

CHAPTER 306, Laws of 1979
(Vetoed in Part)

AN ACT to repeal 66.057 (1) to (3) and ~~343.21 (1) (ba)~~; to renumber 343.14 (3) and **Vetoed** (4) and 343.22 (2); to amend 343.085 (1), ~~343.14 (2) (b)~~, 343.17 (1) (a), (2) and **in Part** (3), 343.19, 343.20 (1), 343.21 (1) (a), (b), (c), (f) and (g), 343.22 (1), 343.38 (4) (e), 343.43 (1) (g) and 343.50 (3) to (7); and to create 343.14 (3) and (4), 343.17 (4), 343.22 (2) and (3) and 343.50 (12) and (13) of the statutes, relating to photographs on drivers' licenses, elimination of "race" from drivers' licenses, alteration of the license renewal period and license fees, granting rule-making authority and making an appropriation.

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

SECTION 1. 66.057 (1) to (3) of the statutes are repealed.

SECTION 1m. 343.085 (1) of the statutes is amended to read:

343.085 (1) Except as provided in sub. (2), the department shall issue a probationary license to all applicants for an original license. The probationary license shall remain in effect during the entire period of the first issuance of an operator's [of] the original license. ~~Such license shall be of a special identifying color.~~

~~SECTION 1mm. 343.14 (2) (b) of the statutes is amended to read:~~
~~343.14 (2) (b) The applicant's date of birth, color of eyes, color of hair, sex, height, and weight and race.~~ **Vetoed in Part**

SECTION 2. 343.14 (3) and (4) of the statutes are renumbered 343.14 (5) and (6).

SECTION 3. 343.14 (3) and (4) of the statutes are created to read:

343.14 (3) The department shall, as part of the application process, take a photograph of the applicant to comply with s. 343.17 (2). ~~The department may not keep duplicate photographs or negatives of applicants.~~ Except where specifically exempted by statute or by rule of the department, no application may be processed without the photograph being **Vetoed** taken. In the case of renewal licenses, the photograph shall be taken once every 4 years, **in Part** and shall coincide with the appearance for examination which is required under s. 343.16 (1) (a) 2. The department may make provision for issuance of a license without a photograph if the applicant is stationed outside the state in military service and in specific situations where the department deems such action appropriate. ~~Citizens shall not be required to have a photograph on their licenses if they have religious or personal convictions contrary to the taking of photographs for such licenses.~~

(4) In instituting the photograph license system the department may, for the purpose of gaining a uniform rate of renewals involving photographs and examinations required under s. 343.16 (1) (a) 2, issue renewal licenses not containing the licensee's photograph which may be valid for a period of 2 years as prescribed in ss. 343.17 and 343.20, 1977 stats. The period between examinations required under s. 343.16 (1) (a) 2 may be changed when necessary to conform such examinations to the renewal date of the person's operator's license. The fees for the nonphoto licenses issued under ss. 343.17 and 343.20, 1977 stats., shall be the fees in effect on the date before the effective date of this act (1979).

SECTION 4. 343.17 (1) (a) of the statutes is amended to read:

343.17 (1) (a) The department shall issue to every applicant qualifying and who has paid the required fee a license as applied for. The license shall consist of 2 sides. The front side shall bear a distinguishing number assigned to the licensee, the date of expiration of the license, the full name, date of birth and residence address and a brief description of the licensee, and either a facsimile of the licensee's signature or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed, unless the facsimile signature of the licensee appears on the license. The brief description of the licensee may not include any mention of race.

SECTION 5. 343.17 (2) and (3) of the statutes are amended to read:

343.17 (2) The various types of licenses issued by the department ~~pursuant to~~ under this chapter shall be in such form or so designed, colored or marked that each type may readily be distinguished from the others and, except for licenses issued under ss. 343.08, 343.10, 343.12, 343.125 and 343.126, shall contain the licensee's photograph. Licenses issued under s. 343.07 may contain the licensee's photograph. If the license is subject to restrictions, they shall be shown on the license or by an attachment to the license.

(3) (a) The licensee may affix a decals sticker on the ~~front of the license to the right of the address in the space provided,~~ which indicates that the licensee is a potential donor of body organs or parts for the purposes of transplantation, therapy, medical research or education. The decal sticker shall not be larger than one-half inch in diameter and shall not conceal any of the contents required by subs. (1) and (2). Such decal sticker shall be of a distinctive design and supplied to the donor by a nationally recognized organization which enlists donors of body organs or parts for the purpose of transplantation, therapy, medical research or education. The decal shall not be larger than one-half inch in diameter.

