

Patch II

99-0241df



olsen



nilsepe



1999 DRAFTING REQUEST

Bill

Received: **09/21/98**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB: **97-5058/5**

For: **Luther Olsen (608) 266-8077**

By/Representing: **Mary**

This file may be shown to any legislator: **NO**

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies:

Topic:

Graduated driver licensing

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nilsepe 09/21/98	gilfokm 10/30/98		_____			S&L
/1	nilsepe 11/16/98	gilfokm 12/10/98	lpaasch 11/2/98	_____	lrb_docadmin 11/2/98		S&L
/2	nilsepe 01/11/99	gilfokm 01/11/99	jfrantze 12/14/98	_____	lrb_docadmin 12/14/98		S&L
/3			hhagen 01/12/99	_____	lrb_docadmin 01/12/99	lrb_docadmin 01/19/99	

FE Sent For: **1/21/99**

<END>

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/2		13-1-11-99 kmg	jfrantze 12/14/98	_____	lrb_docadmin 12/14/98		

ch 1/12 ch 1/15 1/12

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/?	nilsepe 09/21/98	gilfokm 10/30/98		_____			S&L
/1		12-12-10 kmj	lpaasch 11/2/98	_____	lrb_docadmin 11/2/98		

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12/14
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12/14

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1/?	nilsepe		11-2 L.P.	11-2 L.P. JK			

FE Sent For:

<END>



1997 ASSEMBLY BILL

1999 Bill

99-0241/1

inserts

regenerate ↓

1 AN ACT to renumber and amend 343.085 (1), 343.14 (2) (e) and 343.32 (2) (c);

2 to amend 343.07 (1) (b), 343.085 (4) and 347.48 (2m) (gm); and to create

3 343.085 (1) (b), 343.085 (2m), 343.14 (2) (e) 1. b., 343.15 (1) (c) and 343.32 (2)

4 (c) 2. of the statutes; relating to: instruction permits, probationary licenses

5 and regular licenses to operate motor vehicles; primary enforcement of

6 requirements related to safety belt equipment, installation and use; and

7 providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, an applicant who qualifies for initial issuance of a driver's license is issued a probationary license and is subject to a probationary period. The probationary period generally lasts ~~2~~ years, until the applicant's ~~2nd~~ birthday occurring after the date on which the probationary license is issued. During the probationary period, the number of demerit points assessed for a ~~2nd~~ or subsequent traffic conviction is increased by ~~2~~ demerit points. A person who accumulates an excessive total of demerit points may have his or her operating privilege suspended or revoked. In addition, the department of transportation (DOT) may extend this probationary period if the licensee repeatedly commits traffic violations. A qualified applicant who is at least 21 years of age and has been licensed to drive in another jurisdiction for at least ~~2~~ years is issued a regular license with no probationary period.

two ←

second →

three ←

ASSEMBLY BILL

This bill changes the eligibility requirements for a probationary license issued to an applicant for a driver's license who is under 18 years of age (youthful applicant). First, a youthful applicant must hold an instruction permit for at least ~~6~~ ^{six} months before applying for initial issuance of a driver's license. Current law requires only a 7-day to 14-day instruction permit period. Second, a probationary license may be issued to a youthful applicant only if, during the 6-month period preceding the application, the youthful applicant did not commit a traffic violation resulting in conviction, and was not involved in an accident for which the youthful applicant is issued a citation for a moving violation. Finally, the bill requires a youthful applicant for initial issuance of a driver's license to include with his or her application a certification that he or she completed the equivalent of at least 50 hours of behind-the-wheel driving while accompanied by a driving instructor or by a licensed driver who is at least 25 years of age and possesses at least ~~2~~ ^{two} years' driving experience. At least 10 of those 50 hours must be nighttime driving.

The bill also creates operating restrictions that apply to certain youthful licensees while driving under a probationary license. During the first ~~6~~ ^{nine} months following issuance of a probationary license, a licensee who is under 18 years of age at the time of issuance may not: 1) transport persons under 25 years of age in the vehicle, other than immediate family members; ~~and~~ ^{or} 2) drive between the hours of 12 midnight and 5 a.m., unless accompanied by his or her parent or legal guardian or a licensed driver who is at least 25 years of age or ~~when~~ ^{unless} traveling to or from employment or school. These operating restrictions are extended for an additional ~~6~~ ^{six} months if the youthful licensee violates these restrictions, commits a moving violation resulting in a conviction, is involved in an accident and issued a citation for a moving violation, or has his or her operating privilege suspended for any reason other than a mental or physical disability.

Under current law, a person who violates a license restriction is fined not less than \$200 nor more than \$600 and imprisoned for up to ~~6~~ ^{six} months for a first offense, and fined not less than \$300 nor more than \$1,000 and imprisoned for not less than ~~5~~ ^{five} days nor more than ~~6~~ ^{six} months for a ~~2nd~~ ^{second} or subsequent violation. In addition, DOT may suspend the violator's operating privilege for up to one year.

The bill requires DOT to suspend the operating privilege of a person who holds a probationary license, who was under 18 years of age at the time the license was issued and who accumulates ~~9~~ ^{nine} demerit points in 12 months. Currently, DOT ~~suspends~~ ^{may suspend} an operating privilege only if a person accumulates 12 demerit points in 12 months. The bill requires DOT to continue a youthful licensee on probationary status while the person is subject to the operating restrictions described above and specifies that a period of restriction does not run while a person's operating privilege is suspended.

for excessive demerit point accumulation

Under current law, a law enforcement officer may not stop or inspect a vehicle solely to determine compliance with safety belt equipment, installation or use requirements, but may issue a citation for a violation observed in the course of a stop or inspection made for other purposes. A law enforcement officer may not take a person into physical custody solely for a violation of those requirements. This bill authorizes primary enforcement of safety belt equipment, installation and use

ASSEMBLY BILL

requirements if the driver of the vehicle reasonably appears to be under 18 years of age. A law enforcement officer may stop or inspect a vehicle operated by such a driver solely to determine compliance with safety belt equipment, installation or use requirements and may take such a person into physical custody solely for a violation of those requirements.

Also under current law, a person under 16 years of age who holds an instructional permit may not operate a motor vehicle unless accompanied by a qualified person, including any person who is at least 21 years of age, has at least 2 years of driving experience and who is authorized in writing by the person's parent or guardian to accompany the permittee. This bill increases the minimum age requirement of this qualified accompanying person from 21 years of age to 25 years of age.

two

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 343.07 (1) (b) of the statutes is amended to read:

343.07 (1) (b) A permittee under the age of 16 is restricted to operation of a motor vehicle only while accompanied by a qualified instructor, the permittee's parent or guardian who meets the other qualifications of par. (a) or a licensed person ~~21~~ 25 years of age or older who meets the other qualifications of par. (a) and who has been designated in writing to accompany the permittee by the permittee's parent or guardian prior to operation of the vehicle by the permittee. Upon reaching the age of 16, the permittee gains the privilege of any other permittee.

SECTION 2. 343.085 (1) of the statutes is renumbered 343.085 (1) (a) and amended to read:

343.085 (1) (a) Except as provided in par. (b) and 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 the original license.

proof w/ stats

ASSEMBLY BILL

1 **SECTION 3.** 343.085 (1) (b) of the statutes is created to read:

2 343.085 (1) (b) The department may not issue a probationary license under this
3 section to an applicant who is under 18 years of age unless the applicant has held an
4 instruction permit issued under s. 343.07 for not less than 6 months and, during the
5 6–month period immediately preceding application, has not committed a moving
6 violation resulting in a conviction or been involved in an accident for which the
7 applicant is issued a traffic citation for a moving violation.

8 **SECTION 4.** 343.085 (2m) of the statutes is created to read:

9 343.085 (2m) (a) Except as provided in this subsection, during the 9–month
10 period after issuance of a probationary license under this section, the licensee may
11 not operate a motor vehicle upon a highway in this state:

12 1. Whenever any person under 25 years of age, other than the licensee or a
13 member of his or her immediate family, is in the motor vehicle.

14 2. Between the hours of 12 midnight and 5 a.m., unless his or her parent or legal
15 guardian, or a licensed driver who is at least 25 years of age and has at least 2 years'
16 driving experience, occupies the seat beside the licensee, or unless he or she is
17 traveling between his or her place of residence, school or place of employment.

18 (b) 1. The restrictions under par. (a) shall be extended for an additional
19 6–month period if any of the following occurs while the licensee is subject to the
20 restrictions under par. (a):

21 a. A moving violation resulting in a conviction of the licensee.

22 b. An accident for which the licensee is issued a traffic citation for a moving
23 violation.

24 c. Suspension of the licensee's operating privilege for any reason other than a
25 mental or physical disability.

ASSEMBLY BILL

1 d. A violation of par. (a) committed by the licensee.

2 2. If a restriction period is extended under subd. 1., the department shall
3 immediately provide notice of the extension by 1st class mail to the person's
4 last-known residence address.

5 (c) A period of restriction under this subsection does not run while a person's
6 operating privilege is suspended.

7 (d) This subsection applies only to a licensee who is under 18 years of age on
8 the date on which the probationary license is first issued to him or her.

9 **SECTION 5.** 343.085 (4) of the statutes is amended to read:

10 343.085 (4) The secretary may require that a person be continued on
11 probationary status beyond the period of first issuance if such person appears by the
12 records of the department to have repeatedly violated any of the state traffic laws or
13 any local ordinance in conformity therewith or any law of a federally recognized
14 American Indian tribe or band in this state in conformity with any of the state traffic
15 laws. A person may not be continued on probationary status due to a suspension
16 under s. 343.30 (6). The secretary shall require that a person be continued on
17 probationary status while the person is subject to restrictions under sub. (2m) (a).

proof w/ stats

18 **SECTION 6.** 343.14 (2) (e) of the statutes is renumbered 343.14 (2) (e) 1. (intro.)
19 and amended to read:

20 343.14 (2) (e) 1. (intro.) If the application is made by a person under 18 years
21 of age, documentary proof that the applicant is meets all of the following conditions:

22 a. The applicant is enrolled in a school program or high school equivalency
23 program and is not a habitual truant as defined in s. 118.16 (1) (a), has graduated
24 from high school or been granted a declaration of high school graduation equivalency

ASSEMBLY BILL

1 or is enrolled in a home-based private educational program, as defined in s. 115.001
2 (3g).

3 2. For purposes of this paragraph, "documentary proof" means the signature
4 and verification of an adult sponsor as provided in s. 343.15 (1) or the applicant as
5 provided in s. 343.15 (4) (b);

6 **SECTION 7.** 343.14 (2) (e) 1. b. of the statutes is created to read:

7 343.14 (2) (e) 1. b. The applicant has accumulated at least 50 hours of
8 behind-the-wheel driving experience, at least 10 hours of which were during hours
9 of darkness, while accompanied by a qualified instructor ^{as defined in s. 343.07(5),} or by a licensed person who
10 is at least 25 years of age and has at least 2 years' driving experience. Each hour of
11 behind-the-wheel driving experience while accompanied by a qualified instructor
12 shall be considered to be 2 hours of behind-the-wheel driving experience, except that
13 no more than 5 hours of behind-the-wheel driving experience while accompanied by
14 a qualified instructor may be counted in this manner.

15 **SECTION 8.** 343.15 (1) (c) of the statutes is created to read:

16 343.15 (1) (c) The adult sponsor under par. (a) shall sign and verify on the
17 application, or on another form provided by the department, that the person under
18 18 years of age has satisfied the requirements described under s. 343.14 (2) (e) 1. b.

insert
6-18
fast
to
fast

19 **SECTION 9.** 343.32 (2) (c) of the statutes is renumbered 343.32 (2) (c) 1. and
20 amended to read:
21 ~~343.32 (2) (c) 1. In Except as provided in subd. 2., in order for the secretary to~~
22 ~~suspend or revoke an operating privilege under this subsection, the operator must~~
23 ~~have accumulated 12 demerit points in any 12-month period.~~

24 **SECTION 10.** 343.32 (2) (c) 2. of the statutes is created to read:

ASSEMBLY BILL

1 343.32 (2) (c) 2. The secretary shall suspend, for a period of 6 months, the
2 operating privilege of any person who has accumulated 9 demerit points in any
3 12-month period, if the person holds a probationary license and was under 18 years
4 of age when the probationary license was first issued to him or her.

5 SECTION 11. 347.48 (2m) (gm) of the statutes, as affected by 1997 Wisconsin Act
6 190, is amended to read:

proof or stats

7 347.48 (2m) (gm) Notwithstanding s. 349.02, a law enforcement officer may not
8 stop or inspect a vehicle solely to determine compliance with this subsection or sub.
9 (1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules
10 of the department, unless the person operating the vehicle reasonably appears to be operated by a person
11 under 18 years of age. This paragraph does not limit the authority of a law
12 enforcement officer to issue a citation for a violation of this subsection or sub. (1) or
13 (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules of
14 the department observed in the course of a stop or inspection made for other
15 purposes, except that a law enforcement officer may not take a person into physical
16 custody solely for a violation of this subsection or sub. (1) or (2) or a local ordinance
17 in conformity with this subsection, sub. (1) or (2) or rules of the department.

18 SECTION 12. Initial applicability.

19 (1) INSTRUCTIONAL PERMITS AND PROBATIONARY LICENSES. The treatment of
20 sections 343.07 (1) (b), 343.085 (2m) and (4) and 343.15 (1) (c) of the statutes, the
21 renumbering and amendment of sections 343.085 (1), 343.14 (2) (e) and 343.32 (2) (c)
22 of the statutes and the creation of sections 343.085 (1) (b), 343.14 (2) (e) 1. b. and
23 343.32 (2) (c) 2. of the statutes first apply to licenses and permits applied for on the
24 effective date of this subsection.

