

2005 Assembly Bill 1078

Date of enactment: **May 10, 2006**
Date of publication*: **May 24, 2006**

2005 WISCONSIN ACT 397

AN ACT *to repeal* 343.63 (title), 343.63 (3) and (6), 343.64 (title) and (1) (intro.), 343.64 (1) (d), 343.65 (title), 343.65 (1) (intro.) and (a), 343.665 (title), 343.67, 343.675, 343.68, 343.70 (title), 343.71 (1) and 343.72 (8); *to renumber* 343.72 (4); *to renumber and amend* 343.60 (1), 343.60 (4), 343.61 (3), 343.61 (4), 343.61 (5), 343.61 (6), 343.62 (3), 343.63 (intro.), (1), (2), (4) and (5), 343.63 (5m), 343.64 (1) (a), 343.64 (1) (b), 343.64 (1) (c), 343.64 (1) (e), 343.64 (1) (f), 343.64 (1) (g), 343.64 (2), 343.65 (1) (b), 343.65 (2), 343.66, 343.665 (1), 343.665 (2), 343.69, 343.70 (1), 343.70 (2), 343.71 (intro.), 343.71 (2), 343.71 (3), 343.72 (2), 343.72 (3), 343.72 (5) and 343.72 (9); *to amend* 343.60 (3), 343.61 (1), 343.62 (1), 343.66 (title), 343.69 (title), 343.71 (title), 343.72 (1), 343.72 (6), 343.72 (7), 343.72 (10), 343.72 (11), 343.72 (12) and 343.73; *to repeal and recreate* 343.61 (title) and 343.62 (title); and *to create* 343.60 (1) (c), (d) and (e), 343.60 (1g), 343.61 (2) (a) 3., 343.61 (2) (a) 4., 343.61 (2) (am), 343.61 (2m) (intro.), 343.61 (3) (b), (c) and (d), 343.61 (3m) (b), 343.61 (5m), 343.62 (3) (a) 2., 343.62 (3) (b), 343.62 (4) (a) 3., 343.62 (4) (c), 343.69 (2), 343.71 (5) and 343.72 (5m) of the statutes; **relating to:** licensing and activities of driver schools and instructors, granting rule-making authority, and providing a penalty.

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

SECTION 1. 343.60 (1) of the statutes is renumbered 343.60 (1) (intro.) and amended to read:

343.60 (1) (intro.) “Driver school” means ~~the a~~ business of giving that gives instruction, for compensation, in the ~~driving~~ operation of motor vehicles, except that it does not include ~~a~~ any of the following:

(a) A high school or technical college which that teaches driver training as part of its regular school program and whose course of study in driver training meets the criteria for a driver education course under this chapter has been approved by the department of public instruction or technical college system board ~~and it does not include an~~.

(b) An institution of higher learning ~~which that~~ teaches driver training as part of its teacher training program.

SECTION 2. 343.60 (1) (c), (d) and (e) of the statutes are created to read:

343.60 (1) (c) A motorcycle training school that offers a basic or experienced rider training course approved by the department.

(d) Any driver training school that offers training exclusively in the operation of vehicles designed and manufactured for off-highway operation.

(e) An instructor.

SECTION 3. 343.60 (1g) of the statutes is created to read:

343.60 (1g) “Driver school classroom” means any facility that is approved by the department and used to

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

conduct driver training, but does not include a motor vehicle.

SECTION 4. 343.60 (3) of the statutes is amended to read:

343.60 (3) “Instructor” means any person who is employed by a driver school licensed under this chapter and who, for compensation, gives instruction in the driving operation of a motor vehicle, except a person who is employed as a full time instructor by a high school, technical college or institution of higher learning as provided in sub. (1).

SECTION 5. 343.60 (4) of the statutes is renumbered 343.60 (1m) and amended to read:

343.60 (1m) “Place of business Driver school office” means the location at which the driver school business is conducted and approved by the department. “Driver school office” does not include any facility used only as a driver school classroom.

SECTION 6. 343.61 (title) of the statutes is repealed and recreated to read:

343.61 (title) Driver school requirements.

SECTION 7. 343.61 (1) of the statutes is amended to read:

343.61 (1) The department shall issue and renew driver school licenses in conformity with the requirements of this subchapter. No person shall conduct, may operate a driver school without being licensed therefor, advertise, solicit bids for business, or provide services unless the person holds a valid driver school license issued by the department.

