

Clearinghouse Rule 98-168

CERTIFICATE

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **operator's licenses and identification cards**, was duly approved and adopted by this Department on November 3, 1999.

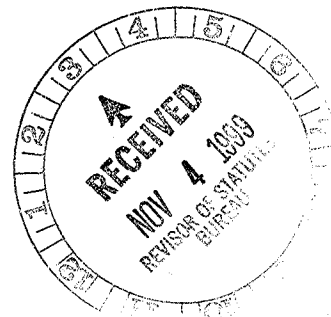
I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 3 day of **November**, 1999.

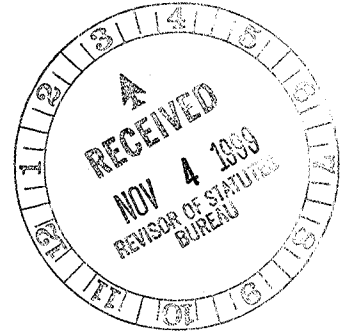
Charles H. Thompson

CHARLES H. THOMPSON
Secretary



1-1-00

The Wisconsin Department of Transportation adopts an order to repeal TRANS 102.02(6), 102.14(1)(a) and 102.20(13)(b); renumber TRANS 102.02(6m); amend TRANS 102.01(note), 102.02(9)(intro.), (a) and (b), 102.03(2) and (3), 102.07(2), 102.09(1) and (3), 102.11(1)(a)1., (b)2., (c) and (2), 102.14(1)(b) and (c), 102.15(2)(a), (c)(intro.), (c)7., (3)(intro.), (a), (a)8. and 16., (b)1. and 3., (c) and (note), (4)(a)1., (4)(b)2., (4)(c)(note), (6)(intro.) and (b), 102.16(2) and (5), and 102.20(10)(a), (11), (13)(a) and (c); repeal and recreate TRANS 102.16(3); and create TRANS 102.14(6), 102.15(3)(a)19. and (4)(a)21., 102.16(1)(title), (3m), (4)(title), (6)(title), (7)(title) and (8)(title), relating to Operator's Licenses and Identification Cards

ORDER ADOPTING RULE**Analysis Prepared by the Wisconsin Department of Transportation**

STATUTORY AUTHORITY: s. 343.02, 343.055(5), 343.16(2)(e), 343.17(6), Stats.

STATUTES INTERPRETED: ss. 343.055(5), 343.16(2)(e) and 343.17(6), Stats.

General Summary of Rule. This rule making proposes to make routine updates to the driver licensing provisions of the administrative code. The changes are as follows:

- Update references to licenses and restriction cards to reflect the fact that the Division of Motor Vehicles is now producing driver licenses in a new manner that contain digital images of drivers. For example, provisions related to restriction cards are repealed because the Department no longer issues restriction cards under the new system.
- Update provisions, where appropriate, to reflect the fact that this new technology will allow the Department to issue photo licenses by mail in appropriate situations, such as to annually update farm service restrictions on a license. Provides authority for the Department to cancel licenses issued by mail if the driver does not surrender his or her prior license.
- Prohibits the Department from issuing a person a first regular driver license in Wisconsin if the Department's computer database is not operational and the person's driver record cannot be checked.
- Reflects the fact that driver licenses are now issued for 8 years rather than for 4 years.

- Eliminates all references to a driver's place of birth in accordance with recent statutory amendments that removed the requirement that a driver prove his or her place of birth as a prerequisite to being licensed, bringing the rule into conformity with ss. 343.06(1)(j) and 343.19(1), Stats. as amended by 1997 Wis. Act 27, ss. 4065 and 4084.
- Modifies the lists of acceptable identification documents.

Fiscal Effect. The Department anticipates no fiscal effect from this rule making.

Final Regulatory Flexibility Analysis. This rule making will have no effect on small businesses.

Preparation and Copies of Rule. Preparation of this rule was done by Karen Schwartz. Copies of the rule may be obtained upon request, without cost, by writing to Karen Schwartz or by calling (608) 266-0054. Hearing-impaired individuals may contact the Department using TDD (608) 266-3096. Alternate formats of the rule will be provided to individuals at their request.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 343.02, 343.055(5), 343.16(2)(e) and 343.17(6), Stats., the department of transportation hereby adopts an order amending a rule interpreting ss. 343.055(5), 343.16(2)(e) and 343.17(6), Stats., relating to operator's licenses and identification Cards

SECTION 1. Trans 102.01(note) is amended to read:

Trans 102.01(note) Forms used in administering this rule are ~~MV3392 data card, MV3390 examination worksheet, MV3269A pocket envelope, MV3394 renewal information insert,~~ MV3004 identification card application, MV3001 license application, ~~MV3166 license form, MV3166A special restrictions card,~~ MV3006 renewal license notice, and MV3007 identification card renewal notice, MV3415 religious conviction exemption request, MV3002 certification of name, and date ~~and place~~ of birth, MV3125 additional information for operator license application, MV3452 foreign language document translation certification, MV3432 receipt and MV3501 temporary operator's license, MV3682 Wisconsin DMV digitized driver license and identification signature card,

MV 3686 driver license extension card/sticker, MV 3685 Wisconsin driver license extension application, MV 3687 driver license extension application return envelope, and MV 3278 driver license renewal window envelope.