(by SECTION auto ref 1)

ASSEMBLY BILL

SECTION 12

1 (2) SAFETY BELTS. The treatment of section 347.48 (2m) (gm) of the statutes first
2 applies to vehicles stopped or inspected on the effective date of this subsection.

SECTION 13. Effective date.

3
4 (1) This act takes effect on the first day of the 4th month beginning after
5 publication.

6 (END)

i n s c a
c c c

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0241/lins
PEN.....

auto ref 1

1 SECTION ~~2~~ 343.32 (2) (c) of the statutes is renumbered 343.32 (2) (c) 1. and
2 amended to read:

insert
6-18
prop
w/ state

3 343.32 (2) (c) 1. In Except as provided in subd. 2., in order for the secretary to
4 suspend or revoke an operating privilege under this subsection, the operator must
5 have accumulated 12 demerit points in any 12-month period.

NOTE: NOTE: Par (c) is amended eff. 5-1-2000 or the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under s. 85.515, whichever is earlier, by 1997 Wis. Act 84 to read: NOTE:

6 (c) An order for the secretary to suspend an operating privilege under this subsection, the operator must have accumulated 12 demerit points in any 12-month period.
History: 1971 c. 42, 278, 281; 1973 c. 90; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 273; 1979 c. 221, 1981 c. 31, 216, 327; 1987 a. 24, 132; 1989 a. 22, 75, 105, 195, 359; 1991 a. 26, 32, 39, 189, 1993 a. 16, 314, 480; 1995 a. 113, 269, 338, 420, 448; 1997 a. 84, 135

auto ref 2

7 SECTION ~~2~~ 343.32 (2) (c) of the statutes, as affected by 1997 Wisconsin Act 84,
8 is renumbered 343.32 (2) (c) 1. and amended to read:

copy:
fix
out

9 343.32 (2) (c) 1. In Except as provided in subd. 2., in order for the secretary to suspend
10 an operating privilege under this subsection, the operator must have accumulated 12 demerit
11 points in any 12-month period.

is there an extra strike here?

12 SECTION 3. **Effective dates.** This act takes effect on the day after publication,
13 except as follows:

renumbering and amendment

CS auto ref 2

14 (1) The ~~treatment~~ of section 343.32 (2) (c) of the statutes (by Section xx) takes
15 effect on May 1, 2000, or on the date stated for that paragraph in the notice published
16 by the secretary of transportation in the Wisconsin Administrative Register under
17 section 85.515 of the statutes, whichever is earlier.

insert
EEE

(end inserts)

- ✓ #) AM: 343.07 to allow instructional permittee to operate vehicle with immediate family in vehicle, while accompanied by qualified person.
See 343.07(1)(a).
- #) Allow instruction permit to be held for 12 months - must hold for at least 6.
- ✓ #) Primary enforcement for under 19 years of age safety belts
- ✓ #) Increase fee for instruction permit from \$20 - \$25. 343.21
- ✓ #) Do non-stat requiring DOT to promulgate rules defining which demerit-point offenses require the secretary to extend the restriction period. Rules shall not include extension for highlighted offenses. on "Driver licensing charge codes & points" handout.

justifying accompanying persons
Add people to section 70

✓ #) Change demerit points for ^{all} probationary
licenses ~~rather~~ - double the number of demerit
points for every offense (See also 342.085)

✓ #) Read section 11 closely - does this work
with other provisions of 342.32?
- PEN

(END)

DRAFT

GRADUATED DRIVER LICENSING - GDL

This paper is based on understandings reached in discussions involving the following:

- Rep. Luther Olsen, Mary Pluta, aid to Rep. Olsen
- Joe Strohl, Lobbyist for Commercial Driving Schools
- Randy Thiel, Dept. of Public Instruction
- Mike Shuka, Wisconsin Driver and Traffic Safety Education Association, Inc. (WDTSEA)
- Ernie Stettenfeld, AAA
- Lorelee Brummund, Kimeu Boynton, DOT Division of State Patrol
- Dennis Hughes, David Woldseth, Ron Thompson, DOT, DTIM Bureau of Transportation Safety
- Jerry Bown, DOT, DMV Bureau of Field Services
- John Alley, Kent Buhler, Julie Clark, Valerie Elmer, George Esser, Mary Jackson, Karen Schwartz, DOT, DMV Bureau of Driver Services
- Jerry Converse, Jeff Dorner, DOT, Bureau of Automation Services
- Tom Smith, Liz Gorenstein, DOT, Office of Policy and Budget

The information is presented from the perspective of agreement and unresolved issues between WisDOT and Rep. Olsen. The other parties involved may have varied levels of agreement or disagreement on the issues.

This document is organized as follows:

- I - Basic Assumptions
- II - Agreed Upon Issues
- III - Unresolved Issues
- IV - Notes to Drafters

Assumptions in this document are shown in italics.

Graduated Driver Licensing will be referred to simply as GDL throughout the document.

I - BASIC ASSUMPTIONS

- *Most provisions of GDL will apply only to those under 18 years of age. License withdrawals and demerit points accumulated will remain in effect regardless of a driver reaching age 18.*
- *WisDOT and the traffic safety community will need an effective date which will allow sufficient time to:*
 - ⇒ *complete automated system updates*
 - ⇒ *update training and outreach materials*
 - ⇒ *train educators*

DRAFT

- ⇒ train law enforcement
- ⇒ train court officials
- ⇒ train DMV staff
- ⇒ provide the information to the general public

- **Fiscal Estimate Assumptions**

- ⇒ Fiscal estimates in this document are based on information and assumptions provided by WisDOT BAS managers and senior programmers, program experts, and standard fiscal estimate numbers from staffing studies of actual work production.
- ⇒ Implementation of some options may not be possible without additional financial resources due to other mandated changes such as Act 84 implementation and preparation for the year 2000.
- ⇒ DP cost is shown in number of days needed for completion. At the current time the actual costs are \$400/day development plus \$222/day IEF (software tool). The most current costs will be shown in formal fiscal estimate.
- ⇒ DP days include administrative time, use of inexperienced programmers, and the grandfathering impact on all programs.
- ⇒ FTE costs for administrative implementation efforts, training, updating of forms and materials, public outreach, and related efforts is indeterminable.
- ⇒ FTE costs vary depending upon specific work involved.
- ⇒ Detailed factors used to compute costs are available upon request.

II - AGREED UPON ISSUES

1. Instruction permit must be held for 6 months and is valid for 12 months.
 - This provision applies only to Class D permits for drivers under 18 years of age.
 - Permit continues to be paper document.

343.07(3)

- .7 FTE

- .3 FTE increase for central office additional public contacts
- .7 FTE increase for field office additional contacts for those not eligible
- 1.7 FTE decrease for field office due to longer permit resulting in fewer renewals

16 DP DAYS

- 8 days - modify expiration dates
- 8 days - logic to check if permit is held for 6 months

\$350,000 REVENUE LOSS

- Decrease in instruction permit renewals.

DRAFT

2. Must be free of convictions for GDL violations for the six month period prior to application for probationary license.

- DOT will recommend a list of violations to be considered "GDL violations" for the purposes of GDL: Definition may be by rule or by statute.

<u>.8</u>	FTE
• .1 FTE increase for central office additional public contacts	
• .7 FTE increase for field office additional contacts for those not eligible	
<u>15</u>	DP DAYS
• 8 days - DL issuance logic	
• 7 days - table of violations	

3. Redefine who may accompany instruction permit holder. These changes are suggested to simplify the current law which is complex and confusing.

- Licensed person with at least 2 years driving experience, who:
 - ⇒ holds a valid license
 - ⇒ occupies the seat beside the permit holder
 - ⇒ is at least 21 years of age

or

- A person at least 18 years of age who meets the other requirements above other than age and is one of the following:
 - ⇒ a qualified instructor,
 - ⇒ the permit holder's legal guardian
 - ⇒ the permit holder's spouse

- In addition to the licensed accompanying operator, one other person who is at least 21 years of age may occupy a seat in the motor vehicle other than the front seat.

- If with a qualified instructor in a properly equipped driver training car, up to 3 other persons may occupy the vehicle.

<u>0</u>	FTE
<u>0</u>	DP DAYS

include in section 1

2 yrs.

343.07 (1)(a), (b)

?

343.07 (1)(c)

4. Adult sponsor signs off on completion of 50 hours practice time. 10 hours must be during the hours of darkness prior to obtaining probationary license.

- Parent/guardian sign-off on application - no DMV checking or retention of driving log minimizes FTE impact for DMV service center, and handling/storage costs of information.

<u>.3</u>	FTE
• .3 FTE increase for central office additional public contacts	
<u>0</u>	DP DAYS

DRAFT

5. Time period for additional restrictions is for first 9 months after obtaining probationary license or until age 18, whichever comes sooner.

- Extension of this restriction period is an unresolved issue. See Part III.
- Suggestion of simply stating "9 months" rather than calculating an end date may be a problem when duplicates are issued as issue date on license is date of duplicate, not original.

<u>.3</u>	FTE
• .3 FTE increase for central office additional public contacts	
<u>40</u>	DP DAYS
• 10 days - create new restriction	
• 15 days - logic to calculate end date	
• 15 days - new screen in DL issuance	

6. Primary seat belt enforcement for drivers and passengers under 18 years of age.

- Existing seat belt violation charge codes will be used.
- The impact on law enforcement is indeterminable and would be part of routine law enforcement.

<u>0</u>	FTE
<u>0</u>	DP DAYS

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III - UNRESOLVED ISSUES

- ✓ 1. Increase original and renewal fee for all instruction permits from \$20 to \$25.

- *Fee increase is for all class D permits for drivers of all ages.*
- *Increase would offset \$350,000 revenue loss due to fewer permit renewals with 12 month permit.*
- *Most other license fees were increased during the last legislative session.*
- *Suggestion of including CDLI for fee increase would be OK, but an increase to a 12 month permit may cause problems with purging of CDLI info from record which is done to avoid confusion by law enforcement/other states.*

.2 FTE
• .2 FTE increase for central office additional public contacts
5 DP DAYS
• update fee tables
\$400,000 REVENUE INCREASE

2. Must be free of suspensions for the six month period prior to application for probationary license.

- *DOT will recommend a list of suspensions to be considered for the purposes of GDL. Definition may be by rule or by statute.*

.8 FTE
• .1 FTE increase for central office additional public contacts
• .7 FTE increase for field office additional contacts for those not eligible
24 DP DAYS
• 24 days - program to check withdrawal table

- X 3. Time period for GDL restrictions does not include any time that person is suspended.

.1 FTE
• .1 FTE increase for central office additional public contacts
88 DP DAYS
• recalculate end date if there is suspension

4. Extension of Restrictions

- *Current law which requires all restrictions to be represented on the driver license document applies to GDL restrictions.*
- *Revocations are not included as reason for extension. Was this intended?*
- *Most withdrawals (exceptions are Safety Responsibility, Found Delinquent, and Failure to Pay withdrawals) will have related convictions.*
- *Rep. Olsen's vision is that there will be one 6 month extension for same incidents (e.g. OWI conviction, and OWI withdrawal), but a 6 month*

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extension for each conviction when multiple citations on same traffic stop (e.g. 6 months for speeding and 6 more months for seat belt violation)

- Extended 6 months if:
 - ⇒ Probationary license restrictions are violated
 - ⇒ Convicted of moving violation
 - ◇ DOT will recommend a list of violations to be considered "GDL violations" for the purposes of GDL. Definition may be by rule or by statute.
 - ⇒ License suspended for some other reason.

#4 Main Pros

- ↑ Keeps person driving during skill development period.

#4 Main Cons

- **OPTION 4A**
 - ⇒ Add 6 month extension language to original restriction on all original GDL probationaries.
 - ⇒ System generates notification letter to customer.
 - ⇒ Product notation automatically added to driver record.

Already there

Option 4A Pros

- ↑ Less FTE impact than option 4B

Option 4A Cons

- ↓ "Generic" restriction and checking of driver record may be confusing to law enforcement,

.4 FTE

- .3 FTE increase for mailing of letters
- .1 FTE increase for customer contacts

104 DP DAYS

- 8 days - batch program ties into to citation tables sub-routine**
- 24 days - batch program to check withdrawal table* **
- 24 days - build in logic to handle vacated, reopened, dismissed convictions/withdrawals
- 16 days - hard code customer notification letter
- 32 days - create program to update record with restriction or product notation

*24 days to check withdrawal is reduced to 6 days if #2 is incorporated
**24 additional days if matching "same incident"

\$ 5,169 COST INCREASE

- Mailing Costs

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especially in other jurisdictions and also to the individual.

• OPTION 4B

- ⇒ WisDOT Processing Unit
 - ◇ Notified of violations by overnight batch run.
 - ◇ Modifies restriction dates.
 - ◇ Adds extension notation to driver record.
 - ◇ Reissues DL.
 - ◇ Mails new DL to customer with request to return old DL or privilege will be canceled.
 - ◇ Puts customer on follow-up for return of old DL.
 - ◇ Cancels if not returned.

Option 4B Pros

- ↑ Easier for law enforcement to figure out if restricted or not.

Option 4B Cons

- ↓ Confusing to drivers because of necessity to reissue license with new restriction period results in increase in contacts with WisDOT.
- ↓ Increase in canceled licenses for drivers who do not send in license with old restriction period.
- ↓ Requires high FTE due to monitoring of cases with extensions and limited ability to automate this process.