SECTION 8. 343.61 (2) (a) 3. of the statutes is created to read:

343.61 (2) (a) 3. Identification of all driver school office and driver school classroom locations.

SECTION 9. 343.61 (2) (a) 4. of the statutes is created to read:

343.61 (2) (a) 4. Proof of insurance required under sub. (3m) (a).

SECTION 10. 343.61 (2) (am) of the statutes is created to read:

343.61 (2) (am) A driver school may provide to the department a written certification that the driver school has complied with all applicable driver school office and driver school classroom requirements imposed under this subchapter or under any rule promulgated by the department under this subchapter.

SECTION 11. 343.61 (2m) (intro.) of the statutes is created to read:

343.61 (2m) (intro.) The department may not issue or renew a driver school license if any of the following applies:

SECTION 12. 343.61 (3) of the statutes is renumbered 343.61 (3) (a) 1. and amended to read:

343.61 (3) (a) 1. The required fee for any driver school license, or for any annual renewal thereof, is \$75

~~or, for licenses issued or renewed after August 31, 1998, \$95.~~

SECTION 13. 343.61 (3) (b), (c) and (d) of the statutes are created to read:

343.61 (3) (b) In addition to the fee under par. (a), an applicant or licensee under this section shall pay a one-time fee of \$10 for each mailing address where one or more driver school classrooms are located.

(c) The fee for a duplicate license certificate provided under sub. (4) (a) is \$10.

(d) The department shall charge a fee of \$10 for any change to a license certificate, including a change in the location of a driver school office.

SECTION 14. 343.61 (3m) (b) of the statutes is created to read:

343.61 (3m) (b) A driver school shall file with the department a bond in the form and amount established by the department by rule.

SECTION 15. 343.61 (4) of the statutes is renumbered 343.61 (4) (a) and amended to read:

343.61 (4) (a) If the department approves an application for a driver school license is approved by the department and the applicant pays the required fee paid, the applicant department shall be granted issue a license, and shall be issued provide a license certificate, to the applicant. The licensee shall display such the certificate in the licensee’s place of business driver school office, but is not required to display the certificate in any driver school classroom.

SECTION 16. 343.61 (5) of the statutes is renumbered 343.61 (3) (a) 2. and amended to read:

343.61 (3) (a) 2. A driver school license expires at the end of the calendar year, for which it is granted on the date stated on the license, but not later than 24 months after the date on which the license is issued. The department may institute any system of initial license issuance that it considers advisable for the purpose of gaining a uniform rate of renewals. To put such a system into operation, the department may issue licenses that are valid for any period less than one year. If the department issues a license that is valid for less than one year, the department shall accordingly prorate the fees specified under subd. 1.

SECTION 17. 343.61 (5m) of the statutes is created to read:

343.61 (5m) Any driver school licensed under this section may be authorized by the department to provide testing, limited to knowledge and signs tests, for students of the driver schools who are under the age of 18 and for driver school instructors. Authorized driver schools providing such testing shall meet standards and follow procedures established by the department by rule.

SECTION 18. 343.61 (6) of the statutes is renumbered 343.71 (5), and 343.71 (5) (intro.), as renumbered, is amended to read:

343.71 (5) (intro.) ~~No~~ The department may not license a driver school may be licensed unless its approved course of instruction does all of the following:

SECTION 19. 343.62 (title) of the statutes is repealed and recreated to read:

343.62 (title) Instructor requirements.

SECTION 20. 343.62 (1) of the statutes is amended to read:

343.62 (1) ~~No person holding a driver school license shall employ any person as an instructor unless such person is licensed by the department to act as such instructor. The department shall issue and renew instructor's licenses in conformity with the requirements of this subchapter.~~ No person, including ~~the~~ a person holding the a driver school license, shall may act as an instructor in such a driver school unless such person is licensed the person holds a valid instructor's license issued by the department to act as such instructor. No driver school may employ any person as an instructor unless the person holds a valid instructor's license issued by the department.

SECTION 21. 343.62 (3) of the statutes is renumbered 343.62 (3) (a) 1. and amended to read:

343.62 (3) (a) 1. The ~~required annual~~ fee for any an instructor's license, ~~or for any annual renewal thereof,~~ is \$25.

