



# TREIG E. PRONSCHINSKE

STATE REPRESENTATIVE • 92<sup>nd</sup> ASSEMBLY DISTRICT

## **Testimony on Senate Bill 15 & Assembly Bill 20: Motor vehicle instruction permit and probationary license eligibility and duration**

Thank you Chairman Plumer and members of the Assembly Committee on Transportation for allowing me to speak on this important bill today and how it will benefit the kids and parents of Wisconsin.

As a milestone in our American culture, many teenagers in our state look forward to the day that they can finally get their driver's license. It provides them with independence, responsibility, maturity and a place in adult society. With that being said, our laws currently do not reflect the need for more opportunities to practice driving in our unique Wisconsin weather and landscape.

I'm here today because Senator Bernier and I have introduced legislation that would allow teenagers who are 15 years old to receive their driver's permit, instead of the current age at 15 and a half.

Wisconsin is a vast and often temperamental state when it comes to different landscapes and weather patterns. As someone with a teenage daughter, I realize the value of giving kids extra time to experience the differences in driving in urban versus rural areas. Many things like how to drive in Amish communities and during a harvest season are not taught in urban areas. Additionally, how to drive on heavy traffic highways, one way roads, and roundabouts are not always taught in rural areas.

This extra time would allow kids and parents the opportunity to explore those areas if they chose to. This would also provide extra time to practice in all different weather. If a 16 year old has prior experience driving in a snowstorm with a parent or guardian they will be more likely to drive safer when they are on their own.

According to the Insurance Institute for Highway Safety, 32 states allow for young drivers to apply for their permit at 15 years old or younger. There are no states in the union that require winter driving. However some states do require driving in "inclement weather."

Once again, this bill provides an opportunity for safety and peace of mind by allowing young people more time to refine their driving skills.

I appreciate your time and consideration of this legislation.

**STATE SENATOR KATHY BERNIER**  
TWENTY-THIRD SENATE DISTRICT



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**From:** Senator Kathy Bernier  
**To:** The Assembly Committee on Transportation  
**Re:** Testimony on Assembly Bill 20  
**Relating to:** motor vehicle instruction permit and probationary license eligibility and duration.  
**Date:** March 25, 2021

Thank you Chairman Plumer and committee members for allowing me to provide testimony on Assembly Bill 20 today. When Representative Pronschinske called me with this idea for a bill, brought to him by a constituent of his, I thought it would be a great piece of legislation and I was looking forward to bringing it to this committee.

Anyone who has lived in Wisconsin for twelve months knows: we get the full range of every season. Heck, sometimes we get three seasons in a single day! Driving in snow and ice is a lot different than driving on a sunny summer day, and teenagers learning to drive should be given the opportunity to learn to handle any conditions.

Wisconsin law sets a number of requirements for minors to obtain an instruction permit, one of them being that the individual must be at least 15 and a half years old. Once they get this instruction permit and in order to obtain a probationary license, there are more requirements that must be met such as: they must have 30 hours of driving experience (10 at night), they must complete a driver education course; they must have held the instruction permit for at least six months, and they must be 16 years old.

This bill would lower the age of requirement to obtain an instruction permit from 15 ½ to simply 15 years. As the bill stands, nothing else would change. A teenager would still need to practice with at least 30 hours of driving experience (10 at night), complete a driver education course, hold the permit for at least six months, and be 16 to obtain a probationary license. This gives parents the *option* to begin that process earlier, working with their children on navigating roads in all conditions.

The majority of states have an instruction permit age of 15 or younger, and the majority of states have a holding period of six months or less.

For this committee's future consideration, Representative Pronschinske and I have both submitted amendments to our respective bills that would raise the hour requirement from 30 hours to 50 hours.

Thank you again for the time today, and I am happy to answer any questions.



Written Testimony of Nick Jarmusz  
Midwest Director of Public Affairs for AAA – The Auto Club Group  
Wisconsin Assembly Committee on Transportation - Hearing on Assembly Bill 20  
March 25, 2021

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Thank you, Chairman Plumer and members of the committee, for the opportunity to testify at today's hearing. My name is Nick Jarmusz, and I am the Midwest director of public affairs for AAA – The Auto Club Group.

The Auto Club Group currently provides services including insurance, driver training, emergency roadside assistance and advocacy to over seven hundred thousand (700,000) AAA members in the state of Wisconsin.

Adequately preparing teens for the responsibility of driving is a collaborative effort between parents, driving instructors and policymakers, and has substantial implications for all roadway users. According to the Wisconsin Department of Transportation, drivers under the age of 18 are involved in nearly ten thousand (10,000) traffic crashes each year in this state. And approximately one third of all fatalities resulting from crashes involving a teen driver are other roadway users, including occupants of other vehicles, cyclists and pedestrians.

Teen drivers have the highest crash rate of any age group, and that rate is exceptionally high during the first year of licensure. It is both common sense and a documented fact that the more experience a teen gets behind the wheel, the safer they – and everyone else sharing the road with them – will be. AAA encourages parents to ensure that their teen has extensively practiced driving while supervised in a variety of weather and traffic conditions before signing off on their probationary license application.

This legislation would make several positive changes to the process by which we prepare teen drivers for licensing in Wisconsin.