(b) The use of the decals sticker on the motor vehicle operator's license is proper or authorized only if the bearer has indicated his or her intent to make body organs or parts available by filling out the backside of the license or by carrying a duly signed and witnessed donor card other than the backside of the license as authorized by the uniform anatomical gift act.

SECTION 5m. 343.17 (4) of the statutes is created to read:

Vetoed in Part 343.17 (4) ~~Within 90 days following publication of this act (1979),~~ the department shall promulgate by rule the design and specifications for photo licenses issued under sub. (2). The department shall promulgate by rule any subsequent change to the design or specifications for photo licenses.

SECTION 6. 343.19 of the statutes is amended to read:

343.19 Duplicate licenses or identification cards. (1) If a license issued under this chapter or an identification card issued under s. 343.50 is lost or destroyed, the person to whom the license or identification card was issued may obtain a duplicate thereof or substitute therefor upon furnishing proof satisfactory to the department of name, date and place of birth and that the license or identification card has been lost or destroyed or that application for a duplicate license is required under s. 343.22. If the original license or identification card is found it shall immediately be transmitted to the department. Duplicates of nonphoto licenses shall be issued as nonphoto licenses.

(2) Any person who knowingly makes a false statement in an application for a duplicate license or identification card or who fails to return the original to the department upon finding it or who fails to comply with any other requirement of this section may be required to forfeit not more than \$100.

SECTION 7. 343.20 (1) of the statutes is amended to read:

343.20 (1) Except as otherwise expressly provided in this chapter, chauffeur's licenses shall expire one year after the date of issuance, original licenses, school bus operator's licenses and reinstated licenses shall expire 2 years after the date of issuance and other licenses shall expire 2 4 years after the date of issuance, but the. The department may institute any system of license renewals which it deems advisable for the purpose of gaining a uniform rate of renewals and, in. In order to put such a system into operation, the department may issue original licenses which are valid for any fraction of a year in excess of the ordinary effective period of such license and may issue a renewal operator's license from an application made after expiration of the previous license which may be valid for 2 shall expire 4 years from after the date of expiration of such previous license.

SECTION 8. 343.21 (1) (a), (b), (c), (f) and (g) of the statutes are amended to read:

343.21 (1) (a) For the issuance of an instruction permit, ~~55~~ \$6.

(b) For the issuance of a an original license, other than a chauffeur's license [other than a chauffeur's license,] to a person not previously licensed in this state or previously licensed only under s. 343.08, \$6.50 \$9; for an original school bus operator's license, \$6.50, and for an original chauffeur's license, \$5. No fee shall may be charged for issuance of a restricted license under s. 343.08. Vetoed
in Part

(c) For the renewal of a license, ~~\$4~~ \$9, except that \$4 shall be charged for renewal of a chauffeur's license and \$4 for renewal of a school bus operator's license.

~~(f) For the issuance of a duplicate license, \$2, except that no fee shall be charged if the reason for issuance of the duplicate license is a change of name and the original license is returned with the application \$1.~~

~~(g) In addition to the fees set for the issuance of the licenses enumerated under parts (b) - (ba) and (e), there shall be paid to the department an examination fee of \$2. Payment of such the examination fee shall entitle enables the applicant to not more than 3 tests of the applicant's ability to exercise reasonable control in the operation of a motor vehicle. If the applicant does not qualify for issuance of a license in 3 such tests, then a second 2nd examination fee of \$2 shall be paid, which payment shall entitle the applicant to not more than 3 additional tests.~~ Vetoed
in Part

~~SECTION 9. 343.21 (1) (ba) of the statutes is repealed.~~

SECTION 10. 343.22 (1) of the statutes is amended to read:

343.22 (1) Whenever any person, after applying for or receiving a license not containing a photograph under this chapter or an identification card under s. 343.50, moves from the address named in the application or in the license or identification card issued to him or her, or when the name of a person holding the license or identification card is changed by marriage or otherwise, the person shall within 10 days thereafter notify the department in writing of his or her old and new address or of such former and new names and of the number of any license or identification card then held by the person. If there has been a change of name, the person to whom the license or identification card is issued shall return the original license or identification card to the department at the time of giving the notice required by this section and shall make application for a duplicate showing the person's correct name and address. If there has only been a change of address, the The holder of the license or identification card shall indorse endorse the new address on his or her present license or identification card and need not apply for a duplicate.

SECTION 11. 343.22 (2) of the statutes is renumbered 343.22 (4).

