

No. 856, A.]
Corrected Copy]

[Published October 17, 1959.
[Republished November 5, 1959.

CHAPTER 542

AN ACT to repeal 341.30 (1) (b); to renumber 341.08 (3) and (4) and 343.16 (1); to amend 71.18 (2) (a), 129.08, 296.36, 340.01 (34), 341.13 (1) (b) and (c) and (3), 341.16 (1) and (2), 341.25 (1) (2), 341.30 (1) (a), 342.20 (2) (b), 343.07 (2) (a) to (c), 343.11 (1), 343.43 (1) (b), 344.12, 344.13 (3), 346.19 (1), 346.45 (1) (b) and (c), 346.48 (1), 346.51 (1) (a), 346.70 (2), 346.95 (3), 347.02 (1) (d), 347.30 (1), 348.05 (2) (e), 348.15 (3) (a) and (b), 348.175 and 348.19 (1) and (3); to repeal and recreate 342.18 (1)

(a); and to create 340.01 (56) (c), 341.08 (3), 341.61 (3), 343.16 (1) (b), 346.09 (4), 347.02 (4) and 348.28 of the statutes, relating to revenues in the motor vehicle code and providing penalties.

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

SECTION 1. 71.18 (2) (a) of the statutes is amended to read:

71.18 (2) (a) "Urban mass transportation of passengers" * * * means the transportation of passengers by means of vehicles having a passenger-carrying capacity of * * * 10 or more persons including the operator, such capacity to be determined by dividing by 20 the total seating space measured in inches, when such transportation takes place entirely within contiguous incorporated cities or villages and in municipalities contiguous to that in which the carrier has its principal place of business, or within or between municipalities located within a radius of 10 miles of the municipality in which the carrier has its principal place of business, or entirely within one municipality or municipalities contiguous thereto, or within a county having a population of 500,000 or more or within such county and the counties contiguous thereto, or suburban operations classified as such by the public service commission.

SECTION 2. 129.08 of the statutes is amended to read:

129.08 Any license issued by the department pursuant to this chapter may be revoked by the department upon the conviction of the licensee of fraud, *offense involving moral turpitude*, false representation or imposition in the sale of any merchandise or the sale of any adulterated food, drink or drug, or of any food deleterious to health, and the filing with the department of a certified copy of the judgment of conviction, shall be sufficient authority for the revocation of such license, and any license issued under s. 129.14 may otherwise be revoked for any violation by the licensee or with his consent, express or implied, of the statutes which prohibit gambling or immoral exhibitions.

SECTION 3. 296.36 of the statutes is amended to read:

296.36 Any resident of this state, whether a minor or of full age, may * * * upon petition to the circuit court of the county where he resides and upon filing a copy of the notice, with proof of the publication thereof, as required by s. 296.42, if no sufficient cause * * * is shown to the contrary, have his name changed or established by order of said court. If the person whose name is to be changed is a minor under the age of 14 years, such petition may be made by: (a) Both parents, if living, or the survivor of them; (b) the guardian or person having legal custody of such minor if both parents are dead or if the parental rights have been terminated by judicial proceedings; (c) the mother, if the minor is illegitimate. Such order shall be entered at length upon the records of the court and a copy thereof, duly certified, shall be filed in the office of the register of deeds of such county, who shall make an entry thereof in a book to be kept by such register. The fee for filing and entering each such certified copy shall be \$1. If the person whose name is changed or established was born or married in * * * this state * * *, a copy of the record, duly certified, shall be sent by the clerk of court to the state registrar of vital statistics accompanied by the fee prescribed in s. 69.24, which fee the clerk of court shall charge to and collect from the petitioner. The state registrar shall then correct the birth record, marriage record or both, and direct the register of deeds and local registrar to make similar corrections on their records. No person engaged in the practice of any profession for which a license is required by the state shall change his

Christian or given name or his surname to any other Christian or given name or any other surname than that under which he was originally licensed in such profession in this or any other state, in any instance in which the state board or commission for the particular profession shall, after a hearing, find that practicing under such changed name operates to unfairly compete with another practitioner or to mislead the public as to identity or to otherwise result in detriment to the profession or the public. This prohibition against a change of name by a person engaged in the practice of any profession does not apply to any person legally qualified to teach in the public schools in this state nor a change of name resulting from marriage or divorce, nor shall it apply to members of any profession for which there exists no state board or commission authorized to issue licenses or pass upon the qualifications of applicants or hear complaints respecting conduct of members of such profession. *Any change of name other than as authorized by law shall be void.*

SECTION 4. 340.01 (34) of the statutes is amended to read:

340.01 (34) "Motor truck" means a motor vehicle used for commercial purposes carrying its load as a single unit with a nondetachable propelling power, except those vehicles operating on rails * * *.