First, it would allow teens to hold their learner's permit – and gain valuable supervised driving experience – over a longer period of time without pushing back their age of eligibility for a probationary license. This is important, because the current 6 month window between permit eligibility and license eligibility is not long enough to experience the full range of weather conditions commonly seen on Wisconsin's roadways throughout the year.

Second, it would close the gap between when teens are eligible to begin the classroom portion of driver education and when they can begin practicing behind the wheel. Currently, students can enroll in a driver education class at 14 years and 5 month, but cannot receive their learners permit for another 13 months. This bill would allow teens who begin driver's education as soon as they are eligible to start practicing those concepts while they are fresh in their minds.



Finally, the proposed amendment would increase the minimum number of documented practice hours that a parent must verify when a teen applies for their probationary license. This includes an increase in the number of practice hours that must be done at night. Nationally, over a quarter of all teen driving fatalities occur at night.

Wisconsin's teen driving laws have not been substantially changed since the original adoption of the Graduated Driver's License system in 2001. Teen crashes and fatalities fell significantly in the first few years after the program was implemented, but additional progress has been difficult to achieve. We believe that this legislation will help the state regain momentum and move the needle further in the right direction.

We strongly urge the committee to advance this bill, with the amendment. We would also encourage the committee to consider building on this legislation in the future by increasing the minimum holding period for a learner's permit from the current 6 months to 9. This would ensure that all newly licensed teen drivers have the opportunity to do practice hours in all seasonal conditions. A national study of Graduated Drivers Licensing systems found that a minimum holding period of at least 9 months was associated with a 26% reduction in fatal crashes by 16 year old drivers, more than twice 11% reduction associated with a 6 months. Currently, 13 states – including neighboring Iowa and Illinois – require at least a 9 month holding period, with several – including Iowa - requiring a full year.

Thank you for your consideration of these proposals to improve the safety of Wisconsin's drivers and other roadway users of all ages.

March 9, 2021

Dear Chairman Petrowski, Committee on Transportation and Local Government:

As it is now, when a person turns 15 years and 6 months old they can obtain an instructional driving permit and when they turn 16 years old they can obtain a probationary driver's license. Current law only requires that teenagers drive six months with an instructional driver's permit before they are eligible to get a probationary driver's license. As a parent of three teenage daughters and a law enforcement officer of 20 years, I believe this is not enough time to truly understand the responsibility of having a driver's license and to gain enough driving experience.

My oldest daughter recently got her driver's license and my second daughter has her instructional permit. My oldest daughter has a birthday in the fall and my other daughter has a birthday in the spring. As a result my oldest daughter had her instructional permit with her only drive time during good road conditions and some road construction. My second daughter's only driving time has been during winter driving conditions and no road construction. Six months is not enough time for a teen driver to be able to experience all types of weather and road conditions.

In addition, today there are more cars on the road, there are more distractions built into the cars, and of course, cell phones. Just in the last 10 years speed limits have increased, number of lanes on highways have increased, and number of vehicles on the road have increased. There is a lot to learn about driving and being a defensive driver in just six months for these teenage drivers.

What I would like to see is that teenagers can go to driver's education at the age of 14 years and six months old and then at 15 years old they are able to get an instructional permit. This would give teenage drivers a full year of instructional driving before they turn 16 and are able to get a probationary driver's license. This full year would give them an opportunity to drive in all weather and road conditions, daytime and nighttime, resulting in more experience driving when they turn 16 and are able to get a probationary driver's license. In addition to providing a full year of instructional permit experience, I recommend increasing the number supervised driving hours to 40 hours with 15 hours of nighttime driving.

As a law enforcement officer, I've been to many crashes with teenage drivers who didn't know what to do when the roads were ice or snow covered or what to do when a deer jumps out in front of them. Again, I believe with a full year of instructional driving they will be better prepared to drive in these conditions.

An example of another state that allows a longer instructional permit period is Iowa. In Iowa, teenagers who are 14 years old can take a vision and a written test to get an instructional permit; this gives them two years of instructional driving before they get a driver's license. And in Iowa you must have an instructional permit for a minimum of a year before you can get your probationary driver's license.

Due to the amount of responsibility and liability there is in operating a motor vehicle I think teenagers need more than six months with an instructional permit. When teens become Freshman in high school we don't expect them to take ACT or SAT six months into their high school career. They get until their Junior year to learn and study before they take the tests.

To recap I believe there is benefit in allowing teenagers to get their instructional permits at 15 years old and in driving a full year during all types of road and weather conditions before they are 16 years old and able to get a probationary driver's license. Just like with everything else in life, the more we have time to learn and practice, the more we know and the better we get.

Thank you,

William Straschinske  
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## MEMORANDUM

**TO:** Representative Treig Pronschinske  
**FROM:** Madeline Kasper and Jillian Slaight, legislative analysts  
**DATE:** January 25, 2021  
**SUBJECT:** New driver requirements for minors in Wisconsin and other states

This memorandum provides answers to several questions you asked regarding new driver licensing for minors in Wisconsin and in other states.

### Wisconsin

#### What are the requirements for minors to obtain a probationary license?

Under Wis. Stat. ch. 343 and Wis. Admin. Code ch. Trans 102, in order to obtain a probationary driver's license in Wisconsin, individuals under the age of 18 must:<sup>1</sup>

- Have held an instruction permit for at least six months.<sup>2</sup> The requirements for obtaining an instruction permit are listed in the following section.
- Have 30 hours of driving experience, 10 of which must be at night.<sup>3</sup> These hours must be certified by the driver's parent, legal guardian, or other sponsor. Each hour of supervised driving experience with a qualified instructor, up to five hours, is counted as two hours of behind-the-wheel driving experience.
- Pass a certified driver education course.<sup>4</sup>
- Be at least 16 years old.
- Have an adult sponsor.

