

Chapter Trans 111

SPECIAL RESTRICTED OPERATOR'S LICENSES

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Note: Chapter Trans 111 was created by emergency rule effective 8-1-80.

Trans 111.01 Purpose and scope. (1) The purpose of this chapter is to administratively interpret s. 343.135, Stats. relating to issuance of a special restricted operator's license permitting operation of motor bicycles, mopeds, power driven cycles or specially designed vehicles authorized by the department to be operated on the highway.

(2) This chapter applies to any Wisconsin resident wishing to obtain a special restricted operator's license under s. 343.135, Stats.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

Trans 111.02 Eligibility requirements. (1) No person prohibited from licensure under s. 343.06, Stats., shall be licensed under this chapter. No person prohibited from licensure under s. 343.135(1), Stats., shall be licensed under this chapter.

(2) Except as provided in s. 343.135, Stats., all statutory licensing provisions which apply to regular operator's licenses also apply to special restricted licenses.

(3) Test requirements and standards for eyesight are the same as those in s. MVD 14.07, Wis. Adm. Code, except that:

a. Persons with visual acuity of 20/200 or less in the best corrected eye, as certified by a vision specialist, shall not be considered for a special restricted operator's license.

b. Persons with visual acuity from 20/100 up to, but not including, 20/200 in the best corrected eye, as certified by a vision specialist, shall be restricted to daylight hours only. Daylight hour restrictions may also be applied in other situations as described in ss. Trans 111.03 (3) and 111.10.

(4) The department may request a medical report when evaluating any mental or physical disability or disease which might impair driving ability. Any such report shall be at the expense of the applicant.

(5) The department shall make a determination of the applicant's ability to hear as provided in s. MVD 14.09 (5), Wis. Adm. Code.

(6) As provided by s. 343.135, Stats., a person who is at least 14 years of age but who has not attained the age of 16 shall be considered for a special restricted operator's license only after the department receives a

written statement from a physician that the person is physically disabled.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81; cr. (6), Register, March, 1985, No. 351, eff. 4-1-85.

Trans 111.03 Instruction permit. (1) Every applicant for a special restricted license shall obtain an instruction permit, except an applicant who:

(a) Has held a valid operator's license in this or any other jurisdiction within the 4 years prior to the application for the special restricted license, and

(b) Whose physical or mental condition that could affect driving ability has not changed during the 4 years prior to the application.

(2) The applicant shall be issued an operator's license which shall be restricted to operation of only one of the following vehicle types:

(a) Motor bicycle, or

(b) Moped, or

(c) Power driven cycle, or

(d) A specific specially-designed vehicle having a maximum speed of 35 miles per hour which the department authorizes to be operated on the highway.

(3) The instruction permit is valid during daylight hours only.

(4) As authorized by ss. 343.075, 343.135(6) and 346.92, Stats., a passenger may be allowed on the vehicle if it is equipped and designed for carrying passengers. When the licensee is operating with an instruction permit, any passenger shall be a licensed driver.

(5) The department may require persons with physical or mental impairments to demonstrate ability to operate vehicle controls to determine if any additional restrictions are necessary on the instruction permit.

(6) In imposing licensing restrictions, the department shall consider the statement of findings and recommendations from the vision and other medical reports available as well as driving needs of the applicant.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

Trans 111.04 Road sign test. (1) A road sign test shall be administered to determine the applicant's ability to read and understand the meaning of a series of common highway signs.

(2) The applicant's ability to read and understand highway signs shall be scored on a pass or fail basis. All sign test questions must be answered correctly to pass.

(3) If the applicant is unsuccessful on the first sign test due to language, comprehension or reading problems, a second oral or special sign test may be administered which will require 100% correct on part A and 75% correct on part B of the test to pass. When the department considers licensing for a restricted area only, the second sign test may be modified to include only signs normally found in that area.