SECTION 5. 340.01 (56) (c) of the statutes is created to read:

340.01 (56) (c) Busses operated by a common motor carrier of passengers used in urban transportation of school children, or when used in extra curricular activities to and from points designated by a school.

SECTION 6. 341.08 (3) and (4) of the statutes are renumbered 341.08 (4) and (5), respectively.

SECTION 7. 341.08 (3) of the statutes is created to read:

341.08 (3) The department may accept an application and complete registration of a vehicle when the evidence of ownership is held by a nonresident lienholder or for other reason is not immediately available and the department is satisfied as to ownership of the vehicle. No certificate of title shall be issued by the department until the outstanding evidence of ownership is surrendered to the department. The title fee shall be collected at the time of registration and retained even though certificate of title is not issued.

SECTION 8. 341.13 (1) (b) and (c) and (3) of the statutes are amended to read:

341.13 (1) (b) A 3-letter abbreviation for the month of registration and the year of registration shall be displayed * * * in symbols not less than three-fourths inch high.

(c) The name or abbreviation of the state shall be displayed * * * on the plate.

(3) In lieu of issuing new plates upon each renewal of registration of a vehicle, the department may issue insert tags or decals to indicate the period of registration. Such tags or decals are to be provided by the department and used only * * * to the extent that outstanding plates are in suitable condition for further usage.

SECTION 9. 341.16 (1) and (2) of the statutes are amended to read:

341.16 (1) Whenever a current registration plate is lost or destroyed, the owner of the vehicle to which the plate was attached shall immediately apply to the department for * * * replacement * * *. Upon satisfactory proof of the loss or destruction of the plate and upon payment of a fee of \$1, the department shall issue a replacement * * *.

(2) Whenever a current registration plate becomes illegible, the owner of the vehicle to which the plate is attached * * * shall apply to the department for a replacement * * *. Upon receipt of satisfactory proof of illegibility, and upon payment of a fee of \$1, the department shall issue a replacement * * *. Upon receipt of his replacement plate, the applicant shall forthwith * * * destroy his illegible plate * * *.

SECTION 9a. 341.25 (1) (a) of the statutes is amended to read:

341.25 (1) (a) For each automobile or station wagon, a fee of \$16, except that an automobile registered in this state prior to September 1, 1947, at a fee of less than \$16 shall continue to be registered for such lesser fee.

SECTION 10. 341.30 (1) (a) of the statutes is amended to read:

341.30 (1) (a) A motor bus having a registered gross weight of more than 8,000 pounds, *except motor busses registered under s. 341.26 (2) (d) and (h)*;

SECTION 11. 341.30 (1) (b) of the statutes is repealed.

SECTION 12. 341.61 (3) of the statutes is created to read:

341.61 (3) Wilfully twists, paints, alters or adds to or cuts off any portion of a registration plate or sticker; or who places or deposits, or causes to be placed or deposited on such plate or sticker any substance to hinder the normal reading of such plate; or who defaces, disfigures, changes or attempts to change any letter or figure thereon.

SECTION 13. 342.18 (1) (a) of the statutes is repealed and recreated to read:

342.18 (1) (a) Endorse upon the certificate of title in the spaces provided therefor the name and address of the transferee together with a statement of all liens and encumbrances on the vehicle. The seller shall sign the title in the space provided. If the transferee is a dealer, distributor or manufacturer registered under s. 341.51 he shall endorse upon the certificate of title in the spaces provided for such registered dealer the name and address of the purchaser, the required information on all liens and encumbrances, the firm name, the counter signature and dealer license number; and

SECTION 14. 342.20 (2) (b) of the statutes is amended to read:

342.20 (2) (b) Application therefor accompanied by the required fee is made by any other person and the vehicle in question is a vehicle for which the department had issued a certificate of title to the previous owner or is a vehicle previously registered in another jurisdiction or is a mobile home and the department is satisfied that the present owner has not operated or consented to the operation of the vehicle since it was transferred to him and that he understands that the certificate of title merely is evidence of his ownership of the vehicle and does not authorize operation of the vehicle on the highways of this state.

SECTION 14a. 343.07 (2) (a) to (c) of the statutes are amended to read:

343.07 (2) (a) Upon application therefor by a person 16 years of age or older who is enrolled in a driver education and training course in any school or who has been accepted for instruction in driving in connection with a driver education course for teachers conducted by any state college or university in Wisconsin, and who, except for his lack of training

in the operation of a motor vehicle, is qualified to obtain a license, the department may issue to the applicant a school instruction permit. Such permit shall be valid for a period not to exceed 5 months and entitles the permittee during such period and while having such permit in his immediate possession to operate a motor vehicle upon the highways subject to the restrictions imposed by sub. (1) upon holders of general instruction permits, except as otherwise provided in par. (c).

