

CHAPTER 674

AN ACT to repeal 85.01 (4) (cd) 11, as created by ch. 499, laws of 1957; 85.035, as created by ch. 354, laws of 1957; 85.05 (6), as amended by ch. 84, laws of 1957; 85.08 (24) (e), as created by ch. 390, laws of 1957; 85.08 (24b), as amended by ch. 238, laws of 1957; 85.08 (50) to (63), as created by ch. 396, laws of 1957; 85.19 (10), as amended by ch. 214, laws of 1957; 85.216, as amended by ch. 84, laws of 1957; 85.30 (3) to (5), as created by ch. 475, laws of 1957; 85.445, as amended by ch. 469, laws of 1957; 85.45 (2) (am), as created by ch. 250, laws of 1957; 85.845 (1), as amended by ch. 17, laws of 1957; 85.91, as amended by ch. 475, laws of 1957; 194.10, as amended by ch. 84, laws of 1957; 330.195, as amended by ch. 84, laws of 1957; 343.27 (4), as created by ch. 260, laws of 1957; to renumber and amend 85.01 (4) (cb), as created by ch. 105, laws of 1957; to amend 20.560 (2), as created by ch. 354, laws of 1957; 48.36 (1) (a) and (2) (a), as amended by ch. 416, laws of 1957; 341.50 (2), as created by ch. 260, laws of 1957; 343.27 (1) to (3), 343.43 (1) (a), 344.15 (1) and (3), 344.40 (1), 344.41 (3), 345.13 (1) and 346.30 (2), as created by ch. 260, laws of 1957; 346.48 (2), as amended by ch. 514, laws of 1957; 346.55 (3) and 346.62 (3), as created by ch. 260, laws of 1957; 346.94 (6m) and 346.95 (2) and (3), as created by ch. 451, laws of 1957; 347.25 (2) and 347.44 (3), as created by ch. 514, laws of 1957; 348.11 (2), 348.26 (4), 348.27 (5), 349.13 (1) (last 2 sentences), 349.14 and 349.18 (1), as created by ch. 260, laws of 1957; and 941.01 (1); and to create 341.05 (14m), 341.26 (1) (f), 342.40 to 342.43, 343.30 (2m), 343.60 to 343.73, 344.15 (6), 346.93, 346.94 (7), 347.44 (2) (c) and 348.05 (2) (j) of the statutes, relating to the integration of various acts of the 1957 legislature into the new vehicle code and making corrections in the vehicle code, and providing penalties.

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

SECTION 1. 20.560 (2) of the statutes, as created by ch. 354, laws of 1957, is amended to read:

20.560 (2) There is appropriated from the general fund to the motor vehicle department annually, a sum sufficient to carry out its functions under * * * ss. 342.40 to 342.43.

SECTION 2. 48.36 (1) (a) and (2) (a) of the statutes, as amended by ch. 416, laws of 1957, are amended to read:

48.36 (1) (a) In cases of moving vehicle violations, it shall either suspend or revoke the child's operating privilege upon the first violation and shall revoke such operating privilege upon a second or subsequent violation. *In case of a violation of s. 346.93, whether or not considered to be a moving traffic violation, it may suspend, but may not revoke, the child's operating privilege upon the first violation and may suspend or revoke such operating privilege upon a second or subsequent violation.* Immediately upon suspending or revoking the operating privilege, the court shall take possession of any motor vehicle operator's license or instruction permit which had been issued to such child 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) (a) In cases of moving vehicle violations, it shall not impose a forfeiture but shall either suspend or revoke the child's operating privilege upon the first violation and shall revoke such operating privilege upon a second or subsequent violation. *In case of a violation of s. 346.93, whether or not considered to be a moving traffic violation, it may suspend, but may not revoke, the child's operating privilege upon the first violation and may suspend or revoke such operating privilege upon a second or subsequent violation.* Immediately upon suspending or revoking the operating privilege, the court shall take possession of any motor vehicle operator's license or instruction permit which had been issued to such child 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 3. 85.01 (4) (cb) of the statutes, as created by ch. 105, laws of 1957, is renumbered 341.26 (4) and amended to read:

341.26 (4) Except for those vehicles that qualify for registration under * * * *sub. (1) (a) to (e)*, any motor vehicle, trailer or semitrailer, if operated empty, or used exclusively in transporting the equipment of the owner to or from a certain location over the * * * highways, when such operation at the location is exclusively for grading, ditching or excavating, shall be registered at one-fourth of the fee specified in * * * *s. 341.25 (2)* for vehicles or combinations of vehicles of the same gross weight.

