



## 2005 ASSEMBLY BILL 43

January 27, 2005 – Introduced by Representatives WASSERMAN, HINES, AINSWORTH, BERCEAU, F. LASEE, MOLEPSKE, TOWNSEND and VAN ROY. Referred to Committee on Transportation.

1     **AN ACT to amend** 343.16 (3) (a), 343.21 (2) (a), 343.21 (2) (a) and 343.25 (7); and  
2             **to create** 343.16 (3) (am) of the statutes; **relating to:** operator's license  
3             requirements for certain drivers and for certain drivers' tests and making an  
4             appropriation.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a person who applies for a new driver's license, must, under most circumstances, demonstrate his or her knowledge of the rules of the road and his or her driving skills in a test administered by the Department of Transportation (DOT). Most drivers' licenses issued by DOT must be renewed every eight years. To renew a license to drive an automobile or a motorcycle, an applicant must pass a test of his or her eyesight. Current law allows the secretary of DOT to require any person to submit to additional testing to determine incompetency, incapacity, disease, or impairment that may prevent the person from exercising reasonable and ordinary control over a motor vehicle. Under current law, most drivers pay \$15 to take up to three driving skills tests.

Under this bill, the driver's license of a person at least 75 years of age but less than 85 years of age expires every three years, and the person must pass a test of his or her eyesight to renew the license. The license of a person who is over the age of 85 expires every two years and the person must pass a test of his or her eyesight and demonstrate his or her knowledge of traffic laws to renew the license. The bill requires DOT to submit to the legislature a report on the effects of the proposed

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legislation on highway safety and a report on effects of aging and driving ability and transportation alternatives for older drivers.

Additionally, under the bill most drivers are charged \$15 for each driving skills test that he or she takes until January 1, 2007. After that date, most drivers will be able to take up to two driving skills test upon paying a \$15 fee.

The bill also authorizes the creation of 2.5 positions in DOT to conduct the required studies relating to older drivers and to administer driver licensing services.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 343.16 (3) (a) of the statutes is amended to read:

2           343.16 (3) (a) The Except as provided in par. (am), the department shall  
3 examine every applicant for the renewal of an operator's license once every 8 years  
4 and shall examine every person who holds an operator's license and who is at least  
5 75 years of age but less than 85 years of age once every 3 years. The department may  
6 institute a method of selecting the date of renewal so that such examination shall be  
7 required for each applicant for renewal of a license to gain a uniform rate of  
8 examinations. The examination shall consist of a test of eyesight. The department  
9 shall make provisions for giving such examinations at examining stations in each  
10 county to all applicants for an operator's license. The person to be examined shall  
11 appear at the examining station nearest the person's place of residence or at such  
12 time and place as the department designates in answer to an applicant's request. In  
13 lieu of examination, the applicant may present or mail to the department a report  
14 of examination of the applicant's eyesight by an ophthalmologist, optometrist or  
15 physician licensed to practice medicine. The report shall be based on an examination  
16 made not more than 3 months prior to the date it is submitted. The report shall be  
17 on a form furnished and in the form required by the department. The department

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1 shall decide whether, in each case, the eyesight reported is sufficient to meet the  
2 current eyesight standards.

3 **SECTION 2.** 343.16 (3) (am) of the statutes is created to read:

4 343.16 (3) (am) The department shall examine every person who holds an  
5 operator's license and who is at least 85 years of age every 2 years. The department  
6 may institute a method of selecting the date of renewal so that such examination  
7 shall be required for each applicant for renewal of a license to gain a uniform rate  
8 of examinations. The examination shall consist of a test of eyesight that meets the  
9 requirements of par. (a) and a knowledge test that meets the requirements of sub.  
10 (1).