(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.*

(c) When a motor vehicle equipped with dual controls is used by any school, public or private, for the purpose of training motor vehicle operators and a qualified instructor or student in a driver education course for teachers conducted by any state college or university in Wisconsin occupies a seat beside the operator, not exceeding 3 other persons may occupy seats in the motor vehicle other than the front seat.

SECTION 15. 343.11 (1) of the statutes is amended to read:

343.11 (1) The department shall not issue a license to a person previously licensed in another jurisdiction unless such person surrenders to the department all valid operator's licenses in his possession issued to him by any other jurisdiction, which surrender operates as a cancellation of the surrendered licenses insofar as the person's privilege to operate a motor vehicle in this state is concerned. When such applicant surrenders his license to the department, the department shall issue a receipt therefor, which receipt, *provided the applicant has passed the required examination,* also shall constitute a temporary license to operate a motor vehicle while the application for license is being processed. Such temporary license shall be valid for a period not to exceed 30 days.

SECTION 16. 343.16 (1) of the statutes is renumbered 343.16 (1) (a).

SECTION 17. 343.16 (1) (b) of the statutes is created to read:

343.16 (1) (b) An applicant who holds an expired instruction permit, out-of-state license or who seeks to reinstate his operating privilege may drive a motor vehicle only when accompanied by an authorized license

examiner for the purpose of examining his ability to operate a motor vehicle. Such applicant must be driven to and from the examining area by a licensed driver.

SECTION 18. 343.43 (1) (b) of the statutes is amended to read:

343.43 (1) (b) *Sell or* lend his license to any other person or knowingly permit the use thereof by another; or

SECTION 19. 344.12 of the statutes is amended to read:

344.12 Subject to the exceptions contained in s. 344.14, the provisions of this chapter requiring deposit of security and requiring suspension for failure to deposit security apply to the operator and owner of every motor vehicle which is in any manner involved in an accident in this state which has resulted in bodily injury to or death of any person or damage to property of any * * * other person in excess of \$100.

SECTION 20. 344.13 (3) of the statutes is amended to read:

344.13 (3) The commissioner * * * *within 60 days* after receipt of a report of an accident of the type specified in s. 344.12 and upon determining the amount of security to be required of any person involved in such accident or to be required of the owner of any vehicle involved in such accident, shall give at least 10 days written notice to every such person of the amount of security required to be deposited by him. The notice also shall state that an order of suspension will be made as provided in s. 344.14 * * *, unless within such time security is deposited as required by the notice. The order of suspension may be made a part of the notice, with a provision that it will take effect on the date specified in this subsection unless security is deposited prior to that date.

SECTION 21. 346.09 (4) of the statutes is created to read:

346.09 (4) Other provisions of this section notwithstanding, the operator of a vehicle shall not overtake and pass on the left any other vehicle which, by means of signals as required by s. 346.34 (1), indicates its intention to make a left turn.

SECTION 22. 346.19 (1) of the statutes is amended to read:

346.19 (1) Upon the approach of any authorized emergency vehicle giving audible signal by siren the operator of a vehicle shall yield the right of way and shall immediately drive such vehicle to a position as near as possible and parallel to the right-hand edge or curb *of the shoulder* of the roadway, clear of any intersection and, unless otherwise directed by a traffic officer, shall stop and remain standing in such position until the authorized emergency vehicle has passed.

SECTION 23. 346.45 (1) (b) and (c) of the statutes are amended to read:

346.45 (1) (b) A * * * bus carrying school children to or from school or carrying school children in connection with any extracurricular school activity. *This section shall not apply to any such vehicle of less than 10 passengers not painted in accordance with 347.44.*

(c) A vehicle * * *, *whether loaded or empty, used in transporting flammable liquids in quantities over 100 gallons* * * *. "Flammable liquid" * * * means any liquid which has a flash point of * * * 150° F. or less as determined by a Tagliabue or equivalent closed-cup test device.

SECTION 24. 346.48 (1) of the statutes is amended to read:

346.48 (1) The operator of a vehicle upon meeting or overtaking from the front or rear any school bus *or any private school transportation vehicle equipped and painted as a school bus according to s. 347.25 (2)* which has stopped on a street or highway for the purpose of loading or unloading any school children, shall stop the vehicle immediately upon the display of flashing red signals by the operator of the school bus and shall remain stopped until the school bus operator extinguishes the flashing red signals. This subsection does not apply to vehicles proceeding in the opposite direction of a school bus on the opposite side of a divided highway.