SECTION 4. 85.01 (4) (cd) 11 of the statutes, as created by ch. 499, laws of 1957, is repealed.

SECTION 5. 85.035 of the statutes, as created by ch. 354, laws of 1957, is repealed.

SECTION 6. 85.05 (6) of the statutes, as amended by ch. 84, laws of 1957, is repealed.

SECTION 7. 85.08 (24) (e) of the statutes, as created by ch. 390, laws of 1957, is repealed.

SECTION 8. 85.08 (24b) of the statutes, as amended by ch. 238, laws of 1957, is repealed.

SECTION 9. 85.08 (50) to (63) of the statutes, as created by ch. 396, laws of 1957, are repealed.

SECTION 10. 85.19 (10) of the statutes, as amended by ch. 214, laws of 1957, is repealed.

SECTION 11. 85.216 of the statutes, as amended by ch. 84, laws of 1957, is repealed.

SECTION 12. 85.30 (3) to (5) of the statutes, as created by ch. 475, laws of 1957, are repealed.

SECTION 13. 85.445 of the statutes, as amended by ch. 469, laws of 1957, is repealed.

SECTION 14. 85.45 (2) (am) of the statutes, as created by ch. 250, laws of 1957, and renumbered 348.05 (3), is repealed.

SECTION 15. 85.845 (1) of the statutes, as amended by ch. 17, laws of 1957, is repealed.

SECTION 16. 85.91 of the statutes, as amended by ch. 475, laws of 1957, is repealed.

SECTION 17. 194.10 of the statutes, as amended by ch. 84, laws of 1957, is repealed.

SECTION 18. 330.19 (5) of the statutes, as amended by ch. 84, laws of 1957, is repealed.

SECTION 18m. 341.05 (14m) of the statutes is created to read:

341.05 (14m) Is a new motor vehicle being operated only across a highway from point of manufacture or assembly.

SECTION 19. 341.26 (1) (f) of the statutes is created to read:

341.26 (1) (f) A motor truck on which is mounted feed grinding and mixing equipment and used exclusively as a portable feed mill.

SECTION 20. 341.50 (2) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

341.50 (2) An approved service contract with an established repair shop having the repair parts and *repair* facilities specified in sub. (1) shall serve in lieu of the applicant's owning or leasing his own *repair* 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.

SECTION 21. 342.40 to 342.43 of the statutes are created to read:

342.40 MOTOR VEHICLE AUCTION DEALERS TO BE LICENSED. No person shall carry on or conduct the business of auctioning motor vehicles at wholesale 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.

342.41 APPLICATION FOR AUCTION DEALER'S LICENSE. (1) Application for a motor vehicle auction 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.

342.42 WHEN DEPARTMENT TO LICENSE AUCTION DEALER.

(1) The department shall issue a license certificate to the applicant for a motor vehicle auction dealer's license upon receipt of a properly completed application form accompanied by a fee of \$50 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. 342.40 to 342.43.

(2) A motor vehicle auction dealer's license entitles the licensee to carry on and conduct the business of a motor vehicle auction 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 \$50.

(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 revoke a license when satisfied that the licensee has failed to comply with ss. 342.40 to 342.43.

342.43 MOTOR VEHICLE AUCTION DEALER TO BE BONDED; CONDUCT OF AUCTION BUSINESS. (1) Each licensee under s. 342.42 shall furnish and maintain a corporate surety bond in the amount of \$25,000 in such form as the department approves, conditioned upon the licensee's complying with the laws applicable to the licensee and as indemnity for any loss sustained by any person by reason of acts of the licensee constituting grounds for refusal or revocation of his auction dealer's license. The bond shall run to the state of Wisconsin for the benefit of aggrieved parties, but the aggregate liability of the surety for all such parties shall not exceed the amount of said bond.

(2) The following rules shall govern the conduct of motor vehicle auction sales:

(a) Sales of motor vehicles shall be confined to those offered by licensed motor vehicle dealers and shall be sold only to licensed motor vehicle dealers.

(b) Every motor vehicle offered for sale shall be sold with the understanding that a clear title will be furnished, or in lieu of such an agreement, the obtaining of title insurance on each motor vehicle sold. A dealer's reassignment form shall be filed on each motor vehicle sold at the auction.

