (2)	(7)-----	346.19 (1) (d)
(6) (ag)-----	346.70 (3)	(8)-----	346.47 (1)
(6) (am)-----	346.70 (3)	(9)-----	346.18 (4)
(6) (ar)-----	346.70 (1)		346.47 (1)
(6) (b)-----	110.04 (1)	(10)-----	346.18 (5)
(6) (c)-----	346.70 (4)	(11)-----	346.21
	346.74 (4)	(12)-----	346.05 (2)
(8) (a)-----	110.04 (3)	85.19 (1)-----	346.51
(8) (b)-----	346.70 (2)	(2) (a)-----	346.54
(9)-----	346.71	(2) (b)-----	346.54 (1) (c)
(10)-----	346.73	(2) (c)-----	349.13 (2) (d)
(11)-----	110.04 (2)	(3) (a)-----	346.52 (1) (a)
(12)-----	349.19	(3) (b)-----	346.52 (1) (b)
85.15 (1)-----	346.05 (1), (3)	(3) (c)-----	346.52 (1) (c)
(2)-----	346.09 (1)	(3) (d)-----	346.52 (1) (d)
(3)-----	346.15	(3) (e)-----	346.52 (1) (e)
(4)-----	346.06	(3) (f)-----	Repealed ³⁹
(5)-----	346.13 (2)	(3) (g)-----	346.52 (1) (f)

³⁷ Covered by s. 990.01 (26) of the statutes.

³⁸ This provision was enacted at a time when road rights of motor vehicle operators were much less secure than at present. The provision no longer is needed.

³⁹ See note to s. 346.51 in Bill No. 99, S.

<i>Old Section</i>	<i>New Section</i>	<i>Old Section</i>	<i>New Section</i>
85.19 (4) (a).....	346.53 (1)	85.39 (1).....	346.92 (1)
(4) (b).....	346.53 (2)	(2).....	346.92 (2), (3)
(4) (c).....	346.52 (1) (g)	(3).....	346.94 (3)
(4) (d).....	346.53 (3)	85.395.....	346.62 (1)
(4) (e).....	346.53 (4)	85.40 (1) (a).....	346.57 (4) (e), (g)
(4) (f).....	346.52 (2)	(1) (b).....	346.57 (4) (f)
(4) (g).....	346.52 (1) (h)	(1) (c).....	346.57 (4) (a)
	346.53 (6)	(1) (d).....	346.57 (4) (b)
(4) (h).....	Repealed ⁴⁰	(1) (e).....	346.57 (4) (c)
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⁴⁰ The repealed provision is covered by ss. 346.52 (1) (h) and 346.53 (6).

⁴¹ See note to s. 346.12 in Bill No. 99, S.

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⁴² The repealed provision is obsolete.

⁴⁴ The repealed provisions are largely obsolete and the subject matter is adequately covered by s. 347.45.

⁴⁵ The repealed provision is unnecessary in view of the definition of "axle" in ss. 348.15 and 348.16.

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⁴⁶ The repealed provision has never served any purpose because of a modification in the original bill creating s. 85.90. See Bill No. 522, S., 1951 session, and amendments thereto.

⁴⁷ See note to s. 346.44 in Bill No. 99, S.

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