

CHAPTER 110

MOTOR VEHICLES

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110.01 Definitions. Words and phrases defined in chs. 340 to 349 have the same meaning in this chapter unless a different meaning is expressly provided or the context clearly indicates a different meaning.

History: 1975 c. 120

110.015 Facsimile signature. The secretary and division administrators of the department of transportation, through their authorized employees, may execute or affix their signature, by facsimile signature with a stamp, reproduction print or other similar process to all licenses, notices, orders, administrative letters, contracts, permits, offers to purchase, appraisals, certifications of records, service of legal papers or process on the administrators, and other legal instruments under the statutes which the secretary and division administrators are authorized or required to administer.

110.06 Rules and regulations; school bus certificate of compliance. (1) The administrator of the division of motor vehicles may make such reasonable and uniform orders, rules and regulations not inconsistent with law as he may deem necessary to the discharge of the powers, duties and functions vested in such division. He may also prescribe forms for applications, notices and reports required by law to be made to the division or which may be deemed necessary to the efficient discharge of all such powers, duties and functions.

(2) The administrator of the division of motor vehicles shall adopt and enforce such rules as he or she deems necessary in the interests of safety to cover the design, construction, inspection and operation of school busses. Such rules may, but need not, be uniform for each type of bus designated in s. 340.01 (56) (a). No rule adopted under this subsection shall become effective until approved by majority votes of the senate commerce committee and the assembly transportation committee.

(3) (a) Any person intending to purchase a motor vehicle to be used as a school bus shall

prior to purchase give the seller notice in writing of the intended use.

(b) The seller shall then obtain a certificate of compliance with the conditions prescribed by the school bus regulations from the division of motor vehicles, which certificate shall be carried upon the vehicle at all times. Paragraph (a) shall not preclude a licensed motor vehicle dealer from securing a certificate of approval at any time.

(c) The seller of any such vehicle who fails to obtain a certificate of compliance prior to sale shall be liable to the purchaser for all repairs and improvements required by the school bus regulations for a period of 9 months after sale and shall be fined \$50 for the 1st offense and \$100 for the 2nd and each subsequent offense.

(d) Paragraphs (a) to (c) shall not apply to any school bus which carries and displays a certificate of compliance issued by the division of motor vehicles if the certificate is not more than one year old on the date of purchase.

(4) Violations of those orders, determinations and rules pertaining to chs. 115 to 118, 120, 121 and 341 to 349 shall be punished as provided by s. 341.04 (3) and those pertaining to ch. 194 as provided by s. 194.17.

(5) The orders and determinations, rules and regulations made by the administrator shall be subject to review in the manner provided in ch. 227.

History: 1975 c. 429.

110.065 Traffic academy. The administrator of the division of motor vehicles may establish and operate an academy for the training of state, county and local traffic patrol officers and other related personnel and make rules and regulations for the conduct thereof. The administrator shall establish and periodically revise a reasonable scale of tuition charges. The tuition for personnel other than employees of the division of motor vehicles shall be paid by their respective departments or governing bodies and shall be deposited in the highway fund. The administrator shall consult appropriate state, county and local authorities concerning the establishment

and operation of the academy and the determination of tuition charges. State agencies shall cooperate with the administrator in providing information and instructional services for the academy.

110.07 Traffic officers; powers and duties. (1) (a) The administrator of the division of motor vehicles shall employ not to exceed 375 traffic officers. Such traffic officers, in addition to the director of the bureau of enforcement of the division of motor vehicles, shall constitute the state traffic patrol, and shall:

1. Enforce and assist in the administration of chs. 22, 110, 194, 218 and 341 to 349, and ch. 350 where applicable to highways, or orders or rules issued pursuant thereto.

2. Have the powers of sheriff in enforcing the laws specified in subd. 1 and orders or rules issued pursuant thereto.

3. Have authority to enter any place where vehicles subject to chs. 110, 194, 218 and 341 to 350 are stored or parked at any time to examine such vehicles, or to stop such vehicles while en route at any time upon the public highways to examine the same and make arrests for all violations thereof.

(b) All municipal justices, judges, district attorneys and law enforcement officers shall assist in enforcing chs. 110, 194, 218 and 341 to 350, and orders or rules issued pursuant thereto and shall report to the division the disposition of every uniform traffic citation and complaint issued for cases involving such chapters.

(2) The traffic officers employed pursuant to this section shall constitute a state traffic patrol to assist local enforcement officers wherever possible in the regulation of traffic and the prevention of accidents upon the public highways.

