

**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 1999 ASSEMBLY BILL 52**

February 25, 1999 – Offered by COMMITTEE ON TRANSPORTATION.

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*
3 121.41 (2), 343.07 (3), 343.085 (3), 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), 343.21 (1) (ir),
5 343.32 (2) (bc) and 343.32 (2) (c) 2. of the statutes; **relating to:** instruction
6 permits, probationary licenses and regular licenses to operate motor vehicles;
7 driver education programs; primary enforcement of requirements related to
8 safety belt equipment, installation and use; granting rule-making authority;
9 and providing a penalty.

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

10 **SECTION 1.** 121.41 (2) of the statutes is amended to read:
11 121.41 (2) FEES. A school board or the technical college system board may
12 establish and collect reasonable fees for any driver education program or part of a

1 program which is neither required for nor credited toward graduation. The school
2 board or the technical college system board may waive any fee established under this
3 subsection for any indigent pupil.

4 **SECTION 2.** 343.06 (1) (cm) of the statutes is created to read:

5 343.06 (1) (cm) To operate “Class D” vehicles to any person under 18 years of
6 age, unless the person has accumulated at least 50 hours of behind-the-wheel
7 driving experience, at least 10 hours of which were during hours of darkness. Each
8 hour of behind-the-wheel driving experience while accompanied by a qualified
9 instructor, as defined in s. 343.07 (5), shall be considered to be 2 hours of
10 behind-the-wheel driving experience, except that no more than 5 hours of
11 behind-the-wheel driving experience while accompanied by a qualified instructor
12 may be counted in this manner. This paragraph does not apply to applicants for a
13 restricted license under s. 343.08 or a special restricted operator’s license under s.
14 343.135. The department may promulgate rules that waive the requirement of
15 accumulating at least 50 hours of behind-the-wheel experience for qualified
16 applicants who are licensed by another jurisdiction to operate “Class D” vehicles.

17 **SECTION 3.** 343.07 (1) (a) and (b) of the statutes are consolidated, renumbered
18 343.07 (1) (a) (intro.) and amended to read:

19 343.07 (1) (a) (intro.) ~~If the permittee is at least 16 years of age, the permittee~~
20 ~~shall not~~ Except as provided in this subsection, no permittee may operate a motor
21 vehicle unless accompanied by a ~~qualified instructor, or a licensed person with who~~
22 has at least 2 years of licensed driving experience, who presently holds a valid
23 regular license, occupying as defined in s. 343.03 (3) (a), who occupies the seat beside
24 the permittee. ~~No other passengers are allowed in the vehicle except as provided in~~
25 ~~par. (c) or (cm).~~ (b) and who is one of the following:

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

6 ~~2. The permittee's parent or guardian who meets the other qualifications of~~
7 ~~par. (a) or a licensed or spouse who is 19 years of age or older. In addition to the~~
8 ~~parent, guardian or spouse, the permittee's immediate family members may occupy~~
9 ~~seats in the motor vehicle other than the front seat.~~

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

16 **SECTION 4.** 343.07 (1) (c) of the statutes is repealed.

17 **SECTION 5.** 343.07 (3) of the statutes is amended to read:

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

24 **SECTION 6.** 343.085 (1) of the statutes is renumbered 343.085 (1) (a) and
25 amended to read:

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

5 **SECTION 7.** 343.085 (1) (b) of the statutes is created to read:

6 343.085 (1) (b) The department may not issue a probationary license to operate
7 “Class D” vehicles under this section to an applicant who is under 18 years of age
8 unless the applicant has held an instruction permit issued under s. 343.07 for not less
9 than 6 months and, during the 6-month period immediately preceding application,
10 has not committed a moving violation, specified by the department by rule, resulting
11 in a conviction. The department may promulgate rules to waive the requirement of
12 holding an instruction permit for not less than 6 months for qualified applicants who
13 are licensed by another jurisdiction to operate “Class D” vehicles.

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

15 343.085 (2m) (a) Except as provided in this subsection, during the 9-month
16 period after issuance of a probationary license under this section, no licensee under
17 18 years of age may operate a “Class D” vehicle upon a highway in this state:

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

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

1 (am) 1. Paragraph (a) does not apply to any licensee to whom all of the following
2 apply:

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

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

9 c. The licensee is accompanied by another licensee, other than a teenager who
10 is being transported, who is in the motor vehicle in the service of the program
11 described in subd. 1. a. and who possesses the documentation described in subd. 1.
12 b.

13 d. The licensee is accompanied by not more than 3 passengers in the vehicle.
14 The licensee described in subd. 1. c. shall not be counted under this subd. 1. d.

15 2. Paragraph (a) does not apply to any licensee operating the motor vehicle to
16 or from a program described in subd. 1. a., if the licensee possesses documentation
17 described in subd. 1. b. A licensee described in this subdivision may be accompanied
18 by any number of persons also traveling to or from a program described in subd. 1.
19 a.

20 (b) 1. The department shall extend the restrictions under par. (a) for an
21 additional 6-month period or until the licensee's 18th birthday, whichever occurs
22 earlier, if any of the following occurs while the licensee is subject to the restrictions
23 under par. (a):

24 a. The licensee commits a moving violation specified by the department by rule,
25 resulting in a conviction of the licensee.