4 FTE

- 2.1 FTE to reissue DL with new restrictions.
- .6 FTE follow up on returned/non-returned DLs
- .5 FTE to set up new cancel cases for non-returned DLs
- .3 FTE for reinstatement from cancels
- .3 FTE increase for mailing of letters
- .2 FTE increase for customer contacts

56 DP DAYS

- 8 days - batch program to check citation tables**
 - 24 days - batch program to check withdrawal table* **
 - 24 days - build in logic to handle vacated, reopened, dismissed convictions/withdrawals
- *24 days to check withdrawal is reduced to 6 days if #2 is incorporated
**24 additional days if matching "same incident"

\$86,158 REVENUE INCREASE

- Reinstatement of canceled DLs

\$ 5,169 COST INCREASE

- Mailing Costs

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5. Night Driving

- No operation between 12 midnight and 5 am:
 - ⇒ unless traveling between work, school, or home
 - ⇒ or with a parent legal guardian or licensed driver at least 21 years of age with 2 years driving experience occupying the seat next to the driver.
 - ⇒ *The impact on law enforcement is indeterminable and would be part of routine law enforcement.*
 - ⇒ *Any waiver program is independent of WisDOT systems - e.g. Waiver issued on letterhead by local law enforcement or letter from employer.*

.1	FTE
• .1	FTE increase for central office additional public contacts
0	DP DAYS

#5 Pros

- ↑ Federal model includes curfew.
- ↑ National data supports curfew, specifically, the rate of fatal accidents is much higher at night.
- ↑ Keeps GDL drivers off the road at bar time.

#5 Cons

- ↓ Wisconsin crash data shows that teen crashes and fatalities are low during this time period.
- ↓ Waiver system will be necessary to accommodate “excepted” groups and/or activities. E.G. The Oshkosh Teen Saferide program would need a waiver.
- ↓ Difficult for law enforcement to determine if violation due to ambiguity of permitted travel (between home, school, and work).
- ↓ Difficult for law enforcement to determine family relationships with parent of legal guardian during a stop.
- ↓ Increases problem for law enforcement of safe, immediate, reliable transport of passengers and clearing vehicle from roadway after a traffic stop.

6. Passengers

- **OPTION 6A**
 - ⇒ No persons under 21 other than immediate family
 - ⇒ *The impact on law enforcement is indeterminable and would be part of routine law enforcement.*

.1	FTE
• .1	FTE increase for central office additional public contacts
0	DP DAYS

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Option 6A Pros

- ↑ Allows GDL driver to concentrate on driving task.
- ↑ Limits the number of potential fatalities if crash occurs.
- ↑ Young drivers more prone to risk taking with peers in vehicle.
- ↑ Higher liability.

Option 6A Cons

- ↓ Waiver system will be necessary to accommodate “excepted” groups and/or activities. E.G. The Oshkosh Teen Saferide program would need a waiver.
- ↓ Difficult for law enforcement to determine family relationships during a stop.
- ↓ Increases problem for law enforcement of safe, immediate, reliable transport of passengers and clearing vehicle from roadway after a traffic stop.

- **OPTION 6B**

⇒ Limit number of passengers to number of seat belts in vehicle.

0	FTE
0	DP DAYS

⇒ *The impact on law enforcement is indeterminable and would be part of routine law enforcement.*

Option 6B Pros

- ↑ Follows the federal model.
- ↑ Easier to enforce.

Option 6B Cons

- ↓ More passengers may not allow GDL driver to concentrate on driving task.
- ↓ Allows for more potential fatalities if crash occurs.
- ↓ Young drivers more prone to risk taking with peers in vehicle.

7. Points

- *If license privilege is going to be withdrawn for demerit point accumulation, driver is eligible for 3 point reduction upon completion of traffic safety school.*
- *If license privilege is withdrawn, GDL driver may eligible for occupational license.*

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- *Violation of a restriction is charged 3 demerit points. Unless specifically coded out as in option 7C, violation of GDL restrictions would be charged under existing violation of restriction statutes and the offender would receive 3 demerit points.*
- *The FTE impact for many of the point options is indeterminable due to the difficulty in determining the number of additional point-based withdrawals versus the present.*

- **OPTION 7A**

⇒ 9 points in 12 months results in suspension for those under 18.

Option 7A Pros

↑ Takes violating GDL drivers “off the road” more quickly.

Option 7A Cons

↓ May be viewed as punitive versus remedial.

Indeterminable FTE

- FTE increase in suspension cases
- FTE increase in driver record abstract requests

104 DP DAYS

- 40 days to modify warning letter
- 24 days - modify point calculation routine.
- 16 days - modify dconvict online point routing.
- 8 days - modify suspension time frame windows.
- 8 days - modify image system workflow.
- 8 days - modify reinstatement system.

- **OPTION 7B**

⇒ Double points for all probationary violations and eliminate +2 on 2nd and subsequent offenses.

J43.085

Option 7B Pros

↑ Takes violating GDL drivers “off the road” more quickly.

Option 7B Cons

↓ May be viewed as punitive versus remedial.

Indeterminable FTE

- FTE increase in suspension cases
- FTE increase in driver record abstract requests

13 DP DAYS

- 5 days - dismantle existing logic
- 8 days - add new logic

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- **OPTION 7C**

⇒ Assign a high point value and new charge codes for violation of GDL restrictions.

Option 7C Pros

↑ Takes violating GDL drivers “off the road” more quickly.

Option 7C Cons

- ↓ May be viewed as punitive versus remedial
- ↓ Goes against efforts of Act 84 which attempts to sanction more serious offenses.
- ↓ Speeding and Failure to Yield are the main violations of GDL drivers which contribute to crashes and fatalities.

<p>Indeterminable FTE</p> <ul style="list-style-type: none">• FTE increase in suspension cases• FTE increase in driver record abstract requests <p>140 DP DAYS</p> <ul style="list-style-type: none">• Create new charge codes within all DMV systems.

- **OPTION 7D**

⇒ Invoke the +2 demerit points for all probationary violations.

Option 7D Pros

↑ Takes violating new drivers “off the road” more quickly.

Option 7D Cons

↓ May be viewed as punitive versus remedial.

<p>Indeterminable FTE</p> <ul style="list-style-type: none">• FTE increase in suspension cases• FTE increase in driver record abstract requests <p>13 DP DAYS</p> <ul style="list-style-type: none">• 5 days - dismantle existing logic• 8 days - add new logic

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- **OPTION 7E**

⇒ Mandatory traffic safety school if 1 moving violation during restriction period. Suspension if 2 violations during 9 month restriction period.

Option 7E Pros

↑ Curriculum focuses on changing driving behavior and attitude and

is targeted for a similar profile to GDL problem drivers.

Option 7E Cons

↓ Traffic safety school provider system may not be robust enough to handle workload.

<p>1.3 FTE</p> <ul style="list-style-type: none">• .1 FTE additional processing of TSS completions• .1 FTE additional driver abstract requests• 1.1 FTE additional suspensions <p>48 DP DAYS</p> <ul style="list-style-type: none">• 8 days - create batch program that ties into citation table sub-routine• 16 days - hard code customer notification letter• 24 days - create logic to monitor TSS completion <p>\$113,833 REVENUE INCREASE</p> <ul style="list-style-type: none">• Reinstatement of suspended DLs
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- **OPTION 7F**

⇒ Mandatory traffic safety school to reinstate if license withdrawal.

Option 7F Pros

↑ Curriculum focuses on changing driving behavior and attitude and is targeted for a similar profile to GDL problem drivers.

Option 7F Cons

↓ Traffic safety school provider system may not be robust enough to handle workload.

↓ Data entry for traffic safety school completion's not taking point reduction are performed manually.

<p>.1 FTE</p> <ul style="list-style-type: none">• .1 FTE additional processing of TSS completions <p>40 DP Days</p> <ul style="list-style-type: none">• Create hard stop product notation & auto removal w/traffic safety school entry
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General

Issues which need to be addressed:

- Grandfathering
 - ⇒ Randy Thiel suggests this be tied to birthdate. Karen Schwartz suggests this may cause a significant increase in DP days.
- Motorcycles
- Out of state transfers - reciprocity

IV - NOTES TO DRAFTER

- As written, the LRB page 3, all permits would be valid for 12 months and all probationary applicants, regardless of age, would have to hold an instruction permit for at least 6 months. This would include drivers transferring from other states who do not meet the criteria of 343.085(2)(a) and (b).
- * 12 month expiration date and fee increase applies to ALL class D permits for people of ALL ages.
- ✓ Page 5 starting with line 11-Move 50 hour requirement/certification language out of 343.14 which talks about the application - into 343.06(c) and exempt those issued under 343.08 and 343.135 as it currently does for the drivers education requirement. If this is not done, it is our interpretation that juvenile restricted and special restricted drivers under 18 will be subject to the practice hour requirement.

opening w/ all pointed ones
DRIVER LICENSING CHARGE CODES & POINTS
WITH STATUTE NUMBERS

Valerie Almer 47170

m - mandatory withdraw of license
 Wisconsin Department of Transportation

BDS109 898

			Demerit Points	HTO				Demerit Points	HTO
<i>m</i>	05	ADL	Altered Driver License 343.43(1)(g)	0-m	26	FSB	Failure to Stop for School Bus 346.48(1)	4	MINOR
<i>AD</i>	** 06	AV	Arterial Violation <i>Failure to obey sign</i> 346.46(1)(arterial)	3	MINOR	Y 26	FSB	Failure to Stop for School Bus 346.485 - Owner	0
<i>Y</i>	07	BI	Backing Illegally 346.87	2	MINOR	27	FTC	Following too Closely 346.14, 346.90	3
	**** 08	BO	Boulevard Ordinance 346.87	0	MINOR	<i>N</i> 28	FTT	Failure to Transfer Title 342.15(1),(2), 342.05(4)	0
<i>Y</i>	09	CFH	Crossing Fire Hose 346.91	2	MINOR	29	FVC	Failure to keep Vehicle under Control 346.57(2)	4
<i>Y</i>	10	CD	Careless Driving (out-of-state only)	0		<i>N</i> 30	IE	Improper Equipment <i>light by lane plate based on signal</i> 347.15(2), 347.17, 347.19, 347.43(1), 347.45, 347.455, 347.485(1)(a), (am) 347.486(1), 347.487, 347.48(1)(a), (b), (2)	0
<i>Y</i>	13	DLT	Deviating from Lane of Traffic 346.13, 346.34(1)(a)3	4	MINOR				
<i>Y</i>	14	DOW	Driving over Walk 346.12, 346.94(1),(12)	2	MINOR	30	IE	Improper Equipment (horn, mirrors, windshield wipers, fenders, mudguards, trailer hitch, no flag or lamp on load or vehicle train) 347.20(1),(2), 347.28, 347.29(1), 347.38(1),(2),(4), 347.40, 347.42, 347.46, 347.47, 347.485(2), 347.486(2), 347.488	12
	**** 15	DAT	Driving against Traffic (one way street) 346.04(2)	3	MINOR	<i>m</i>			
<i>Y</i>	16	DWS	Driving on Wrong Side of Highway 346.05(1),(3), 346.06, 346.15	4	MINOR				
<i>ADN</i>	17	FAR	Falsified Accident Report <i>89</i> 346.70(5)	0		<i>Y</i> 31	IB	Improper Brakes 347.35, 347.36, 347.489(2)	3
<i>Y</i>	19	FDL	Failure to Dim Lights 347.12	3	MINOR	32	ID	Inattentive Driving 346.89	4
<i>Y</i>	20	FGS	Failure to give Signal 346.07(1), 346.34(1)(b),(2), 346.48(2)(a)	3	MINOR	33	FYR	Failure to Yield Right of Way 346.06, 346.18, 346.19, 346.20(1),(2),(3), (4), 346.21, 346.23, 346.24(1), 346.26(1), 346.27, 346.28(2), 346.32, 346.37(1)(a)1,(c)3,(d)1, 346.38(1), 346.47(1),(2), 346.455(1),(2)	4
<i>Y</i>	21	AEO	Attempt to Elude Officer 346.04(3)	6-m	MAJOR				
<i>Y</i>	21	AEO	Attempt to Elude Officer - owner 346.175	0		<i>Y</i> 33	FYR	346.205, 346.195 - Owner <i>failure</i> 346.455(1), (2), 346.457 - Owner	0
	22	FOS	346.44(1),(2) - Railroad -	6	MINOR	<i>Y</i> 34	IIV	Intoxicant in Vehicle carrying Underage Person 346.93	0
<i>crossing guard</i>	22	FOS	Failure to Obey Traffic Sign or Signal 346.04(1),(2), 346.16(1),(2)(a), 346.37(1)(b),(c)1,(c)3,(d)1, 346.39(1), 346.45(1),(2), 346.46(1), (2),(2m),(3),(4)(a), 346.79(5), 346.80(4)moped only, 348.19(3)or Tran. 312.04(only to individual)	3	MINOR	<i>Y</i> 35	IL	<i>come think 50 - passing a school bus</i> No or Improper Lights 346.48(2)(b)1,(2)(b)2,(2)(bm),(2)(c), 346.595(5) night time, 347.06(1),(3), 347.07, 347.09, 347.10(2), 347.11, 347.115(night), 347.13(1), 347.14, 347.15(1), 347.16(1)(a),(b),(2)(a), 347.25(1),(1m),(1r)(a), (1s),(2),(4),(5) 347.255, 347.26(2),(3),(4),(6),(8),(9),(11)(a), 347.489(1) (motor bicycles)	3
	22	FOS	Failure to Obey Traffic Sign or Signal 346.465	0					
<i>Y</i>	24	FRA	Failure to Report Accident 346.70	0		<i>Y</i> 35	IL	No or Improper Lights 346.595(5) daylight hours, 347.13(3),	0
	25	FSA	Failure to Stop after Accident-Attended Vehicle 346.67 (Mand. if personal injury)	6-m	MAJOR	<i>Y</i> 36	IM	Improper Muffler 347.39(1),(2), 347.486(3)	0