<sup>1</sup>This is a modified version of the list available here: "Probationary Driver License Requirements," Wisconsin Department of Transportation, accessed January 11, 2021, <https://wisconsin.gov>. For a more detailed summary of these requirements and the restrictions for persons operating with a probationary license, see: Wisconsin Department of Transportation, *Motorists' Handbook* (Madison, WI: Wisconsin Department of Transportation revised January 2020): 6–8, <https://wisconsin.gov>.

<sup>2</sup> Wis. Stat. § 343.085 (1) (b).

<sup>3</sup> Wis. Stat. § 343.06 (1) (cm).

<sup>4</sup> Wis. Stat. § 343.06 (1) (c).

- Complete a Wisconsin Driver License Application (MV3001).
- Provide proof of U.S. citizenship, legal permanent resident status, conditional resident status, or temporary visitor status.
- Provide proof of name and date of birth.
- Provide a social security number or submit a signed social security number non-eligibility certification statement.
- Provide proof of identity.
- Have been violation-free for six months.
- Be enrolled in a school program or high school equivalency program and not be a habitual truant, or graduated from high school or been granted a declaration of high graduation equivalency, or are enrolled in a home-based private education program.
- Pass the driving skills test.
- Pay the necessary fees.

#### **What are the requirements for minors to obtain an instruction permit?**

Wisconsin instruction permits are valid for 12 months but can be renewed for an additional year. Under Wis. Stat. ch. 343 and Wis. Admin. Code ch. Trans 102, in order to obtain an instruction permit<sup>5</sup>, individuals under the age of 18 must:<sup>6</sup>

- Complete a Wisconsin Driver License Application (MV3001).
- Pass and sign a knowledge test and vision screening.
- Be enrolled in a certified driver education program with a behind-the-wheel component that begins within 60 days of the date the driver education instructor certifies the Wisconsin Driver License Application.<sup>7</sup>
- Be at least 15 years and 6 months old.
- Provide proof of name and date of birth.

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<sup>5</sup> While driving with an instruction permit, individuals under the age of 18 must be accompanied by someone who has at least two years of licensed driving experience, presently holds a valid regular license and is one of the following: (1) A qualified instructor age 19 or older; or (2) A parent, guardian or spouse, age 19 or older; or (3) A person other than a parent, legal guardian or spouse who is age 21 or older; however, this person is required to have written authorization from the driver's parent or legal guardian prior to the operation of the vehicle. If driving at night, the driver must be accompanied by a qualified instructor or a licensed driver at least 25 years of age who has at least two years of licensed driving experience. See Wis. Stat. § 343.07 (1g) (a) and (d).

<sup>6</sup> This is a modified version of the list available here: "Instruction Permit (Temps)," Wisconsin Department of Transportation, accessed January 11, 2021, <https://wisconsindot.gov>. For a more detailed summary of these requirements as well as the restrictions for persons operating with an instruction permit, see: Wisconsin Department of Transportation, *Motorists' Handbook*, 5-6.

<sup>7</sup> Wis. Stat. § 343.07 (2) and Wis. Admin. Code Trans § 102.19 (1).



- Provide proof of identity.
- Provide proof of Wisconsin residency.
- Provide proof of legal presence.
- Provide a social security number or submit a signed social security number non-eligibility certification statement.
- Be enrolled in a school program or high school equivalency program, have graduated from high school or been granted a declaration of high school graduation equivalency, or be enrolled in a home-based private education program and cannot be identified as habitually truant.
- Have a sponsor.
- Pay the required driver licensing fees.

**What was the legislative intent behind the law(s) establishing the six-month time period for an instruction permit and the 30-hour behind-the-wheel requirement?**

The 30-hour behind-the-wheel requirement under Wis. Stat. § 343.06 (1) (cm) and the requirement under Wis. Stat. § 343.085 (1) (b) that an applicant hold an instruction permit for at least six months before obtaining a probationary license were both created by 1999 Wisconsin Act 9, the biennial budget act, which made several other changes to new driver requirements for minors. These requirements were created at a time when many states were adopting similar laws in response to increasing numbers of traffic crash fatalities among young drivers. Prior to the enactment of the 1999 law, in order to obtain a probationary driver's license, only six hours of practice time with an instructor were required and an instruction permit only needed to be held for 19 days.

The young driver language incorporated into the budget act (via a conference amendment) was pulled from 1999 Assembly Bill 52, as engrossed. Public hearing materials for Assembly Bill 52 indicate that AAA Wisconsin and other insurance companies strongly advocated for the bill. Throughout the country, these insurance companies, as well as several medical and law enforcement interest groups were advocating for a three-staged licensing system known as "graduated driver licensing," which begins with an instruction or learner's permit before proceeding to a probationary license and ultimately a full license.<sup>8</sup>

Hearing materials for Assembly Bill 52 suggest that organizations advocating for the three-tiered system specifically recommended a minimum period of six months for the learner's permit.<sup>9</sup> A table in one hearing document submitted by the National Highway Traffic Safety Administration

<sup>8</sup> Wis. Legis. Council, Hearing Materials for 1999 Assembly Bill 51 (part 1), National Highway Traffic Safety Administration, *Saving Teenage Lives: The Case For Graduated Driver Licensing* (Washington, DC: U.S. Department of Transportation, November 1998): 7-35.