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

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

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

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

9 (d) The restrictions under this subsection apply until the period of restriction
10 expires or until the licensee reaches 18 years of age, whichever occurs first.

11 (e) Nothing in this subsection may be construed to create a separate cause of
12 action against the parent or guardian of a probationary licensee under this
13 subsection or against the owner of any vehicle operated by a probationary licensee
14 under this section.

15 **SECTION 9.** 343.085 (3) of the statutes is amended to read:

16 343.085 **(3)** The secretary may suspend a person's operating privilege under
17 this section when such person has been assigned sufficient demerit points after
18 conviction for traffic violations to require suspension under the rule adopted under
19 sub. (5) and either holds a license issued under this section or by age comes under
20 this section. The secretary may revoke such a person's operating privilege under this
21 section if such person has a previous suspension under this section. This subsection
22 applies only to a person holding a probationary license issued before the effective
23 date of this subsection [revisor inserts date]. This subsection does not apply on
24 or after the first day of the 37th month beginning after the effective date of the
25 subsection [revisor inserts date].

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

2 343.085 (5) For the purpose of determining when to suspend or to continue a
3 person on probationary status, the secretary may determine and adopt by rule a
4 method of weighing traffic convictions by their seriousness and may change such
5 weighted scale from time to time as experience or the accident frequency in the state
6 makes necessary or desirable. Such scale may be weighted differently for this
7 licensee than the scale used to determine revocations under s. 343.32. This
8 subsection applies only to a person holding a probationary license issued before the
9 effective date of this subsection [revisor inserts date]. This subsection does not
10 apply on or after the first day of the 37th month beginning after the effective date
11 of the subsection [revisor inserts date].

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

13 343.21 (1) (i) Except as provided in par. (im) or (ir), for an instruction permit,
14 \$20.

15 **SECTION 12.** 343.21 (1) (ir) of the statutes is created to read:

16 343.21 (1) (ir) For an instruction permit authorizing the operation of “Class D”
17 vehicles, \$25.

18 **SECTION 13.** 343.32 (2) (bc) of the statutes is created to read:

19 343.32 (2) (bc) The scale adopted by the secretary shall assess to the following
20 person, for each conviction, twice the number of demerit points that are assessed for
21 the same offense to a person who holds a regular license:

- 22 1. A person who holds a probationary license.
- 23 2. An unlicensed person who would hold a probationary license if licensed.
- 24 3. A person who holds an instruction permit under s. 343.07.

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

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.

6 **SECTION 15.** 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 holds a probationary license issued on or after
9 the effective date of this subdivision [revisor inserts date], and who has
10 accumulated 12 demerit points in any 12–month period.

11 **SECTION 16.** 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 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 17. Nonstatutory provisions.**

24 (1) OFFENSES REQUIRING AN EXTENSION OF A PROBATIONARY LICENSEE'S RESTRICTION
25 PERIOD. Not later than the first day of the 4th month beginning after the effective

1 date of this subsection, the secretary of transportation shall submit in proposed form
2 rules required under section 343.085 (2m) (b) 1. a. of the statutes, as created by this
3 act, to the legislative council staff under section 227.15 (1) of the statutes. The rules
4 may not propose to extend a period of restriction under section 343.085 (2m) (b) of
5 the statutes, as created by this act, for a violation of section 343.05 (1) or (3), 343.12
6 (1), 346.595 (1) or (6), 347.20, 347.28, 347.29 (1), 347.38 (1), (2) or (4), 347.40, 347.42,
7 347.46, 347.47, 347.485 (2), 347.486 (2), 347.487 or 347.488 of the statutes, nor for
8 operating a motor vehicle with an operating privilege that is suspended or revoked
9 or with an operator's license that is expired.

10 **SECTION 18. Initial applicability.**

11 (1) INSTRUCTIONAL PERMITS AND PROBATIONARY LICENSES. (a) The treatment of
12 sections 343.085 (2m) and 343.32 (2) (bc) of the statutes, the renumbering and
13 amendment of section 343.085 (1) and 343.32 (2) (c) of the statutes and the creation
14 of sections 343.085 (1) (b) and 343.32 (2) (c) 2. of the statutes first apply to licenses
15 and permits applied for on the effective date of this paragraph.

16 (b) The treatment of sections 343.06 (1) (cm), 343.07 (1) (a), (b) and (c) and (3)
17 and 343.21 (1) (i) and (ir) of the statutes first applies to licenses and permits applied
18 for on the effective date of this paragraph.

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

21 (3) DEMERIT POINTS ASSESSED TO PROBATIONARY LICENSES. The treatment of
22 section 343.32 (2) (bc) of the statutes first applies to persons holding probationary
23 licenses first issued after the effective date of this subsection.

24 **SECTION 19. Effective dates.** This act takes effect on the first day of the 4th
25 month beginning after publication, except as follows:

1 (1) SECTION 17 (1) of this act takes effect on the day after publication.

2 (2) The treatment of sections 343.085 (2m), (3) and (5) and 343.32 (2) (bc) of the
3 statutes, the renumbering and amendment of sections 343.085 (1) and 343.32 (2) (c)
4 of the statutes, the creation of sections 343.085 (1) (b) and 343.32 (2) and (c) 2. of the
5 statutes and SECTION 18 (1) (a) of this act take effect on the first day of the 10th month
6 beginning after publication, or on July 1, 2000, whichever is later.

7 **(END)**