** Obsolete as of 02-03-97, now coded as FOS.
 **** Obsolete as of 08-03-98, now coded as FOS.

next mtg 26
Nov 9

anyone
need
change

Demerit Points HTO

letting a child
operate
a license

Demerit Points HTO

Code	Category	Description	Demerit Points	HTO	Code	Category	Description	Demerit Points	HTO
37	IP	Improper Plates 341.045, 341.15, 341.61(2),(3),(4),(5)	0		61	PUP	Permitting Unauthorized Person to Operate. 343.45(1),(2), 346.925(1)	0	
38	IR	Illegal Riding (passenger - 0 points) 346.595(1),(6), 347.487	2	MINOR	62	R	Racing 346.94(2)	6	MINOR
39	IS	Imprudent Speed 346.57(2)	4	MINOR	63	RD	Reckless Driving 346.62(2),(3) 346.62(4), 346.62(2m)	6	MAJOR
40	MSC	Miscellaneous 341.03, 341.605, 341.615 343.16(7)(b) suspension, 341.335(1), 343.22, 343.35, 344.45(1), 346.15, 346.39(2), 346.55(1), 346.90, 346.92, 346.94(13), 348.09, 348.10, 347.489(3)	0		65	SE	Speeding Excess (20 mph or more over limit) 346.57(4)(a-k),(5)), 346.58	6	MINOR
41	IUL	Illegal use of Operator's License 343.43(1)(a),(c),(e),(f)	0-m		66	S	Speeding (1-10 mph over limit) 346.57(4)(a-k),(5), 346.58	3	MINOR
42	LH	Littering Highway 346.94(5),(7)	0		67	TFC	Too Fast for Conditions 346.57(3)	4	MINOR
43	LOL	Loaning of License 343.43(1)(b)	0-m		68	SI	Speeding Intermediate (11-19 mph over limit) 346.57(4)(a-k),(5), 346.58	4	MINOR
44	OAR	Operating after Revocation 343.44	3	MINOR	69	TPV	Transporting Person or Vehicle Illegally 346.92(1), 346.94(8),(8m),(11),(15)	2	MINOR
45	NH	Negligent Homicide 940.06, 940.10	0-m	MAJOR	70	UBH	Unnecessary Blowing of Horn 347.38(1)	0	
47	OEL	Operating w/expired license OWL after 7-1-81			72	UV	Unregistered Vehicle 341.04(1),(2)	0	
48	OSB	Operating w/o School Bus License/ Endorsement. 343.12(1)	3	MINOR	73	VOO	Violation of Occupational License 343.10(8)(a), 343.43(1)(d)	6-m	MINOR
49	OT	Obstructing Traffic 346.59	2	MINOR	74	VOR	Violation of Restriction 343.43(1)(d),	3	MINOR
50	OV	Obstructed View or Control 346.88(1),(3),(4)	2	MINOR	75	VUF	Vehicle used in Commission of Felony (Operating w/o Owners Consent)	0-m	MAJOR
52	OWS	Operating while Suspended 343.44	3	MINOR	77	IT	Illegal Turn 346.31, 346.32, 346.33(1),(2), 346.34(1)(a)1,2, 346.37(1)(c)3	3	MINOR
53	OWL	Operating w/o Driver License 343.05(3)(a),(b),(c)	3	MINOR	79	LNP	License not on Person 343.18(1)	0	
55	OWI	Operating under influence of Intoxicant or Controlled Substance 346.63(1)(a),(b)	6-m	MAJOR	80	OWE	Operating w/o Cycle License. 343.05(3)(b),(c)	3	MINOR
56	P	Perjury	0-m	MAJOR	81	DS	Defective Speedometer 347.41	2	MINOR
59	POH	Parking on Highway (minor on or after 12/20/89) 346.475, 346.51(1), 346.52(1)(f), 347.27, 347.29(4),(5)	2	MINOR	86	GBH	Great Bodily Harm 940.25	0-m	MAJOR
60	UA	Unnecessary Acceleration (spinning doughnuts, exhibition of power, squealing tires (ordinance violation))	4	MINOR	88	PI	Passing Illegally 346.07(2),(3), 346.075, 346.08, 346.09, 346.10, 346.11, 346.24(3), 346.48(3)	3	MINOR
					91	IC	Implied Consent	0	MAJOR

(X)

double parking

refuse to take breathalyzer
test

*** Obsolete as of 04-08-97, now coded as OWL.

346

no - smallley

N

N

Y

Y

Y

N

N

Y

N

N

Y

N

Y

Y

Y

Y

Y

Y

Y

Y

Y

			Demerit Points	HTO
94	FA	Falsified Application 343.14(5), 343.19(2) - Mandatory only if DL related. 345.17	0	
103	JA	Juvenile Alcohol 125.07(4)(a), (4)(b), 125.09(2)	0	
106	CSR	Child Safety Restraint 347.48(4)(a)1, (4)(a)2	0	MAJOR
107	OII	Operating while Intoxicated causing Injury. 346.63(2)(a)1, (2)(a)2	6-m	MAJOR
108	UAO	Underage Alcohol Operation 346.63(2m)	0	MINOR
109	ICU	Implied Consent Underage	0	
110	UN	Unnecessary Noise 346.94(16) or Ordinance Violation, 346.945 - Owner	0	
111	JID	Juvenile ID 125.085(3)(b)	0	
112	IVO	Intoxicant in Vehicle-operator 346.935(1), (2), (3)	0	
113	IVP	Intoxicant in Vehicle-passenger 346.935(1), (2), (3)	0	
114	FFS	Failure to Fasten Seat Belt 347.48(2m)	0	
119	INU	Injury, Negligent use of Vehicle 940.245 - Repealed 1-1-89	0-m	MINOR
120	NHI	Negligent Homicide Intoxicated 940.09	0-m	MAJOR
122	T	Truancy	0	
130	CA	Commercial Alcohol 346.63(5)(a)	0	
132	CAD	Comm. Alcohol Causing Death 940.09(1)(bm)	0-m	MAJOR
133	CAH	Comm. Alcohol Causing Great Bodily Harm. 940.25(1)(bm)	0-m	MAJOR
134	CAI	Comm. Alcohol Causing Injury 346.63(6)(a)	6-m	MINOR
135	CBH	Comm. OWI Causing Great Bodily Harm 940.25	0-m	MAJOR
136	CCD	Comm. Careless Driving (out-of-state only)	0	
137	CCF	Comm. Controlled Substance Felony	0-m	MAJOR
138	CCS	Comm. OWI-Controlled Substance 346.63(1)(a)	6-m	MAJOR

			Demerit Points	HTO
139	CDL	Comm. Deviating from Lane of Traffic 346.13, 346.34(1)(a)3	4	MINOR
140	CFC	Comm. Following Too Closely 346.14	3	MINOR
141	CFR	Comm. Failure to Report Accident 346.70	0	
142	CFS	Comm. Failure to Stop after Accident- Attended Vehicle 346.67	6-m	MAJOR
143	CHI	Comm. Negligent Homicide Intoxicated 940.09	0-m	MAJOR
144	CIC	Comm. Implied Consent	0	MAJOR
145	CII	Comm. OWI Causing Injury 346.63(2)(a)1, (2)(a)2	6-m	MAJOR
146	CIN	Comm. Implied Consent-Not a Drop	0	
147	CIS	Comm. Imprudent Speed 346.57(2)	4	MINOR
148	COO	Comm. 0.0 - Not a Drop 346.63(7)(a)1,2	0	
149	CPB	Comm. Possession of Intox. Beverage 346.63(7)(a)3	3	MINOR
150	CPI	Comm. Passing Illegally 346.07(2), 346.08, 346.09, 346.10 346.24(3)	3	MINOR
151	CRD	Comm. Reckless Driving 346.62(2),(3), 346.62(4)	6	MAJOR
152	CSE	Comm. Speeding Excess (20 or more over) 346.57(4)(a-k),(5)	6	MINOR
153	CSI	Comm. Speeding Intermediate (15-19 over) 346.57(4)(a-k),(5)	4	MINOR
154	CTF	Comm. Too Fast for Conditions 346.57(3)	4	MINOR
155	CUL	Comm. Unlawful License 343.05(2)	3	MINOR
156	CVF	Comm. Vehicle used in Commission of Felony	0-m	MAJOR
157	CWI	Comm. Operating while Intoxicated 346.63(1)(a),(b)	6-m	MAJOR
159	HAD	Haz Comm. Alcohol Causing Death 940.09(1)(bm)	0-m	MAJOR
160	HAH	Haz Comm. Alcohol Causing Great Bodily Harm. 940.25(1)(bm)	0-m	MAJOR

concerned about being consistent w traffic
mistakes ovs seat
continuity of seat
David Wilson

smallley
state patrol

sa will

all these are impacted by the 18 v. 19 issue

			Demerit Points	HTO
161	HAI	Haz Comm. Alcohol Causing Injury 346.63(6)(a)	6-m	MINOR
162	HBH	Haz Comm. OWI Causing Great Bodily Harm. 940.25	0-m	MAJOR
163	HCA	Haz Comm. Alcohol 346.63(5)(a)	0	
164	HCF	Haz Comm. Controlled Substance Felony	0-m	MAJOR
165	HCS	Haz Comm. OWI-Controlled Substance 346.63(1)(a)	6-m	MAJOR
166	HFR	Haz Comm. Failure to Report Accident 346.70	0	
167	HFS	Haz Comm. Failure to Stop after Accident-Attended Vehicle 346.67	6-m	MAJOR
168	HHI	Haz Comm. Negligent Homicide Intoxicated. 940.09	0-m	MAJOR
169	HIC	Haz Comm. Implied Consent	0	MAJOR
170	HII	Haz Comm. OWI Causing Injury 346.63(2)(a)1, (2)(a)2	6-m	MAJOR
171	HIN	Haz Comm. Implied Consent-Not a Drop	0	
172	HVF	Haz Comm. Vehicle Used in Commission of Felony	0-m	MAJOR
173	HWI	Haz Comm. Operating while Intoxicated 346.63(1)(a),(b)	6-m	MAJOR
174	OCS	OWI - Controlled Substance 346.63(1)(a)	6-m	MAJOR
175	OML	Operating with Multiple Licenses 343.05(1)	3	MINOR
176	PCS	Possession of Controlled Substances	0	
*177	MDD	Manufacture & Delivery of Drugs Ch. 961	0	
178	JCS	Juvenile Controlled Substances Ch. 961 - Under 17 yrs. on date of violation.	0	
*179	PDR	Possession of Drug Paraphernalia Ch. 961	0	
*180	MDP	Manufacture/Delivery of Drug Paraphernalia. Ch. 961	0	
*181	DPM	Delivery of Drug Paraphernalia to Minor. Ch. 961	0	
182	DQF	Disqualification 343.315	0	

CDL

			Demerit Points	HTO
183	OWD	Operating While Disqualified 343.44	3	MINOR
184	FSU	Failure to Stop after Accident - Unattended Vehicle 346.68	6	MINOR
185	CFU	Comm. Failure to Stop after Accident - Unattended Vehicle 346.68	6	MINOR
186	HFU	Haz Comm. Failure to Stop after Accident - Unattended Vehicle 346.68	6	MINOR
187	IDT	Ignition/Immobilization Device Tampering 347.413, 347.417	0	
188	D	Drug Conviction Ch. 961 - Over 17 years on date of violation.	0	
189	DSP	Duty Upon Striking Property 346.69	0	
190	CDS	Comm. Duty Upon Striking Property 346.69	0	
191	HDS	Haz Comm. Duty Upon Striking Property 346.69	0	
192	SR	Safety Responsibility Revocation 344.13	0	
193	SRR	Safety Responsibility Revocation of Registration 344.13	0	

m=MANDATORY

* Obsolete as of 1-1-93, violations appear under Drug Convictions, Ch. 961. All drug convictions are coded 17800 if under 17 years of age on the date of violation and 18800 if over 17.

Olsen

99-0241/1

12/9/98

Per Mary: changes from Safe-Ride people

allow violators to continue to participate

no weekend applies to people in program

-PEN

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0121/P1dn
PEN:cmh&kmg:jf

October 1, 1998

John Etzler:

Please check the treatment of s. 86.302 (2), stats., closely. That section: 1) allows DOT to assist locals in their mileage determinations, but eliminates DOT's current obligation to assist; 2) requires DOT to survey randomly all local roads every two years for purposes of determining which local roads are ineligible for general transportation aids; and 3) allows (but does not require) DOT to inventory and verify road mileage selectively. Is this your intent?

I amended s. 86.302 (1m) (a), stats., so that a governing body may file a certified statement (that there was no change in mileage during the year) in lieu of filing a plat. Either a plat or a statement must be filed annually. The effect of the request (requesting a repeal of s. 86.302 (1m), stats.) was to require an annual filing of a certified plat, even if the mileage was unchanged. Is my change OK?

Check the treatment of s. 86.302 (3) (intro.) stats. Do you want DOT to keep considering mileage changes only in odd-numbered years? Under current law, the mileage changes are considered every 2 years. Under the bill, mileage changes may escape consideration for 3 years (1998 mileage changes won't be considered until 2001). OK? Or do you want DOT to consider mileage changes in the 2nd year?