SECTION 22. 343.62 (3) (a) 2. of the statutes is created to read:

343.62 (3) (a) 2. An instructor's license expires on the date stated on the license, but not later than 24 months after the date on which the license is issued. The department may institute any system of initial license issuance that it considers advisable for the purpose of gaining a uniform rate of renewals. To put such a system into operation, the department may issue licenses that are valid for any period less than one year. If the department issues a license that is valid for less than one year, the department shall accordingly prorate the fee specified in subd. 1.

SECTION 23. 343.62 (3) (b) of the statutes is created to read:

343.62 (3) (b) If an instructor's license is lost, the department shall issue a replacement upon receipt of a completed application, satisfactory proof of the instructor's eligibility, satisfactory proof of loss, and a fee established by the department by rule.

SECTION 24. 343.62 (4) (a) 3. of the statutes is created to read:

343.62 (4) (a) 3. The applicant is at least 19 years of age, holds a valid regular operator's license, and has at least 2 years of licensed experience operating a motor vehicle.

SECTION 25. 343.62 (4) (c) of the statutes is created to read:

343.62 (4) (c) The department may not renew an instructor's license issued under this section unless the

licensee meets the requirements specified under par. (a) 3. to 9., except that an instructor's license that is restricted to classroom instruction may be renewed to an applicant who meets the requirements specified in par. (a) 4. and 6. to 9.

SECTION 26. 343.63 (title) of the statutes is repealed.

SECTION 27. 343.63 (intro.), (1), (2), (4) and (5) of the statutes are renumbered 343.62 (4) (a) (intro.), 1., 2., 4. and 5. and amended to read:

343.62 (4) (a) (intro.) ~~All applicants for~~ Except as provided in par. (b), the department may not issue an original instructor's license shall be examined, and other applicants may be examined, by the department as follows to an applicant unless all of the following apply:

1. ~~A written and oral~~ The applicant completes a knowledge test shall be completed by the applicant and shall be developed by the department and administered as provided by rule, and designed to evaluate the applicant's knowledge of instruction procedures, motor vehicle and traffic laws, safety equipment requirements, and functions of essential automotive equipment. ~~The, and the applicant must receive passes the test with a score of at least 80 per cent percent.~~ An applicant who fails to receive a passing score may be reexamined, except that an applicant who fails to pass the test after 2 successive attempts may not be reexamined until one year has elapsed since the date of the last test. The department may by rule provide for an alternative requirement for the issuance of an instructor license in lieu of taking and passing the test under this subdivision. An applicant may not seek review under s. 343.69 of any determination by the department under this subdivision.

2. ~~The applicant must pass a road passes, with a score that exceeds the minimum standard for obtaining an operator's license, a driving skills test not less than 5 miles long, which shall include that includes driving maneuvers and parking involved in typical traffic situations. The passing score of the applicant must exceed the minimum standard set for obtaining an operator's license by the state~~ An applicant who fails to receive a passing score may be reexamined, except that an applicant who fails to pass the test after 2 successive attempts may not be reexamined until one year has elapsed since the date of the last test. The department may by rule provide for an alternative requirement for the issuance of an instructor license in lieu of taking and passing the test under this subdivision. An applicant may not seek review under s. 343.69 of any determination by the department under this subdivision.

4. The applicant shall ~~submit~~ submits with his or her the application a statement completed within the immediately preceding 24 months, except as provided by rule, by a registered physician showing licensed to practice medicine in any state, from an advanced practice nurse licensed to practice nursing in any state, from a physician assistant licensed or certified to practice in any state,

from a chiropractor licensed to practice chiropractic in any state, or from a Christian Science practitioner residing in this state, and listed in the Christian Science journal certifying that, in the physician's medical care provider's judgment, the applicant is physically fit to teach driving.

5. Except for a license which is restricted to classroom instruction, no license shall be issued to an ~~The~~ applicant who has suffered an amputation or loss of the full use of either upper limb or loss of the natural use of the foot normally employed is able to safely operate the foot brake and foot accelerator and control, from the passenger seat, a motor vehicle of the vehicle class and type in which the applicant will provide instruction for which satisfactory accommodation cannot be provided by adaptive vehicle equipment.

SECTION 28. 343.63 (3) and (6) of the statutes are repealed.

