

No. 189, A.]

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CHAPTER 662

AN ACT to repeal 341.05 (3), (4) and (5); to renumber and amend 346.35 (1) and (2); to amend 341.04 (1), 341.17 (6), 341.31 (2) (b), 341.32 (1), 343.01 (2) (intro. par.), 343.07 (2) (b), 343.32 (1) (a) and (b), 344.03, 344.13 (1), 344.18 (1) (a) and (d), (3) (intro. par.) and (a), 344.20 (1), (2) (a) and (b), 346.88 (3) (b), 346.95 (1), 347.16 (2) (b) and 347.25 (2); to repeal and recreate 341.17 (2), 341.28 (4) (c) and 343.15 (4); and to create 341.04 (1) (a) and (b), 344.25 (5), 344.41 (1) (d), 346.88 (3) (c) and (d) and 347.14 (3) of the statutes, relating to deposits of security following motor vehicle accidents; judicial review of the motor vehicle commissioner's acts and orders under chapter 344; motor vehicle dealer's license applications; time permitted for motor vehicle registration; driver permits; unlawful use of licenses; motor vehicle equipment and operation; reconciling conflicts; correcting errors and inequities; the rule-making authority of the motor vehicle commissioner; and providing penalties.

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

SECTION 2. 341.04 (1) of the statutes is amended to read:

341.04 (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 * * * .

SECTION 3. 341.04 (1) (a) and (b) of the statutes are created to read:

341.04 (1) (a) A vehicle may be operated by a private person within a period of 15 days after the date of purchase of such vehicle by such private person or within a period of 15 days after the date such person moved to this state if application for registration and certificate of title has been made.

(b) All vehicles subject to renewal of registration may be operated without displaying current registration for a period of 15 days following the date of expiration, provided that application for reregistration has been made.

SECTION 4. 341.05 (3), (4) and (5) of the statutes are repealed.

SECTION 4c. 341.17 (2) of the statutes is repealed and recreated to read:

341.17 (2) The department shall compile a list by counties of new automobile and motor truck registrations. Registrations for other new vehicles may be included if deemed necessary by the department. Such lists shall be compiled at such intervals during the month as is deemed necessary by the department but the final list compiled each month shall include the listing of the last day of the month. Such list shall contain only those vehicles being registered for the first time after sale by a dealer. Such list shall contain the name and address of the owner, the make, body type, identification number of the vehicle, the dealer license number, if such dealer is registered in this state, and the date of sale.

SECTION 4m. 341.17 (6) of the statutes is amended to read:

341.17 (6) The commissioner shall sell subscriptions to the monthly automobile registration lists at not more than * * * \$120 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 * * * 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 costs among the subscribers.

SECTION 5. 341.28 (4) (c) of the statutes is repealed and recreated to read:

341.28 (4) (c) The automobile is owned by a person who has been in active military service and less than 12 months of nonoperation have elapsed since the end of the period for which the automobile was previously registered, provided the applicant satisfies the department by affidavit of such nonoperation.

SECTION 6. 341.31 (2) (b) of the statutes is amended to read:

341.31 (2) (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 * * * months of registration which have not *fully* 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.

SECTION 7. 341.32 (1) of the statutes is amended to read:

341.32 (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 * * * months of registration which have not fully expired on the date the vehicle became subject to the different fee.

SECTION 7m. 343.01 (2) (intro. par.) of the statutes is amended to read:

343.01 (2) (intro. par.). In * * * *chs. 343 and 344* the following words and phrases have the designated meanings:

SECTION 8. 343.07 (2) (b) of the statutes is amended to read:

343.07 (2) (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. The department may validate such permit for a period not exceeding 2 additional months in order to give the permittee an opportunity to obtain experience in operating the motor vehicle in which he expects to take his driver examination. Such validated permit entitles the permittee while having such permit in his immediate possession to operate his parent's or guardian's motor vehicle, but only at times other than hours of darkness and only while his licensed parent or guardian is occupying a seat beside him and there are no other passengers in the vehicle or while he is accompanied by an authorized license examiner for the purpose of examining his ability to operate a motor vehicle. *When the student attains the age of 16 years he shall be entitled to the same privileges as any other operator holding a temporary instruction permit.*

SECTION 9. 343.15 (4) of the statutes is repealed and recreated to read:

343.15 (4) The department may issue a license to a person who is under 18 years of age even though an adult sponsor has not signed the application for license provided that such person is one of the classes specifically enumerated herein and that 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.

(a) A person who does not have a living parent.

(b) A person who does not reside at home and who is earning his own livelihood.

(c) A person who is a ward of the state, county or court and who has been placed in a foster home or in the care of a religious welfare service.

(d) A person who is married and whose spouse is under 21 years of age.

SECTION 10. 343.32 (1) (a) and (b) of the statutes are amended to read:

343.32 (1) (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 * * * a cause of an accident resulting in the death of 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 * * * a license.