Paul E. Nilsen
Legislative Attorney
261-6926

Due: Dec. 15, 1998

1999 BILL

EKG *2*

*WPs: Sort & ratr
after typing*

D-note

*regen
cat*

1 **AN ACT** *to* **renumber and amend** 343.085 (1), 343.14 (2) (e), 343.32 (2) (c) and
 2 343.32 (2) (c); **to amend** 343.07 (1) (b), 343.085 (4) and 347.48 (2m) (gm); and
 3 **to create** 343.085 (1) (b), 343.085 (2m), 343.14 (2) (e) 1. b., 343.15 (1) (c) and
 4 343.32 (2) (c) 2. of the statutes; **relating to:** instruction permits, probationary
 5 licenses and regular licenses to operate motor vehicles; primary enforcement
 6 of requirements related to safety belt equipment, installation and use; and
 7 providing a penalty. *granting rule-making authority;*

Analysis by the Legislative Reference Bureau

Under current law, an applicant who qualifies for initial issuance of a driver's license is issued a probationary license and is subject to a probationary period. The probationary period generally lasts two years, until the applicant's second birthday occurring after the date on which the probationary license is issued. During the probationary period, the number of demerit points assessed for a second or subsequent ~~conviction~~ conviction is increased by two demerit points. A person who accumulates an excessive total of demerit points may have his or her operating privilege suspended or revoked. In addition, the department of transportation (DOT) may extend this probationary period if the licensee repeatedly commits traffic violations. A qualified applicant who is at least 21 years of age and has been licensed to drive in another jurisdiction for at least three years is issued a regular license with no probationary period.

BILL

This bill changes the eligibility requirements for a probationary license issued to an applicant for a driver's license who is under 18 years of age (youthful applicant). First, a youthful applicant must hold an instruction permit for at least six months before applying for initial issuance of a driver's license. Current law requires only a 7-day to 14-day instruction permit period. Second, a probationary license may be issued to a youthful applicant only if, during the 6-month period preceding the application, the youthful applicant did not commit a traffic violation resulting in conviction, and was not involved in an accident for which the youthful applicant is issued a citation for a moving violation. Finally, the bill requires a youthful applicant for initial issuance of a driver's license to include with his or her application a certification that he or she completed the equivalent of at least 50 hours of behind-the-wheel driving while accompanied by a driving instructor or by a licensed driver who is at least 25 years of age and possesses at least two years' driving experience. At least 10 of those 50 hours must be nighttime driving.

The bill also creates operating restrictions that apply to certain youthful licensees while driving under a probationary license. During the first nine months following issuance of a probationary license, a licensee who is under 18 years of age at the time of issuance may not: 1) transport persons under 25 years of age in the vehicle, other than immediate family members; or 2) drive between the hours of 12 midnight and 5 a.m., unless accompanied by his or her parent or legal guardian or a licensed driver who is at least 25 years of age or unless traveling to or from employment or school. These operating restrictions are extended for an additional six months if the youthful licensee violates these restrictions, commits a moving violation resulting in a conviction, is involved in an accident and issued a citation for a moving violation, or has his or her operating privilege suspended for any reason other than a mental or physical disability.

Under current law, a person who violates a license restriction is fined not less than \$200 nor more than \$600 and imprisoned for up to six months for a first offense, and fined not less than \$300 nor more than \$1,000 and imprisoned for not less than five days nor more than six months for a second or subsequent violation. In addition, DOT may suspend the violator's operating privilege for up to one year.

The bill requires DOT to suspend the operating privilege of a person who holds a probationary license, who was under 18 years of age at the time the license was issued and who accumulates nine demerit points in 12 months. Currently, DOT may suspend an operating privilege for excessive demerit point accumulation only if a person accumulates 12 demerit points in 12 months. The bill requires DOT to continue a youthful licensee on probationary status while the person is subject to the operating restrictions described above and specifies that a period of restriction does not run while a person's operating privilege is suspended.

Under current law, a law enforcement officer may not stop or inspect a vehicle solely to determine compliance with safety belt equipment, installation or use requirements, but may issue a citation for a violation observed in the course of a stop or inspection made for other purposes. A law enforcement officer may not take a person into physical custody solely for a violation of those requirements. This bill authorizes primary enforcement of safety belt equipment, installation and use

BILL

requirements if the driver of the vehicle reasonably appears to be under 18 years of age. A law enforcement officer may stop or inspect a vehicle operated by such a driver solely to determine compliance with safety belt equipment, installation or use requirements and may take such a person into physical custody solely for a violation of those requirements.

Also under current law, a person under 16 years of age who holds an instructional permit may not operate a motor vehicle unless accompanied by a qualified person, including any person who is at least 21 years of age, has at least two years of driving experience and who is authorized in writing by the person's parent or guardian to accompany the permittee. This bill increases the minimum age requirement of this qualified accompanying person from 21 years of age to 25 years of age.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

Insert A

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

Insert from Sec 6 PR 15

SECTION 1. 343.07 (1) (b) of the statutes is amended to read:

343.07 (1) (b) A permittee under the age of 16 is restricted to operation of a motor vehicle only while ^{unless} accompanied by a qualified instructor, the permittee's parent or ^{or spouse} guardian who meets the other qualifications of par. (a) or a licensed person 21 ²⁵ years of age or older who meets the other qualifications of par. (a) and who has been designated in writing to accompany the permittee by the permittee's parent or ^{or spouse} guardian prior to operation of the vehicle by the permittee. Upon reaching the age of 16, the permittee gains the privilege of any other permittee.

19 may not operate

SECTION 2. 343.085 (1) of the statutes is renumbered 343.085 (1) (a) and amended to read:

343.085 (1) (a) Except as provided in par. (b) and 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 the original license. ^{as provided in s. 343.20(1)(a)}

Insert 3-8

Insert 3-9

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BILL

1 SECTION 3. 343.085 (1) (b) of the statutes is created to read:

2 343.085 (1) (b) The department may not issue a probationary license under this
3 section to an applicant who is under ~~18~~¹⁹ years of age unless the applicant has held an
4 instruction permit issued under s. 343.07 for not less than 6 months and, during the
5 6-month period immediately preceding application, has not committed a moving
6 violation resulting in a conviction ~~or been involved in an accident for which the~~
7 ~~applicant is issued a traffic citation for a moving violation.~~

8 SECTION 4. 343.085 (2m) of the statutes is created to read:

9 343.085 (2m) (a) Except as provided in this subsection, during the 9-month
10 period after issuance of a probationary license under this section, the licensee may
11 not operate a motor vehicle upon a highway in this state:

12 1. Whenever any person ~~under 25 years of age~~^{under 25 years of age}, other than the licensee or a
13 member of ~~his or her~~^{the licensee's} immediate family, is in the motor vehicle.

or a person who meets the requirements under s. 343.07 (1) (a)

14 2. Between the hours of 12 midnight and 5 a.m., unless his or her parent or ~~guardian~~
15 guardian, ~~or a licensed driver who is at least 25 years of age and has at least 2 years'~~
16 ~~driving experience,~~ occupies the seat beside the licensee, or unless ~~he or she~~^{the licensee} is
17 traveling between his or her place of residence, school or place of employment.

insert 4-17-18

18 (b) 1. The ~~restrictions under par. (a) shall be extended~~^{department shall extend the} for an additional
19 6-month period if any of the following occurs while the licensee is subject to the
20 restrictions under par. (a):

(The licensee commits an offense specified by the department by rule,

21 a. ~~A moving violation~~ resulting in a conviction of the licensee.

22 b. An accident for which the licensee is issued a traffic citation for a moving
23 violation.

24 c. ~~Suspension of~~ the licensee's operating privilege for any reason other than a
25 mental or physical disability.

A court or the department suspends

b. The licensee violates par. (a).

BILL

1

~~d. A violation of par. (a) committed by the licensee.~~

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2. If a restriction period ~~is imposed~~ ^{the department extends} under subd. 1., the department shall immediately provide notice of the extension by 1st class mail to the person's last-known residence address.

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(c) A period of restriction under this subsection does not run while a person's operating privilege is suspended ^{or revoked}.

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(d) This subsection applies only to a licensee who is under ~~18~~ ¹⁹ years of age on the date on which the probationary license is first issued to him or her.

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INSERT
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SECTION 5. 343.085 (4) of the statutes is amended to read:

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343.085 (4) The secretary may require that a person be continued on probationary status beyond the period of first issuance if such person appears by the records of the department to have repeatedly violated any of the state traffic laws or any local ordinance in conformity therewith or any law of a federally recognized American Indian tribe or band in this state in conformity with any of the state traffic laws. A person may not be continued on probationary status due to a suspension under s. 343.30 (6). The secretary shall require that a person be continued on probationary status while the person is subject to restrictions under sub. (2m) (a).

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SECTION 6. 343.14 (2) (e) of the statutes is renumbered 343.14 (2) (e) 1. (intro.) and amended to read:

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343.14 (2) (e) 1. (intro.) If the application is made by a person under 18 years of age, documentary proof that the applicant is meets all of the following conditions:

21

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a. 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

23

24

BILL

Sec. #. CR; 343.06 (1) (CM)

SECTION 6

move to pg. 3, l. 1

or is enrolled in a home-based private educational program, as defined in s. 115.001 (3g).

2. 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 7. 343.14 (2) (e) 1. b. of the statutes is created to read:

343.14 (2) (e) 1. b. ^{343.06 (1) (CM)} ~~The applicant~~ ^{To any person under 19 years of age, unless the person} has accumulated at least 50 hours of

behind-the-wheel driving experience, at least 10 hours of which were during hours

of darkness ~~while accompanied by a qualified instructor, as defined in s. 343.07 (1),~~

~~or by a licensed person who is at least 25 years of age and has at least 2 years driving~~

~~experience.~~ Each hour of behind-the-wheel driving experience while accompanied

by a qualified instructor, ^{as defined in s. 343.07 (5),} shall be considered to be 2 hours of behind-the-wheel

driving experience, except that no more than 5 hours of behind-the-wheel driving

experience while accompanied by a qualified instructor may be counted in this

manner. ^{This paragraph does not apply to applicants for a restricted license under s. 343.08 or a special restricted operator's license under s. 343.135.}

insg 6-15

SECTION 8. 343.15 (1) (c) of the statutes is created to read:

343.15 (1) (c) The adult sponsor under par. (a) shall sign and verify on the

application, or on another form provided by the department, that the person under

~~18~~ ¹⁹ years of age has satisfied the requirements described under s. 343.14 (2) (e) 1. b.

SECTION 9. 343.32 (2) (c) of the statutes is renumbered 343.32 (2) (c) 1. and

amended to read:

343.32 (2) (c) 1. ~~In~~ Except as provided in subd. 2., in order for the secretary to

suspend or revoke an operating privilege under this subsection, the operator must

have accumulated 12 demerit points in any 12-month period.

BILL

1 **SECTION 10.** ~~343.32 (2) (c) of the statutes, as affected by 1997 Wisconsin Act 84,~~
2 ~~is renumbered 343.32 (2) (c) 1. and amended to read:~~

3 ~~343.32 (2) (c) 1. In Except as provided in subd. 2., in order for the secretary to~~
4 ~~suspend an operating privilege under this subsection, the operator must have~~
5 ~~accumulated 12 demerit points in any 12-month period.~~

6 **SECTION 11.** 343.32 (2) (c) 2. of the statutes is created to read:

7 343.32 (2) (c) 2. The secretary shall suspend, for a period of 6 months, the
8 operating privilege of any person who has accumulated ~~12~~¹² demerit points in any
9 12-month period, if the person holds a probationary license and was under ~~18~~¹⁹ years
10 of age when the probationary license was first issued to him or her.

11 **SECTION 12.** 347.48 (2m) (gm) of the statutes is amended to read:

12 347.48 (2m) (gm) Notwithstanding s. 349.02, a law enforcement officer may not
13 stop or inspect a vehicle solely to determine compliance with this subsection or sub.
14 (1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules
15 of the department, unless the person operating the vehicle reasonably appears to be
16 under ~~18~~¹⁹ years of age. This paragraph does not limit the authority of a law
17 enforcement officer to issue a citation for a violation of this subsection or sub. (1) or
18 (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules of
19 the department observed in the course of a stop or inspection made for other
20 purposes, except that a law enforcement officer may not take a person into physical
21 custody solely for a violation of this subsection or sub. (1) or (2) or a local ordinance
22 in conformity with this subsection, sub. (1) or (2) or rules of the department.

23 **SECTION 13. Initial applicability.**

24 (1) INSTRUCTIONAL PERMITS AND PROBATIONARY LICENSES. The treatment of
25 sections 343.07 (1) (b), 343.085 (2m) and (4), and ~~343.12 (1) (a)~~ of the statutes, the

343.06 (1)(cm),

343.32 (2) (bc)

343.21 (1) (i) and

sort out of order
insert 7-10

and

and (c) and (3)
(a)

BILL

SECTION 13

1 renumbering and amendment of section 343.085 (1) ~~343.14 (2)(a)~~ and 343.32 (2) (c) ^{SECRET}
 2 ~~(by SECTION 9)~~ of the statutes and the creation of sections 343.085 (1) (b) ~~343.14 (2)(a)~~
 3 ~~and~~ and 343.32 (2) (c) 2. of the statutes first apply to licenses and permits applied
 4 for on the effective date of this subsection.

5 (2) SAFETY BELTS. The treatment of section 347.48 (2m) (gm) of the statutes first
 6 applies to vehicles stopped or inspected on the effective date of this subsection.

7 **SECTION 14. Effective dates.** This act takes effect on the ^{first} day after publication, ^{4th}
 8 except as follows: ^{of the month beginning}

9 (1) The renumbering and amendment of section 343.32 (2) (c) ~~(by SECTION 10)~~
 10 of the statutes takes effect on May 1, 2000, or on the date stated for that paragraph
 11 in the notice published by the secretary of transportation in the Wisconsin
 12 Administrative Register under section 85.515 of the statutes, whichever is earlier.

