

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 52**

February 9, 1999 – Offered by Representative OLSEN.

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

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

9 **SECTION 1.** 343.06 (1) (cm) of the statutes is created to read:
10 343.06 (1) (cm) To any person under 18 years of age, unless the person has
11 accumulated at least 50 hours of behind-the-wheel driving experience, at least 10

1 hours of which were during hours of darkness. Each hour of behind-the-wheel
2 driving experience while accompanied by a qualified instructor, as defined in s.
3 343.07 (5), shall be considered to be 2 hours of behind-the-wheel driving experience,
4 except that no more than 5 hours of behind-the-wheel driving experience while
5 accompanied by a qualified instructor may be counted in this manner. This
6 paragraph does not apply to applicants for a restricted license under s. 343.08 or a
7 special restricted operator's license under s. 343.135.

8 **SECTION 2.** 343.07 (1) (a) and (b) of the statutes are consolidated, renumbered
9 343.07 (1) (a) (intro.) and amended to read:

10 343.07 (1) (a) (intro.) ~~If the permittee is at least 16 years of age, the permittee~~
11 ~~shall not~~ Except as provided in this subsection, no permittee may operate a motor
12 vehicle unless accompanied by a ~~qualified instructor, or a licensed person with who~~
13 has at least 2 years of licensed driving experience, who presently holds a valid
14 regular license, occupying as defined in s. 343.03 (3) (a), who occupies the seat beside
15 the permittee. ~~No other passengers are allowed in the vehicle except as provided in~~
16 ~~par. (c) or (cm). (b) and who is one of the following:~~

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

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

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

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

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

9 343.07 **(3)** DURATION; CANCELLATION. An instruction permit shall be to operate
10 vehicles other than commercial motor vehicles or school buses is valid for 6 12
11 months except that it may be canceled upon receipt of information, by the secretary,
12 of noncompletion or unsatisfactory completion of a driver education and training
13 course by a permittee under the age of 18. An instruction permit to operate
14 commercial motor vehicles or school buses is valid for 6 months.

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

17 343.085 **(1)** (a) Except as provided in par. (b) and sub. (2), the department shall
18 issue a probationary license to all applicants for an original license. The
19 probationary license shall remain in effect ~~during the entire period of the first~~
20 ~~issuance of the original license~~ as provided in s. 343.20 (1) (a).

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

22 343.085 **(1)** (b) The department may not issue a probationary license under this
23 section to an applicant who is under 18 years of age unless the applicant has held an
24 instruction permit issued under s. 343.07 for not less than 6 months and, during the

1 6-month period immediately preceding application, has not committed a moving
2 violation resulting in a conviction.

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

4 343.085 **(2m)** (a) Except as provided in this subsection, during the 9-month
5 period after issuance of a probationary license under this section, no licensee under
6 18 years of age may operate a “Class D” vehicle upon a highway in this state:

7 1. Whenever any person, other than the licensee or a member of the licensee’s
8 immediate family or a person who meets the requirements under s. 343.07 (1) (a), is
9 in the motor vehicle.

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

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

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

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

22 3. The licensee is accompanied by another licensee, other than a teenager who
23 is being transported, who is in the motor vehicle in the service of the program
24 described in subd. 1. and who possesses the documentation described in subd. 2.

1 4. The licensee is accompanied by not more than 3 passengers in the vehicle.
2 The licensee described in subd. 3. shall not be counted under this subdivision.

3 (b) 1. The department shall extend the restrictions under par. (a) for an
4 additional 6–month period if any of the following occurs while the licensee is subject
5 to the restrictions under par. (a):

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

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

9 c. A court or the department suspends or revokes the licensee’s operating
10 privilege for any reason other than a mental or physical disability.

11 2. If the department extends a restriction period under subd. 1., the
12 department shall immediately provide notice of the extension by 1st class mail to the
13 person’s last–known residence address.

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

16 (d) The restrictions under par. (a) apply until the period of restriction expires
17 or until the licensee reaches 18 years of age, whichever occurs first.

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

19 343.085 (3) The secretary may suspend a person’s operating privilege under
20 this section when such person has been assigned sufficient demerit points after
21 conviction for traffic violations to require suspension under the rule adopted under
22 sub. (5) and either holds a license issued under this section or by age comes under
23 this section. The secretary may revoke such a person’s operating privilege under this
24 section if such person has a previous suspension under this section. This subsection
25 applies only to a person holding a probationary license issued before the effective

1 date of this subsection [revisor inserts date]. This subsection does not apply on
2 or after the first day of the 37th month beginning after the effective date of the
3 subsection [revisor inserts date].

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

5 343.085 (4) The secretary may require that a person be continued on
6 probationary status beyond the period of first issuance if such person appears by the
7 records of the department to have repeatedly violated any of the state traffic laws or
8 any local ordinance in conformity therewith or any law of a federally recognized
9 American Indian tribe or band in this state in conformity with any of the state traffic
10 laws. A person may not be continued on probationary status due to a suspension
11 under s. 343.30 (6). The secretary shall require that a person be continued on
12 probationary status while the person is subject to restrictions under sub. (2m) (a).

13 **SECTION 10.** 343.085 (5) of the statutes is amended to read:

14 343.085 (5) For the purpose of determining when to suspend or to continue a
15 person on probationary status, the secretary may determine and adopt by rule a
16 method of weighing traffic convictions by their seriousness and may change such
17 weighted scale from time to time as experience or the accident frequency in the state
18 makes necessary or desirable. Such scale may be weighted differently for this
19 licensee than the scale used to determine revocations under s. 343.32. This
20 subsection applies only to a person holding a probationary license issued before the
21 effective date of this subsection [revisor inserts date]. This subsection does not
22 apply on or after the first day of the 37th month beginning after the effective date
23 of the subsection [revisor inserts date].

24 **SECTION 11.** 343.21 (1) (i) of the statutes is amended to read:

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

1 **SECTION 12.** 343.32 (2) (bc) of the statutes is created to read:

2 343.32 **(2)** (bc) The scale adopted by the secretary shall assess to a person who
3 holds a probationary license, for each conviction, twice the number of demerit points
4 that are assessed for the same offense to a person who possesses a regular license.

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

7 343.32 **(2)** (c) 1. ~~In~~ Except as provided in subd. 2., in order for the secretary to
8 suspend or revoke an operating privilege under this subsection, the operator must
9 have accumulated 12 demerit points in any 12–month period.

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

11 343.32 **(2)** (c) 2. The secretary shall suspend, for a period of 6 months, the
12 operating privilege of any person who holds a probationary license issued after the
13 effective date of this subdivision [revisor inserts date], and who has accumulated
14 12 demerit points in any 12–month period.

15 **SECTION 15.** 347.48 (2m) (gm) of the statutes is amended to read:

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

1 custody solely for a violation of this subsection or sub. (1) or (2) or a local ordinance
2 in conformity with this subsection, sub. (1) or (2) or rules of the department.

3 **SECTION 16. Nonstatutory provisions.**

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

15 **SECTION 17. Initial applicability.**

16 (1) INSTRUCTIONAL PERMITS AND PROBATIONARY LICENSES. The treatment of
17 sections 343.06 (1) (cm), 343.07 (1) (a), (b) and (c) and (3), 343.085 (2m) and (4), 343.21
18 (1) (i) and 343.32 (2) (bc) of the statutes, the renumbering and amendment of section
19 343.085 (1) and 343.32 (2) (c) of the statutes and the creation of sections 343.085 (1)
20 (b) and 343.32 (2) (c) 2. of the statutes first apply to licenses and permits applied for
21 on the effective date of this subsection.

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