SECTION 2. Trans 102.02(6) is repealed.

SECTION 3. Trans 102.02(6m) is renumbered 102.02(6).

SECTION 4. Trans 102.02(9)(intro.), (a) and (b) are amended to read:

Trans 102.02(9) "Reissue" means the process of issuing a license or identification card because of any of the following:

(a) A change in license restrictions; ~~or.~~

(b) Department errors ~~on the data card~~ or defects in the license such as an unrecognizable photograph; ~~or.~~

SECTION 5. Trans 102.03(2) and (3) are amended to read:

Trans 102.03(2) A license ~~without photograph~~ may be issued without a photograph or with a prior photograph on file with the department ~~when~~ to any of the following:

(a) A Wisconsin resident who is out of state and is not able to return to Wisconsin for a renewal or duplicate license.

NOTE: See s. 343.14(3), Stats., and sub. (3).

(b) A Wisconsin resident who has seriously held religious convictions that do not allow the resident to be photographed. To qualify for this exemption, the person shall complete, sign and date a statement, on a form provided by the department, certifying that the person objects to being photographed due to a seriously held religious conviction.

(c) A Wisconsin resident who requests a photograph exemption on the grounds that a photograph would not accurately reflect the person's appearance because of the person's temporary disfigurement, and the department finds that an exemption should be

granted. In cases where an exemption is granted, the person shall apply for a duplicate operator's license with photograph when the reason for the exemption no longer exists.

NOTE: The fee for a duplicate license may be found in s. 343.21(1)(L), Stats.
Wisconsin law does not permit the department to issue an ID without a photograph.

(3) A person who is issued a license without a photograph under sub. (2)(a) may be excused from the requirement of appearing in person at a motor vehicle service center at the time the duplicate or renewal license is issued. Within 30 days of return to Wisconsin, ~~a the person who has received a photograph exemption license under sub. (2)(a)~~ shall appear at a motor vehicle service center and obtain a license containing a photograph.

SECTION 6. Trans 102.07(2) is amended to read:

Trans 102.07(2) When the information systems described in sub. (1) are inoperative, the person's class D or M license may be processed based on the information certified by the person on the license application and any Wisconsin driver record available except that licenses may not be issued prior to a record check for the following persons:

(a) A person who is obtaining his or her first regular driver license.

(b) A person who is licensed in another state and is seeking to obtain a regular Wisconsin license.

SECTION 7. Trans 102.09(1) and (3) are amended to read:

Trans 102.09(1) As determined by the department, a license or identification card photograph shall be retaken ~~without fee when:~~ if

~~(a) The~~ the photograph of the person is indistinguishable, unclear, incomplete, or becomes lost or damaged ~~in the film and card processing procedure; or.~~

~~(b) The data recorded by the department on the data card is in error.~~

(3) Any person not satisfied with the photograph after receipt of a license or identification card may request to have the photograph retaken. If the photograph ~~does not meet the requirements of,~~ is indistinguishable, unclear or incomplete to the extent that the department demands another photograph of the person be taken under sub. (1), the person shall apply for a duplicate license or identification card, surrender the existing license or identification card and pay the fee required in s. 343.21(1)(L), Stats.

SECTION 8. Trans 102.11(1)(a)1., (b)2., (c) and (2) are amended to read:

Trans 102.11(1)(a)1. Multiply the number of days remaining on the existing license from the date of application by the statutory fee and divide by ~~4460~~ 2920. The number of days include the day of expiration, but not the day of application.

(b)2. Pay the prorated fee as determined under sub. (1) (a) and the statutory fee. The license upgraded for this fee shall expire ~~4~~ 8 years from the expiration date of the existing license.

(c) When 90 days or less remain on the existing license, the license holder shall pay the prorated fee as determined under sub. (1)(a) and the statutory fee. The license upgraded for this fee shall expire ~~4~~ 8 years from the expiration date of the existing license.