(END)

insert
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(#) ^(CS) SECTION ** (***) of this act

auto ref.

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takes effect on the day after publication.

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4th
of the month beginning

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0241/2dn

...PEN: *Amg*

November 16, 1998

This draft is significantly changed from the previous version. Please review this draft closely. In particular, review s. 343.07 closely. Is this your intent?

Check the list of offenses under the nonstatutory provision relating to extending the restriction period. Is this list complete?

Do you want instruction permits for commercial motor vehicles to be valid for 12 months? See proposed s. 343.07 (3).

I deleted the language specifying who must accompany a probationary licensee during nighttime driving under proposed s. 343.06 (1) (cm) (formerly proposed s. 343.14 (2) (e) 1. b.), since this list was made the same as the list of persons who may accompany a probationary licensee under proposed s. 343.07 (1) (a).

Proposed s. 343.085 (a) (b), requiring applicants to hold an instruction permit for 6 months, does not apply to qualified licensed drivers moving here from another state. See s. 343.085 (2), stats.

Paul E. Nilsen
Legislative Attorney
261-6926

This draft allows people who have had their restriction periods^{ds} extended (for bad driving) to drive in ^a safe-ride programs. (teen)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0241/2insA
PEN.....

and
Six

For most people, the process of obtaining a driver's license in this state involves obtaining an instruction permit at 15 years ~~6~~ months of age, a probationary license at 16 years of age and a regular license at 18 years of age. Each of these three phases of licensing carries different privileges and possible penalties. This bill modifies certain eligibility requirements, privileges and penalties that apply to these three phases of licensing to implement a system commonly known as "graduated driver licensing".

Current law prohibits a person who possesses an instruction permit (permittee) from driving a motor vehicle unless accompanied by a qualified driving instructor or a person who has possessed a driver's license for at least ~~2~~ years. If the permittee is under 16 years of age, the licensed accompanying person must have the written permission of the permittee's parent or guardian to accompany the permittee. Except for properly equipped driving school vehicles, no other passengers are allowed in a vehicle ~~driving~~ by a permittee under 16 years of age. A permittee who is at least 16 years of age may drive a motor vehicle when accompanied by a third person, in addition to the qualified accompanying person, who is 25 years of age or older and has possessed a license for at least ~~2~~ years.

~~2~~

who
is

This bill changes the qualifications for persons accompanying an instruction permit holder while driving a motor vehicle. Under the bill, a permittee may drive only when accompanied by one of the following persons, who must hold a valid license and have at least ~~2~~ years of driving experience:

1. A driving school instructor who is at least 18 years of age. Up to ~~3~~ additional passengers may be present in the vehicle if the vehicle is a driving instruction vehicle equipped with dual controls.

2. The permittee's parent, guardian or spouse who is at least 18 years ~~old~~. The permittee's immediate family members may also be present in the vehicle with the permittee's parent, guardian or spouse.

3. Any person ~~at~~ least 21 years of age. If the permittee is 19 years of age ~~or~~ ~~younger~~, the licensed person accompanying the permittee must have the written permission of the permittee's parent or guardian.

This bill also increases the valid period of an instruction permit from ~~6~~ months to ~~1~~ year and increases the fee for an instruction permit from \$20 to \$25.

Under current law, an applicant who qualifies for initial issuance of a driver's license is issued a probationary license and is subject to a probationary period (a qualified applicant who is at least 21 years of age and has been licensed to drive in another jurisdiction for at least three years is issued a regular license with no probationary period). The probationary period generally lasts two years, until the applicant's second birthday occurring after the date on which the probationary license is issued. During the probationary period, the number of demerit points assessed for a second or subsequent traffic conviction is increased by two demerit points. A person who accumulates an excessive total of demerit points may have his or her operating privilege suspended or revoked. In addition, the department of

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transportation (DOT) may extend this probationary period if the licensee repeatedly commits traffic violations.

This bill changes the eligibility requirements for a probationary license issued to an applicant for a driver's license who is under 19 years of age and who has less than 2 years of driving experience (youthful applicant). First, a youthful applicant must hold an instruction permit for at least six months before applying for initial issuance of a driver's license. Current law requires only a 7-day to 14-day instruction permit period. Second, a probationary license may be issued to a youthful applicant only if, during the 6-month period preceding the application, the youthful applicant did not commit a traffic violation resulting in conviction. Finally, the bill requires a youthful applicant for initial issuance of a regular driver's license to complete the equivalent of at least 50 hours of behind-the-wheel driving. At least 10 of those 50 hours must be nighttime driving.

The bill also creates driving restrictions that apply to certain youthful licensees while driving under a probationary license. During the first nine months following issuance of a probationary license, a licensee who was under 19 years of age at the time the probationary license was issued (youthful licensee) may not: 1) transport persons, other than immediate family members and persons who may accompany a person driving under an instruction permit; or 2) drive between the hours of 12 midnight and 5 a.m., unless accompanied by his or her parent or guardian or by a person who may accompany a person driving under an instruction permit, or unless traveling to or from employment or school. These driving restrictions are extended for an additional six months if the youthful licensee violates these restrictions, commits an offense specified by DOT by rule or has his or her operating privilege suspended for any reason other than a mental or physical disability.

The bill creates a limited exception to the driving restrictions to allow a probationary licensee to drive between the hours of 12 midnight and 5 a.m. in an organized "teen safe-ride program", which provides teenagers with free rides to their homes.

Currently, DOT may suspend an operating privilege for excessive demerit point accumulation if a person accumulates 12 demerit points in 12 months. This bill doubles the number of demerit points assessed against a youthful licensee who is subject to the driving restrictions described above and requires DOT to suspend the operating privilege of a probationary licensee who accumulates 12 demerit points in 12 months. The bill requires DOT to continue a youthful licensee on probationary status while the person is subject to the driving restrictions described above and specifies that a period of restriction does not run while a person's operating privilege is suspended or revoked.

Under current law, a law enforcement officer may not stop or inspect a vehicle solely to determine compliance with safety belt equipment, installation or use requirements, but may issue a citation for a violation observed in the course of a stop or inspection made for other purposes. A law enforcement officer may not take a person into physical custody solely for a violation of those requirements. This bill authorizes primary enforcement of safety belt equipment, installation and use requirements if the driver of the vehicle reasonably appears to be under 19 years of

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, but may not

age. A law enforcement officer may stop or inspect a vehicle being driven by such a driver solely to determine compliance with safety belt equipment, installation or use requirements ~~and may~~ take such a person into physical custody solely for a violation of those requirements. ✓

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

(end insert)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0241/2ins
PEN.....

insert
3-8

1 SECTION 1. 343.07 (1) (a) and (b) of the statutes are consolidated, renumbered
2 343.07 (1) (a) and amended to read: (intro.)

3 343.07 (1) (a) ~~If the permittee is at least 16 years of age, the permittee shall not~~
4 Except as provided in this subsection, no permittee may operate a motor vehicle
5 unless accompanied by a ~~qualified instructor, or~~ a licensed person with who has at
6 least 2 years of licensed driving experience, who presently holds a valid license,
7 ~~occupying who occupies~~ the seat beside the permittee. ~~No other passengers are~~
8 ~~allowed in the vehicle except as provided in par. (c) or (em).~~ ^(aa) ~~(b)~~ and who is one of the
9 following:

10 1. A permittee ~~under the age of 16 is restricted to operation of a motor vehicle~~
11 ~~only while accompanied by a qualified instructor, the~~ 18 years of age or older. If the
12 motor vehicle is equipped with dual controls, up to 3 other persons, in addition to the
13 qualified instructor, may occupy seats in the motor vehicle other than the front seat.

14 2. The permittee's parent or, guardian who meets the other qualifications of
15 par. (a) or a licensed or spouse who is 18 years of age or older. In addition to the
16 parent, ~~legal~~ guardian or spouse, the permittee's immediate family members may
17 occupy seats in the motor vehicle other than the front seat.

18 3. A person ^{who is} 21 years of age or older who meets the other qualifications of par.
19 (a) and who has. If the permittee is under 19 years of age, this subdivision applies
20 only if the licensed person has been designated in writing to accompany the
21 permittee by the permittee's parent or guardian prior to operation of the vehicle by
22 the permittee. Upon reaching the age of 16, the permittee gains the privilege of any
23 other permittee.

History: 1971 c. 164; 1973 c. 199; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 128, 273; 1979 c. 345; 1983 a. 243; 1985 a. 65, 202; 1987 a. 122; 1989 a. 87, 105, 359; 1991 a. 12, 269, 316; 1993 a. 16, 24, 399; 1995 a. 27 s. 9145 (1); 1997 a. 27.



1

SECTION 2. 343.07 (1) (c) of the statutes is repealed.

(end insert)



insert
3-9



Section #. 343.07 (3) of the statutes is amended to read:

to operate vehicles other than commercial motor vehicles or school buses is

343.07 (3) DURATION; CANCELLATION. An instruction permit shall be valid for ~~6~~¹² months except that it may be canceled upon receipt of information, by the secretary, of noncompletion or unsatisfactory completion of a driver education and training course by a permittee under the age of 18.

History: 1971 c. 164; 1973 c. 199; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 128, 273; 1979 c. 345; 1983 a. 243; 1985 a. 65, 202; 1987 a. 122; 1989 a. 87, 105, 359; 1991 a. 12, 269, 316; 1993 a. 16, 24, 399; 1995 a. 27 s. 9145 (1); 1997 a. 27.

An instruction permit to operate commercial motor vehicles or school buses is valid for 6 months.

(end insert)

insert
4-17

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO 1999 ASSEMBLY BILL (LRB-0241/1)



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At the locations indicated, amend the bill as follows:
1. Page 4, line 17: after that line insert:

(am) Notwithstanding par. (a), during the 9-month period after issuance of a probationary license, the licensee may operate a motor vehicle between the hours of 12 midnight and 5 a.m. if all of the following apply:

or spouse

1. The licensee is operating the motor vehicle in the service of an organized program that, without compensation, transports teenagers to their homes.

without his or her parent, guardian, or a person who meets the requirements under S. 343.97(1)(a)

2. The licensee possesses documentation that identifies the program and the licensee and that authorizes the licensee to operate a motor vehicle in service of the program on the date and time of the operation. The documentation is valid only if signed by a person who is at least 25 years of age and associated with the program.

insert
5-8

Section #. 343.085 (3) of the statutes is amended to read:

343.085 (3) The secretary may suspend a person's operating privilege under this section when such person has been assigned sufficient demerit points after conviction for traffic violations to require suspension under the rule adopted under sub. (5) and either holds a license issued under this section or by age comes under this section. The secretary may revoke such a person's operating privilege under this section if such person has a previous suspension under this section.

NOTE: Sub. (3) is amended eff. 5-1-2000 or the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under s. 85.515, whichever is earlier, by 1997 Wis. Act 84 to read:

(3) The secretary may suspend a person's operating privilege under this section when such person has been assigned sufficient demerit points after conviction for traffic violations to require suspension under the rule adopted under sub. (5) and either holds a license issued under this section or by age comes under this section.

History: 1971 c. 204; 1977 c. 29 s. 1654 (7) (a), (c); 1979 c. 306; 1979 c. 331 ss. 59, 72; 1981 c. 314; 1989 a. 105, 359; 1991 a. 39; 1997 a. 84, 237.

This subsection applies only to ^{a person holding a} probationary license^y applied for before the effective date of this subsection... [revisor inserts date].

that the person

1997
1997 ~~Act~~ Wisconsin Act 84 and 9
1997 Wisconsin Act 2

Sec. #. RP; 343.085 (3), as affected by (this act),

index
5-17

Section #. 343.085 (5) of the statutes is amended to read:

343.085 (5) For the purpose of determining when to suspend or to continue a person on probationary status, the secretary may determine and adopt by rule a method of weighing traffic convictions by their seriousness and may change such weighted scale from time to time as experience or the accident frequency in the state makes necessary or desirable. Such scale may be weighted differently for this licensee than the scale used to determine revocations under s. 343.32.

~~NOTE: Sub. (5) is amended eff. 5-1-2000 or the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under s. 85.515, whichever is earlier, by 1997 Wis. Act 84 to read:~~

~~(5) For the purpose of determining when to suspend or to continue a person on probationary status, the secretary may determine and adopt by rule a method of weighing traffic convictions by their seriousness and may change such weighted scale from time to time as experience or the accident frequency in the state makes necessary or desirable. Such scale may be weighted differently for this licensee than the scale used to determine suspensions under s. 343.32.~~

~~History: 1971 c. 204; 1977 c. 29 s. 1654 (7) (a), (c); 1979 c. 306; 1979 c. 331 ss. 59, 72; 1981 c. 314; 1989 a. 105, 359; 1991 a. 39; 1997 a. 84, 237.~~

a person holding a

This subsection applies only to probationary licensees that the person applied for before the effective date of this subsection. [revisor inserts date].

Sec. #. RP: 343.085 (5), as affected by 1997 Wisconsin Act 84 and 1997 Wisconsin Act 84 and (end insert)

insert
6-15

Section #. 343.21 (1) (i) of the statutes is amended to read:

343.21 (1) (i) Except as provided in par. (im), for an instruction permit, ~~\$20~~

\$25

History: 1973 c. 90, 309; 1975 c. 5; 1977 c. 29 ss. 1459, 1654 (7) (a); 1977 c. 273; 1979 c. 221, 306; 1981 c. 20, 71; 1983 a. 243; 1985 a. 29, 65; 1987 a. 3, 358; 1989 a. 105; 1991 a. 39; 1993 a. 16; 1995 a. 113; 1997 a. 27.

