

**ASSEMBLY SUBSTITUTE AMENDMENT 3,
TO 1999 ASSEMBLY BILL 52**

April 21, 1999 – Offered by JOINT COMMITTEE ON FINANCE.

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) and 343.21 (1) (i); and *to create*
4 343.06 (1) (cm), 343.07 (1) (bm), 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; granting rule-making authority; and providing a
8 penalty.

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

9 **SECTION 1.** 121.41 (2) of the statutes is amended to read:
10 121.41 (2) FEES. A school board or the technical college system board may
11 establish and collect reasonable fees for any driver education program or part of a
12 program which is neither required for nor credited toward graduation. The school

1 board or the technical college system board may waive any fee established under this
2 subsection for any indigent pupil.

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

4 343.06 (1) (cm) To operate “Class D” vehicles to any person under 18 years of
5 age, unless the person has accumulated at least 30 hours of behind-the-wheel
6 driving experience, at least 10 hours of which were during hours of darkness. Each
7 hour of behind-the-wheel driving experience while accompanied by a qualified
8 instructor, as defined in s. 343.07 (5), shall be considered to be 2 hours of
9 behind-the-wheel driving experience, except that no more than 5 hours of
10 behind-the-wheel driving experience while accompanied by a qualified instructor
11 may be counted in this manner. This paragraph does not apply to applicants for a
12 restricted license under s. 343.08 or a special restricted operator’s license under s.
13 343.135. The department may promulgate rules that waive the requirement of
14 accumulating at least 30 hours of behind-the-wheel experience for qualified
15 applicants who are licensed by another jurisdiction to operate “Class D” vehicles.

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

18 343.07 (1) (a) (intro.) ~~If the permittee is at least 16 years of age, the permittee~~
19 ~~shall not~~ Except as provided in this subsection, no permittee may operate a motor
20 vehicle unless accompanied by a ~~qualified instructor, or a licensed person with who~~
21 has at least 2 years of licensed driving experience, who presently holds a valid
22 regular license, occupying as defined in s. 343.03 (3) (a), who occupies the seat beside
23 the permittee. ~~No other passengers are allowed in the vehicle except as provided in~~
24 ~~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) (bm) of the statutes is created to read:

17 343.07 (1) (bm) Except as provided in par. (a), no permittee may operate a motor
18 vehicle upon a highway in this state whenever any person is in the motor vehicle.

19 **SECTION 5.** 343.07 (1) (c) of the statutes is repealed.

20 **SECTION 6.** 343.07 (3) of the statutes is amended to read:

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

1 course by a permittee under the age of 18. An instruction permit to operate
2 commercial motor vehicles or school buses is valid for 6 months.

3 **SECTION 7.** 343.085 (1) of the statutes is renumbered 343.085 (1) (a) and
4 amended to read:

5 343.085 (1) (a) Except as provided in par. (b) and sub. (2), the department shall
6 issue a probationary license to all applicants for an original license. The
7 probationary license shall remain in effect ~~during the entire period of the first~~
8 ~~issuance of the original license~~ as provided in s. 343.20 (1) (a).

9 **SECTION 8.** 343.085 (1) (b) of the statutes is created to read:

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

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

19 343.085 (2m) (a) Except as provided in this subsection, during the 9-month
20 period after issuance of a probationary license under this section, no licensee under
21 18 years of age may operate a “Class D” vehicle upon a highway in this state:

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

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

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

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

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

13 c. The licensee is accompanied by another licensee, other than a teenager who
14 is being transported, who is in the motor vehicle in the service of the program
15 described in subd. 1. a. and who possesses the documentation described in subd. 1.

16 b.

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

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

23 a.

24 (ar) Paragraph (a) does not apply to any licensee operating a motor vehicle for
25 emergency purposes.

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

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

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

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

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

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

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

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

21 **SECTION 10.** 343.085 (3) of the statutes is amended to read:

22 343.085 **(3)** The secretary may suspend a person's operating privilege under
23 this section when such person has been assigned sufficient demerit points after
24 conviction for traffic violations to require suspension under the rule adopted under
25 sub. (5) and either holds a license issued under this section or by age comes under

1 this section. The secretary may revoke such a person’s operating privilege under this
2 section if such person has a previous suspension under this section. This subsection
3 applies only to a person holding a probationary license issued before the effective
4 date of this subsection [revisor inserts date]. This subsection does not apply on
5 or after the first day of the 37th month beginning after the effective date of the
6 subsection [revisor inserts date].

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

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

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

19 343.21 (1) (i) Except as provided in par. (im) or (ir), for an instruction permit,
20 \$20.

21 **SECTION 13.** 343.21 (1) (ir) of the statutes is created to read:

22 343.21 (1) (ir) For an instruction permit authorizing the operation of “Class D”
23 vehicles, \$25.

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

1 343.32 (2) (bc) The scale adopted by the secretary shall assess, for each
2 conviction, twice the number of demerit points that are assessed for the same offense
3 committed by the holder of a regular license, if the convicted person has been
4 previously convicted of an offense for which demerit points are assessed and the
5 person is one of the following:

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

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

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

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

15 343.32 (2) (c) 2. The secretary shall suspend, for a period of 6 months, the
16 operating privilege of any person who holds a probationary license issued on or after
17 the effective date of this subdivision [revisor inserts date], and who has
18 accumulated 12 demerit points in any 12-month period.

19 **SECTION 17. Nonstatutory provisions.**

20 (1) OFFENSES REQUIRING AN EXTENSION OF A PROBATIONARY LICENSEE'S RESTRICTION
21 PERIOD. Not later than the first day of the 4th month beginning after the effective
22 date of this subsection, the secretary of transportation shall submit in proposed form
23 rules required under section 343.085 (2m) (b) 1. a. of the statutes, as created by this
24 act, to the legislative council staff under section 227.15 (1) of the statutes. The rules
25 may not propose to extend a period of restriction under section 343.085 (2m) (b) of

1 the statutes, as created by this act, for a violation of section 343.05 (1) or (3), 343.12
2 (1), 346.595 (1) or (6), 347.20, 347.28, 347.29 (1), 347.38 (1), (2) or (4), 347.40, 347.42,
3 347.46, 347.47, 347.485 (2), 347.486 (2), 347.487 or 347.488 of the statutes, nor for
4 operating a motor vehicle with an operating privilege that is suspended or revoked
5 or with an operator's license that is expired.

6 **SECTION 18. Initial applicability.**

7 (1) INSTRUCTIONAL PERMITS AND PROBATIONARY LICENSES.

8 (a) The treatment of sections 343.085 (2m) and 343.32 (2) (bc) of the statutes,
9 the renumbering and amendment of section 343.085 (1) and 343.32 (2) (c) of the
10 statutes and the creation of sections 343.085 (1) (b) and 343.32 (2) (c) 2. of the statutes
11 first apply to licenses and permits applied for on the effective date of this paragraph.

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

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

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

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

23 **(END)**