(c) Payment for motor vehicles bought and sold shall be made immediately after sale.

(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.

SECTION 22. 343.27 (1) to (3) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

343.27 (1) Whenever a person is charged with a violation of law which requires upon conviction that his operating privilege be revoked, the enforcement officer, *city or village attorney* or district attorney handling the case shall inform him that a *plea of guilty or nolo contendere* or a forfeiture of bail will result in such revocation and shall require him to sign a * * * *statement* to the effect that he has been so informed. One copy of such * * * *statement* shall be given to the defendant and one copy shall be filed with the court. *If the conviction will result in such person's operator's record being charged with demerit points as established by rule under s. 343.32 (2), such officer or attorney shall inform him that a plea of guilty or nolo contendere or a forfeiture of bail will result in his operator's record being charged with demerit points as prescribed by such rules and shall inform him of the number of points which is cause for revocation of an operating privilege.*

(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 * * * *or that his operator's record be charged with demerit points as established by rule under s. 343.32 (2), the presiding judge or justice * * * shall inform the defendant that conviction will result in * * * his operating privilege being revoked or his record being charged with such points, including a statement as to the number of points which is cause for revocation.* No bail shall be forfeited on * * * *a charge * * * concerning which * * * a statement must be filed with the court under sub. (1), unless such statement has been so filed, but this shall not be construed to prevent revocation * * * authorized by law on the basis of forfeiture of bail or*

plea of guilty or nolo contendere in a court in another jurisdiction even though the person * * * *in question* was not given notice in the manner provided in this section. Whenever a person has been convicted *in this state* 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 *or that his operator's record be charged with demerit points as established by rule under s. 343.32 (2)*, 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 * * * *his operating privilege being revoked or his record being charged with such points, including a statement as to the number of points which is cause for revocation*, and shall require him to sign a statement to the effect that he has been so informed. Such statement shall be a part of *or attached to* the stipulation of guilt.

SECTION 23. 343.27 (4) of the statutes, as created by ch. 260, laws of 1957, is repealed.

SECTION 24. 343.30 (2m) of the statutes is created to read:

343.30 (2m) A court may suspend a person's operating privilege upon such person's first conviction for violating s. 346.93 and may revoke a person's operating privilege upon such person's second or subsequent conviction for violating s. 346.93. Such suspension or revocation shall be for a period of not less than 30 days nor more than one year.

SECTION 25. 343.43 (1) (a) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

343.43 (1) (a) Represent as valid any canceled, revoked * * *, suspended, *fictitious or fraudulently altered* license; or

SECTION 26. 343.60 to 343.73 of the statutes are created to read:

LICENSING OF DRIVER SCHOOLS AND INSTRUCTORS

343.60 DEFINITIONS. In ss. 343.60 to 343.73:

(1) "Driver school" means the business of giving instruction, for compensation, in the driving of motor vehicles, except that it does not include a high school or vocational school which teaches driver training as part of its regular school program and whose course of study in driver training has been approved by the state superintendent of public instruction or state board of vocational and adult education and it does not include an institution of higher learning which teaches driver training as part of its teacher training program.

(2) "Instructor" means any person who gives instruction in the driving of a motor vehicle, except a person who is employed as a full time instructor by a high school, vocational school or institution of higher learning as provided in sub. (1).

(3) "Place of business" means the location at which the driver school is conducted.

(4) "Fraudulent practices" includes, but is not limited to:

(a) Any conduct or representation tending to give the impression that a license to operate a motor vehicle or any other license, registration

or service granted by the commissioner or department may be obtained by any means other than the means prescribed by law or by furnishing or obtaining the same by illegal or improper means; or

(b) The requesting, accepting, exacting or collecting of money for such purpose.

343.61 LICENSE REQUIRED FOR DRIVER SCHOOL; FEE. (1) No person shall conduct a driver school without being licensed therefor by the department.

(2) Application for a driver school license shall be made in writing, shall contain such information as is required by the commissioner and shall be accompanied by the required fee.

(3) The required fee for any driver school license, or for any annual renewal thereof, is \$25.

(4) If the application for a driver school license is approved by the commissioner and the required fee paid, the applicant shall be granted a license and shall be issued a license certificate. The licensee shall display such certificate in his place of business.

(5) A driver school license expires at the end of the calendar year for which it is granted.