(end insert)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0241/2ins7
PEN.....

insert
7-10



SECTION 1. 343.32 (2) (bc) of the statutes is created to read:

343.32 (2) (bc) ^{el}(1) The scale adopted by the secretary shall assess to a person who holds a probationary license and who is subject to the restrictions under s. 343.085 (2m) on the date of conviction, for each conviction, twice the number of demerit points that are assessed for the same offense to a person ~~possessing~~ a regular license.

who possesses

(end insert)

insert
8-6

auto ref.
↓
**

SECTION I. Nonstatutory provisions.

*** auto ref.

beginning after the effective date of this subsection

(1) OFFENSES REQUIRING AN EXTENSION OF A PROBATIONARY LICENSEE'S RESTRICTION PERIOD. Not later than the ~~1st~~ ^{first} day of the 4th month, the secretary of transportation shall submit ~~shall submit~~ in proposed form rules required under section 343.085 (2m) (b) 1. of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes. The rules may not propose to extend a period of restriction under section 343.085 (2m) (b) of the statutes, as created by this act, for a violation of section 343.05 (1) or (3), 343.12 (1), 346.595 (1) or (6), 347.20, 347.28, 347.29 (1), 347.38 (1), (2) or (4), 347.40, 347.42, 347.46, 347.47, 347.485 (2), 347.486 (2), 347.487 or 347.488 of the statutes, nor for operating a motor vehicle with an operating privilege that is suspended or revoked or with an operator's license that is expired.

(end insert)

1999

INS

FFF

LRB _____ / _____

Nonstat File Sequence:

EFFECTIVE DATE

1. In the component bar: For the action phrase, execute: ... **create** → **action:** → *NS: → **effdate**
For the text, execute: **create** → **text:** → *NS: → **effdateA**
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in "____" or "()" only if a "frozen" number is needed.

SECTION # _____ . Effective date:

(#1) () This act takes effect on

1. In the component bar: For the action phrase, execute: .. **create** → **action:** → *NS: → **effdateE**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in "____" or "()" only if a "frozen" number is needed.

SECTION # _____ . Effective dates;

..... This act takes effect on the day after publication, except as follows:

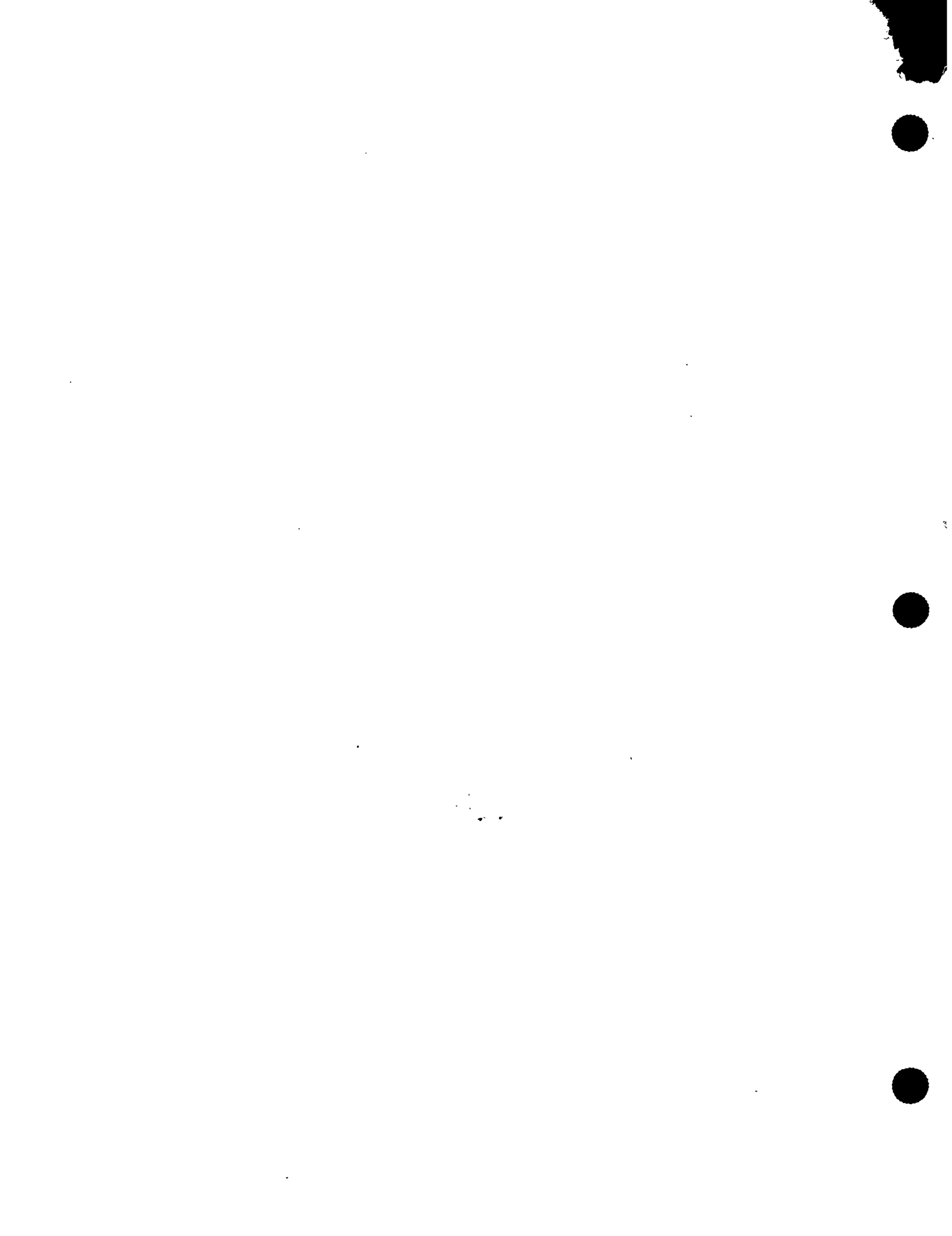
(#1) () The ~~treatment~~ of section 343.085 (3) and (5) [✓] [✓] ~~of the statutes~~ ^{is repealed} takes effect on the first day of the 36th month beginning after the effective date of this subsection. ^{→ publication}

1. In the component bar: For the budget action phrase, execute:..**create** → **action:** → *NS: → **94XX**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, for the budget, fill in the **9400** department code; and fill in "()" only if a "frozen" number is needed.

SECTION 94 _____ . Effective dates;

(#1) () The treatment of sections of the statutes takes effect on

(end insert)



**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0241/2dn
PEN:kmg:jf

December 14, 1998

This draft is significantly changed from the previous version. Please review this draft closely. In particular, review s. 343.07 closely. Is this your intent?

Check the list of offenses under the nonstatutory provision relating to extending the restriction period. Is this list complete?

Do you want instruction permits for commercial motor vehicles to be valid for 12 months? See proposed s. 343.07 (3).

I deleted the language specifying who must accompany a probationary licensee during nighttime driving under proposed s. 343.06 (1) (cm) (formerly proposed s. 343.14 (2) (e) 1. b.), since this list was made the same as the list of persons who may accompany a probationary licensee under proposed s. 343.07 (1) (a).

Proposed s. 343.085 (1) (b), requiring applicants to hold an instruction permit for 6 months, does not apply to qualified licensed drivers moving here from another state. See s. 343.085 (2), stats.

This draft allows people who have had their restriction periods extended (for bad driving) to drive in teen safe-ride programs.

Paul E. Nilsen
Legislative Attorney
261-6926



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-02418
PEN:pk&kg:jf

Fri. 1/15/99

stays
3

1999 BILL

d-note

Sen. Cat.

1 **AN ACT to repeal** 343.07 (1) (c), 343.085 (3) and 343.085 (5); **to renumber and**
 2 **amend** 343.085 (1) and 343.32 (2) (c); **to consolidate, renumber and amend**
 3 343.07 (1) (a) and (b); **to amend** 343.07 (3), 343.085 (3), 343.085 (4), 343.085 (5),
 4 343.21 (1) (i) and 347.48 (2m) (gm); and **to create** 343.06 (1) (cm), 343.085 (1)
 5 (b), 343.085 (2m), 343.32 (2) (bc) and 343.32 (2) (c) 2. of the statutes; **relating**
 6 **to:** instruction permits, probationary licenses and regular licenses to operate
 7 motor vehicles; primary enforcement of requirements related to safety belt
 8 equipment, installation and use; granting rule-making authority; and
 9 providing a penalty.

Analysis by the Legislative Reference Bureau

For most people, the process of obtaining a driver's license in this state involves obtaining an instruction permit at 15 years six months of age, a probationary license at 16 years of age and a regular license at 18 years of age. Each of these three phases of licensing carries different privileges and possible penalties. This bill modifies certain eligibility requirements, privileges and penalties that apply to these three phases of licensing to implement a system commonly known as "graduated driver licensing".

BILL

Current law prohibits a person who possesses an instruction permit (permittee) from driving a motor vehicle unless accompanied by a qualified driving instructor or a person who has possessed a driver's license for at least two years. If the permittee is under 16 years of age, the licensed accompanying person must have the written permission of the permittee's parent or guardian to accompany the permittee. Except for properly equipped driving school vehicles, no other passengers are allowed in a vehicle being driven by a permittee who is under 16 years of age. A permittee who is at least 16 years of age may drive a motor vehicle when accompanied by a third person, in addition to the qualified accompanying person, who is 25 years of age or older and has possessed a license for at least two years.

This bill changes the qualifications for persons accompanying an instruction permit holder while driving a motor vehicle. Under the bill, a permittee may drive only when accompanied by one of the following persons, who must hold a valid license and have at least two years of driving experience:

1. A driving school instructor who is at least 18 years of age. Up to three additional passengers may be present in the vehicle if the vehicle is a driving instruction vehicle equipped with dual controls.

2. The permittee's parent, guardian or spouse who is at least 18 years of age. The permittee's immediate family members may also be present in the vehicle with the permittee's parent, guardian or spouse.

3. Any person who is at least 21 years of age. If the permittee is younger than 19 years of age, the licensed person accompanying the permittee must have the written permission of the permittee's parent or guardian.

This bill also increases the valid period of an instruction permit from six months to one year and increases the fee for an instruction permit from \$20 to \$25.

Under current law, an applicant who qualifies for initial issuance of a driver's license is issued a probationary license and is subject to a probationary period (a qualified applicant who is at least 21 years of age and has been licensed to drive in another jurisdiction for at least three years is issued a regular license with no probationary period). The probationary period generally lasts two years, until the applicant's second birthday occurring after the date on which the probationary license is issued. During the probationary period, the number of demerit points assessed for a second or subsequent traffic conviction is increased by two demerit points. A person who accumulates an excessive total of demerit points may have his or her operating privilege suspended or revoked. In addition, the department of transportation (DOT) may extend this probationary period if the licensee repeatedly commits traffic violations.

This bill changes the eligibility requirements for a probationary license issued to an applicant for a driver's license who is under 19 years of age and who has less than two years of driving experience (youthful applicant). First, a youthful applicant must hold an instruction permit for at least six months before applying for initial issuance of a driver's license. Current law requires only a seven-day to fourteen-day instruction permit period. Second, a probationary license may be issued to a youthful applicant only if, during the six-month period preceding the application, the youthful applicant did not commit a traffic violation resulting in conviction. Finally,

BILL

the bill requires a youthful applicant for initial issuance of a regular driver's license to complete the equivalent of at least 50 hours of behind-the-wheel driving. At least ten of those 50 hours must be nighttime driving.

The bill also creates driving restrictions that apply to certain youthful licensees while driving under a probationary license. During the first nine months following issuance of a probationary license, a licensee who was under 19 years of age at the time the probationary license was issued (youthful licensee) may not: 1) transport persons, other than immediate family members and persons who may accompany a person driving under an instruction permit; or 2) drive between the hours of 12 midnight and 5 a.m., unless accompanied by his or her parent, guardian or spouse or by a person who may accompany a person who is driving under an instruction permit, or unless traveling to or from employment or school. These driving restrictions are extended for an additional six months if the youthful licensee violates these restrictions, commits an offense specified by DOT by rule or has his or her operating privilege suspended for any reason other than a mental or physical disability.

The bill creates a limited exception to the driving restrictions to allow a probationary licensee to drive ~~in an organized "teen safe-ride program"~~ in an organized "teen safe-ride program", which provides teenagers with free rides to their homes, *if specific requirements are met*

Currently, DOT may suspend an operating privilege for excessive demerit point accumulation if a person accumulates 12 demerit points in 12 months. This bill doubles the number of demerit points assessed against a youthful licensee who is subject to the driving restrictions described above and requires DOT to suspend the operating privilege of a probationary licensee who accumulates 12 demerit points in 12 months. The bill requires DOT to continue a youthful licensee on probationary status while the person is subject to the driving restrictions described above and specifies that a period of restriction does not run while a person's operating privilege is suspended or revoked.

Under current law, a law enforcement officer may not stop or inspect a vehicle solely to determine compliance with safety belt equipment, installation or use requirements, but may issue a citation for a violation observed in the course of a stop or inspection made for other purposes. A law enforcement officer may not take a person into physical custody solely for a violation of those requirements. This bill authorizes primary enforcement of safety belt equipment, installation and use requirements if the driver of the vehicle reasonably appears to be under 19 years of age. A law enforcement officer may stop or inspect a vehicle being driven by such a driver solely to determine compliance with safety belt equipment, installation or use requirements, but may not take such a person into physical custody solely for a violation of those requirements.