SECTION 12. 344.03 of the statutes is amended to read:

344.03 Any person aggrieved by any * * * *action* of the commissioner pursuant to this chapter may, within 10 days after notice thereof, *or in any event before the commissioner has revoked or suspended the operating privilege or registration by specific order if preceded by notice mailed at least 10 days prior to said revocation or suspension*, file a petition in the circuit court of Dane county for a review thereof * * * as provided in * * * s. 227.16. The court shall summarily hear the petition and may make any appropriate order or decree *within the scope of s. 227.20*.

SECTION 13. 344.13 (1) of the statutes is amended to read:

344.13 (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 * * * *either operator * * * or 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).

SECTION 14. 344.18 (1) (a) of the statutes is amended to read:

344.18 (1) (a) * * * The person whose operating privilege or registration was suspended *deposits* the security required under s. 344.14.

SECTION 14m. 344.18 (1) (d) of the statutes is amended to read:

344.18 (1) (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 counterclaim 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. *In all cases of service under s. 345.09 (nonresident service), an additional notice and service must be made under ch. 344 to avail oneself of the provisions of said chapter.*

SECTION 15. 344.18 (3) (intro. par.) and (a) of the statutes are amended to read:

344.18 (3) (intro. par.) If there is any default in the payment of any instalment under a duly acknowledged written agreement, the commissioner, upon notice of such default *given in no event later than 30 days after the time for final instalment*, shall forthwith suspend the operating privilege and registrations of the defaulting person, which suspension shall remain in effect until one of the following requirements has been met:

(a) * * * Such person *deposits* the security required under s. 344.14.

SECTION 15c. 344.20 (1), (2) (a) and (b) of the statutes are amended to read:

344.20 (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 * * * *either operator or owner for the damages resulting from such accident.*

(2) (a) The security may be applied to the payment of judgments for damages arising out of the accident in question rendered against * * * *either operator or owner for the damages resulting from such accident* 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 * * * *who made* the deposit * * *, provided the assignment is accompanied by * * * *releases* signed by * * * *all parties in interest* and releasing the assignor from all liability to * * * *such parties* on account of damages arising out of the accident in question.

SECTION 15m. 344.25 (5) of the statutes is created to read:

344.25 (5) When the commissioner receives certification of the entry of a damage judgment in accordance with s. 344.05 against a resident of this state which has been entered by a court in another jurisdiction, he shall give notice to such person that he has received such certification of judgment. If satisfaction of such judgment is not made and copy of such satisfaction filed with the commissioner within 30 days from the date such notice was given, the commissioner shall revoke the license and registrations of such judgment debtor.

SECTION 15n. 344.41 (1) (d) of the statutes is created to read:

344.41 (1) (d) If a person required to furnish proof of financial responsibility has more than one motor vehicle registered in his name and does not intend to use all of the vehicles he has registered, he may surrender the valid registration plates for the vehicle or vehicles not being used and continue his filing of proof of financial responsibility only on the vehicle on which registration plates are retained by him.

SECTION 17. 346.35 (1) of the statutes is renumbered 346.35 and amended to read:

346.35 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 * * * of a type meeting the specifications set forth in s. 347.15. Except as provided in * * * s. 347.15 (3m), such signals also may be given by the hand and arm in lieu of or in addition to signals by signal lamp * * *. 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.

SECTION 18. 346.35 (2) of the statutes is renumbered 347.15 (3m) and amended to read:

347.15 (3m) Any motor vehicle or *combination of vehicles* in use on a highway shall be equipped with * * * *direction signals meeting the requirements of this section* 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 or *combination of vehicles* exceed 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. * * *

SECTION 19. 346.88 (3) (b) of the statutes is amended to read:

346.88 (3) (b) No person shall drive any motor vehicle upon a highway with any object so placed or suspended in or upon the vehicle so as to obstruct the driver's clear view through the front windshield * * * .

SECTION 20. 346.88 (3) (c) and (d) of the statutes are created to read:

346.88 (3) (c) No person shall drive any motor vehicle upon a highway so loaded or with any object so placed or suspended in or upon the vehicle so as to obstruct the driver's clear vision through the rear window unless such vehicle is equipped with an outside rear view mirror meeting the requirements of s. 347.40.

(d) Signal lamps used by authorized emergency vehicles shall not be considered a violation of this section.

SECTION 21. 346.95 (1) of the statutes is amended to read:

346.95 (1) Any person violating any provision of ss. 346.87, 346.88, 346.89 (2), 346.90 to 346.92 or 346.94 (1), (3), (9) * * * , (10) or (11)

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.

SECTION 22. 347.14 (3) of the statutes is created to read:

347.14 (3) 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 at least one stop lamp.

SECTION 23. 347.16 (2) (b) of the statutes is amended to read:

347.16 (2) (b) Every trailer or semitrailer shall carry on the rear 2 reflectors, one on each side. * * *

SECTION 24. 347.25 (2) of the statutes is amended to read:

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

Approved January 31, 1962.
