


CERTIFICATE OF RULE ADOPTION -RE-PUBLICATION

I, Melvin Larson, Commissioner of Motor Vehicles of the State of Wisconsin, hereby certifies that the attached re-published rules (Marked "Exhibit A") previously adopted and published (re-published for the purpose of conforming the citation numbers of the repealed statutes with the citation numbers of the new statutes passed by the 1957 legislature) are true and complete copies of such rules previously adopted and now confirmed and re-adopted with the new statutory citations and such minor corrections and repeals as specifically set forth in the filed order in the office of the Revisor of Statutes.

  
\_\_\_\_\_

Commissioner of Motor Vehicle Department

MVD 1, 2, 4, 5,  
6, 9, 10

ORDER OF THE COMMISSIONER OF MOTOR VEHICLES  
ADOPTING, AMENDING, OR REPEALING RULES

NOTE: (The following Motor Vehicle Department rules are re-adopted and re-published for the purpose of conforming the citation numbers of the old statutes with the citation numbers of the new statutes passed by the 1957 legislature. Repeals are limited to those where the legislature has substituted legislation for a previous rule or where the Commissioner recognizes the necessity of the repeal of a presently existing rule. Amendments incorporated in the republishing are considered corrective, or procedural expanding of an existing rule.)

Pursuant to authority vested in the Commissioner of Motor Vehicles in Section 110.06 Wis. stats., the Commissioner of Motor Vehicles hereby repeals, amends, and adopts the attached rules with corrective citations endorsed as follows: ("Exhibit A" attached and made a part hereof.)

Chapters MVD 1, MVD 2, MVD 4, MVD 5, MVD 6, MVD 9, MVD 10, and MVD 11 as previously published and now revised in accordance with the new citations adopted by the legislature in renumbering Chapters 85 and the statutory provisions under Act 260 of the laws of 1957 are hereby declared confirmed and re-adopted with the new statutory citations as republished.

Chapters MVD 3, MVD 7, MVD 8; and, Sections MVD 10.02 and MVD 11.02 (5) Wisconsin Administrative Code are hereby repealed.


Section MVD 10.01 (Standard Form Certificate of Insurance) is hereby amended by striking "as defined" in line 7 and substituting therefore "as provided" and further by striking "section" in line 7 and substituting therefore "chapter" as endorsed on the previously published SR-21 and attached hereto as "Exhibit A".

Section MVD 10.03 is hereby amended by striking "with proof" in line 7 of such sub-section and by striking "by a stranger" in


line 2 of (2) of such sub-section; and, further amended by striking "all relatives or close friends" in line 1 of (3) and the word "or" in line 3 of (3) and striking the comma after friend and adding "or other good and sufficient cause" after ". . friends" at line 4 in (3); also further amended by striking "sworn statement" and substituting "affidavit" in line 1 of (3)(a); and, further amended by striking "would" in (3)(a) and substituting "shall"; all in accordance with the endorsed corrections on the attached "Exhibit A " hereof which broadens such rule procedurally.

"EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF

Dated at Madison, Wisconsin  
this 25th day of July, 1957

  
\_\_\_\_\_  
Commissioner of Motor Vehicles  
State of Wisconsin

I certify that the foregoing rules which were previously adopted by me and constituted the published rules of this department are the true and complete copies of such rules previously adopted by me and now confirmed and re-adopted with new citations and such minor corrections or amendments as endorsed; and, that the aforementioned repeals as specifically set forth in the above order were necessitated by statutory provisions now governing and superceding such rules.

  
\_\_\_\_\_  
Commissioner of Motor Vehicles  
State of Wisconsin

"Exhibit A"

Filed Aug  
28 - 1957  
11:07 am

# Wisconsin Administrative Code

Rules of

## MOTOR VEHICLE DEPARTMENT

Cite the rules in this Code as

(for example)

Wis. Adm. Code section MVD 1.01

MOTOR VEHICLE DEPARTMENT

101 State Office Building, Madison 2, Wisconsin

"Exhibit A"

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## Chapter MVD 1

### PLEADING, PRACTICE AND PROCEDURE

MVD 1.01	Pleading, practice and procedure	MVD 1.03	Petition for rules
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**MVD 1.01 Pleading, practice and procedure.** (1) **GENERAL.** The following rules of procedure, adopted by the motor vehicle department of the state of Wisconsin pursuant to chapter 227, Wis. Stats., shall govern the form, content, and filing of pleadings, in contested cases, the procedure for submission, consideration and disposition of petitions for rules, and of petitions for declaratory rulings. In any case where the statute involved provides a procedure inconsistent with these rules, the statute shall govern to the extent of such inconsistency. If in any case the forms set out in these rules be found not appropriate, parties may devise forms substantially similar to those herein prescribed, to meet such situations.

(2) **REVOCAION AND SUSPENSION OF LICENSES—definitions.** As used in these rules, “license” means any license, permit, certificate of registration or other grant of authority issued pursuant to chapters 110, 194 or 218, 340 to 349, Wis. Stats., and subject to suspension or revocation by the department; “hearing” includes a joint hearing by the department and any other administrative agency; “revocation or suspension” of licenses includes refusal to renew the same; “commissioner” as used herein means the commissioner of the motor vehicle department of the state of Wisconsin and includes the deputy commissioner whenever the latter shall act pursuant to section 110.02, Wis. Stats.; “department” means the motor vehicle department of the state of Wisconsin acting directly or through its duly authorized officer or agent [section 340.01 (12), Wis. Stats.]; in addition to its definition as set forth in section 227.01 (3), “rule” as used herein includes the official motor vehicle department “orders” as made and promulgated by the commissioner.

(3) **HOW PROCEEDINGS INITIATED.** Proceeding to revoke or suspend licenses may be initiated in one of two ways:

(a) On a verified complaint by an individual or an officer required by law to enforce the law in question, filed in triplicate (original and two copies) with the department;

(b) By the department on its own motion, whenever its investigation discloses probable grounds therefor.

(4) **STYLE OF PLEADINGS.** All pleadings, notices, orders and other papers filed in such proceedings shall be captioned “Before the Motor Vehicle Department of the State of Wisconsin” and shall be entitled “In the Matter of the Revocation or Suspension of the \_\_\_\_\_ of \_\_\_\_\_, (license, permit, or certificate of registration) Respondent”. The party whose license is involved shall be known and designated as the “Respondent”.

MOTOR VEHICLE DEPARTMENT

(5) COMPLAINT ON DEPARTMENT'S INVESTIGATION. If the complaint is founded upon an investigation made by the department, it shall be incorporated in the notice of hearing and statement of issues as prescribed by section MVD 1.01 (8).

(6) FORM OF CHARGES. If the alleged offense is a continuing one, its general nature and the approximate time covered shall be stated in the complaint or notice of hearing; if a specific incident is relied on, it shall be alleged with such particularity as to time, place and circumstances as may be necessary to enable the respondent to prepare his defense; and in either case the offense may be alleged in the language of the statute or rule claimed to have been violated, and shall conclude: "contrary to sec. \_\_\_\_ of the statutes" or "contrary to rule \_\_\_\_ of the rules and regulations of the commissioner governing \_\_\_\_\_" or both. Separate charges shall be stated in separate paragraphs and numbered consecutively.

