

## 2005 ASSEMBLY BILL 38

January 25, 2005 – Introduced by Representatives FRISKE, GARD, YOUNG, PETROWSKI, STASKUNAS, BALLWEG, WASSERMAN, KESTELL, GRONEMUS, RHOADES, JESKEWITZ, STONE, VOS, ALBERS, OTT, VAN ROY, AINSWORTH, MUSSER, GUNDERSON, HAHN, KRAWCZYK, WARD, HINES and TOWNSEND, cosponsored by Senators OLSEN, ROESSLER, A. LASEE, KEDZIE, GROTHMAN, STEPP, LASSA, JAUCH and REYNOLDS. Referred to Committee on Highway Safety.

- 1     **AN ACT** *to create* 343.07 (7) and 343.085 (6) of the statutes; **relating to:**  
2             restriction violations by persons holding instruction permits or probationary  
3             licenses to operate motor vehicles and providing a penalty.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Transportation (DOT) may issue an instruction permit to a person who is at least 15 years and six months of age, who has passed a knowledge test, who, if under 18 years of age, has enrolled in an approved driver education and training course, and who, except for age or lack of training in the operation of a motor vehicle, is qualified to obtain an operator's license. The permit remains valid for 12 months unless cancelled by DOT. The permit authorizes the person to operate most motor vehicles (excluding commercial motor vehicles, school buses, and Type 1 motorcycles) subject to certain restrictions, including restrictions related to persons required to accompany the permittee while operating a motor vehicle, persons who may be passengers in a motor vehicle operated by the permittee, and hours during which the permittee may operate a motor vehicle.

Under current law, a person who is at least 16 years of age and who is otherwise qualified (including having passed a knowledge test and, if under 18 years of age, having completed a driver education and training course and a basic motorcycle rider course) may obtain a Type 1 motorcycle instruction permit. The permit is valid for six months but may be renewed. The permit authorizes the person to operate a Type 1 motorcycle subject to certain restrictions related to persons who may accompany

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the permittee on a motorcycle and hours during which the permittee may operate a motorcycle.

Under current law, a probationary license is, with certain exceptions, issued to all applicants who qualify for an original driver's license and remains in effect for two years from the date of the licensee's next birthday. During the first nine months following issuance of a probationary license, a probationary licensee who is under 18 years of age is subject, with limited exceptions, to certain restrictions on the operation of "Class D" vehicles (automobiles and most other motor vehicles), including restrictions related to persons who may be passengers in a motor vehicle operated by the licensee and hours during which the licensee may operate a motor vehicle.

Also under current law, an application for an operator's license by any person under the age of 18 must be signed and verified by an adult sponsor (typically the person's parent) attesting that the person meets certain educational criteria for issuance of an operator's license.

Under current law, a person holding a probationary license or instruction permit who violates these operating restrictions may be required to forfeit up to \$200 for the first offense, may be fined up to \$300 and imprisoned for not more than 30 days for the second offense within three years, and may be fined up to \$500 and imprisoned for not more than six months for the third or subsequent offense within three years.

This bill changes the penalty for persons who violate operating restrictions under a probationary license or an instruction permit. Under this bill, a person holding a probationary license or instruction permit who violates these operating restrictions must forfeit \$50 for a first offense and not less than \$50 nor more than \$100 for each subsequent offense. In addition, DOT must provide notice of the conviction to any adult sponsor of the person.

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

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

1           **SECTION 1.** 343.07 (7) of the statutes is created to read:  
2           **343.07 (7) PENALTY FOR RESTRICTION VIOLATIONS.** (a) Notwithstanding s. 343.43  
3 (1) (d) and (3m), any person who violates sub. (1) (a), (bm), or (d) or (4) (b) 1. or 2. shall  
4 be required to forfeit \$50 for the first offense and not less than \$50 nor more than  
5 \$100 for each subsequent offense.

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1 (b) Upon receiving notice of a person's conviction for a violation of sub. (1) (a),  
2 (bm), or (d) or (4) (b) 1. or 2., the department shall notify any adult sponsor who has  
3 signed for the person under s. 343.15 (1) of the conviction.

4 **SECTION 2.** 343.085 (6) of the statutes is created to read:

5 343.085 (6) (a) Notwithstanding s. 343.43 (1) (d) and (3m), any person who  
6 violates sub. (2m) (a) shall be required to forfeit \$50 for the first offense and not less  
7 than \$50 nor more than \$100 for each subsequent offense.

8 (b) Upon receiving notice of a person's conviction for a violation of sub. (2m) (a),  
9 the department shall notify any adult sponsor who has signed for the person under  
10 s. 343.15 (1) of the conviction.

11 **SECTION 3. Initial applicability.**

12 (1) This act first applies to violations committed on the effective date of this  
13 subsection, but does not preclude the counting of other violations as prior violations  
14 for purposes of sentencing a person.

15 **SECTION 4. Effective date.**

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

18 (END)