11 **SECTION 3.** 343.21 (2) (a) of the statutes is amended to read:

12 343.21 (2) (a) In addition to the fees set under sub. (1), any applicant whose  
13 application for a permit, license, upgrade or endorsement, taken together with the  
14 applicant's currently valid license, if any, requires the department to administer a  
15 driving skills test of the applicant's ability to exercise ordinary and reasonable  
16 control in the operation of a motor vehicle shall pay to the department an  
17 examination fee of \$20 for an examination in a commercial motor vehicle other than  
18 a school bus and \$15 for an examination in any other vehicle. ~~Payment of the~~  
19 ~~examination fee entitles the applicant to not more than 3 tests of the applicant's~~  
20 ~~ability to exercise reasonable control in the operation of a motor vehicle. If the~~  
21 ~~applicant does not qualify for issuance of a license, upgraded license or endorsement~~  
22 ~~in 3 such tests, then a 2nd examination fee in the same amount shall be paid, which~~  
23 ~~payment entitles the applicant to not more than 3 additional tests.~~

24 **SECTION 4.** 343.21 (2) (a) of the statutes, as affected by 2005 Wisconsin Act ....  
25 (this act), is amended to read:

**ASSEMBLY BILL 43****SECTION 4**

1           343.21 (2) (a) In addition to the fees set under sub. (1), any applicant whose  
2 application for a permit, license, upgrade or endorsement, taken together with the  
3 applicant's currently valid license, if any, requires the department to administer a  
4 driving skills test of the applicant's ability to exercise ordinary and reasonable  
5 control in the operation of a motor vehicle shall pay to the department an  
6 examination fee of \$20 for an examination in a commercial motor vehicle other than  
7 a school bus and \$15 for an examination in any other vehicle. Payment of the  
8 examination fee entitles the applicant to not more than 2 tests of the applicant's  
9 ability to exercise reasonable control in the operation of a motor vehicle. If the  
10 applicant does not qualify for issuance of a license, upgraded license or endorsement  
11 in 2 such tests, then a 2nd examination fee in the same amount shall be paid, which  
12 payment entitles the applicant to not more than 2 additional tests.

13           **SECTION 5.** 343.25 (7) of the statutes is amended to read:

14           343.25 (7) When a person who has been ordered or is required by s. 343.16 (3)  
15 (a) or (am) to submit to an examination under s. 343.16 or to appear for either group  
16 or individual counseling or examination under s. 343.32 (2) fails or refuses to do so.  
17 Such cancellation shall continue until compliance with the order has been made or  
18 the order is rescinded.

19           **SECTION 6. Nonstatutory provisions.**

20           (1) The department of transportation shall issue a report on the effects of this  
21 act on highway safety including the impact on the affected age group's crash rates,  
22 violation rates, loss of driving privileges, and related issues. No later than 5 years  
23 from the effective date of this subsection, the department shall submit the report to  
24 the legislature.

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1           (2) The department of transportation shall appoint an advisory council to study  
2 the effects of aging and driving ability, identify existing transportation alternatives  
3 throughout the state, and examine additional transportation alternatives for older  
4 drivers. Members of the council shall be comprised of representatives of  
5 organizations involved with issues facing older drivers, providers of services to  
6 senior citizens, and research entities. No later than 2 years after the effective date  
7 of this subsection, the department shall submit the study to the legislature.

**SECTION 7. Appropriation changes.**

8           (1) POSITION AUTHORIZATION. In the schedule under section 20.005 (3) of the  
9 statutes for the appropriation to the department of transportation under section  
10 20.395 (5) (cq) of the statutes, as affected by the acts of 2005, the dollar amount is  
11 increased by \$157,000 for fiscal year 2006-07 to implement licensing requirements  
12 for older drivers and \$288,649 for fiscal year 2007-08 to increase the FTE positions  
13 for the department of transportation by 2.5 PR positions to conduct studies relating  
14 to older drivers and to administer driver licensing services.

**SECTION 8. Effective date.**

15           (1) The treatment of sections 343.16 (3) (a), 343.16 (3) (am), 343.21 (2) (a) (by  
16 SECTION 3), and 343.25 (7) of the statutes takes effect on the first day of the 10th  
17 month beginning after publication.

18           (2) The treatment of section 343.21 (2) (a) (by SECTION 4) of the statutes takes  
19 effect on January 1, 2007.

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21  
22                                   (END)