(7) PROCEDURE UPON FILING OF COMPLAINT. Upon the filing of a complaint as prescribed by section MVD 1.01 (3) (a), the commissioner shall cause an investigation to be made of the matters alleged to determine whether there is probable cause for action by him and if he determines that there is such probable cause he shall order a hearing as prescribed by section MVD 1.01 (8) and also notify the complainant thereof. If he determines that no further action is warranted, he shall notify the complainant in writing.

(8) NOTICE OF HEARING AND STATEMENT OF ISSUES. Notice of hearing shall be addressed to the respondent at his last known post-office address, shall include the statement of issues and shall be in substantially the following form:

(a) If on complaint filed as provided in section MVD 1.01 (3) (a), such complaint shall be attached to the following notice:

"To \_\_\_\_\_ (name)  
\_\_\_\_\_ St.  
\_\_\_\_\_, Wis.

Respondent

"Please take notice that a hearing will be held on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_, at room No. \_\_\_\_\_ (or other proper designation) of the \_\_\_\_\_ Building (or other proper designation), No. \_\_\_\_\_ St., in the city of \_\_\_\_\_, Wis. at \_\_\_\_ o'clock \_\_M., or as soon thereafter as the matter may be reached, on the question whether the \_\_\_\_\_

(license, permit or certificate) heretofore issued to the above named Respondent pursuant to Section \_\_\_\_\_, Wisconsin Statutes, should be suspended or revoked. The issues involved and the charges there to be considered are [as set forth in the attached complaint] to which you are required to make answer in writing at least \_\_\_\_ days before the time set for said hearing.

"Dated at Madison, Wisconsin, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

"MOTOR VEHICLE DEPARTMENT OF THE STATE OF WISCONSIN

By \_\_\_\_\_"

Commissioner

(b) If on only part of the charges set forth in such complaint the form set forth in subsection (a) shall be altered by inserting in lieu of the matter enclosed in brackets: "as set forth in paragraph -----, -----, ----- and ----- of the attached complaint,".

(c) If initiated on the department's own motion, the form set forth in subsection (a) shall be altered by inserting in lieu of the matter enclosed in brackets:

"the following:

- "1. -----
- "2. -----
- "3. -----"

(d) If in part on complaint and in part on charges initiated by the department on its own motion, the form set forth in subsection (a) shall be altered by inserting in lieu of the matter enclosed in brackets:

"As set forth in the attached complaint, (Or paragraphs -----, -----, -----, and ----- of the attached complaint together with the following additional issues and charges:

- "1. -----
- "2. -----
- "3. -----"

(9) ANSWER. The answer of the respondent shall be verified, unless an admission of the allegation might subject the party to prosecution for a felony, and shall be filed with the department in triplicate (original and two copies) within at least 1/2 the time intervening between the notice of hearing and the time set for said hearing, and such time for answer shall be stated in said notice as required by section MVD 1.01 (8). The answer must contain:

(a) A specific denial of each material allegation of the charges controverted by the respondent.

(b) A statement of any new matter constituting a defense or mitigating the offense charged, which the respondent wishes to have considered.

(10) ADMISSION BY NOT DENYING. Every material allegation of the charges not controverted as prescribed shall be taken as true, but new matter in the answer shall be deemed controverted without any reply being served or filed.

(11) DEFAULT; RELIEF THEREFROM. In case the respondent fails to submit an answer as required by section MVD 1.01 (9), or fails to appear at the hearing at the time fixed therefor, the charges specified may be taken as true and the department may make findings and enter its order on the basis of the facts revealed by the preliminary investigation. But the department may, for good cause shown, relieve the respondent from the effect of such default and permit him to answer and defend the proceeding, at any time before the department enters its order or within 60 days thereafter.

(12) SERVICE AND FILING OF PAPERS. Unless otherwise provided by law, all orders, notices and other papers may be served by the department by first class or registered mail addressed to the party at his last known post-office address, or to his attorney of record. Papers



required to be filed with the department may be mailed to the following address:

1 West Wilson Street  
Madison 2, Wisconsin

(13) **CONDUCT OF HEARINGS; CONTINUANCES; APPEARANCES; EXAMINATION OF WITNESSES.** Unless otherwise ordered by the department, all hearings shall be conducted on behalf of the department by the commissioner or director of one of the divisions of the department designated by him. Continuances and adjournments may be granted by such presiding officer for cause shown. The respondent may appear in person or by any officer, regular employee or attorney. The complainant may likewise so appear but shall not be deemed a party. Witnesses competent to take an oath shall be sworn by the presiding officer and may be examined on behalf of the department by the presiding officer or by a representative of the attorney general acting as counsel for the department, or, with the permission of the presiding officer, by any employee of the department or by the complainant or his attorney. The respondent or any of his agents, officers or employees may be examined adversely as prescribed by section 325.14, Wis. Stats.

(14) **SUBPOENAS.** The commissioner or any director of any division of the department may sign and issue subpoenas, whether he is to conduct the hearing or not.

(15) **PREHEARING CONFERENCES.** Prehearing conferences may be held at the convenience of the parties and shall be conducted by the commissioner or any director of a division or other employee of the department designated by him, who shall keep and preserve a record of any agreement as to the issues or stipulation or admission of fact which may be made at such conference. Such record shall be attached to the file and constitute a part of the official record of the case.

(16) **ARGUMENTS.** Except as provided under chapter 227, Wis. Stats., arguments shall be submitted to the department in writing, unless otherwise ordered. Three copies of such written arguments shall be filed with the department.

(17) **VARIANCES.** The provisions of section 263.28, Wis. Stats., with reference to variances between the allegations and the proof, shall apply to proceedings under these rules.

**History:** 1-2-56; am. (2), and (16), Register, August, 1957, No. 20, eff. 9-1-57.

**MVD 1.02 Other contested matters; rules under section MVD 1.01 (2) through (17) applicable.** In any other contested matter which may come before the department for its decision, proceedings shall be as nearly as possible governed by section MVD 1.01 (2) through (17) of these rules, with such changes as may be appropriate in the form and style of pleadings, orders, etc.

**MVD 1.03 Petition for rules. (1) WHO MAY PETITION.** Any interested person or persons or trade association may petition the department in writing for the adoption, repeal or amendment of any rule within the scope of the department's rule-making powers.

(2) **FORM OF PETITION. (a)** Every such petition shall be captioned "Before the Motor Vehicle Department of the State of Wisconsin" and entitled

“In the Matter of the Adoption of a Rule [or Order] Relating  
to \_\_\_\_\_”  
(here insert subject matter dealt with in the proposed rule or order)  
or “In the Matter of the Amendment (or Repeal) of Rule [or Order]  
number \_\_\_\_\_ of the Rules and Regulations [or Orders] relating  
to \_\_\_\_\_”  
(here insert proper title of the rules, regulations or orders in which  
the rule or order to be repealed or amended appears).

(b) If the petition is for the adoption of a new rule or order, the form of such proposed rule or order shall be set out in the petitions, except that two or more forms may be set out in the alternative if the petitioner so desires.

