

1993 Assembly Bill 280

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1993 WISCONSIN ACT 363

AN ACT *to renumber* 118.163 (1) (a) and (b), 118.163 (3) and 343.15 (1); *to renumber and amend* 48.342 and 343.15 (4); *to amend* 48.342 (title), 48.345 (2), 118.163 (title), 118.163 (1) (intro.), 343.06 (1) (c), 343.14 (2) (e) and 631.37 (4) (d); and *to create* 48.13 (6m), 48.342 (2), 48.364, 118.163 (1) (a), 118.163 (2m), 118.163 (3) (b), 343.15 (1) (b) and 343.15 (4) (b) of the statutes, **relating to:** motor vehicle operating privileges of school dropouts and habitual truants.

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

SECTION 1. 48.13 (6m) of the statutes is created to read:

48.13 (6m) Who is a school dropout, as defined in s. 118.153 (1) (b);

SECTION 2. 48.342 (title) of the statutes is amended to read:

48.342 (title) Disposition; truancy and school dropout ordinance violations.

SECTION 3. 48.342 of the statutes is renumbered 48.342 (1), and 48.342 (1) (intro.), as renumbered, is amended to read:

48.342 (1) (intro.) If the judge finds that the child violated a municipal ordinance enacted under s. 118.163 (2), the judge shall enter an order making one or more of the following dispositions if such a disposition is authorized by the municipal ordinance:

SECTION 4. 48.342 (2) of the statutes is created to read:

48.342 (2) (a) Except as provided in par. (b), if the judge finds that the child is subject to a municipal ordinance enacted under s. 118.163 (2m), the court shall enter an order suspending the child's operating privilege, as defined in s. 340.01 (40), until the child reaches the age of 18.

(b) The judge may enter an order making any of the dispositions specified under sub. (1) if the judge finds

that suspension of the child's operating privilege, as defined in s. 340.01 (40), until the child reaches the age of 18 would cause an undue hardship to the child or the child's family.

SECTION 5. 48.345 (2) of the statutes is amended to read:

48.345 (2) If the judge finds that a child is in need of protection or services based on the fact that the child is a school dropout, as defined in s. 118.153 (1) (b), or based on habitual truancy, and the judge also finds that the reason the child has dropped out of school or is a habitual truancy ~~truancy~~ truant is a result of the child's intentional refusal to attend school rather than the failure of any other person to comply with s. 118.15 (1) (a), the judge, instead of or in addition to any other disposition imposed under sub. (1), may enter ~~any of the orders~~ an order permitted under s. 48.342.

SECTION 6. 48.364 of the statutes is created to read: **48.364 Dismissal of certain dispositional orders.**

A child, the child's parent, guardian or legal custodian or the district attorney or corporation counsel in the county in which the dispositional order was entered may request a judge to dismiss an order made under s. 48.342 (2) if the child shows documentary proof that he or she is enrolled in a school program or a high school equivalency program, or the court may on its own motion propose such a dismissal.

SECTION 8. 118.163 (title) of the statutes is amended to read:

118.163 (title) Municipal truancy and school dropout ordinances.

SECTION 9. 118.163 (1) (intro.) of the statutes is amended to read:

118.163 (1) (intro.) In this section, ~~“habitual;~~

(b) “Habitual truant” means a pupil who is absent from school without an acceptable excuse under s. 118.15 for either of the following:

SECTION 10. 118.163 (1) (a) and (b) of the statutes are renumbered 118.163 (1) (b) 1. and 2.

SECTION 11. 118.163 (1) (a) of the statutes is created to read:

118.163 (1) (a) “Dropout” has the meaning given in s. 118.153 (1) (b).

SECTION 12. 118.163 (2m) of the statutes is created to read:

118.163 (2m) A county, city, village or town may enact an ordinance permitting a court to suspend the operating privilege, as defined in s. 340.01 (40), of a child who is at least 16 years of age but less than 18 years of age and is a dropout. The ordinance shall provide that the court may suspend the child’s operating privilege, as defined in s. 340.01 (40), until the child reaches the age of 18. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension.

SECTION 13. 118.163 (3) of the statutes is renumbered 118.163 (3) (a).