<sup>9</sup> Wis. Legis. Council, Hearing Materials for 1999 Assembly Bill 51 (part 1), National Highway Traffic Safety Administration, *Saving Teenage Lives: The Case For Graduated Driver Licensing* (Washington, DC: U.S. Department of Transportation, November 1998): 24.

indicates that 23 states already had a mandatory holding period for the learner's permit in place. These time periods ranged from 2 months to 12 months, with a mean of 5.6 months.<sup>10</sup>

Testimony from AAA Wisconsin in support of a substitute amendment to the bill states that, at the time, 11 states required 30 or more hours of teen practice driving time, with six states requiring 50 hours.<sup>11</sup> The original version of Assembly Bill 52 had a 50-hour driving requirement, but it was shortened to 30 hours with the adoption of Assembly Substitute Amendment 3. I was unable to find specific reference to why the substitute amendment lowered the hour requirements. However, a bill summary submitted as testimony by Assembly Republicans indicated that there was some general concern that it could be difficult for parents, especially single parents, to find the time to drive with their teenagers to meet unreasonably high minimum requirements.<sup>12</sup>

The Assembly Republican bill summary also states: "Studies show that teenagers' inexperience and risk-taking behavior are the main factors in their increased crash rates. Assembly Bill 52 addresses these problems by requiring more behind-the-wheel training over an extended period of time, encouraging greater parental participation and allowing young drivers to gradually move to the next stage of licensure as they gain experience and improve their skills."<sup>13</sup>

#### **What are the driver education curriculum requirements for minors obtaining a probationary license?**

Under Wis. Stat. § 343.06 (1) (c), the Wisconsin Department of Transportation (DOT) may not issue an operating license to certain persons under the age of 18 unless they have done one of the following, among other things:

- Completed a driver education course in a public school approved by the Department of Public Instruction (DPI).
- Completed a driver education course in a nonpublic or private school or tribal school that meets minimum standards set by DPI.
- Completed a driver education course in a technical college approved by the Wisconsin Technical College System Board (WTCS Board).
- Completed a driver education course approved by DOT at a driver education school licensed by DOT.

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<sup>10</sup> Wis. Legis. Council, Hearing Materials for 1999 Assembly Bill 51 (part 1), National Highway Traffic Safety Administration, *Saving Teenage Lives: The Case For Graduated Driver Licensing* (Washington, DC: U.S. Department of Transportation, November 1998): 27.

<sup>11</sup> Wis. Legis. Council, Hearing Materials for 1999 Assembly Bill 51 (part 5), AAA Wisconsin Support for Teen Graduated Driver Licensing, 30.

<sup>12</sup> Wis. Legis. Council, Hearing Materials for 1999 Assembly Bill 51 (part 5), Assembly Republican Majority, Bill Summary, AB 52: Graduated Driver Licensing Bill, May 12, 1999, 19.

<sup>13</sup> Wis. Legis. Council, Hearing Materials for 1999 Assembly Bill 51 (part 5), Assembly Republican Majority, Bill Summary, AB 52: Graduated Driver Licensing Bill, May 12, 1999, 20.

- Completed a substantially equivalent course in driver education or training approved by another state and also attained the age of 16, except as provided in Wis. Stat. § 343.07 (1g).<sup>14</sup>

In order to be approved by DOT<sup>15</sup>, DPI<sup>16</sup>, or the WTCS Board,<sup>17</sup> driver education curriculum must do the following:

- Acquaint each student with the hazards posed by farm machinery and animals on highways and provide instruction in safely dealing with such hazards.
- Provide at least 30 minutes of instruction relating to organ and tissue donation and organ and tissue donation procedures.
- Provide at least 30 minutes of instruction on motorcycle awareness and pedestrian and bicycle awareness.
- Include instruction relating to passing stopped emergency vehicles, tow trucks, and highway machinery equipment.
- Acquaint each student with the hazards posed by railroad highway grade crossings and provide at least 30 minutes of instruction in safely dealing with these hazards.
- Acquaint each student with the hazards posed by composing or sending electronic text messages or electronic mail messages while driving and with the provisions of Wis. Stat. § 346.89 (3).
- Acquaint each student with the hazards posed by motor vehicles to vulnerable highway users, as defined in Wis. Stat. § 340.01 (74p), and provide at least 30 minutes of instruction in safely dealing with these hazards.

Driver education courses approved by DOT or DPI must meet additional requirements outlined in the statutes and the administrative code, as described below. The WTCS Board does not have additional requirements for approval in the statutes or the administrative code, beyond the minimum requirements listed above that apply to curricula approved by any of the three entities. According to the WTCS Board, two technical colleges are currently approved to provide driver education in the state: Southwest Technical College (SWTC) and Wisconsin Indianhead Technical College (WITC).<sup>18</sup>

## DOT

Under Wis. Admin. Code Trans § 105.07, a licensed driver school may not offer driver education courses for instruction of students under 18 years of age without first obtaining approval from

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<sup>14</sup> Wis. Stat. § 343.06 (1) (c).

<sup>15</sup> Wis. Stat. § 343.71 (5).