(2m) In addition to the primary powers granted by subs. (1) and (2), any officer of the state traffic patrol, while in uniform and on duty, may arrest when he believes, on reasonable grounds, that a warrant for a person's arrest has been issued in this state, that a felony warrant has been issued in another state or that the person is committing or has committed a crime within 24 hours before the arrest. The state traffic patrol shall cause the person arrested to be delivered to the chief of police or the sheriff in the jurisdiction where the arrest is made along with the documents and reports pertaining to the arrest. A state traffic officer shall at all times be available as a witness for the state but shall not conduct investigations for crimes under chs. 939 to 947. The primary duty of a state traffic officer shall be the enforcement of chs. 340 to 350 or of any other law relating to the use or operation of vehicles upon the highway. No state traffic

officer shall be used in or take part in any dispute or controversy between employer or employee concerning wages, hours, labor or working conditions; nor shall any such officer be required to serve civil process.

(3) The administrator of the division of motor vehicles may employ inspectors who shall not wear the uniform of the state patrol, whose duties shall be to enforce and assist in administering chs. 110, 194, 218, 340 to 345 and 347 to 349. Such inspectors, in the performance of these duties, shall have the powers and authority of state traffic officers. For the purpose of death, disability and retirement coverage, such inspectors shall be subject to subch. I of ch. 41 and s. 66.191 as is the state traffic patrol. The administrator may clothe and equip inspectors as the interest of public safety and their duties require.

History: 1971 c. 40, 125; 1973 c. 90, 146; 1975 c. 297

110.075 Motor vehicle inspection. (1) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which is not in conformity with the requirements of this section.

(2) When directed by any traffic officer or motor vehicle inspector, the operator of any motor vehicle shall stop and submit such motor vehicle to an inspection and such tests as are necessary to determine whether it meets the requirements of this section, or that its equipment is not in proper adjustment or repair, or in violation of the equipment provisions of ch. 347. Such inspection shall be made with respect to the brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust system, windshield wipers, tires, and other items of equipment designated by the administrator of the division of motor vehicles.

(3) Upon determining that a motor vehicle is in conformity with sub. (2), traffic officers or motor vehicle inspectors shall issue to the operator an official inspection sticker which shall be in such form as the administrator prescribes. The official inspection sticker issued following an inspection shall exempt the inspected vehicle from vehicle inspection for a period of one year.

(4) When any motor vehicle is found to be unsafe for operation, traffic officers or motor vehicle inspectors may order it removed from the highway and not operated, except for purposes of removal and repair, until it has been repaired pursuant to a repair order as provided in sub. (5).

(5) When any motor vehicle is not in compliance with sub. (2) a repair order may be issued, in such form and containing such

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information as the administrator prescribes, to the owner or driver of the motor vehicle. The owner or driver shall thereupon obtain such repairs as are required.

(6) The administrator shall set standards and promulgate rules to establish a plan of inspection to implement the inspection program provided by this section, and he shall submit such standards and rules, and any subsequent changes therein, to the assembly and senate committees on highways acting jointly for their approval.

(7) Any person producing, manufacturing or using an inspection sticker or causing the same to be done to subvert the provisions of this section shall be fined not less than \$100 nor more than \$500 or imprisoned not more than 6 months or both. Any persons otherwise violating this section or rules issued pursuant thereto, unless otherwise provided by statute, shall be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both.

History: 1973 c. 90.

110.08 State operator's license examiner system. (1) The division of motor vehicles shall employ a sufficient number of operator's license examiners. One of the persons so employed shall be the chief examiner. He shall have general supervisory powers over the other examiners and shall be responsible for training them and for assigning and coordinating their activities. One person per district shall be an intermediate supervising examiner. The division may contract for specialists in driver's license examining to augment the division training program for examiners.

(2) After July 1, 1957, all examinations for operator's licenses and permits shall be given by state examiners.

(3) The division shall employ state examiners, driver improvement personnel and clerical personnel at local examining centers, under the classified service.

(4) The division shall employ, train and assign sufficient driver improvement personnel to carry out an intensive driver improvement program including the reexamination and personal interview of problem drivers.

History: 1971 c. 164.

110.99 Council on traffic law enforcement. (1) Members of the council on traffic law enforcement shall be reimbursed for their actual and necessary expenses in the performance of their duties from the appropriation under s. 20.395 (8) (q).

(2) The council shall make recommendations to the governor for better utilization of enforcement agencies, equipment and communications; shall designate the reports to be filed with it by such agencies and shall report to the governor any proposals for changes in the law which it believes will bring about a better overall enforcement effort.

(3) The council may inspect and examine the records of any enforcement agency and may call upon any enforcement officer or supervisor of any officer or group of enforcement officers for advice or information.

History: 1971 c. 42; 1973 c. 333 s. 201w.