SECTION 29. 343.63 (5m) of the statutes is renumbered 343.62 (4) (b) and amended to read:

343.62 (4) (b) ~~The~~ Notwithstanding par. (a), the department may issue an original instructor's license which ~~that~~ is restricted to classroom instruction to an applicant who does not otherwise qualify for a license because of a test result under sub. (3) or because the applicant has suffered an amputation or loss of the full use of either upper limb or loss of the natural use of the foot normally employed to operate the foot brake and foot accelerator, as specified in sub. (5) the applicant does not meet the requirements specified in par. (a) 2., 3., or 5. The department may not issue an instructor's license that is restricted to classroom instruction under this paragraph unless the applicant satisfies standards established by the department by rule relating to the ability of the applicant to communicate clearly and concisely and to control the classroom environment and behavior and establishing any further certification required by the department.

SECTION 30. 343.64 (title) and (1) (intro.) of the statutes are repealed.

SECTION 31. 343.64 (1) (a) of the statutes is renumbered 343.61 (2m) (f) and amended to read:

343.61 (2m) (f) ~~Such~~ The applicant has made a material false statement or concealed a material fact in the an application;

SECTION 32. 343.64 (1) (b) of the statutes is renumbered 343.61 (2m) (a) and amended to read:

343.61 (2m) (a) ~~Such~~ The applicant or licensee or any officer, director, partner or other person directly interested in or actively involved in the driver school business was a former holder of, or actively involved in a driver school business operating under, a license granted issued under s. 343.64 this section or a similar license issued by another jurisdiction or was directly interested in or a party actively involved in another driver school which held a license under s. 343.61 and which this section or a similar license issued by another jurisdiction, or was the former holder of an instructor license

issued under s. 343.62, and any such license was revoked or suspended;

SECTION 33. 343.64 (1) (c) of the statutes is renumbered 343.61 (2m) (b) and amended to read:

343.61 (2m) (b) Subject to ss. 111.321, 111.322, and 111.335, the applicant or licensee or any officer, director, stockholder, partner or any person directly interested in or actively involved in the driver school business has been convicted of a felony, or any other disqualifying offense as established by rule by the department, in this state, or in another jurisdiction, including a conviction under the law of a federally recognized American Indian tribe or band in this state, for an offense that if committed in this state would be a felony or disqualifying offense, unless the person so convicted has been duly officially pardoned;

SECTION 34. 343.64 (1) (d) of the statutes is repealed.

SECTION 35. 343.64 (1) (e) of the statutes is renumbered 343.61 (2m) (c) and amended to read:

343.61 (2m) (c) ~~Such~~ The applicant or licensee does not have a place of business as required by s. 343.72 (5); driver school office.

SECTION 36. 343.64 (1) (f) of the statutes is renumbered 343.61 (2m) (d) and amended to read:

343.61 (2m) (d) ~~Such~~ The applicant or licensee is not the true owner of the driver school; or,

SECTION 37. 343.64 (1) (g) of the statutes is renumbered 343.61 (3m) (a) and amended to read:

343.61 (3m) (a) ~~The application is not accompanied by a copy of~~ A driver school shall maintain a standard liability insurance policy in the amount of \$50,000 for personal injury to, or death of any one person and subject to said limit for any one person, \$100,000 for personal injury to, or death of any number of persons involved in any one accident, and \$10,000 for property damage in any one accident, suffered or caused by reason of the negligence of the applicant or any agent or employee of the applicant name of the school, with the minimum insurance coverage specified by rule by the department. The insurance policy shall require the insurer to notify the department not less than 30 days before the policy expires or is materially changed or canceled.

SECTION 38. 343.64 (2) of the statutes is renumbered 343.61 (2m) (e) and amended to read:

343.61 (2m) (e) ~~The secretary shall deny the application of any person for a driver school license if the~~ The applicant or licensee fails to provide the information or statement required under s. 343.64 sub. (2) (a) 1. or 2.; or if the applicant does not have a social security number, a statement made or subscribed under oath or affirmation that the applicant does not have a social security number.

SECTION 39. 343.65 (title) of the statutes is repealed.

SECTION 40. 343.65 (1) (intro.) and (a) of the statutes are repealed.