(4) When an applicant fails a sign test, the applicant may not take further examinations until a period of one day has elapsed since the previous examination. When the applicant fails four such examinations, the applicant may not take a fifth examination until the department is satisfied that the applicant has received instruction, such as assistance from a driver education instructor, teacher, parent, etc., in reading and understanding the road signs.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

Trans 111.05 Test on knowledge of traffic laws. (1) The department shall administer a test on knowledge of traffic laws which shall consist of a series of questions concerning traffic laws and rules of the road, vehicle equipment and safe driving practices. This examination may be written or oral.

(2) In grading the test under sub. (1), a score of 75% or more constitutes a passing grade. A score below 75% constitutes a failure of the test.

(3) An applicant who fails the traffic laws test may not take additional examinations until a period of 7 days has elapsed since the previous examination. If the applicant fails 4 examinations on knowledge of traffic laws, the applicant may not take a fifth examination until a period of 90 days has elapsed since the previous examination, or until the applicant satisfies the department that the applicant has received instruction, such as assistance from a driver education instructor, teacher, parent, etc., on the rules of the road.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

Trans 111.06 Driving ability examination. (1) The department shall require a driving ability examination, as described in s. MVD 14.01(1) and (3), Wis. Adm. Code, or a combination of both, of all applicants for a special restricted license.

(2) The department may refuse to give the driving ability examination if the weather or road conditions are such that it might be hazardous or might be impossible to complete the test. The department may also deny a test if the vehicle furnished by the applicant is not in safe operating condition. Tests may be concluded at any time if continuing the test would constitute a hazard to the applicant, the motoring public, or to the examiner.

(3) Persons licensed within the previous 4 years, and whose physical or mental condition has not changed during that period, shall not be required to perform the driving ability examination.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

Trans 111.07 Scoring the driving ability examination. (1) Those maneuvers which are not satisfactorily performed shall be scored as fair, poor, or unsatisfactory, depending on the degree of deviation from a satisfactory performance of the maneuver.

(2) If the applicant demonstrates the requested maneuver satisfactorily, the maneuver shall appear unmarked on the score card for scoring purposes.

(3) In computing the score of the examination, three maneuvers scored fair are equivalent to one maneuver scored poor. Three maneuvers

scored poor are equivalent to a failure of the examination. Any maneuver scored unsatisfactory constitutes a failure of the examination.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

Trans 111.08 Repeat driving ability examination. (1) When the applicant is unsuccessful on the first examination, the applicant may not take a second examination until a period of 10 days has elapsed since the first examination. If the applicant is unsuccessful on the second examination, the applicant may not take a third examination until a period of 30 days has elapsed since the second examination. If the applicant is unsuccessful on the third examination, the applicant may not take a fourth examination until a period of 90 days has elapsed since the third examination.

(2) If the applicant has had considerable previous driving experience, and the sole cause of an unsuccessful driving examination was a single traffic violation, the department may permit a repeat examination within a lesser period of time than provided in sub. (1).

(3) If the applicant furnishes proof of professional driving instruction, or considerable driving practice since the previous examination, the department may permit a repeat examination within a lesser period of time than provided in sub. (1).

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

Trans 111.09 Additional driving ability examinations. If the applicant is unsuccessful after the fourth examination, the department may grant further examinations only when it is satisfied that the applicant's driving ability has improved through evidence that professional instruction has been obtained. Any fifth or subsequent examinations will be conducted at such intervals of time as the department determines reasonable.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

Trans 111.10 Restrictions. (1) Restrictions shall be applied as described in ss. Trans 111.02 (3), 111.03 (2), (4), (5), and (6), and as a result of the evaluation of the driving ability examination.

(2) Restrictions include, but are not limited to, those identified in s. 343.135 (6), Stats.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

Trans 111.12 General provisions. Nothing in this chapter allows an applicant to operate a vehicle to and from an examination station, or any other operation without an instruction permit or proper licensing.

History: Cr. Register, April, 1981, No. 304, eff. 5-1-81.

Trans 111.13 Renewal provision. As provided by s. 343.135, Stats., a person whose physical or mental condition has not changed during the past 2 years shall not be required to perform the driving ability examination for operation of a moped or motor bicycle.

History: Cr. Register, March, 1985, No. 351, eff. 4-1-85.