SECTION 14. 118.163 (3) (b) of the statutes is created to read:

118.163 (3) (b) An ordinance enacted by a county under sub. (2m) is applicable in that part of any city or village located in the county and in any town located in the county, unless the city, village or town has enacted an ordinance under sub. (2m).

SECTION 15. 343.06 (1) (c) of the statutes is amended to read:

343.06 (1) (c) To any person under age 18 unless the person is enrolled in a school program or high school equivalency program and is not a habitual truant as defined in s. 118.16 (1) (a), has graduated from high school or been granted a declaration of high school graduation equivalency or is enrolled in a home-based private educational program, as defined in s. 115.001 (3g), and has satisfactorily completed a course in driver education in public schools approved by the department of public instruction, or in vocational, technical and adult education schools approved by the board of vocational, technical and adult education, or in nonpublic and private schools which meet the minimum standards set by the department of public instruction, or has satisfactorily completed a substantially equivalent course in driver training approved by the department and given by a school licensed by the department under s. 343.61, or has satisfactorily completed a substantially equivalent

course in driver education or training approved by another state and has attained the age of 16, except as provided in s. 343.07 (1). Applicants for a license under s. 343.08 or 343.135 are exempt from the driver education or driver training course requirement. The secretary shall prescribe rules for licensing of schools and instructors to qualify under this paragraph. The driver education course shall be made available to every eligible student in the state. Except as provided under s. 343.16 (1) (c), no operator’s license may be issued unless a driver’s examination has been administered by the department.

SECTION 16c. 343.14 (2) (e) of the statutes is amended to read:

343.14 (2) (e) If the application is made by a person under 18 years of age, ~~the signature of an adult sponsor as provided in s. 343.15 (1) documentary proof that the applicant is enrolled in a school program or high school equivalency program and is not a habitual truant as defined in s. 118.16 (1) (a), has graduated from high school or been granted a declaration of high school graduation equivalency or is enrolled in a home-based private educational program, as defined in s. 115.001 (3g).~~ For purposes of this paragraph, “documentary proof” means the signature and verification of an adult sponsor as provided in s. 343.15 (1) or the applicant as provided in s. 343.15 (4) (b);

SECTION 16e. 343.15 (1) of the statutes is renumbered 343.15 (1) (a).

SECTION 16g. 343.15 (1) (b) of the statutes is created to read:

343.15 (1) (b) The adult sponsor under par. (a) shall sign and verify on the application that the person under 18 years of age is enrolled in a school program or high school equivalency program and is not a habitual truant as defined in s. 118.16 (1) (a), has graduated from high school or been granted a declaration of high school graduation equivalency or is enrolled in a home-based private educational program, as defined in s. 115.001 (3g).

SECTION 16i. 343.15 (4) of the statutes is renumbered 343.15 (4) (a), and 343.15 (4) (a) (intro.), as renumbered, is amended to read:

343.15 (4) (a) (intro.) The department may issue a license to a person who is under 18 years of age even though an adult sponsor has not signed the application for license if such person is in one of the classes specified in this subsection paragraph or in a substantially similar class specified by the department by rule and if a certificate of insurance to the effect that such person is covered by a motor vehicle policy of liability insurance meeting the requirements of s. 344.33 has been filed with the department. Such policy may be canceled or terminated only after notice as provided in s. 344.34.

SECTION 16k. 343.15 (4) (b) of the statutes is created to read:

343.15 (4) (b) A person who is not required to have an adult sponsor under par. (a) shall sign and verify on the

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application that he or she is enrolled in a school program or high school equivalency program and is not a habitual truant as defined in s. 118.16 (1) (a), has graduated from high school or been granted a declaration of high school graduation equivalency or is enrolled in a home-based private educational program, as defined in s. 115.001 (3g).

SECTION 16r. 631.37 (4) (d) of the statutes is amended to read:

631.37 (4) (d) *Insurance of juveniles.* Section 343.15 (4) (a) applies to motor vehicle policies covering juveniles as described therein.

SECTION 17. Initial applicability. (1) SUSPENSION OF OPERATING PRIVILEGE. The treatment of sections 48.342 (2) and 118.163 (2m) of the statutes first applies to petitions that are filed on the effective date of this subsection, regardless of the date on which the child dropped out of school.