SECTION 12. 343.22 (2) and (3) of the statutes are created to read:

343.22 (2) Whenever any person, after applying for or receiving a license containing a photograph under this chapter, or an identification card under s. 343.50, moves from the address named in the application or in the license or identification card issued to him or

her, the person shall, within 10 days thereafter, apply for a duplicate license or identification card showing on the application the correct name and address. The licensee or identification card holder shall return the current license or identification card to the department along with the application for duplicate. If the licensee also holds any license not containing a photograph, the licensee shall endorse the new address on the license as provided in sub. (1).

(3) When the name of a licensee or identification card holder is changed, such person shall, within 10 days thereafter, apply for a duplicate license or identification card showing the correct name and address. The licensee or identification card holder shall return the current license or identification card to the department along with the application for a duplicate. If the licensee holds more than one type of license under this chapter, the licensee shall return all such licenses to the department along with one application and fee for a duplicate license for which the licensee may be issued a duplicate of each such license.

SECTION 13. 343.38 (4) (e) of the statutes is amended to read:

343.38 (4) (e) ~~The examination fee of \$2 and the fee of \$2.50 required of persons not previously licensed in this state has~~ fees required for the issuance of an original license have been paid.

SECTION 14. 343.43 (1) (g) of the statutes is amended to read:

343.43 (1) (g) Deface or alter a license except for ~~indorsement~~ endorsement of a change of address authorized by s. 343.22 (1) or (2).

SECTION 15. 343.50 (3) to (7) of the statutes are amended to read:

343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be of the same size and general design of an operator's license but shall bear upon it the words "IDENTIFICATION CARD ONLY". The information on the card shall be the same as specified under s. 343.17 (1) and the holder may affix a ~~decal~~ sticker thereto as provided in s. 343.17 (3). The card shall contain the holder's photograph.

(4) APPLICATION. The application for an identification card shall include the information required under s. 343.14 (2) (a) and (b) and such further information as the department may reasonably require to enable it to determine whether the applicant is entitled by law to an identification card. The department shall, as part of the application process, take a photograph of the applicant to comply with sub. (3). No application may be processed without the photograph being taken. Misrepresentations are punishable as provided in s. 343.14 ~~(3)~~ (5).

(5) VALID PERIOD; FEES. The fee for an original card and for the reinstatement of an identification card after cancellation under sub. (10) shall be \$2, which \$4. The card shall be valid for the succeeding period of 2 4 years from the applicant's next birthday after the date of issuance.

(6) RENEWALS. ~~Applications for renewals may be submitted by mail and must be accompanied with a fee of \$1.~~ At least 30 days prior to the expiration of the card, the department shall mail a renewal application to the last-known address of each identification card holder. Renewals The fee for a renewal identification card shall be \$4, which card shall be valid for 2 4 years.

(7) DUPLICATE. The fee for a duplicate card is ~~\$1~~ \$3.

SECTION 16. 343.50 (12) and (13) of the statutes are created to read:

343.50 (12) UNLAWFUL USE. No person may:

(a) Represent as valid any canceled, fictitious or fraudulently altered identification card;

- (b) Sell or lend his or her identification card to any other person or knowingly permit the use thereof by another;
- (c) Represent as one's own, any identification card not issued to him or her;
- (d) Permit any unlawful use of an identification card issued to him or her;
- (e) Reproduce by any means whatever an identification card; or
- (f) Deface or alter an identification card.

(13) **PENALTY.** Any person who violates sub. (11) or (12) may be required to forfeit not more than \$100.

SECTION 17. Transitional record. (1) The department of transportation may continue to issue nonphoto licenses as prescribed under section 343.17, 1977 stats., until the photo license system is operational, and the fees for such licenses shall be the fees in effect on the date before the effective date under SECTION 20 (2) of this act.

(2) The department may continue to issue nonphoto identification cards as prescribed under section 343.50, 1977 stats., until the photo identification card system is operational, and the fees for such identification cards shall be the fees in effect on the date before the effective date under SECTION 20 (2) of this act.

(3) The department, in developing a system for the issuance of photo licenses required under this act, shall retain the current system of centralized issuance of licenses, rather than a system which provides for the issuance of photo licenses at the driver license examination stations.

SECTION 19. Appropriation increase. The appropriation under section 20.395 (5) (cq) of the statutes, as affected by the laws of 1979, is increased by \$12,500 in fiscal year 1979-80 and by \$63,000 in fiscal year 1980-81 to authorize and fund 4 two-year project positions in data processing in the department of transportation, to purchase supplies and to acquire consulting services for the purpose of implementing this act.

SECTION 20. Effective date. (1) SECTION 19 of this act, relating to an appropriation increase, takes effect on the day following publication.

(2) All other sections of this act take effect on the first January 1 commencing at least one year after the date of publication of this act.