(c) If the petition is for the repeal of an existing rule or order, such existing rule or order shall be set out verbatim in the petition. If the petition is for the amendment of an existing rule or order, the existing rule or order shall be set out at length with a horizontal line (or a line of hyphens) drawn through any words, figures and punctuation marks which the petitioner desires to have stricken and with new matter underscored or (if the petition is printed) in italics.

(d) A petition may be for the adoption, amendment or repeal of more than one rule or order, or for the repeal and recreation of any rule or order, provided that each such proposal shall be separately stated in conformity with paragraphs (b) and (c) of this rule.

(e) The petition shall be signed by one or more natural persons. The post-office address of each signer shall be set out opposite his name and if he signs on behalf of a corporation or association that fact shall also be indicated opposite his name.

(3) SUPPORTING DATA. Whenever the adoption, repeal or amendment of any rule or order is sought by reason of the existence of a factual situation which the petitioner claims exists, the petition shall be accompanied by a sworn statement or affidavit of at least one of the petitioners stating what facts the petitioner claims exist justifying the department in taking the action prayed for and stating what evidence of such facts the petitioner has in his possession and desires to present to the department. Any petition requiring such supporting data may in the department's discretion be summarily rejected if it does not conform to this rule.

(4) FILING. All such petitions shall be filed with the commissioner.

(5) DUTIES OF COMMISSIONER. Whenever any such petition shall be filed, the commissioner shall submit the same to such person or persons employed by or associated with the department as may be concerned, with a request for a written report on the advisability or inadvisability of the change recommended. He may make a preliminary investigation of the facts alleged in any supporting affidavit accompanying the petition. If he deems it desirable he shall consult with the attorney general's office as to the legality of the proposed rule, order or amendment. He shall then submit the petition together with the results of his investigation to the commissioner. The commissioner may order such further investigation as he deems advisable.

(6) HEARINGS. No hearing shall be held on any such petition unless ordered by the commissioner. If ordered by the commissioner such hearing shall be in public and notice thereof shall be given to inter-

ested parties in such manner and within such time as the commissioner may prescribe. Notice of the hearing shall be given in writing to the person filing the petition and shall be served by first class mail sent to the address shown on the petition, but if there is more than one signature to the petition it shall not be necessary to notify signers other than the one filing the petition. Persons or associations of persons desiring to be notified of all such hearings relating to any particular field of regulation by the department may file their names and post-office addresses with the commissioner, together with a statement of the subject matter in which they are interested, in which case the commissioner shall notify them of all hearings relating to such subject matter. Unless otherwise ordered by the commissioner, hearings shall be conducted by the commissioner or some other employee of the department designated by him. The person conducting the hearing shall keep a list of the persons appearing for and against the proposed change. If the hearing is conducted by anyone other than the commissioner, he shall submit to the commissioner a summary of the arguments on both sides. If testimony or other evidence is taken it shall be reported to the commissioner in such manner as he may order.

(7) ARGUMENTS. Written or printed arguments for or against the proposed change may be filed in the manner prescribed in section MVD 1.01 (17). Arguments for the proposed change may be so submitted with the petition, at the option of the petitioner.

**MVD 1.04 Declaratory ruling under section 227.06, Wis. Stats.**

(1) WHO MAY PETITION. Any person in interest or his duly authorized agent or attorney may petition the department for a declaratory ruling with respect to the applicability to any persons, property or state of facts of any rule, order or statutes enforced by the department. Two or more persons similarly situated may join in a single petition and additional parties may intervene by petition.

(2) FORM OF PETITION; VERIFICATION. (a) Every such petition shall be captioned "Before the Motor Vehicle Department of the State of Wisconsin" and entitled "In the Matter of the Applicability of Rule [or Order] No. \_\_\_\_\_, of the Rules and Regulations Relating to \_\_\_\_\_ (or, of Section \_\_\_\_\_ of the Wisconsin Statutes) (or of Motor Vehicle Department Order No. \_\_\_\_\_) to \_\_\_\_\_, Petitioner."

(b) The petition shall contain a plain and concise statement of the ultimate facts showing the petitioner's interest (including any license held by petitioner) and the situation as to which a declaratory ruling is desired, without argument or unnecessary repetition.

(c) The petition shall conclude with a prayer for the declaratory ruling to which the petitioner supposes himself to be entitled.

(d) Every such petition shall be signed by or on behalf of each petitioner, stating his post-office address, and shall be verified by at least one of them.

(3) FILING. The petition shall be filed in triplicate (original and two copies) with the commissioner.

(4) DUTIES OF COMMISSIONER. Upon the filing of such petition the commissioner may cause an investigation to be made as to the facts alleged in the petition and may consult with the attorney general's

department as to any legal questions involved. If he determines that any of the allegations of the petition may be untrue or should be qualified, or that material facts bearing on the matter may not have been alleged, he shall prepare and serve on the petitioner(s) (and any interveners) a notice of hearing and statement of issues, setting forth the questions upon which the petitioner(s) will be required to produce evidence. The said notice shall follow as nearly as possible the form prescribed in section MVD 1.01 (8), but shall not require that an answer be made. If he determines that there is no issue of fact he shall state in the notice of hearing that issues of law only will be considered. Notice of hearing shall be given as soon as possible after filing of the petition.

(5) **MOOT OR HYPOTHETICAL CASES.** The commissioner will not consider moot or hypothetical cases, or cases in which the petitioner has no interest, financial or otherwise. Whenever a petitioner desires a declaratory ruling as to a prospective course of action, the petition shall allege and the proof must show that petitioner in good faith intends to pursue such course of action in the event of a favorable ruling by the commissioner. Whenever the petition shows on its face, or the proof establishes, that the question presented is moot or hypothetical or that petitioner has no legal interest therein, the commissioner may make and serve an order dismissing the petition, stating the grounds of his action.

(6) **HEARINGS; APPEARANCES.** Hearings shall be conducted as nearly as possible as prescribed by section MVD 1.01 (13). Petitioner(s) (and interveners) may appear in person or by any officer, regular employee or attorney. Sections MVD 1.01 (14) to 1.01 (17) shall apply to proceedings under this title.

(7) **ORDER; AMENDMENT OF RULES; DISCIPLINARY ACTION.** (a) Except in cases referred to the board under section 227.05 (3), Wis. Stats., the commissioner may decline to make a declaratory ruling in any case.

(b) The order of the commissioner need not contain findings of fact but shall, except as otherwise provided in paragraph (a), be so framed as to dispose of all questions raised in the proceedings. It may state that certain acts or fact situations are or will be contrary to the applicable statute, rule or order while others are not or will not be so. If during the pendency of the proceedings the department has adopted an amendment of its applicable rules, such amendment shall be given due effect. The order shall state that the ruling is not applicable to any fact situation not contemplated by the department and specifically mentioned in the order.

(c) Whenever the petition or the proof shows that any petitioner or intervener has wilfully violated any statute or rule or order of the department, constituting grounds for revocation or suspension of a license, the order may contain a finding to that effect and in addition to (or in lieu of) a declaratory ruling the commissioner may order the license of any such party suspended or revoked.