343.62 LICENSE REQUIRED FOR INSTRUCTOR; FEE. (1) No person holding a driver school license shall employ any person as an instructor unless such person is licensed by the commissioner to act as such instructor. No person, including the person holding the driver school license, shall act as an instructor in such school unless such person is licensed by the commissioner to act as such instructor.

(2) Application for an instructor's license, shall be made in writing, shall contain such information as is required by the commissioner and shall be accompanied by the required fee.

(3) The required fee for any instructor's license, or for any annual renewal thereof, is \$5.

343.63 EXAMINATION OF APPLICANTS FOR INSTRUCTOR'S LICENSE. All applicants for an original instructor's license shall be examined, and other applicants may be examined, by the department as follows:

(1) A written and oral test shall be completed by the applicant and shall be designed to evaluate the applicant's knowledge of instruction procedures, motor vehicle and traffic laws, safety equipment requirements and functions of essential automotive equipment. The applicant must receive a score of at least 80 per cent.

(2) The applicant must pass a road test not less than 5 miles long, which shall include driving maneuvers and parking involved in typical traffic situations. The passing score of the applicant must exceed the minimum standard set for obtaining an operator's license by the state.

(3) The applicant must pass a psychophysical test with the following grades:

(a) Visual acuity—20/40 in either eye and at least 20/100 in the other eye, with or without corrective glasses, as measured in the Snellen type test;

(b) Color perception—ability to perceive and distinguish colors commonly used to regulate and control traffic;

(c) Depth perception—20 per cent stereopsis, using the orthorater depth perception test built into the road sign identification target.

(d) Field of vision—Lateral range of at least 85 per cent or more from a focus line to each eye;

(e) Reaction time—At least 50/100 second, using portable brake reaction test, or 75/100 second when using detonator method; and

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(f) Hearing—Adequate hearing with or without corrective help.

(4) The applicant shall submit with his application a statement completed by a registered physician showing that he is physically fit to teach driving.

(5) No license shall be issued to an applicant who has suffered an amputation or loss of the full use of either upper limb, or the natural use of the foot normally employed to operate the foot brake and foot accelerator.

(6) Applicants who fail to pass a satisfactory examination after 2 successive attempts shall not be re-examined until one year has elapsed since the date of the last examination.

343.64 DENIAL OF DRIVER SCHOOL LICENSE. The commissioner may deny the application of any person for a driver school license if in his discretion he determines that:

(1) Such applicant has made a material false statement or concealed a material fact in his application;

(2) Such applicant or any officer, director, partner or other person directly interested in the business was a former holder of a license granted under s. 343.61 or was directly interested in another driver school which held a license under s. 343.61 and which license was revoked or suspended;

(3) Such applicant or any officer, director, stockholder, partner or any person directly interested in the business has been an habitual petty law offender or has been convicted of an offense against the laws punishable as a felony, unless the person so convicted has been duly pardoned;

(4) Such applicant has failed to furnish satisfactory evidence of good character, reputation and fitness;

(5) Such applicant does not have a place of business as required by s. 343.72 (5);

(6) Such applicant is not the true owner of the school; or

(7) The application is not accompanied by a copy of a standard liability insurance policy in the amount of \$50,000 for personal injury to, or death of any one person and subject to said limit for any one person, \$100,000 for personal injury to, or death of any number of persons involved in any one accident, and \$10,000 for property damage in any one accident, suffered or caused by reason of the negligence of the applicant or any agent or employe of the applicant.

343.65 DENIAL OF INSTRUCTOR'S LICENSE. The commissioner may deny the application of any person for an instructor's license if in his discretion he determines that:

(1) Such applicant has made a material false statement or concealed a material fact in connection with his application therefor; or

(2) Such applicant has failed to furnish satisfactory evidence of the facts required of him, is not of good moral character, has not held a license to drive a motor vehicle within this state for the past year, has not had a driving record satisfactory to the commissioner, or has been convicted of a felony and has not been duly pardoned.

343.66 REVOCATION OR SUSPENSION OF DRIVER SCHOOL LICENSE. The commissioner may suspend or revoke any driver school license issued under s. 343.61 or refuse to issue a renewal thereof if:

(1) The licensee has made a material false statement or concealed a material fact in connection with the application for a license or the renewal thereof;

(2) The licensee or any partner or officer of the licensee has been an habitual petty law offender or has been convicted of a felony;

(3) The licensee has failed to comply with any of the requirements of ss. 343.60 to 343.72;

(4) The licensee or any partner or officer of such licensee has been guilty of fraud or fraudulent practices in relation to the business conducted under the license, or guilty of inducing another person to resort to fraud or fraudulent practices in relation to securing for himself or another the license to drive a motor vehicle;

(5) The licensee has knowingly employed, as an instructor, a person who has been an habitual petty law offender or has been convicted of a felony or has retained such a person in such employ after knowledge of his conviction; or

(6) The licensee has failed to maintain satisfactory insurance to meet damage claims in the amounts specified by s. 343.64 (7).