<sup>16</sup> Wis. Stat. § 115.28 (11).

<sup>17</sup> Wis. Stat. § 38.04 (4) (e).

<sup>18</sup> Brandon Trujillo, Policy and Government Relations, Wisconsin Technical College System Office, email message to author, January 14, 2021.

DOT in the form of an endorsement that specifies whether the licensee may provide classroom instruction, behind-the-wheel instruction, or both to persons under 18 years of age. DOT must approve a submitted course summary as well as any subsequent curriculum changes prior to their implementation. The classroom portion of the course must cover the following, in addition to the components outlined above:<sup>19</sup>

- Responsibility of vehicle operation.
- Mechanical and control features of the vehicle.
- Environmental dynamics of driving.
- Driving procedures: Pre-driving skills and basic maneuvers.
- City driving.
- Rural driving.
- Freeway driving.
- Psychophysical aspects of driving.
- Vehicle ownership.
- Traffic citizenship and highway safety progress.

The behind-the-wheel portion of the course must cover the following:<sup>20</sup>

- Introduction to the automobile.
- City driving.
- Left and right turns.
- Backing and Y turns.
- Parking.
- Rural driving (including multiple lane and freeway if possible).

Additionally, Wis. Admin. Code Trans § 105.07 (1) (b) 3. establishes time limits on classroom and behind-the-wheel lesson plans, as well as record-keeping requirements. In total, the classroom portion of an approved course must consist of 30 clock hours over a minimum of three weeks, with no more than two clock hours per day.<sup>21</sup> The behind-the-wheel portion of an approved course must consist of six clock hours of observation in the vehicle and six clock hours of actual vehicle operation over a minimum of three weeks, with no more than one hour of behind-the-wheel driving or two hours of observation per day.<sup>22</sup>

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<sup>19</sup> Wis. Admin. Code Trans § 105.07 (1) (b) 1.

<sup>20</sup> Wis. Admin. Code Trans § 105.07 (1) (b) 2.

<sup>21</sup> Wis. Admin Code Trans § 105.07 (2) (a).

<sup>22</sup> Wis. Admin Code Trans § 105.07 (2) (b).

For additional details about curriculum requirements for DOT-certified driving schools, see the DOT pamphlet entitled Driver Training School Guidelines. Note that DOT posts a list of all DOT-approved driver schools, indicating the type of instruction offered by each school. According to DOT, there are 165 DOT-certified private driver training schools in the state.<sup>23</sup>

## DPI

Under Wis. Stat. § 115.28 (11), the state superintendent may approve driver education courses offered by school districts, county children with disabilities education boards, and technical college districts. The superintendent may also approve minimum standards for driver education courses offered in private schools and tribal schools. Note that DPI indicated that they currently do not use the statutory approval process for any technical college districts.<sup>24</sup>

Chapter PI 21 of the Wisconsin Administrative Code establishes minimum standards that all high school driver education programs must meet to obtain DPI approval. Under Wis. Admin. Code PI § 21.04 (1) (a), a driver education course must include the following:

- At least 30 hours of classroom instruction, including the requirements under Wis. Stat. § 115.28 (11).
- At least 6 hours of observation instruction.
- At least 6 hours of actual on-street behind-the-wheel instruction.
  - o Multiple-vehicle driving range instruction may be substituted for up to 4 hours of the required 6 hours of on-street instruction using a formula that 2 hours of multiple-vehicle driving range instruction is equivalent to one hour of on-street instruction.
  - o Simulation instruction may be substituted for up to 3 hours of the required 6 hours of on-street instruction using a formula that 4 hours of simulation instruction is equivalent to one hour of on-street instruction.
  - o When both simulation and range laboratory instruction methods are used, the program must include at least 2 hours of actual on-street behind-the-wheel instruction.

Additionally, a classroom course must extend over at least six weeks during a regular school year or at least three weeks during a summer school program.<sup>25</sup> On-street driving instruction must extend over at least three weeks for each student, and must not extend to more than one hour per day per student.<sup>26</sup>

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<sup>23</sup> Rob Combs, Legislative Liaison, DMV Administrator's Office, Department of Transportation, email to author, January 21, 2021.

<sup>24</sup> Grant Huber, Legislative Liaison, Department of Public Instruction, email to author, January 20, 2021.

<sup>25</sup> Wis. Admin. Code PI § 21.04 (1) (b).

<sup>26</sup> Wis. Admin Code PI § 21.04 (1) (c).

On its website, DPI posts a list of all school districts and private schools approved to teach driver education during the current school year. According to DPI, there are 90 individual schools that are approved to provide driver education and an additional 32 schools through CESA 2, including CESA 2's online component.<sup>27</sup>

**Are there curriculum requirements related to farm equipment or Amish buggy signs?**

The list of curriculum requirements that applies to driver education programs approved by DOT, DPI, or the WTCS Board includes two provisions specifically related to farm equipment and Amish buggies. The curriculum must “Acquaint each student with the hazards posed by farm machinery and animals on highways and provide instruction in safely dealing with such hazards”<sup>28</sup> and must also “Acquaint each student with the hazards posed by motor vehicles to vulnerable highway users, as defined in Wis. Stat. § 340.01 (74p), and provide at least 30 minutes of instruction in safely dealing with these hazards.” Vulnerable highway users are defined under Wis. Stat. § 340.01 (74p) to include “an operator of, or passenger on, an animal-drawn vehicle, farm tractor, farm truck tractor, farm trailer, or implement of husbandry,” among other things.