**Chapter MVD 2**  
**INSURANCE REQUIREMENTS**

MVD 2.01 Wisconsin endorsement and certificate of insurance      MVD 2.02 Filing of insurance policy with department

**MVD 2.01 Wisconsin endorsement and certificate of insurance.** (1) Any policy of automobile liability insurance issued by an indemnity or insurance company or exchange lawfully qualified to do business in this state which shall have been written to meet the requirements of sections 40.57 (5), 344.51 (1), 344.52 (1), 110.10 (6) (a), or 194.41 (1), Wis. Stats., as amended by the laws of 1955, and which policy contains as an original policy provision or as an endorsement thereto the following form of agreement, shall be and is hereby approved as being in compliance with said statutory sections enumerated above:

**“Wisconsin Insurance Endorsement”**

“This policy is issued in order to effect compliance by the assured as a Common Motor Carrier of Property, and/or Contract Motor Carrier, and/or Common Motor Carrier of Passengers, and/or any carrier of passengers by motor bus, and/or Person Engaged in Leasing Motor Vehicles without Drivers, and/or Person, Firm or Corporation Renting Cars, and/or Itinerant Merchant Trucker, and/or every owner and operator of a school bus and also the school district or other governmental agency which contracts for its operation with Chapter 194, Sections 194.41 and 194.44, Chapter 344, Sections 344.51, Chapter 110, Section 110.10 (6) (a), and Chapter 40, Section 40.57 (5), Wis. Stats., and notwithstanding any provision to the contrary herein contained, all of the coverage, (Cargo excepted), required by said sections 194.41, 194.44, 344.51, 110.10 (6) (a) and 40.57 (5), Wis. Stats., is hereby provided to the assured with respect to the operation, maintenance and use of any and all motor vehicles whether the motor vehicles are specifically described in the policy or not.

“The liability of the Company under said policy extends to all losses, damages, injuries, or deaths within the boundaries of the State of Wisconsin, whether occurring on or off the route or within or outside the territory authorized to be served.

“Attached to and forming a part of policy \_\_\_\_\_  
issued by the \_\_\_\_\_  
Company, to \_\_\_\_\_.

“Countersigned at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Authorized Agent”

(2) The following form is hereby approved and prescribed as the standard form of certificate of insurance, and when completed with information called for by the blanks provided, and duly executed by the authorized representative of the indemnity or insurance company or exchange tendering same for filing in compliance with any of the following statutory sections: Section 40.57 (5), 344.51 (1), 344.52 (1), 110.10 (6) (a), or 194.41 (1), Wis. Rev. Stats., as amended by the laws of 1955, will be accepted for filing by the motor vehicle department in lieu of the original policy of insurance:

**History:** 1-2-56; am. (1) and (2), and Endorsement, Register, August, 1957, No. 20, eff. 9-1-57.

Register, August, 1957, No. 20.

**MOTOR CARRIER AUTOMOBILE BODILY INJURY LIABILITY AND PROPERTY DAMAGE LIABILITY**

Received  
and Approved

Authority Number

Date \_\_\_\_\_


LC  
OS  
CC  
IC  
BUS

This is to certify, that the \_\_\_\_\_  
Name of Company

(hereinafter called Company) of \_\_\_\_\_  
has issued to: \_\_\_\_\_  
Home Office Address of Company

\_\_\_\_\_  
Name of Insured

\_\_\_\_\_  
Street or R.F.D.

\_\_\_\_\_  
P.O.                      Zone                      State

The Policy of Automobile Bodily Injury Liability and Property Damage Liability Insurance herein described which, by the attachment of the Wisconsin Insurance Endorsement, approved by the Motor Vehicle Department (a copy of which, printed on the reverse side hereon, is incorporated herein by reference) has been amended to provide the coverage or security for the protection of the public required with respect to the operation, maintenance, or use of motor vehicles under certificate of public convenience and necessity or permit issued to the insured by the Motor Vehicle Department, and the pertinent rules and regulations of the Motor Vehicle Department.

Whenever requested by the Department, the Company agrees to furnish to the Department a certified copy of the policy herein referred to.

The endorsement described herein may not be cancelled without cancellation of the Policy to which it is attached. Such cancellation may be effected by the Company or the Insured giving ten (10) days' notice in writing to the Motor Vehicle Department at its office in Madison, Wisconsin, said ten (10) days' notice to commence to run from the date notice is actually received at the office of said department.

Policy No. \_\_\_\_\_ Effective from \_\_\_\_\_ To \_\_\_\_\_  
12:01 A.M., Standard Time at the address of insured as stated in said policy

Countersigned at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Filed with  
**MOTOR VEHICLE DEPT.**  
Insurance Section  
**MADISON, WISCONSIN**

\_\_\_\_\_  
Name of Company

\_\_\_\_\_  
Street

By \_\_\_\_\_  
Authorized Company Representative

\_\_\_\_\_  
P.O.                      Zone                      State

WC3314

WISCONSIN ADMINISTRATIVE CODE

11

1-2-56

(REVERSE SIDE)

### Wisconsin Insurance Endorsement

This policy is issued in order to effect compliance by the assured as a Common Motor Carrier of Property, and/or Contract Motor Carrier, and/or Common Motor Carrier of Passengers, and/or any carrier of passengers by motor bus, and/or Person Engaged in Leasing Motor Vehicles without Drivers, and/or Person, Firm or Corporation Renting Cars, and/or Itinerant Merchant Trucker, and/or every owner and operator of a school bus and also the school district or other governmental agency which contracts for its operation, with Chapter 194, Sections 194.41 and 194.44, Chapter 344, Section 344.51, Chapter 110, Section 110.10(6) (a), and Chapter 40, Section 40.57(5), Wisconsin Statutes, and notwithstanding any provision to the contrary herein contained, all of the coverage, (Cargo excepted), required by said Sections 194.41, 194.44, 344.51, 110.10(6) (a) and 40.57(5), Wisconsin Statutes, is hereby provided to the assured with respect to the operation, maintenance and use of any and all motor vehicles whether the motor vehicles are specifically described in the policy or not.

The liability of the Company under said policy extends to all losses, damages, injuries, or deaths within the boundaries of the State of Wisconsin, whether occurring on or off the route or within or outside the territory authorized to be served.

**MVD 2.02 Filing of insurance policy with department.** (1) Every common and contract motor carrier shall, on or before the day upon which any insurance policy filed with the motor vehicle department pursuant to section 194.41, Wis. Stats., is terminated, either by expiration or cancellation, either place on file with the motor vehicle department a renewal or new policy providing the required statutory coverage, or notify the motor vehicle department in writing that the motor vehicle covered by the canceled or expired policy is not being operated by reason of being temporarily or permanently out of service;

(2) If the motor vehicle is noted as temporarily out of service, the notification shall specify the period during which it is expected or estimated that the vehicle will be out of service, and shall contain a statement by the carrier that the vehicle will not be operated by it on the highways of this state until a policy providing the statutory coverage shall have been filed with the department;

(3) All common or contract motor carrier permits covering motor vehicles for which the required insurance is not on file as provided by section 194.41, Wis. Stats., shall be immediately suspended during such time as such insurance is not on file, and any operation of such vehicles during such suspension shall be deemed cause for revocation of all certificates or licenses and all permits of any carrier guilty thereof.

(4) Any order (particularly MC-971) inconsistent with the terms and provisions of this order shall be and the same is hereby revoked, canceled and repealed.