343.67 REVOCATION OR SUSPENSION OF INSTRUCTOR'S LICENSE. The commissioner may suspend or revoke any instructor's license issued under s. 343.62 or refuse to issue a renewal thereof if:

(1) The licensee has made a material false statement or concealed a material fact in connection with his application for the license or any renewal thereof;

(2) The licensee has been convicted of a felony or has been an habitual petty law offender;

(3) The licensee has failed to comply with any of the requirements of ss. 343.60 to 343.72; or

(4) The licensee has been guilty of fraud or fraudulent practices in relation to securing for himself or another a license to drive a motor vehicle.

343.68 RENEWAL NO BAR TO REVOCATION OF LICENSE. In reviewing the renewal of a license, the commissioner may deny or delay such renewal for causes and violations as prescribed by ss. 343.64 to 343.72 occurring during any prior license period.

343.69 HEARINGS ON LICENSE DENIALS AND REVOCATIONS. Before the commissioner denies an application for a driver school license or instructor's license or revokes any such license, the department shall notify the applicant or licensee of the pending action and that it will hold a hearing on the pending denial or revocation. The department shall send notice of the hearing by registered or certified mail to the last known address of the licensee or applicant, at least 10 days prior to the date of the hearing. The department shall conduct the hearing and may subpoena witnesses, administer oaths to witnesses and take testimony of any person or cause his deposition to be taken.

343.70 LOSS OR SURRENDER OF LICENSES. (1) If any driver school or instructor's license is lost, it shall be reissued by the department upon application therefor accompanied by satisfactory proof of loss and a fee of \$1.

(2) If a driver school or instructor's license is suspended or revoked, the licensee shall surrender all licenses to the department and no portion of the license fee shall be refunded.

343.71 DRIVER SCHOOLS TO MAINTAIN RECORDS. Every licensed driver school shall maintain the following records:

(1) A permanently bound book with pages consecutively numbered setting forth the name and address of every person given lessons, lectures, tutoring, instructions of any kind or any services relating to instructions in the operation of motor vehicles;

(2) A record showing the date, type and duration of all lessons, lectures, tutoring, instructions or other services relating to instructions in the operation of motor vehicles, and this record shall include the name of the instructor giving such lessons or instructions and identification of the vehicle in which any road lesson is given, including type of transmission;

(3) A file containing a duplicate copy of every agreement entered into between the school and every person given lessons, lectures, instructions or other services relating to instructions in the operation of motor vehicles. No person shall be given lessons, lectures, tutoring or other services relating to instructions in the operation of motor vehicles until a written agreement in a form approved by the department has been executed by both the school and the student. The student shall be given the original, while the school shall retain and preserve the carbon duplicate thereof.

343.72 RULES FOR CONDUCTING DRIVER SCHOOLS; PROHIBITED PRACTICES.

(1) No licensee may agree to give refresher lessons, unless the student states that he has had previous driving experience.

(2) No licensee shall agree to give unlimited driver's lessons, nor represent or agree, orally or in writing or as a part of an inducement to sign any agreement, to give instructions until an operator's license is obtained.

(3) No agreement shall contain a "no refund" clause, but may contain the following: "The school will not refund any tuition or part of tuition if the school is ready, willing and able to fulfill its part of the agreement."

(4) All records of agreement must include the following statement: "This constitutes the entire agreement between the school and the student and no verbal statement or promises will be recognized."

(5) The licensee shall have a specific place of business described in the license. No licensee shall establish its headquarters within 1,500 feet of any motor vehicle division office where licenses are issued, nor within 1,500 feet of any headquarters where official road tests are given, and locations shall be filed with the department as part of the license application. Any change in address must be reported to and approved by the commissioner.

(6) All licensees must ascertain from state license examiners the route over which road tests are given, and no licensee may instruct in those areas.

(7) Licensees shall not publish, advertise or intimate that a license is guaranteed or assured. The display of a sign such as "License Secured Here" is forbidden.