**Can you provide us with a copy of the curriculum used in the state?**

As explained above, driver education courses in the state are approved by either DOT, DPI, or the WTCS Board. I reached out to individuals at each of these entities and they all indicated that they do not develop or distribute any sort of model curriculum.<sup>29</sup> All curriculum requirements are outlined in the statutes and the administrative code.

**Are there differences in driver education curriculum or behind-the-wheel requirements depending on whether the driving school is located in a rural or urban area?**

Apart from the provision you identified under Wis. Admin Code Trans § 105.07 (1) (b) 2. f., which requires rural driving on “multiple lane and freeway *if possible*,” there are currently no differences in driver education curriculum requirements depending on whether the driver education student is located in a rural or urban area.

**What is the process for becoming a driver's education instructor, both in the private and public sectors?**

For the purposes of instruction permit requirements, a “qualified instructor” is defined under Wis. Stat. § 343.07 (1c) to mean one of the following:

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<sup>27</sup> Grant Huber, Legislative Liaison, Department of Public Instruction, email to author, January 20, 2021.

<sup>28</sup> Wis. Stat. §§ 343.71 (5) (a); 115.28 (11) (a); 38.04 (4) (e) 1.

<sup>29</sup> Grant Huber, Legislative Liaison, Department of Public Instruction, email to author, January 20, 2021; Brandon Trujillo, Policy and Government Relations, Wisconsin Technical College System Office, email message to author, January 14, 2021; Rob Combs, Legislative Liaison, DMV Administrator's Office, Department of Transportation, email to author, January 21, 2021.

- A school employee who holds an operator’s license and “[meets] the teaching certification standards of the department of public instruction or the technical college system board to teach driver education.”
- An instructor employed by a licensed driver school under Wis. Stat. § 343.61.
- A teacher or student teacher in a driver education course for teachers conducted by an institution of higher education.

The process for becoming a qualified instructor varies depending on whether the instructor is to be employed by a driver school licensed by DOT or a school that must meet the standards set by DPI or the WTCS Board.

### DOT

The requirements for obtaining an instructor license in order to teach at a driver school licensed under Wis. Stat. § 343.61 are outlined under Wis. Stat. § 343.62. These requirements include, but are not limited to:

- Submitting a completed application and paying the required fee.
- Completing a knowledge test developed by the department.
- Passing a driving skills test.
- Being at least 19 years of age, holding a valid regular operator’s license, and having at least two years of licensed experience operating a motor vehicle.
- Providing proof that a medical care provider believes the applicant to be physically fit to teach driving.
- Having the ability to safely operate and control, from the passenger seat, a motor vehicle of the vehicle class and type in which the applicant will provide instruction for which satisfactory accommodation cannot be provided by adaptive vehicle equipment.
- Having a satisfactory driving record, as defined by rule.

Additional DOT instructor’s license requirements are described under Wis. Admin. Code Trans §§ 105.07 (5)–(7).

A plain language summary relating to DOT licensing of instructors is available in Chapter Six (pp. 33–39) of these DOT Driver Training School Guidelines. Note that licensing requirements vary depending on the type of student (under or over 18 years of age), vehicle (automobile or truck), or instruction (behind-the-wheel, classroom, or both). According to DOT, 703 instructors are licensed by DOT to teach driver education.<sup>30</sup>

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<sup>30</sup> Rob Combs, Legislative Liaison, DMV Administrator’s Office, Department of Transportation, email to author, January 21, 2021.



## DPI

To obtain DPI licensure to teach driver education, a school employee must meet eligibility requirements laid out under Wis. Admin. Code PI § 34.080. These requirements include at least three years of driving experience with a valid license, various coursework related to driver education and general safety, supervised experience in driver education, and a teaching or pupil services license.<sup>31</sup>

This DPI [webpage](#) lays out the process of applying for a driver education teacher's license in plain language. According to DPI, there are 456 people who currently hold valid DPI driver education licenses in the state.<sup>32</sup>

## WTCS Board

There are no WTCS Board driver education teaching certification standards outlined in the statutes or the administrative code. However, the WTCS Board indicated the following:

“All Driver Education Instructors are required to hold a valid Wisconsin Driver's License, complete 6 credits (two courses) in Driver's Education and 3 credits (one course) in Safety Education. Southwest Technical College is the only technical college that offers these three courses to instructors and awards a technical diploma upon completion.”<sup>33</sup>

According to the WTCS Board, 56 instructors are currently authorized to teach driver education at the technical college district level.<sup>34</sup>

### **How many individuals are enrolled in public vs. private driver's education courses?**

The WTCS Board reported that in FY 2019-20, there were 3,735 students enrolled in driver education at SWTC and WITC.<sup>35</sup>

DOT and DPI indicated that they do not gather data on the number of students enrolled in driver education.<sup>36</sup> They did provide me with the number of schools that are certified to teach driver education as well as the number of approved driver education instructors, as noted above.

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<sup>31</sup> Wis. Admin. Code PI § 34.080 (2).

<sup>32</sup> Grant Huber, Legislative Liaison, Department of Public Instruction, email to author, January 20, 2021.

<sup>33</sup> Brandon Trujillo, Policy and Government Relations, Wisconsin Technical College System Office, email message to author, January 14, 2021.