SECTION 41. 343.65 (1) (b) of the statutes is renumbered 343.62 (4) (a) 7. and amended to read:

343.62 (4) (a) 7. The applicant has failed to furnish provided to the department satisfactory evidence of the facts required of the applicant, has not held a license to drive a motor vehicle within this state for the past year, under sub. (2) (a).

8. The applicant has not had a driving record that is satisfactory to the secretary, or, subject department, as specified by rule.

9. Subject to ss. 111.321, 111.322 and 111.335, the applicant has not been convicted of a felony and, or any other disqualifying offense as established by rule by the department, in this state, or in another jurisdiction, including a conviction under the law of a federally recognized American Indian tribe or band in this state, for an offense that if committed in this state would be a felony or disqualifying offense, unless the person so convicted has not been duly officially pardoned.

SECTION 42. 343.65 (2) of the statutes is renumbered 343.62 (4) (a) 6. and amended to read:

343.62 (4) (a) 6. The secretary shall deny an application for the issuance or renewal of an instructor's license if the applicant has not included provides his or her social security number in the application, unless the applicant is an individual who does not have a social security number and submits a statement made or subscribed under oath or affirmation as required under s. 343.62 (2) (a) or the statement specified in sub. (2) (am) as required under sub. (2).

SECTION 43. 343.66 (title) of the statutes is amended to read:

343.66 (title) Revocation ~~or, suspension, cancellation, or denial of renewal of driver school license licenses and instructor's licenses.~~

SECTION 44. 343.66 of the statutes is renumbered 343.66 (1) and amended to read:

343.66 (1) The secretary department may suspend ~~or, revoke, or cancel~~ any driver school license issued under s. 343.61 or instructor's license issued under s. 343.62, or, subject to ss. 343.61 and 343.62, refuse to issue a renewal thereof if renew a driver school license or instructor's license if, during any period, any of the following applies:

(a) The licensee has made a material false statement or concealed a material fact in connection with the application for a license or the renewal thereof; of a license.

(b) Subject to ss. 111.321, 111.322 and 111.335, the licensee or any partner, member, manager or officer of the licensee has been convicted of a felony; or any other disqualifying offense as established by rule by the department, in this state, or in another jurisdiction, including a conviction under the law of a federally recognized American Indian tribe or band in this state, for an offense that if committed in this state would be a felony or disqualifying offense, unless the person so convicted has been officially pardoned.

(c) The licensee has failed to comply with any of the requirements of ss. 343.60 to 343.72; or rules promulgated under those sections.

(d) The licensee or any partner, member, manager or officer of ~~such~~ the licensee has been guilty of fraud or fraudulent practices in relation to the business conducted under the license or in relation to securing for himself or herself or another a license to operate a motor vehicle, or guilty of inducing another person to resort to fraud or fraudulent practices in relation to securing for himself or herself or another the license to ~~drive~~ operate a motor vehicle;

(e) Subject to ss. 111.321, 111.322 and 111.335, the licensee has knowingly employed, as an instructor, a person who has been convicted of a felony or has retained such a person in such employ after knowledge of his or her conviction; or does not meet the requirements under s. 343.62.

(f) The licensee has failed to maintain satisfactory insurance to meet damage claims in the amounts specified by s. 343.64 (1) (g) as required by the department under s. 343.61 (3m) (a).

SECTION 45. 343.665 (title) of the statutes is repealed.

SECTION 46. 343.665 (1) of the statutes is renumbered 343.66 (2) and amended to read:

343.66 (2) The secretary shall deny, restrict, limit or suspend any driver school license issued under s. 343.61 or instructor's license issued under s. 343.62 or refuse to issue a renewal for such renew a driver school license or instructor's license if the applicant or licensee is an individual who is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, or who fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857.

SECTION 47. 343.665 (2) of the statutes is renumbered 343.66 (3) and amended to read:

343.66 (3) The secretary shall suspend or revoke a driver school license issued under s. 343.61 or an instructor's license issued under s. 343.62, if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes. A licensee whose driver school license or instructor's license is suspended or revoked under this subsection for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this subchapter.

SECTION 48. 343.67 of the statutes is repealed.

SECTION 49. 343.675 of the statutes is repealed.

SECTION 50. 343.68 of the statutes is repealed.

SECTION 51. 343.69 (title) of the statutes is amended to read:

343.69 (title) Hearings on license denials and, cancellations, restrictions, suspensions, and revocations, and progressive enforcement action.