(5) Wherever, in the preceding paragraphs, reference is made to the filing of a policy of insurance, the filing of a certificate of insurance in accordance with section MVD 2.01 shall constitute compliance with the present order.

**Next page is numbered 15.**

**Chapter MVD 3, 1-2-56, r. Register, August, 1957, No. 20, eff. 9-1-57.**



**Chapter MVD 4**  
**LETTERING ON VEHICLES AND DISPLAY OF**  
**CERTIFICATES OF REGISTRATION AND**  
**DUAL PERMIT CARDS**

MVD 4.01 Required lettering

**MVD 4.01 Required lettering.** (1) **LETTERING ON BUSES, TRUCKS AND TRUCK TRACTORS.** Each bus, motor truck or truck-tractor operated upon the highways of Wisconsin under common, contract or private motor carrier permit, except farm trucks having a gross weight of 10,000 pounds or less and all other private carrier vehicles having a gross weight of 8,000 pounds or less, shall have painted in a conspicuous place on each side of said vehicle in letters not less than 2 inches in height and of not less than one-fourth inch stroke, and in a color contrasting with the color of the surface of the vehicle: (a) the name and address of the carrier, and (b) the number of the common motor carrier certificate or contract motor carrier license, including the letter symbol of classification under which it is operated together with the letters PSCW immediately following or below the above certificate or license number. Such lettering shall be kept sufficiently clean so as to render all characters plainly legible at all times. At the option of the owner, a vehicle used exclusively for the service of one person or firm, when properly marked in accordance with (a) and (b), may also be marked with the name and address of such person or firm.

(2) **LETTERING ON TRAILERS AND SEMITRAILERS.** All trailers or semitrailers, except farm trailers having a gross weight of 12,000 pounds or less, and trailers operated by private motor carriers having a gross weight of 3,000 pounds or less, must have painted in some conspicuous place on both sides thereof the name of the owner or operator, except that instead of painting the name on the sides the owner or operator may paint his name on both the front and rear of the trailer or semitrailer, provided the lettering is not less than 4 inches in height and not less than one-half inch in stroke, in a color contrasting with the color of the vehicle.

(3) **DISPLAY OF REGISTRATION CERTIFICATES AND PERMIT CARDS.** No motor carrier subject to the provisions of chapter 194, Wis. Stats., shall operate any motor vehicle without having displayed in the cab of such motor vehicle or in the case of a trailer or semitrailer, without having displayed in the cab of the truck or tractor used in connection therewith, or in an accessible place in or on said trailer or semitrailer, the current registration certificate issued by the motor vehicle department of Wisconsin pursuant to the provisions of section 341.11 (1), Wis. Stats. Dual permit cards issued under section 194.04 shall be carried in the same manner as registration certificates.

(4) **LEASED VEHICLE.** In the case of leased vehicle, the lessee is considered the operator.

(5) **OBSOLETE PLATES AND STICKERS TO BE REMOVED.** No motor carrier subject to the provisions of chapter 194, Wis. Stats., shall operate any vehicle on the public highways after having received and affixed to such vehicle current registration number plate or plates, or current windshield license stickers, without first removing all expired registration number plates or windshield license stickers.

**History:** 1-2-56; am. (3), Register, August, 1957, No. 20, eff. 9-1-57.

Register, August, 1957, No. 20.

## Chapter MVD 5

## TRANSPORTATION OF SCHOOL CHILDREN

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MVD 5.12	Starting and stopping	MVD 5.40	Contracts
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MVD 5.15	Duty to signal stops and turns	MVD 5.43	Enforcement
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MVD 5.17	Cooperation with officers	MVD 5.45	Penalties
MVD 5.18	Age of driver	MVD 5.46	Interpretation

**MVD 5.01 Definition.** The term "school bus" as used herein shall mean any motor vehicle which is owned or operated by a public or governmental agency, or privately owned and operated for compensation, which is used to transport children to or from school or to transport school groups engaged in extra-curricular activities to or from a school or district.

## DRIVER REQUIREMENTS

**MVD 5.02 School bus operator's license.** No person shall operate a school bus without having first applied for and received a school bus operator's license as provided by section 343.12, Wis. Stats. Application for such license must be made to the Motor Vehicle Department, Madison 2, Wisconsin. (The law prohibits issuance of a school bus driver's license to any person who is less than 21 years of age.)

**History:** 1-2-56; am. Register, August, 1957, No. 20, eff. 9-1-57.

**MVD 5.03 Moral character.** School bus drivers shall be of good moral character. No person shall be employed as a school bus driver who shall have been convicted of a felony or any offense against public morals, or within 2 years after being convicted of any of the following offenses while driving a motor vehicle:

- (1) Manslaughter;
- (2) Driving a motor vehicle while under the influence of liquor or habit forming drugs;
- (3) Failure to stop, disclose identity and render assistance when involved in a motor vehicle accident;
- (4) Reckless driving.

**MVD 5.04 Physical qualifications.** School bus operators must be in good physical condition, possessing at least 20/40 vision either normally or corrected, capable of seeing with both eyes, and possess-

ing full, natural use of both hands, and full, natural use of the foot normally employed to operate the foot brake and foot accelerator.

**MVD 5.05 Smoking and use of alcohol.** The driver shall not smoke or permit smoking when children are transported. The use of alcoholic beverages by the driver at any time when such use would tend to influence school bus operation shall automatically cancel his contract and his employment for the balance of the year.

**MVD 5.06 Maintaining order.** Driver shall be responsible for the maintenance of order among children being transported, and shall promptly report any misconduct to the proper school authorities or parents.

**MVD 5.07 Driving test.** The motor vehicle department will require an applicant for a school bus operator's license to undergo a driving test for the purpose of ascertaining the applicant's ability to operate safely a school transportation vehicle, and no person failing to pass such examination shall be permitted to drive any vehicle subject to these regulations.

**MVD 5.08 Duty to check vehicle.** Driver shall check daily the condition of the vehicle, giving particular attention to brakes, tires, lights and interior cleanliness of the vehicle.

**MVD 5.09 Observance of traffic laws.** All signs, signals, speed regulations and rules of the road shall be observed at all times.

**MVD 5.10 Conduct in event of accident.** In case of an accident or a breakdown, the driver should remain with the vehicle and send two responsible children to the nearest place for help, weather conditions permitting.

**MVD 5.11 Loading and unloading procedure.** Vehicle shall be brought to a full stop before loading or unloading children; loading stations or points must be selected with due regard for traffic and pedestrian safety.

**MVD 5.12 Starting and stopping.** Door must be closed securely before starting vehicle. Abrupt starts and stops or sudden maneuvers are prohibited.

**MVD 5.13 Unattended vehicle.** Driver shall not leave vehicle unattended with engine running.

**MVD 5.14 Authorized passengers.** No person except a teacher or pupils or person specified under section 40.57 (3), Wis. Stats., shall be permitted to ride in a vehicle subject to these regulations; provided that school board members or an authorized official making an inspection of a vehicle or route traveled, or conducting an examination of the driver's ability shall be given such privilege.

**MVD 5.15 Duty to signal stops and turns.** Driver shall take proper precautions in signalling before stopping or turning, and shall keep vehicle well to the right side of the road at all times unless preparing to make a left-hand turn.