BILL

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 343.06 (1) (cm) of the statutes is created to read:

2 343.06 (1) (cm) To any person under 19 years of age, unless the person has
3 accumulated at least 50 hours of behind-the-wheel driving experience, at least 10
4 hours of which were during hours of darkness. Each hour of behind-the-wheel
5 driving experience while accompanied by a qualified instructor, as defined in s.
6 343.07 (5), shall be considered to be 2 hours of behind-the-wheel driving experience,
7 except that no more than 5 hours of behind-the-wheel driving experience while
8 accompanied by a qualified instructor may be counted in this manner. This
9 paragraph does not apply to applicants for a restricted license under s. 343.08 or a
10 special restricted operator's license under s. 343.135.

11 **SECTION 2.** 343.07 (1) (a) and (b) of the statutes are consolidated, renumbered
12 343.07 (1) (a) (intro.) and amended to read:

13 343.07 (1) (a) (intro.) ~~If the permittee is at least 16 years of age, the permittee~~
14 ~~shall not~~ Except as provided in this subsection, no permittee may operate a motor
15 vehicle unless accompanied by ~~a qualified instructor, or~~ a licensed person ~~with who~~
16 has at least 2 years of licensed driving experience, who presently holds a valid
17 license, ~~occupying who occupies~~ the seat beside the permittee. ~~No other passengers~~
18 ~~are allowed in the vehicle except as provided in par. (c) or (cm).~~ (b) and who is one
19 of the following:

20 1. A permittee under the age of 16 is restricted to operation of a motor vehicle
21 only while accompanied by a qualified instructor, the who is 18 years of age or older.

BILL

1 If the motor vehicle is equipped with dual controls, up to 3 other persons, in addition
2 to the qualified instructor, may occupy seats in the motor vehicle other than the front
3 seat.

4 2. The permittee's parent or, guardian who meets the other qualifications of
5 par. (a) or a licensed or spouse who is 18 years of age or older. In addition to the
6 parent, guardian or spouse, the permittee's immediate family members may occupy
7 seats in the motor vehicle other than the front seat.

8 3. A person who is 21 years of age or older who meets the other qualifications
9 of par. (a) and who has. If the permittee is under 19 years of age, this subdivision
10 applies only if the licensed person has been designated in writing to accompany the
11 permittee by the permittee's parent or guardian prior to operation of the vehicle by
12 the permittee. Upon reaching the age of 16, the permittee gains the privilege of any
13 other permittee.

14 **SECTION 3.** 343.07 (1) (c) of the statutes is repealed.

15 **SECTION 4.** 343.07 (3) of the statutes is amended to read:

16 343.07 (3) DURATION; CANCELLATION. An instruction permit ~~shall be~~ to operate
17 vehicles other than commercial motor vehicles or school buses is valid for 6 12
18 months except that it may be canceled upon receipt of information, by the secretary,
19 of noncompletion or unsatisfactory completion of a driver education and training
20 course by a permittee under the age of 18. An instruction permit to operate
21 commercial motor vehicles or school buses is valid for 6 months.

22 **SECTION 5.** 343.085 (1) of the statutes is renumbered 343.085 (1) (a) and
23 amended to read:

24 343.085 (1) (a) Except as provided in par. (b) and sub. (2), the department shall
25 issue a probationary license to all applicants for an original license. The

BILL

1 probationary license shall remain in effect during the entire period of the first
2 issuance of the original license as provided in s. 343.20 (1) (a).

3 **SECTION 6.** 343.085 (1) (b) of the statutes is created to read:

4 343.085 (1) (b) The department may not issue a probationary license under this
5 section to an applicant who is under 19 years of age unless the applicant has held an
6 instruction permit issued under s. 343.07 for not less than 6 months and, during the
7 6-month period immediately preceding application, has not committed a moving
8 violation resulting in a conviction.

9 **SECTION 7.** 343.085 (2m) of the statutes is created to read:

10 343.085 (2m) (a) Except as provided in this subsection, during the 9-month
11 period after issuance of a probationary license under this section, ~~the~~^{no} licensee may
12 ~~not~~ operate a motor vehicle upon a highway in this state:

13 1. Whenever any person, other than the licensee or a member of the licensee's
14 immediate family or a person who meets the requirements under s. 343.07 (1) (a), is
15 in the motor vehicle.

16 2. Between the hours of 12 midnight and 5 a.m., unless his or her parent or
17 guardian, or a person who meets the requirements under s. 343.07 (1) (a), occupies
18 the seat beside the licensee, or unless the licensee is traveling between his or her
19 place of residence, school or place of employment.

~~(am) Notwithstanding par. (a), during the 9-month period after issuance of a
20 probationary license, the licensee may operate a motor vehicle between the hours of
21 12 midnight and 5 a.m. without his or her parent, guardian or spouse or a person who
22 meets the requirements under s. 343.07 (1) (a), if all of the following apply:
23~~

24 1. The licensee is operating the motor vehicle in the service of an organized
25 program that, without compensation, transports teenagers to their homes.

(am) Paragraph (a) does not apply to any licensee to whom all
of the apply: following.

7

BILL

1 2. The licensee possesses documentation that identifies the program and the
2 licensee and that authorizes the licensee to operate a motor vehicle in service of the
3 program on the date and time of the operation. The documentation is valid only if
4 signed by a person who is at least 25 years of age and associated with the program.

5 3. ~~Another licensee, other than a teenager who is being transported,~~ ^{The licensee is accompanied by} ~~is~~ ^{who} in the
6 motor vehicle in the service of the program described in subd. 1. ~~and who possesses the~~ ^{documentation described in subd. 2.}

7 4. ~~There shall not be more than 3 passengers in the vehicle, and the licensee~~
8 described in subd. 3. ~~shall not be counted under this subdivision.~~ ^{The licensee is accompanied by Not} ~~counted~~ ^{keep period} ~~under this subdivision.~~ ^{• The}

9 (b) 1. The department shall extend the restrictions under par. (a) for an
10 additional 6-month period if any of the following occurs while the licensee is subject
11 to the restrictions under par. (a): ^{counted}

12 a. The licensee commits an offense specified by the department by rule,
13 resulting in a conviction of the licensee.

14 b. The licensee violates par. (a).

15 c. A court or the department suspends the licensee's operating privilege for any
16 reason other than a mental or physical disability.

17 2. If the department extends a restriction period under subd. 1., the
18 department shall immediately provide notice of the extension by 1st class mail to the
19 person's last-known residence address.

20 (c) A period of restriction under this subsection does not run while a person's
21 operating privilege is suspended or revoked.

22 (d) This subsection applies only to a licensee who is under 19 years of age on
23 the date on which the probationary license is first issued to him or her.

24 **SECTION 8.** 343.085 (3) of the statutes is amended to read:

BILL**SECTION 8**

1 343.085 (3) The secretary may suspend a person's operating privilege under
2 this section when such person has been assigned sufficient demerit points after
3 conviction for traffic violations to require suspension under the rule adopted under
4 sub. (5) and either holds a license issued under this section or by age comes under
5 this section. The secretary may revoke such a person's operating privilege under this
6 section if such person has a previous suspension under this section. This subsection
7 applies only to a person holding a probationary license that the person applied for
8 before the effective date of this subsection [revisor inserts date].

9 **SECTION 9.** 343.085 (3) of the statutes, as affected by 1997 Wisconsin Act 84 and
10 1999 Wisconsin Act (this act), is repealed.

11 **SECTION 10.** 343.085 (4) of the statutes is amended to read:

12 343.085 (4) The secretary may require that a person be continued on
13 probationary status beyond the period of first issuance if such person appears by the
14 records of the department to have repeatedly violated any of the state traffic laws or
15 any local ordinance in conformity therewith or any law of a federally recognized
16 American Indian tribe or band in this state in conformity with any of the state traffic
17 laws. A person may not be continued on probationary status due to a suspension
18 under s. 343.30 (6). The secretary shall require that a person be continued on
19 probationary status while the person is subject to restrictions under sub. (2m) (a).

20 **SECTION 11.** 343.085 (5) of the statutes is amended to read:

21 343.085 (5) For the purpose of determining when to suspend or to continue a
22 person on probationary status, the secretary may determine and adopt by rule a
23 method of weighing traffic convictions by their seriousness and may change such
24 weighted scale from time to time as experience or the accident frequency in the state
25 makes necessary or desirable. Such scale may be weighted differently for this

BILL

1 licensee than the scale used to determine revocations under s. 343.32. This
2 subsection applies only to a person holding a probationary license that the person
3 applied for before the effective date of this subsection [revisor inserts date].

4 **SECTION 12.** 343.085 (5) of the statutes, as affected by 1997 Wisconsin Act 84
5 and 1999 Wisconsin Act (this act), is repealed.

6 **SECTION 13.** 343.21 (1) (i) of the statutes is amended to read:

7 343.21 (1) (i) Except as provided in par. (im), for an instruction permit, \$20 \$25.

8 **SECTION 14.** 343.32 (2) (bc) of the statutes is created to read:

9 343.32 (2) (bc) The scale adopted by the secretary shall assess to a person who
10 holds a probationary license and who is subject to the restrictions under s. 343.085
11 (2m) on the date of conviction, for each conviction, twice the number of demerit points
12 that are assessed for the same offense to a person who possesses a regular license.

13 **SECTION 15.** 343.32 (2) (c) of the statutes is renumbered 343.32 (2) (c) 1. and
14 amended to read:

15 343.32 (2) (c) 1. ~~In~~ Except as provided in subd. 2., in order for the secretary to
16 suspend or revoke an operating privilege under this subsection, the operator must
17 have accumulated 12 demerit points in any 12-month period.

18 **SECTION 16.** 343.32 (2) (c) 2. of the statutes is created to read:

19 343.32 (2) (c) 2. The secretary shall suspend, for a period of 6 months, the
20 operating privilege of any person who has accumulated 12 demerit points in any
21 12-month period, if the person holds a probationary license and was under 19 years
22 of age when the probationary license was first issued to him or her.

23 **SECTION 17.** 347.48 (2m) (gm) of the statutes is amended to read:

24 347.48 (2m) (gm) Notwithstanding s. 349.02, a law enforcement officer may not
25 stop or inspect a vehicle solely to determine compliance with this subsection or sub.

BILL

1 (1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules
2 of the department, unless the person operating the vehicle reasonably appears to be
3 under 19 years of age. This paragraph does not limit the authority of a law
4 enforcement officer to issue a citation for a violation of this subsection or sub. (1) or
5 (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules of
6 the department observed in the course of a stop or inspection made for other
7 purposes, except that a law enforcement officer may not take a person into physical
8 custody solely for a violation of this subsection or sub. (1) or (2) or a local ordinance
9 in conformity with this subsection, sub. (1) or (2) or rules of the department.

SECTION 18. Nonstatutory provisions.

10
11 (1) OFFENSES REQUIRING AN EXTENSION OF A PROBATIONARY LICENSEE'S RESTRICTION
12 PERIOD. Not later than the first day of the 4th month beginning after the effective
13 date of this subsection, the secretary of transportation shall submit in proposed form
14 rules required under section 343.085 (2m) (b) 1. of the statutes, as created by this act,
15 to the legislative council staff under section 227.15 (1) of the statutes. The rules may
16 not propose to extend a period of restriction under section 343.085 (2m) (b) of the
17 statutes, as created by this act, for a violation of section 343.05 (1) or (3), 343.12 (1),
18 346.595 (1) or (6), 347.20, 347.28, 347.29 (1), 347.38 (1), (2) or (4), 347.40, 347.42,
19 347.46, 347.47, 347.485 (2), 347.486 (2), 347.487 or 347.488 of the statutes, nor for
20 operating a motor vehicle with an operating privilege that is suspended or revoked
21 or with an operator's license that is expired.

SECTION 19. Initial applicability.

22
23 (1) INSTRUCTIONAL PERMITS AND PROBATIONARY LICENSES. The treatment of
24 sections 343.06 (1) (cm), 343.07 (1) (a), (b) and (c) and (3), 343.085 (2m) and (4), 343.21
25 (1) (i) and 343.32 (2) (bc) of the statutes, the renumbering and amendment of section

BILL

1 343.085 (1) and 343.32 (2) (c) of the statutes and the creation of sections 343.085 (1)
2 (b) and 343.32 (2) (c) 2. of the statutes first apply to licenses and permits applied for
3 on the effective date of this subsection.

4 (2) SAFETY BELTS. The treatment of section 347.48 (2m) (gm) of the statutes first
5 applies to vehicles stopped or inspected on the effective date of this subsection.

6 **SECTION 20. Effective dates.** This act takes effect on the first day of the 4th
7 month beginning after publication, except as follows:

8 (1) SECTION 18 (1) of this act takes effect on the day after publication.

9 (2) The repeal of section 343.085 (3) and (5) of the statutes takes effect on the
10 first day of the 6th month beginning after publication.

11

(END)

0241/3dn
:Kmg:

Representative Olsen:

This draft completely exempts youthful operators driving in the service of a teen safe-ride program from the restrictions that apply to other youthful operators during the first 9-months after issuance of a

probationary license. See proposed s. 343.085 (2m)

(am) I also amended proposed s.

343.085 (2m) (am) 3. so that the licensee

who accompanies the safe-ride driver must also

possess documentation indicating his or her

participation in the program. OK?

-PEN

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0241/3dn
PEN:pk&kg:hmh

Tuesday, January 12, 1999

Representative Olsen:

This draft completely exempts youthful operators driving in the service of a teen safe-ride program from the restrictions that apply to other youthful operators during the first 9-months after issuance of a probationary license. See proposed s. 343.085 (2m) (am). I also amended proposed s. 343.085 (2m) (am) 3. so that the licensee who accompanies the safe-ride driver must also possess documentation indicating his or her participation in the program. OK?

Paul E. Nilsen
Legislative Attorney
261-6926

Please jacket
for Assembly,

Rep. Olsen.

-Paul

01/20/2020

for 12/20/2019

12/20/2019

12/20