

ENGROSSED 1999 ASSEMBLY BILL 52

May 19, 1999 – Printed by direction of ASSEMBLY CHIEF CLERK.

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), 343.19 (1) and 343.21 (1) (i); and
4 **to create** 343.06 (1) (cm), 343.07 (1) (bm), 343.085 (1) (b), 343.085 (2m), 343.17
5 (3) (a) 13., 343.21 (1) (ir), 343.32 (2) (bc) and 343.32 (2) (c) 2. of the statutes;
6 **relating to:** instruction permits, probationary licenses and regular licenses to
7 operate motor vehicles; driver education programs; granting rule-making
8 authority; and providing a penalty.

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed 1999 Assembly Bill 52 consists of the following documents adopted in the Assembly on May 12, 1999: Assembly Substitute Amendment 3, as affected by the following Assembly Amendments: Assembly Amendments 1 and 4, Assembly Amendment 6 (Part 1, lines 1 to 9) and Assembly Amendment 10.

In engrossing, the text in Item 2 of Assembly Amendment 10 to Assembly Substitute Amendment 3 to Assembly Bill 52 was repositioned, by LRB correction

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dated May 19, 1999, after line 14 of page 9, because the text in Item 2 is an initial applicability provision.

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

1 **SECTION 1.** 121.41 (2) of the statutes is amended to read:

2 121.41 (2) FEES. A school board or the technical college system board may
3 establish and collect reasonable fees for any driver education program or part of a
4 program which is neither required for nor credited toward graduation. The school
5 board or the technical college system board may waive any fee established under this
6 subsection for any indigent pupil.

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

8 343.06 (1) (cm) To operate “Class D” vehicles to any person under 18 years of
9 age, unless the person has accumulated at least 30 hours of behind-the-wheel
10 driving experience, at least 10 hours of which were during hours of darkness. Each
11 hour of behind-the-wheel driving experience while accompanied by a qualified
12 instructor, as defined in s. 343.07 (5), shall be considered to be 2 hours of
13 behind-the-wheel driving experience, except that no more than 5 hours of
14 behind-the-wheel driving experience while accompanied by a qualified instructor
15 may be counted in this manner. This paragraph does not apply to applicants for a
16 restricted license under s. 343.08 or a special restricted operator’s license under s.
17 343.135. The department may promulgate rules that waive the requirement of
18 accumulating at least 30 hours of behind-the-wheel experience for qualified
19 applicants who are licensed by another jurisdiction to operate “Class D” vehicles.

20 **SECTION 3.** 343.07 (1) (a) and (b) of the statutes are consolidated, renumbered
21 343.07 (1) (a) (intro.) and amended to read:

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

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

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

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

23 **SECTION 4.** 343.07 (1) (bm) of the statutes is created to read:

24 343.07 (1) (bm) Except as provided in par. (a), no permittee may operate a motor
25 vehicle upon a highway in this state whenever any person is in the motor vehicle.

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

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

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

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

11 343.085 **(1)** (a) Except as provided in par. (b) and sub. (2), the department shall
12 issue a probationary license to all applicants for an original license. The
13 probationary license shall remain in effect ~~during the entire period of the first~~
14 ~~issuance of the original license~~ as provided in s. 343.20 (1) (a).

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

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

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

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1 343.085 (2m) (a) Except as provided in this subsection, during the 9-month
2 period after issuance of a probationary license under this section, no licensee under
3 18 years of age may operate a “Class D” vehicle upon a highway in this state:

4 1. If, in addition to the licensee, the vehicle is occupied by any person other than
5 the following:

6 a. Any number of members of the licensee’s immediate family.

7 b. A person who meets the requirements under s. 343.07 (1) (a).

8 c. Not more than one other person not described in subd. 1. a. and b.

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

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

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

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

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

24 b.

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1 d. The licensee is accompanied by not more than 3 passengers in the vehicle.

2 The licensee described in subd. 1. c. shall not be counted under this subd. 1. d.

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

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

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

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

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

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

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

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

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

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

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

6 343.085 (3) The secretary may suspend a person's operating privilege under
7 this section when such person has been assigned sufficient demerit points after
8 conviction for traffic violations to require suspension under the rule adopted under
9 sub. (5) and either holds a license issued under this section or by age comes under
10 this section. The secretary may revoke such a person's operating privilege under this
11 section if such person has a previous suspension under this section. This subsection
12 applies only to a person holding a probationary license issued before the effective
13 date of this subsection [revisor inserts date]. This subsection does not apply on
14 or after the first day of the 37th month beginning after the effective date of the
15 subsection [revisor inserts date].

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

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

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1 apply on or after the first day of the 37th month beginning after the effective date
2 of the subsection [revisor inserts date].

3 **SECTION 11m.** 343.17 (3) (a) 13. of the statutes is created to read:

4 343.17 (3) (a) 13. If the person is under 18 years of age at the time of issuance
5 of the license, a distinctive appearance specified by the department that clearly
6 identifies to the public that the person was under 18 years of age at the time of
7 issuance of the license.

8 **SECTION 11r.** 343.19 (1) of the statutes is amended to read:

9 343.19 (1) If a license issued under this chapter or an identification card issued
10 under s. 343.50 is lost or destroyed or the name or address named in the license or
11 identification card is changed or the condition specified in s. 343.17 (3) (a) 12. or 13.
12 no longer applies, the person to whom the license or identification card was issued
13 may obtain a duplicate thereof or substitute therefor upon furnishing proof
14 satisfactory to the department of name and date of birth and that the license or
15 identification card has been lost or destroyed or that application for a duplicate
16 license or identification card is being made for a change of address or name or
17 because the condition specified in s. 343.17 (3) (a) 12. or 13. no longer applies. If the
18 original license or identification card is found it shall immediately be transmitted to
19 the department. Duplicates of nonphoto licenses shall be issued as nonphoto
20 licenses.

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

22 343.21 (1) (i) Except as provided in par. (im) or (ir), for an instruction permit,
23 \$20.

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

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

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

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

- 9 a. A person who holds a probationary license.
10 b. An unlicensed person who would hold a probationary license if licensed.
11 c. A person who holds an instruction permit under s. 343.07.
12 2. The secretary may not increase under subd. 1. the number of demerit points
13 that are assessed for a violation of ch. 347.

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

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

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

20 343.32 (2) (c) 2. The secretary shall suspend, for a period of 6 months, the
21 operating privilege of any person who holds a probationary license issued on or after
22 the effective date of this subdivision [revisor inserts date], and who has
23 accumulated 12 demerit points in any 12-month period.

24 **SECTION 17. Nonstatutory provisions.**

ENGROSSED ASSEMBLY BILL 52**SECTION 17**

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

SECTION 18. Initial applicability.

12 (1) INSTRUCTIONAL PERMITS AND PROBATIONARY LICENSES.

13 (a) The treatment of sections 343.085 (2m) and 343.32 (2) (bc) of the statutes,
14 the renumbering and amendment of section 343.085 (1) and 343.32 (2) (c) of the
15 statutes and the creation of sections 343.085 (1) (b) and 343.32 (2) (c) 2. of the statutes
16 first apply to licenses and permits applied for on the effective date of this paragraph.
17

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

21 (3d) OPERATORS' LICENSES ISSUED TO CHILDREN UNDER 18 YEARS OF AGE. The
22 treatment of section 343.17 (3) (a) 13. of the statutes first applies to licenses issued
23 on January 1, 2000, or on the day after the effective date of this subsection, whichever
24 is later.