**MVD 5.16 Children crossing road.** After discharging passengers driver shall make sure that road is clear before allowing children to cross; children obliged to cross the road shall be required to walk around the front of the standing vehicle and vehicle shall not proceed until children are safely across the street or highway. This section shall not apply to cities of the first, second and third class.

**MVD 5.17 Cooperation with officers.** Drivers, school boards and vehicle owners shall cooperate at all times with authorized officers in carrying out inspection of equipment, or examination of drivers pursuant to law or to departmental regulations.

**MVD 5.18 Age of driver.** No person shall be permitted to drive a school bus who has attained the age of 60 years, unless such person is physically qualified as herein provided and shall have passed a satisfactory examination in driving a school bus.

**MVD 5.19 Standing in vehicle prohibited.** Driver shall not require or allow any passenger to stand while vehicle is in motion.

**MVD 5.20 Stop required at railroad crossings.** Driver shall bring vehicle to a full stop at a distance of not less than 20 feet nor more than 40 feet before driving across a grade crossing with the tracks of any railroad or inter-urban railway company, and shall not proceed until he can do so safely.

### VEHICLE REQUIREMENTS

**MVD 5.25 General construction.** (1) **CONSTRUCTION OF FRAME AND BODY.** Frame shall be of one-piece construction. There shall be no welding to frame sides except by chassis or body manufacturer. No holes shall be permitted in top or bottom flange of frame side rails except as provided in original chassis frame. Body of bus shall be all-steel construction or of other metal with at least a strength equivalent to all-steel construction, as certified by the bus body manufacturer. Ninety-six inches shall be the maximum outside width of school bus body. Construction shall provide reasonably dustproof and weathertight unit. Ceiling and walls shall be insulated with proper materials to deaden sounds and to reduce vibrations and heat transfer. Entire underside of body, including floor members and side panels below floor level, shall be coated with asphalt-base or rubber-base undercoating material, applied by the spray method, in order to seal, to deaden sound, to insulate, and to prevent oxidation, on all buses first placed in operation after effective date of this order.

(2) **FLOORS.** Floors shall be of metal, or of 5-ply plywood at least  $\frac{5}{8}$  inch thick and found by standard test to be at least equal in strength to 14-gauge steel. All closures between passenger compartment and engine shall be fitted with gas-tight gaskets, and pedal openings shall be closed by bellows-type gas-tight boots which will effectively prevent gases from entering passenger compartment. Floor in under-seat area shall be covered with fire-resistant floor covering material. Floor covering in aisle shall be of aisle type, nonskid, and wear-resistant. Floor covering must be permanently bonded to floor and not crack when subjected to sudden changes in temperature.

(3) CEILING. Ceiling of bus shall be free of all unnecessary projections likely to cause injury to pupils. Book racks, if installed, shall not be installed across the top of emergency door and shall be free of projections likely to cause injury.

(4) AISLE CLEARANCE. The minimum clearance of all aisles in bus, including the aisle leading to emergency door, shall be 12 inches.

(5) BUS SEATS. The seating arrangements shall be as follows:

(a) Thirteen inches shall be the allowable average rump width in determining the seating capacity of the bus.

(b) All seats shall be forward-facing, securely fastened with bolts or rivets to that part or parts of the bus which support them; no bus shall be equipped with jump seats or portable seats.

(c) No seat on the right side of the bus shall be placed ahead of the forward-most pupil seat on the left side of the bus.

(d) Minimum center-to-center seat spacing shall be 24 inches.

(e) There shall be displayed on the inside of the bus body directly over the windshield to the right of the driver a sign indicating the maximum pupil seating capacity of the bus. The size of the letters and figures shall be such as to permit them to be read by passengers.

(f) All seats shall be covered with suitable padding materials, and covering of such materials as will not flash or explode upon contact with spark or open flame.

(g) The minimum distance between the steering wheel and the back rest of the driver's seat shall be 12 inches. The driver's seat shall have a fore and aft adjustment of not less than 3 inches, and shall be strongly attached.

(6) WINDSHIELD AND WINDOWS. All glass in windshield, windows and doors shall be of safety glass approved by the motor vehicle department; such glass to be of sufficient quality to prevent distortion of view in any direction. The windshield shall be slanted to prevent glare and large enough to permit the driver to see the road clearly. All full side windows of bus shall provide an unobstructed emergency opening of at least 9 inches in height by 22 inches width (with a tolerance of  $\frac{1}{2}$  inch). A guard which will definitely restrain pupils from extending their arms and heads out of the window and at the same time permit use of the emergency opening shall be provided, unless the lower part of the window shall be protected with safety glass in such a manner as to definitely restrain pupils from extending their arms and heads out of the window and at the same time permit use of the emergency opening. All exposed edges of glass shall be banded.

(7) BUS STEPS.

(a) First step at service door shall not be less than 13 inches and not more than 17 inches from ground.

(b) Riser of upper step at service door shall not be more than 15 inches. When more than two steps are used, risers must be of equal height.

(c) Steps shall be enclosed to prevent accumulation of ice and snow.

(d) Steps shall not protrude beyond side body line.

(e) Grab-handle not less than 10 inches long shall be provided in unobstructed location inside doorway.

(f) Surface of steps shall be of nonskid material.

(8) INSTRUMENT PANEL. The instrument panel shall be equipped with speedometer showing speed and odometer giving accrued mileage, ammeter or voltmeter, oil pressure gauge, water temperature indicator, fuel gauge, upper beam headlamp indicator, and air pressure or vacuum gauge where air or vacuum brakes are used. The instrument panel shall have light of sufficient candle power to illuminate all instruments, and all instruments shall be maintained in good working order.

(9) BRAKES. Four wheel brakes, adequate at all times to control the vehicle when fully loaded, shall be provided. (a) Foot or service brake shall be capable of stopping the complete unit (i.e. wet chassis weight plus body weight plus driver's weight, without pupils) from the initial brake application within 22 feet when driven at a speed of 20 miles per hour over a dry level road whose surface is free from loose materials.

(b) Auxiliary brake shall be provided in addition to service brake, and shall be entirely separate, mechanically-operated device. It shall be capable of successfully passing engine stall test in low gear (not in compound low gear), and shall be adequate to hold bus stationary, when loaded, on any grade upon which vehicle will be operated.

(c) Buses of 48 or greater capacity shall be equipped with air or vacuum actuated or assistor type brakes or a hydraulic booster:

1. Any such installation must be made by an authorized representative of chassis or brake manufacturer and must be in conformance with the recommendation of that manufacturer;

2. Hydraulic line pressure may not exceed recommendation of chassis manufacturer;

3. Every vacuum booster or air system must be equipped with a reserve tank of not less than 1,000 cubic inches capacity.

(10) BUMPERS. Bumpers must be of sufficient strength to permit the pushing of a vehicle of equal gross loaded weight or of being pushed by a vehicle, without permanent distortion to bumper, chassis frame or body. Rear bumper shall be of pressed steel, at least 3/16 inch by 6 inch channel. It shall be full wrap-around both sides to protect full width of body and so designed and attached to prevent hitching of rides.