SECTION 52. 343.69 of the statutes is renumbered 343.69 (1) and amended to read:

343.69 (1) ~~Before~~ If the department denies an application for original issuance or renewal of a driver school license or instructor's license, or revokes, suspends, cancels, or restricts any such license, the department shall notify the applicant or licensee in writing of the pending action and ~~that the division of hearings and appeals will hold a hearing on the pending denial or revocation. The division of hearings and appeals shall send by sending~~ notice of the hearing action by registered or certified mail to the last-known address of the licensee or applicant, at least 10 days prior to the date of the hearing. Any person who is aggrieved by a decision of the department under this subsection may, within 10 days after the date of receiving notice of the department's action, request review of the action by the division of hearings and appeals in the department of administration under ch. 227. This ~~section~~ subsection does not apply to denials, cancellations, restrictions, suspensions, or revocations of licenses under s. ~~343.665 or 343.675~~ 343.66 (2) or (3).

SECTION 53. 343.69 (2) of the statutes is created to read:

343.69 (2) The department shall establish by rule a system of progressive enforcement action taken against licensees for violations of this subchapter or rules promulgated under this subchapter. This system shall include a procedure for addressing consumer complaints and taking action against licensees when such complaints are found to be substantiated.

SECTION 54. 343.70 (title) of the statutes is repealed.

SECTION 55. 343.70 (1) of the statutes is renumbered 343.61 (3) (e) and amended to read:

343.61 (3) (e) If any driver school ~~or instructor's~~ license is lost, ~~it shall be reissued by the department upon application therefor accompanied by~~ shall issue a replacement upon receipt of a completed application, satisfactory proof of eligibility, satisfactory proof of loss, and a fee ~~of \$1~~ established by the department by rule.

SECTION 56. 343.70 (2) of the statutes is renumbered 343.66 (4) and amended to read:

343.66 (4) If a driver school or instructor's license is ~~suspended or revoked,~~ canceled, or suspended, the licensee shall surrender all driver school and instructor licenses to the department and no portion of the any license fee shall be refunded.

SECTION 57. 343.71 (title) of the statutes is amended to read:

343.71 (title) Driver schools to maintain school records, curriculum, and operations.

SECTION 58. 343.71 (intro.) of the statutes is renumbered 343.71 (1m) (intro.) and amended to read:

343.71 (1m) (intro.) Every licensed driver school shall maintain all of the following records:

SECTION 59. 343.71 (1) of the statutes is repealed.

SECTION 60. 343.71 (2) of the statutes is renumbered 343.71 (1m) (a) and amended to read:

343.71 (1m) (a) A record showing the date, type, and duration of, and the name and address of each person receiving, all lessons, lectures, tutoring, instructions or other services relating to instructions in the operation of motor vehicles, and this record shall include the name of the instructor giving such lessons or instructions and identification of the vehicle in which any road driving skills lesson is given, ~~including type of transmission,~~

SECTION 61. 343.71 (3) of the statutes is renumbered 343.71 (1m) (b) and amended to read:

343.71 (1m) (b) A file containing a ~~duplicate~~ copy of every agreement entered into ~~between the school and every person given lessons, lectures, instructions or other services relating to instructions in the operation of motor vehicles~~ required under this paragraph. No person shall ~~be given driver school or instructor may provide~~ lessons, lectures, tutoring or other services relating to instructions in the operation of motor vehicles ~~until unless~~ a written agreement in a form approved by the department has been executed by ~~both~~ the school and either the student if the student is at least 18 years of age or, if the student is under 18 years of age, the student's parent or legal guardian. The student ~~shall be given driver school shall give the student, or the parent or guardian if the student is under 18 years of age,~~ the original, ~~while the school agreement and~~ shall retain and preserve the ~~carbon a duplicate thereof~~ copy of the agreement.

SECTION 62. 343.71 (5) of the statutes is created to read:

343.71 (5) A driver school shall notify the department of the name and address of each person who is under the age of 18 years at the commencement of a course in driver training and who fails to satisfactorily complete the course.

SECTION 63. 343.72 (1) of the statutes is amended to read:

343.72 (1) No licensee may agree to give refresher lessons, unless the student states that he or she has had previous driving experience operating a motor vehicle.