(2) MANUAL CALCULATION. Notwithstanding sub. (1)(a), if the automated processing system is not available, the prorated fee shall be determined by the department by multiplying the number of months remaining on the existing license from the date of application by the statutory fee and dividing by ~~48~~ 96. The number of months include the month of expiration, but not the month of application. The resulting quotient is rounded to the nearest whole dollar amount.

SECTION 9. Trans 102.14(1)(a) is repealed.

SECTION 10. Trans 102.14(1)(b) and (c) are amended to read:

Trans 102.14(1)(b) The computer system is down and a backup system ~~in the central office~~ must be used to produce the photo operator's license or photo identification card.

(c) Further verification of eligibility is necessary to comply with licensing qualifications in ch. 343, Stats., or the department determines that the person is ineligible for licensing under ch. 343, Stats.

SECTION 11. Trans 102.14(6) is created to read:

Trans 102.14(6) A license shall be reissued without fee if it is defective or inaccurate because of a department error.

SECTION 12. Trans 102.15(2)(a) and (c)(intro.) and 7. and (3)(title), (a)(intro.), 8. and 16. are amended to read:

Trans 102.15(2)(a) Satisfactory proof of date ~~and place~~ of birth, as specified under sub. (3) and satisfactory proof of identity as specified under sub. (4) shall be submitted by a person applying for an original Wisconsin operator's license or identification card.

(c)(intro.) A person shall provide proof of the person's name, and date ~~and place~~ of birth under sub. (3) and of the person's identity under sub. (4) upon the first application for an original, renewal, reinstatement or duplicate operator's license or identification card following:

(c)7. Conviction for violation of ss. 343.14(5), ~~343.16(4)~~ 343.16(7)(a) or ~~(5)~~ (b), 343.19(2), 343.43(1), 343.50(4) or (12) or 345.17, Stats.

(3)(title) PROOF OF NAME AND DATE ~~AND PLACE~~ OF BIRTH. (a) One of the following is satisfactory proof of a person's name, and date ~~and place~~ of birth:

(a)8. A federal I-94 "parole edition" or "refugees version" arrival-departure record, together with a certification, on the department's form, by the person, of the person's name, and date ~~and place~~ of birth;

16. An operator's license or identification card of another jurisdiction that is valid or expired 4 years or less, bearing an identifiable photograph and signature, or reproduction of the signature, of the person, ~~together with some other reliable evidence of the person's place of birth.~~

SECTION 13. Trans 102.15(3)(a)19. is created to read:

Trans 102.15(3)(a)19. A Mexican voter registration card bearing an identifiable photograph and signature, or reproduction of the signature of the person.

SECTION 14. Trans 102.15(3)(b)1. and 3., (c) and (c)(note) and (4)(a)1. are amended to read:

Trans 102.15(3)(b)1. A certification of the person's name, and date, ~~and place~~ of birth on the department's form;

3. Whatever documentation is available which states the person's name, and date of birth ~~and place of birth.~~

(c) The administrator may delegate to the administrator's subordinates the authority to accept or reject such extraordinary proof of name, and date ~~and place~~ of birth.

NOTE: Form MV3002 certification of name, and date ~~and place~~ of birth.

(4)(a)1. A driver education course completion certificate.

SECTION 15. Trans 102.15(4)(a)21. is created to read:

Trans 102.15(4)(a)21. Identification card issued by a foreign consulate bearing an identifiable photograph and signature, or reproduction of the signature of the person.

SECTION 16. Trans 102.15(4)(b)2., (4)(c)(note), (6)(intro.) and (b) are amended to read:

Trans 102.15(4)(b)2. A vehicle title issued 30 or more days prior to the date on which it is presented to the department as proof of identity under this section.

(4)(c)(note) These alternatives are not satisfactory proof of name and date ~~and place~~ of birth under sub. (3).

(6) TEMPORARY DRIVER RECEIPT. The department may issue a temporary driver receipt to a person who is temporarily unable to meet the identification requirements of sub. (3). The temporary driver receipt shall state the date of issue, shall be clearly marked "NOT VALID FOR IDENTIFICATION," and shall be validated for the operation of a vehicle for a stated period of up to 60 days from the date issued. The person may complete his or her license application within this period by presenting proof of the person's name, and date ~~and place~~ of birth in accordance with sub. (3)(a). For good cause shown, the department may renew the driving receipt once for an additional period of no more than 30 days. This subsection does not prohibit a person from proceeding under sub. (3)(b). This subsection applies only to persons who meet all of the following:

(b) Are unable to immediately provide proof of name, and date ~~and place~~ of birth in accordance with sub. (3)(a), but state that they will be able to do so.