(11) ENGINE EXHAUST. Exhaust pipe shall extend beyond the external rear of the body of the bus at the point of projection, but not beyond the bumper. Engine exhaust system shall be entirely outside body. Exhaust pipe, muffler, and tail pipe shall be attached to the chassis frame. The exhaust pipe shall be properly insulated from the fuel tank and tank connections by securely attached metal shield at any point where it is 12 inches or less from the tank or tank connections.

(12) BUS FUEL TANK. Fuel tank shall have minimum capacity of 16 gallons, be made of 16 gauge terneplate or equivalent, and be mounted directly on the right side of chassis frame except where wheel base is so short as to prohibit right side mounting, and entirely outside body. Flexible gasoline and oil-proof connection shall be provided at engine end of fuel feedline. Tank shall be equipped with adequate baffles. Tank shall not extend in height above side member of chassis or in width beyond the outer edge of the body, and the bottom shall not be more than 14 inches below the top of frame.

(13) REQUIREMENTS FOR SCHOOL BUS DOORS.

(a) *Service door:*

1. Shall be power or manually operated, under the control of the driver and designed so as to afford easy release and prevent accidental opening. If power operated, it must be of a type which cannot trap or injure passengers.

2. Shall be located on right side near the front of the bus, so as to afford a clear view from the driver's seat of children waiting to enter, entering, or leaving the bus.

3. Shall have a minimum horizontal clearance opening of 24 inches.

4. Lower panels as well as upper panels shall be of safety glass to permit driver to see children who are waiting to enter bus, and the ground where children step off.

5. Vertical closing edges of door shall be equipped with rubber or rubberized materials to protect children's fingers.

6. There shall be no door at the left of the driver.

7. A stanchion shall be installed at rear of the entrance step-well from roof to floor. Placement shall not restrict passageway to less than 12 inches.

8. A guard rail and partition shall be installed from step-well stanchion to wall at height of approximately 30 inches to prevent children in front seat from being thrown into step-well in case of a sudden stop. Partition shall extend from guard rail to within 4 inches of floor on buses placed in operation after effective date of this order.

(b) *Emergency door:*

1. Shall be located in the center of rear of bus, or in the left side of bus to the rear of the middle thereof. Door located in the center of rear of bus shall be hinged on the right side of the body, and in any case shall open outward.

2. Shall have a minimum horizontal clearance of 24 inches, a minimum vertical height of 48 inches and be marked "Emergency Door" on both the inside and outside.

3. Shall be equipped with a fastening device which may be quickly released, but is designed to offer protection against release. Control from driver's seat shall not be permitted. Provision for opening from outside shall consist of a non-detachable device of such design as to prevent "hitching" but permit opening when necessary. The emergency door shall not be locked at any time when the vehicle is occupied.

4. There shall be no steps leading to the emergency door. Glass used in emergency door shall be of safety glass. No seat or other object shall be so placed in the bus as to restrict the passage to the emergency door to less than 12 inches.

(14) BUS RUB RAILS. Two rub rails of ample strength to resist impact and body crushing shall be provided on each side of the body. Such rub rails shall be installed the full length of the bus body on both sides, except as cut through by door openings or rear fenders. One rail shall be located approximately at the seat line, and the other rail approximately at the floor line. Pressed-in rub rails do not meet these requirements.

(15) WHEEL CLEARANCE. The bus body shall clear the wheels sufficiently to allow for load and the use of anti-skid chains.

(16) DRIVE SHAFT. Each drive shaft shall be protected by metal guard or guards to prevent whipping through the floor or dropping to ground when broken.

**MVD 5.26 Required equipment. (1) STORAGE BATTERY AND GENERATOR OR ALTERNATOR.** (a) Storage battery shall be of sufficient capacity to care for starting, lighting, signal devices, heater, and other electrical equipment. No bus shall be equipped with a battery of less than 120 ampere-hours if 6-volt, measured at a twenty-hour rate, or 45 ampere-hours if 12-volt. Battery shall be mounted outside passenger compartment in an adequate carrier and shall be readily accessible for servicing and removal.

(b) Generator or alternator shall have a maximum output of at least 40 amperes if 6-volt system, or 20 amperes if 12-volt system from a speed of 20 miles per hour, and shall be voltage and current controlled.

(2) HORN. There shall be a horn or horns of standard make capable of producing sound audible under normal conditions for a distance of not less than 200 feet.

(3) REAR VISION MIRRORS. (a) A non-glare interior rear-view mirror large enough (at least 4 x 15 inches) to afford a good view of the road to the rear, as well as of the pupils, shall be required.

(b) An exterior non-glare mirror shall be provided and located to the left of the driver. The exterior rear-view mirror shall have a reflective area of not less than 50 square inches.

(4) VENTILATORS. Body of bus shall be equipped with a suitable controlled ventilating system of sufficient capacity to maintain the proper quantity of air under operating conditions without the opening of windows except in extremely warm weather. No intake ventilators in the front bus corner below the top of the engine hood line shall be used. No static exhaust roof ventilators may be installed to the rear of the center of the bus body.

(5) HEATERS. Vehicle heater or heaters shall be of the hot water or other type approved by the laboratories of the National Board of Fire Underwriters, and shall be capable of heating the bus to a minimum of 50 degrees Fahrenheit, at average minimum January temperatures as established by the weather bureau of Wisconsin.

(6) DEFROSTERS. Defrosting equipment must be capable of keeping windshield clear, by means of fans or by taking heat directly from an approved heater.

(7) WINDSHIELD WIPER. There shall be two positive-action wipers of vacuum, air or electric type, in good operating condition at all times.

(8) SUN SHIELD. The school bus shall be equipped with an interior adjustable sun visor not less than 6 by 16 inches in size.

(9) LIGHTS AND SIGNALS. Lighting equipment shall be as follows: (a) Each bus shall be equipped with 2 headlamps; also 2 red tail lamps and 2 red stop lamps, which may be in combination. Tail lamps shall be on the same circuit as headlamps. Stop lamps shall be activated by the foot brake.



(b) Vehicles having a width at any part in excess of 80 inches shall be equipped with 2 amber clearance lights mounted on the front and 2 red clearance lights mounted on the rear, mounted in such a manner as to indicate the extreme width of the vehicle and as near the top thereof as practicable, and visible from a distance of 500 feet. Vehicles having a width in excess of 80 inches shall also be equipped with 2 amber reflex reflectors mounted on the front and 2 red reflex reflectors mounted on the rear, in such a manner as to indicate as nearly as possible the extreme width of the vehicle. Reflectors shall be mounted not less than 16 inches nor more than 60 inches from the ground. A lawful red reflector may be incorporated as part of a tail lamp.

(c) Each bus shall be equipped with two alternately flashing red warning signal lamps on front and rear. Flashing warning signals shall be manually operated and used by the driver to inform other users of the highway that the bus is about to stop, or is stopped, to take on or discharge school children. Signals shall be given continuously during at least 100 feet before stopping, and for duration of the stop. There shall be visible or audible means of giving a clear and unmistakable indication to the bus driver when warning signals are turned on. Each lamp shall be round in shape and not less than 6 inches in diameter.

(d) Interior lights shall be provided which adequately illuminate interior aisles and step-wells.