<sup>34</sup> Brandon Trujillo, Policy and Government Relations, Wisconsin Technical College System Office, email message to author, January 14, 2021.

<sup>35</sup> Brandon Trujillo, Policy and Government Relations, Wisconsin Technical College System Office, email message to author, January 14, 2021.

<sup>36</sup> Grant Huber, Legislative Liaison, Department of Public Instruction, email to author, January 20, 2021; Rob Combs, Legislative Liaison, DMV Administrator's Office, Department of Transportation, email to author, January 21, 2021.

### **How much are private driver education instructors paid?**

DOT does not set payment rates for instructors at private driver education schools so there is no way to provide you with this information. According to [ZipRecruiter](#), which estimates salaries based on job postings and third-party data sources, driving school instructors in Wisconsin make an average of \$32,779 per year.

### **Do driver education instructors in schools have other jobs or are they strictly driver education instructors?**

DPI provided a spreadsheet (attached) that includes all individuals licensed by DPI to teach driver education in the state and also lists other teaching licenses held by these individuals. As you can see in the spreadsheet, the vast majority of driver education instructors licensed by DPI also hold other types of teaching licenses. The three most common licenses held in addition to driver education licenses are for physical education (200), technology education (115), and health (139).

The WTCS Board does not license other college instructors and therefore does not collect information about instructors.<sup>37</sup>

### **How many minors are getting licenses now compared to about ten years ago?**

The Division of Motor Vehicles' [2019 Facts and Figures Report](#) indicates that in 2019, 74,822 new instruction permits were issued as well as 77,919 probationary licenses.<sup>38</sup> The same report from 2009 shows that 74,081 instruction permits were issued that year, as well as 77,901 probationary licenses.<sup>39</sup> In other words, roughly the same number of instruction permits and probationary licenses were issued a decade ago. Over that same time period, the number of individuals age 15 to 19 in the state actually decreased, so it is possible that the percentage of teenagers obtaining instruction permits and probationary licenses may be slightly higher than a decade ago.<sup>40</sup> However, it is impossible to say for certain, given that the instruction permit and probationary license data is not broken down by age.

## **Other States**

The Insurance Institute for Highway Safety (IIHS) defines a graduated licensing (GDL) system as follows:

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<sup>37</sup> Brandon Trujillo, Policy and Government Relations, Wisconsin Technical College System Office, email message to author, January 14, 2021.

<sup>38</sup> Wisconsin Department of Motor Vehicles, [Facts & Figures 2019](#) (Madison, WI: Wisconsin Department of Transportation, 2020): 31, <https://wisconsindot.gov>.

<sup>39</sup> Wisconsin Department of Motor Vehicles, [Facts & Figures 2009](#) (Madison, WI: Wisconsin Department of Transportation, 2010): 41, <https://wisconsindot.gov>.

<sup>40</sup> Wisconsin Legislative Reference Bureau, "Wisconsin Population by Age Group," in *Wisconsin Blue Book 2019-2020* (Madison, WI: Legislative Reference Bureau, 2019): 520.

There are three stages in a graduated system: a supervised learner's period; an intermediate license, which is granted after a young driver passes a road test and which limits driving in high-risk situations (e.g., at nighttime or with teen passengers); and a license with full privileges.<sup>41</sup>

IIHS maintains a detailed table comparing all components of GDL licensing in every state entitled, Graduated Licensing Laws by State. Additionally, AAA hosts a digest of graduated driver licensing across the country. The information in this section is primarily derived from these two sources.

**Is there a list of state-by-state learner’s permit age requirements?**

Per the IIHS table and the AAA digest, new drivers are eligible for a learner’s or instruction permit at the ages specified in the table below. These minimum ages range from 14 years to 16 years, with a median age of 15 years.

In five states—Colorado, Indiana, Mississippi, Oklahoma, and Washington—minors are eligible for an instruction permit at a younger age if they have met certain criteria related to driver education. (Note that driver education is not required for minors in all states.) For example, in Colorado, individuals may drive with a learner’s permit at 15 if they have passed the classroom portion of a driver education course within six months. If they do not complete and pass such a course, individuals must wait until they are 15 years and 6 months old to drive with a learner’s permit and only after completing a four-hour driver awareness course. The data in this table assumes that the individual has met the driver education criteria necessary to obtain an instruction permit at the youngest age possible.

**Table 1. Youngest age to obtain an instruction permit in every state**

| <i>Age</i>         | <i>State</i>  |
|--------------------|---|
| 14 years           | Alaska, Arkansas, Iowa, Kansas, Mississippi, North Dakota, and South Dakota.  |
| 14 years, 6 months | Idaho and Montana.  |
| 14 years, 9 months | Michigan.   |
| 15 years           | Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Minnesota, Missouri, Nebraska, New Mexico, North Carolina, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, and Wyoming. |
| 15 years, 6 months | Arizona, California, Hawaii, Nevada, New Hampshire, Ohio, Oklahoma, Virginia, and Wisconsin.  |
| 15 years, 9 months | Maryland.   |
| 16 years           | Connecticut, Delaware, Kentucky, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.   |

<sup>41</sup> “Graduated Licensing” (website), Insurance Institute for Highway Safety, accessed November 6, 2019.