SECTION 17. Trans 102.16(1)(title) is created to read:

Trans 102.16(1)(title). ORIGINAL, REINSTATED AND PROBATIONARY LICENSES.

SECTION 18. Trans 102.16(2) is amended to read:

Trans 102.16(2)(title) EYESIGHT TESTS. The eyesight test shall be given to each person who applies for renewal of a 2 ~~or~~, 4 or 8 year license at the time application is made.

SECTION 19. Trans 102.16(3) is repealed and recreated to read:

Trans 102.16(3) RENEWED REGULAR, COMMERCIAL DRIVER AND MOTORCYCLE ONLY LICENSES. Regular, commercial and motorcycle only licenses shall expire 8 years from the expiration date of the license being renewed if the license is renewed prior to its expiration, or 7 years from the person's next birthday in all other circumstances, except as otherwise provided in this section.

SECTION 20. Trans 102.16(3m) is created to read:

Trans 102.16(3m) LICENSE EXTENSIONS. A regular license issued by the department may be extended by the department for 4 years from the expiration date of the license if the department has selected the license for 4 year extension rather than renewal in order to balance the number of licenses that will expire in future years. The department may consider a person's driving history in deciding whether to extend the person's license. Vision examinations may not be required for extensions.

NOTE: s. 343.20(1)(f), Stats., provides that this extension program sunsets on December 31, 2001.

SECTION 21. Trans 102.16(4)(title) is created to read:

Trans 102.16(4)(title) LICENSE RENEWAL.

SECTION 22. Trans 102.16(5) is amended to read:

Trans 102.16(5)(title) NEW STATE RESIDENTS. Original operator's licenses issued under s. 343.20(1)(e), Stats., shall ~~be expired~~ expire 3 years after the licensed person's next birthday.

NOTE: Section 343.20, Stats., provides for licensing of qualified drivers previously licensed in other jurisdictions.

SECTION 23. Trans 102.16(6)(title), (7)(title) and (8)(title) are created to read:

Trans 102.16(6)(title) SPECIAL RESTRICTED LICENSES.

(7)(title) ENDORSEMENTS EXPIRE WITH LICENSES.

(8)(title) EXPIRATION DATE DOES NOT CHANGE WITH CHANGES IN AUTHORITY.

SECTION 24. Trans 102.20(10)(a) and (b), (11), and (13)(a) are amended to read:

Trans 102.20(10)(a) Except when a license is due for renewal, at least once each calendar year in which an applicant seeks farm service CDL privileges, the person shall apply to the department for a farm service CDL ~~restriction card~~ replacement license designating the person's next seasonal period.

(b) The department shall confirm the driver's continued eligibility for the farm service CDL before each seasonal period and, if the driver is eligible for the license under sub. (3), shall issue a ~~restriction card~~ replacement farm service CDL to the driver. If a replacement license is issued by mail and the driver fails to return the license document it replaces to the department, the department may cancel the replacement license.

(11) LICENSE FORM. A farm service CDL shall be subject to the restrictions set forth on ~~a restriction card~~ the license.

(13)(a) The fee for the farm service CDL shall be ~~\$32.00~~ the fee established in s. 343.21(1)(d), Stats., or the prorated amount due under s. Trans 102.10.

NOTE: The fee for a CDL under s. 343.21(1)(d), Stats., is currently \$64.

SECTION 25. Trans 102.20(13)(b) is repealed.

SECTION 26. Trans 102.20(13)(c) is amended to read:

(c) The fee for changing the seasonal period on a farm service CDL after a person has specified a seasonal period in a given calendar year shall be the fee for obtaining a duplicate license under s. 343.21(1)(L), Stats.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 3 day of November, 1999.



CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation



Wisconsin Department of Transportation

www.dot.state.wi.us

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
P.O. Box 7910
Madison, WI 53707-7910

Telephone: 608-266-8810
FAX: 608-267-6734
E-Mail: ogc.exec@dot.state.wi.us

November 4, 1999

Mr. Gary Poulson
Deputy Revisor of Statutes
131 West Wilson Street, Suite 800
Madison, Wisconsin 53703

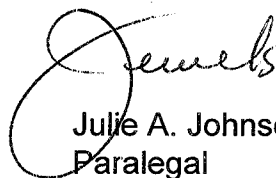
RE: **CLEARINGHOUSE RULE 98-168**

In the Matter of the Adoption of **TRANS 102**, Wisconsin Administrative Code,
relating to **operator's licenses and identification cards**

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 98-168**, an administrative rule relating to the above-mentioned matter.

Sincerely,


Julie A. Johnson
Paralegal

Enclosures

cc: Roger Cross
Mike Goetzman
Sandy Beaupre
Karen Schwartz
John Alley