(8) A driver school may display on its premises only a sign reading: "This School is Licensed by the State of Wisconsin."

(9) Except as provided by sub. (8), the use of the word "Wisconsin", "State" or the name of the city in which the school is located, in any sign, firm name or other medium of advertising is prohibited.

(10) All driver training cars used by the school must be identified by a sign on the rear of the vehicle stating that it is a driver school vehicle.

(11) All driver training cars must be registered with the commissioner with a brief description of each, including the make, model, registration number and type of transmission.

(12) All driver training cars shall be equipped with approved dual controls so that the instructor can stop the car promptly. The department may inspect these cars at its discretion.

343.73 PENALTY. Any person who violates any provision of ss. 343.60 to 343.72 may be fined not less than \$25 nor more than \$100 or imprisoned not more than 30 days for each offense.

SECTION 27. 344.15 (1) and (3) of the statutes, as created by ch. 260, laws of 1957, are amended to read:

344.15 (1) No policy or bond is effective under s. 344.14 unless issued by an insurance company or surety company authorized to do busi-

ness 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 * * * *interest* 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 *or more* 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.

(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 *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 name therein. The service fee shall be \$2 for each defendant so served.

SECTION 28. 344.15 (6) of the statutes is created to read:

344.15 (6) Until July 1, 1958, the commissioner may accept for filing either the form of notice of insurance in use prior to the enactment of ch. 545, laws of 1957 (Form SR-21) or the form of notice of insurance specified in ch. 545, laws of 1957. In either event, the substantive provisions of ch. 545, laws of 1957, shall apply.

SECTION 29. 344.40 (1) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

344.40 (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 * * * *revoke* such person's operating privilege and registration *for a period of time running from the date of revocation* until such time as either satisfactory proof of financial responsibility is *again* furnished or the period during which proof * * * *was* required to be furnished has expired.

SECTION 30. 344.41 (3) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

344.41 (3) Whenever any person whose proof has been canceled or returned under sub. (1) (c) * * * *desires reinstatement of his* license or registration * * * *prior to the expiration of the period* * * * *during which* proof of financial responsibility is required, * * * *he shall again furnish proof of financial responsibility. Thereupon his license is automatically reinstated as provided in s. 343.39 and the department shall return his registration plates, if not expired.*

SECTION 31. 345.13 (1) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

345.13 (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. * * * *349.06*, 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.

SECTION 32. 346.30 (2) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

346.30 (2) Any person violating any provision of s. 346.24 (1) or (3) or 346.27 may be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both.

SECTION 33. 346.48 (2) of the statutes, as amended by ch. 514, laws of 1957, is amended to read:

346.48 (2) The operator of a school bus, or of a private school transportation vehicle equipped and painted as 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 but shall use the flashing red signals in all other cases when stopping on the street or highway for the purpose of loading or unloading any school child. When * * * such school bus or private school transportation vehicle is being used upon a highway for purposes other than the actual transportation of school children or school groups, the flashing red signals shall not be used and all markings thereon indicating it is a school bus or private school transportation vehicle shall be removed or concealed.

SECTION 34. 346.55 (3) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

346.55 (3) No person shall, without the permission of the owner or lessee of any public or private property, leave or park any motor vehicle thereon contrary to a posted sign thereon, if there is in plain view on such property a "No Parking" sign, or a sign indicating limited or restricted parking. Owners or lessees of such property may prohibit parking, may restrict or limit parking and may permit parking by certain persons and prohibit it or limit it as to other persons.

SECTION 35. 346.62 (3) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

346.62 (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 serious property damage or of death or great bodily harm to himself or another.

SECTION 36. 346.93 of the statutes is created to read:

346.93 INTOXICANTS IN VEHICLE CARRYING MINOR. No person under the age of 21 years, unless he is a parent, guardian or spouse of the minor, may knowingly possess, transport or have under his control any intoxicating liquor in any motor vehicle, or knowingly possess, transport or have under his control any malt beverage in any motor vehicle while any person under 18 years of age is a passenger or present in such motor vehicle unless such person is employed by a liquor licensee, wholesaler, retailer, distributor, manufacturer or rectifier and is possessing, transporting or having such beverage in a motor vehicle under his control during the regular working hours and in the course of his employment.

SECTION 37. 346.94 (6m) of the statutes, as created by ch. 451, laws of 1957, is amended to read:

346.94 (6m) * * * No operator of any vehicle * * * shall permit to be thrown or deposited from such vehicle any type of debris or waste material * * *.