**How does Wisconsin instruction permit minimum holding period of six months compare with other states?**

According to the IIHS table and the AAA digest, 36 states, including Wisconsin, require an instruction permit minimum holding period of six months for minors. Twelve states require a longer holding period: three of these states require an instruction permit to be held for nine months and nine states require it to be held for 12 months. Wyoming requires an instruction permit to be held for only 10 days and New Jersey does not have a holding period at all.

Note that Connecticut offers a shortened holding period of four months for those enrolled in driver education. Similarly, South Dakota offers a shorter holding period of six months for successful completion of driver education.

**Table 2. Instruction permit holding period in every state**

| <i>Instruction permit holding period</i> | <i>State</i>   |
|--|--|
| None                                     | New Jersey.  |
| 10 days                                  | Wyoming.   |
| 6 months                                 | Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Hawaii, Idaho, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, <b>Wisconsin.</b> |
| 9 months                                 | Illinois, Maryland, Virginia.  |
| 12 months                                | Colorado, Florida, Georgia, Iowa, Kansas, Mississippi, North Carolina, North Dakota, Vermont.  |

**How do Wisconsin's behind-the-wheel hour requirements compare with other states?**

According to the IIHS table and the AAA digest, 47 states, including Wisconsin, require minors to complete a certain number of supervised driving hours before obtaining full licensure. Most states, like Wisconsin, require these hours to be completed during the instruction permit phase, but some states, such as North Carolina, require additional hours to be completed during the probationary license phase. The table below provides the total number of supervised driving hours required before obtaining a full license.

Among the 47 states that require supervised driving hours, these hour requirements range from 20 hours to 72 hours, with a mean of 44.6 hours and a median of 50 hours. Oregon requires 100 hours of supervised driving for minors who do not take driver education.

**Table 3. Mandatory supervised driving hours in every state**

| <i>Supervised driving hours</i> | <i>State</i>   |
|---------------------------------|--|
| None                            | Arkansas, Mississippi, New Jersey.   |
| 20 hours                        | Iowa.  |
| 30 hours                        | Arizona, Texas, <b>Wisconsin</b> .   |
| 40 hours                        | Alaska, Connecticut, Georgia, Massachusetts, Minnesota, Missouri, New Hampshire, South Carolina, Utah, Vermont   |
| 12 months                       | Colorado, Florida, Georgia, Iowa, Kansas, Mississippi, North Carolina, North Dakota, Vermont.  |
| 45 hours                        | Virginia.  |
| 50 hours                        | Alabama, California, Colorado, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Kansas, Louisiana, Michigan, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, Tennessee, Washington, West Virginia, Wyoming, South Dakota. |
| >50 hours                       | Kentucky (60), Maryland (60), Pennsylvania (65), Maine (70), North Carolina (72).  |

Among the 47 states that require supervised driving hours, 42 states, including Wisconsin, specify that a certain number of these hours must be at night. The number of supervised night driving hours range from 6 hours to 16 hours, with 35 states, including Wisconsin, requiring 10 hours. Some states also require supervised hours of inclement weather driving, as discussed below.

**Do any states specifically require winter driving while holding an instruction permit?**

We were unable to locate any states that specifically require winter driving as part of the GDL process. However, at least three states include “inclement weather” in their supervised driving hour requirements. Pennsylvania specifically requires learner’s permit holders to drive in “inclement weather” before they are eligible for a probationary license. Specifically, 5 hours of the 65 required supervised driving hours must be in inclement weather.<sup>42</sup> South Dakota recently enacted a law to require 10 hours of the 50 supervised driving hours to be in inclement weather.<sup>43</sup> Finally, Alaska requires that 10 hours of the 40 required supervised driving hours

<sup>42</sup> 75 Pa. Cons. Stat. § 1505 (e) (2) (ii).

<sup>43</sup> S.D. Codified Laws § 32-12-11.

must be in “progressively challenging circumstances,” which includes inclement weather or nighttime conditions.<sup>44</sup>

Further, nine states<sup>45</sup> require young drivers to hold an instructor’s permit for 12 months, which would subject the driver to all of the state’s seasons, assuming the driver was accumulating driving experience throughout that time period.

### **Do any states require a certain number of hours driving specifically in a rural or city area?**

We were unable to identify any states that require a certain number of supervised driving hours in rural or urban areas.

### **What are the behind-the-wheel and instruction permit holding period requirements in Colorado, Illinois, and Minnesota?**

- Colorado: Learner’s permit holders must hold the permit for at least a year and log at least 50 hours of supervised driving time, 10 of which must be at night, before applying for a restricted license.
- Illinois: Learner’s permit holders must accumulate 50 hours of supervised driving, 10 of which must be at night and the permit must be held for a minimum of 9 months before becoming eligible for an intermediate license.
- Minnesota: Instruction permit holders must accumulate 40 hours of certified driving, 15 of which must be at night and they are not eligible for a provisional license until they have held the instruction permit for six months.

Please let us know if you have any additional questions. We can be reached at (608) 504-5844 or [Madeline.Kasper@legis.wisconsin.gov](mailto:Madeline.Kasper@legis.wisconsin.gov), or (608) 504-5884 or [Jillian.Slaight@legis.wisconsin.gov](mailto:Jillian.Slaight@legis.wisconsin.gov).

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<sup>44</sup> Alaska Stat. § 28.15.055 (2).

<sup>45</sup> Colorado, Florida, Georgia, Iowa, Kansas, Mississippi, North Carolina, North Dakota, and Vermont.