SECTION 25. 346.51 (1) (a) of the statutes is amended to read:

346.51 (1) (a) An unobstructed width of at least 15 feet upon the roadway of such highway must be left opposite such standing vehicle for the free passage of other vehicles * * *. *This section shall not apply to busses used exclusively for the transportation of school children when such busses are loading or unloading such children where red flashing signal lights are used as required by s. 346.48 (2).*

SECTION 26. 346.70 (2) of the statutes is amended to read:

346.70 (2) Within 10 days after an accident of the type described in sub. (1), the operator of a vehicle involved in such accident shall forward a written report of the accident to the motor vehicle department. * * * *The department may accept or require a report of the accident to be filed by an occupant or the owner in lieu of a report from the operator.* Every accident report required to be made in writing shall be made on the appropriate form approved by the department and shall contain all of the information required therein unless not available, including information sufficient to enable the department to determine whether the requirements for deposit of security under s. 344.14 are inapplicable by reason of the existence of insurance or other exceptions specified in ch. 344.

SECTION 29. 346.95 (3) of the statutes is amended to read:

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

SECTION 30. 347.02 (1) (d) of the statutes is amended to read:

347.02 (1) (d) Road machinery * * * ;

SECTION 31. 347.02 (4) of the statutes is created to read:

347.02 (4) Beginning July 1, 1960, the provisions of this chapter covering lighting shall be applicable to all state, county and municipal trucks, truck tractors, trailers and semitrailers.

SECTION 33. 347.30 (1) of the statutes is amended to read:

347.30 (1) Any person violating s. 347.13 (2), (3) *or (4)* 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 34. 348.05 (2) (e) of the statutes is amended to read:

348.05 (2) (e) 8 feet 6 inches for loads of tie logs, pulpwood, slabs and unplaned dimension material cut therefrom;

SECTION 35. 348.15 (3) (a) and (b) of the statutes are amended to read:

348.15 (3) (a) The gross weight imposed on the highway by any one wheel or multiple wheels supporting one end of an axle exceeds 11,000 pounds, in the case of a 2-axle motor truck transporting * * * *peeled or unpeeled forest products cut crosswise*, or 10,000 pounds in the case of any other vehicle; or

(b) The gross weight imposed on the highway by the wheels of any one axle exceeds 21,000 pounds, in the case of a 2-axle motor truck transporting * * * *peeled or unpeeled forest products cut crosswise*, or 19,500 pounds in the case of any other vehicle; or

SECTION 36. 348.175 of the statutes is amended to read:

348.175 SEASONAL OPERATING RIGHTS FOR VEHICLES HAULING PEELED OR UNPEELED FOREST PRODUCTS CUT CROSSWISE. The transportation of * * * *peeled or unpeeled forest products cut crosswise* shall not be restricted because of gross weight limitations during the winter months when the highways are so frozen that no damage may result thereto by reason of such transportation. If at any time any person is so transporting * * * *such products* upon a class "A" highway in such frozen condition then he may likewise use a class "B" highway without other limitation, except that chains and other traction devices are prohibited on class "A" highways but such chains and devices may be used in cases of necessity. The officers or agencies in charge of maintenance of highways, upon determination of such frozen condition and freedom of damage to such highways by such transportation, forthwith shall grant such operating right. Any person transporting any such product over any highway of this state under this section is liable to the state for any damage caused to such highway.

SECTION 37. 348.19 (1) and (3) of the statutes are amended to read:

348.19 (1) Any traffic officer having reason to believe that the gross weight of a vehicle is unlawful or in excess of the gross weight for which the vehicle is registered may require the operator of such vehicle to stop and submit the vehicle and any load it may be carrying to a weighing by means of either portable or stationary scales and may require that such vehicle be driven to the nearest usable certified * * * scale.

(3) No operator of a vehicle shall fail or refuse to stop and submit the vehicle and load to a weighing or to drive the vehicle to a * * * scale when directed to do so by a traffic officer. No operator of a vehicle shall fail or refuse after a weighing to reload or unload as provided in this section or to comply with the directions of a traffic officer relative to such reloading or unloading.

SECTION 38. 348.28 of the statutes is created to read:

348.28 PERMITS TO BE CARRIED. (1) Permits issued under ss. 348.25 to 348.27 shall be carried on the vehicle during operations so permitted.

(2) Any person violating this section 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 and each subsequent conviction within one year.

Approved October 14, 1959.