SECTION 38. 346.94 (7) of the statutes is created to read:

346.94 (7) SPILLING LOADS OF WASTE OR FOREIGN MATTER. The operator of every vehicle transporting waste or foreign matter on the highways of this state shall provide adequate facilities to prevent such waste or foreign matter from spilling on or along the highways.

SECTION 39. 346.95 (2) and (3) of the statutes, as amended by ch. 451, laws of 1957, are amended to read:

346.95 (2) Any person violating s. 346.89 (1), ~~346.93~~ or 346.94 (2) to (4), (7) or (8) may be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both.

(3) Any person violating s. 346.94 (5), (6) * * *, (6m) or (7) shall be fined \$25 for each offense.

SECTION 40. 347.25 (2) of the statutes, as amended by ch. 514, laws of 1957, is amended to read:

347.25 (2) No person shall operate a school bus or *private school transportation vehicle* which is painted as provided in s. 347.44 unless such school bus or *private school transportation vehicle* is equipped with flashing red signals of a type and actuated in a manner approved by the commissioner of motor vehicles. No vehicle shall be equipped with such flashing signals unless it also is painted as provided in s. 347.44.

SECTION 41. 347.44 (2) (c) of the statutes is created to read:

347.44 (2) (c) Motor vehicles used for transporting pupils to and from private schools.

SECTION 42. 347.44 (3) of the statutes, as created by ch. 514, laws of 1957, is amended to read:

347.44 (3) If a vehicle mentioned in sub. (2) (a) * * * to (c) is painted as provided in sub. (1), it must also be equipped with flashing red signals of the type specified in s. 347.25 (2). The commissioner may by rule specify the size of lettering for those vehicles mentioned in sub. (2) (b) whose width limitations would make it difficult to comply with sub. (1) (c).

SECTION 43. 348.05 (2) (j) of the statutes is created to read:

348.05 (2) (j) 8 feet 6 inches for vehicles carrying concrete pipes or prefabricated or preassembled house-wall sections laid flat, when operated on highways not a part of the national system of interstate and defense highways.

SECTION 44. 348.11 (2) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

348.11 (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 *less than \$100 nor* more than \$200 or imprisoned not less than 10 nor more than 30 days, or both, for the second and each subsequent conviction within * * * *one* year.

SECTION 45. 348.26 (4) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

348.26 (4) 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. * * *

SECTION 45m. 348.27 (5) of the statutes, as created by chapter 260, laws of 1957, is amended to read:

348.27 (5) The state highway commission may issue an annual permit to *pipeline companies or operators or public service corporations* for transportation of poles, *pipe*, girders, and similar materials used in its business and which exceed the maximum limitations on length of vehicle and load imposed by this chapter.

SECTION 46. 349.13 (1) (last 2 sentences) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

349.13 (1) (last 2 sentences) A sign indicating that stopping or standing is prohibited * * * *means* that all stopping or standing is prohibited except under the circumstances described in s. 346.50 (1). A sign indicating that parking is prohibited * * * *means* that parking is prohibited but that stopping temporarily for the purpose of receiving or discharging passengers or loading or unloading is not prohibited, provided that vehicle is attended by a licensed operator.

SECTION 47. 349.14 of the statutes, as created by ch. 260, laws of 1957, is amended to read:

349.14 (1) It is the public policy of this state that the use of parking meters by cities * * *, *villages and counties* to measure the time for parking vehicles is a local matter to be determined by the local authorities.

(2) * * * *Cities* * * *, *villages and counties* may by ordinance * * * or resolution * * * provide for the installation and operation of parking meters * * * and may provide for the use of the revenue collected from such * * * 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 * * * *publicly-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 * * * for vehicular traffic.

SECTION 48. 349.18 (1) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

349.18 (1) Designate the number of persons that may ride on a power driven cycle or motor * * * *bicycle* 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;

SECTION 49. 941.01 (1) of the statutes is amended to read:

941.01 (1) Whoever endangers another's safety by a high degree of negligence in the operation of a vehicle, not upon a * * * highway as defined in * * * s. 340.01, may be fined not more than \$200 or imprisoned not more than 6 months or both.

SECTION 50. SECTIONS 1, 21 and 26 of this act shall take effect on January 1, 1958. The remainder of this act shall take effect on the day after publication.

Approved November 8, 1957.