SECTION 64. 343.72 (2) of the statutes is renumbered 343.71 (2m) and amended to read:

343.71 (2m) No licensee shall may agree to give unlimited ~~driver's driver~~ lessons, nor represent or agree, orally or in writing or as a part of an inducement to sign any agreement, to give instructions until the student obtains an operator's license ~~is obtained.~~

SECTION 65. 343.72 (3) of the statutes is renumbered 343.71 (3m) and amended to read:

343.71 (3m) No agreement shall may contain a “no refund” clause, but may contain the following: “The school will not refund any tuition or part of tuition if the school is ready, willing and able to fulfill its part of the agreement”.

SECTION 66. 343.72 (4) of the statutes is renumbered 343.71 (4).

SECTION 67. 343.72 (5) of the statutes is renumbered 343.61 (4) (b) and amended to read:

343.61 (4) (b) ~~The licensee shall have a specific place of business described~~ location of each driver school office shall be identified in the license. ~~No~~ Except as provided by the department by rule, no licensee shall may establish its headquarters any driver school office within 1,500 feet of a department office where operator’s licenses are issued, nor within 1,500 feet of any headquarters where official road driving skills tests are given, and locations shall be filed with the department as part of the license application. Any change in address of any driver school office or driver school classroom must be reported to and approved by the department. A driver school may maintain driver school classrooms at locations other than the driver school office.

SECTION 68. 343.72 (5m) of the statutes is created to read:

343.72 (5m) No driver school may represent that completion of a course of instruction will guarantee that the student will pass the driving skills test administered by the department. A driver school may only represent by means of a certificate of completion that the student has satisfactorily completed the required course.

SECTION 69. 343.72 (6) of the statutes is amended to read:

343.72 (6) All licensees must ascertain from state license examiners the route over which road tests are given, and no licensee may instruct in those areas, except that driver schools may operate on a division of motor vehicle skills test route if comparable training location opportunities are not otherwise available in the locale.

SECTION 70. 343.72 (7) of the statutes is amended to read:

343.72 (7) Licensees shall may not publish, advertise, or ~~intimate~~ create the impression that a license is guaranteed or assured. The display of a sign such as “License Secured Here” is forbidden.

SECTION 71. 343.72 (8) of the statutes is repealed.

SECTION 72. 343.72 (9) of the statutes is renumbered 343.61 (4) (c) and amended to read:

343.61 (4) (c) ~~Except as provided by sub. (8), the~~ The use of the word “Wisconsin”, or “State” ~~or the name of the city in which the school is located,~~ in any sign, firm name or other medium of advertising is prohibited.

SECTION 72m. 343.72 (10) of the statutes is amended to read:

343.72 (10) All driver training cars used by the school must be identified by a sign ~~on the rear of the vehicle~~ visible to other vehicles from behind stating that it the vehicle is a driver school vehicle.

SECTION 73. 343.72 (11) of the statutes is amended to read:

343.72 (11) All driver training ~~cars~~ vehicles must be registered with the department with a brief description of each, including the make, model, and registration number, and ~~type of transmission~~ shall be kept in safe working condition, as established by the department by rule. The department may promulgate rules authorizing the department to place any driver training vehicle out of service for a vehicle equipment violation or for failure to file with the department proof of insurance for the vehicle.

SECTION 74. 343.72 (12) of the statutes is amended to read:

343.72 (12) All driver training ~~cars~~ vehicles shall be equipped with ~~approved~~ dual controls so that the instructor can stop the ~~car~~ vehicle promptly. The department may inspect these ~~cars~~ vehicles at its discretion. After initial inspection of any driver training vehicle by the department, a driver school may, as provided by rule, certify to the department the condition of any driver training vehicle of a model year not more than 3 years old.

SECTION 75. 343.73 of the statutes is amended to read:

343.73 Penalty. Any person who violates ss. 343.60 to 343.72 may be ~~fined~~ required to forfeit not less than \$25 ~~\$100~~ nor more than \$100 or ~~imprisoned not more than 30 days~~ \$200 for each offense.

SECTION 76. Initial applicability.

(1) This act first applies to licenses issued or renewed, actions taken by the department of transportation against licenses, agreements entered into, and requests for review or hearing made, on the effective date of this subsection.

SECTION 77. Effective date.

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