(e) Each bus shall be equipped with electric flashing directional signals, white or amber to the front and red or amber to the rear, visible in bright sunlight at a distance of 100 feet, mounted to signify intention and direction of turns. Directional signal lamps shall have a clear, light-emitting lens surface of not less than 12 square inches. In addition, buses shall be equipped with a visible signal on the instrument panel, dash or steering column to indicate to the driver when signal lamps are operating, as required by law. Signal must be given continuously during at least the last 100 feet before a turn is made.

(f) All lighting equipment shall conform to requirements of the state law.

(10) WIRING. (a) All wiring shall conform to standards of Society of Automotive Engineers.

(b) Wherever heaters and defrosters are used, one additional circuit shall be installed.

(c) Wherever possible all other electrical functions shall be provided for by independent and properly-fused circuits.

(d) Each circuit except starting and ignition shall have separate fuse or circuit breaker.

(e) All wires within body shall be insulated and protected by covering of fibrous loom (or equivalent) which will protect them from external damage and minimize dangers from short circuits.

(f) Wires shall be fastened securely at intervals of not more than 24 inches.

**MVD 5.27 Additional equipment required. (1) FIRE EXTINGUISHERS.** Each bus shall be equipped with a fire extinguisher of a type approved by the laboratories of the National Board of Fire Underwriters, B2-C2 classification, mounted in an accessible place in full view, and kept properly filled and in satisfactory operating condition at all times.

(2) **EMERGENCY EQUIPMENT.** All school buses shall be provided with the following emergency equipment: 3 oil burning pot-type flares stored in a suitable metal container and kept filled at all times, or 3 red electric lanterns; and 3 fuses mounted in a suitable holder; 3 red flags not less than 12 inches square and means for mounting; 1 axe or steel wrecking bar. All vehicles shall be equipped with a suitable jack, spare tire and necessary tools for tire or wheel changing, and tools for minor repairs. During the winter season all vehicles shall carry a suitable shovel. All emergency equipment shall be kept in a readily accessible place in vehicle.

(3) **FIRST AID KIT.** All school buses shall be equipped with a first aid kit, 16 units or better, consisting of a dustproof container and the following minimum equipment or its equivalent; ammonia inhalant, iodine brushes or other antiseptic, adhesive tape, adhesive compresses, 2" and 4" compress bandages, sterile gauze, triangle bandage, absorbent gauze compress, burn ointment, eye dressing packet, tourniquet, forceps, scissors and splint. The kit shall be mounted in an accessible place in full view. The kit shall be kept fully equipped and in good condition.

**MVD 5.28 Color of school buses.** With the exception of automobiles and common carrier vehicles, all vehicles designed and constructed especially for the transportation of school children shall be painted national school bus chrome (yellow) in accordance with the provisions of section 40.59, Wis. Stats.

**MVD 5.29 Identification.** (1) Body shall bear words "School Bus" in black letters at least 8 inches high and one-inch stroke on both front and rear of body or on yellow signs attached thereto. Lettering shall be placed above the rear window and windshield as high as possible without impairment of its visibility.

(2) The name and address of the vehicle owner shall be distinctly lettered on both sides of the vehicle in letters of not less than 2 inches in height and of not less than one-fourth inch stroke and in black.

**MVD 5.30 Speed limitations.** No vehicle subject to the provisions of chapter MVD 5 shall be operated at a speed in excess of 45 miles per hour while transporting school children.

**MVD 5.31 Passenger load.** The gross weight of a vehicle (i.e. wet weight, plus driver's weight, plus weight of maximum seated pupil load based on not less than 100 pounds per pupil) shall not exceed maximum gross vehicle rating as established by manufacturer.

**MVD 5.32 Power or grade ability.** Bus must be so geared and powered as to be capable of surmounting three per cent grade at a speed of at least 20 miles per hour with full load on continuous pull.

**MVD 5.33 Automobiles.** The requirements set forth in the following sections of these regulations shall be applicable to automobiles used for transportation of school children: section MVD 5.25, general construction, subsection (3), parts of subsection (6) relating to safety glass, and subsections (8), (9), (10) and (11); section MVD 5.26, required equipment, subsections (5), (6) and (7); and section MVD 5.30. Passenger capacity of automobiles, suburbans, steel-type station

wagons and similar vehicles shall be determined by allowing a full 13 inches of rump space for seating each child, provided that in no case shall more than 2 children occupy the front seat.

### GENERAL REQUIREMENTS

**MVD 5.40 Contracts.** These regulations shall by reference be made a part of each contract executed by a school board, municipal board or a school district covering the transportation of school children by motor vehicles. (Standard forms for school transportation contracts are obtainable from the State Department of Public Instruction, Madison.)

**MVD 5.41 Insurance.** All motor vehicles owned by or under contract to school districts engaged in transportation of school children shall be covered by insurance in accordance with the provisions of sections 194.41 and 40.57, Wis. Stats., and Wis. Adm. Code chapter MVD 2. A policy of insurance written by an insurance carrier authorized to do business in the state of Wisconsin, covering liability or loss arising by reason of the ownership, maintenance or use of such motor vehicle, shall be filed with the school board of the district in which the children transported reside.

**MVD 5.42 Panel trucks and station wagons.** No panel body truck or delivery car shall be converted or put in service as a school bus. No station wagon having a body of wood construction shall be put into service as a school bus.

**MVD 5.43 Enforcement.** The enforcement policy of the motor vehicle department will take into consideration the age, condition and equipment of vehicles before granting approval of their continued use. The motor vehicle department will prohibit the use of any vehicle for school transportation purposes which is deemed to be unsafe or unfit for such service.

**MVD 5.44 Registration of school buses.** Every application for original registration or reregistration of any vehicle, other than an automobile, used for school transportation purposes shall indicate clearly that such vehicle is a school bus.

**MVD 5.45 Penalties.** Violation of any provision of chapter MVD 5 will be prosecuted under the governing Wis. Stats. In any case where no penalty is provided, civil action will be instituted against the offending person, firm or municipality.

**MVD 5.46 Interpretation.** The motor vehicle department of Wisconsin will cooperate with school authorities, governmental agencies and vehicle owners in the interpretation of chapter MVD 5, to insure that approved operating and safety requirements so highly desirable for school transportation vehicles may be properly attained.

(1) These regulations shall apply to all buses first put in operation after January 1, 1955.

(2) Buses placed in operation prior to January 1, 1955, will be governed by requirements set forth in Wisconsin school bus regulations, general order MVD 208, 1952, revised edition as amended August 26, 1953, with the exception that all buses shall display flashing warning lights in accordance with section MVD 5.26 (9) (c).

## Chapter MVD 6

### TRANSPORTATION OF EXPLOSIVES BY MOTOR VEHICLE

MVD 6.01	Minimum driver require- ments	MVD 6.04	General additional re- quirements
MVD 6.02	Driving rules	MVD 6.05	Special provisions
MVD 6.03	Vehicle requirements		

**MVD 6.01 Minimum driver requirements.** No person shall drive, nor shall any motor carrier require or permit any person to drive, any motor vehicle used in the transportation of explosives unless such person possesses the following minimum qualifications:

(1) **MENTAL AND PHYSICAL CONDITION.**

- (a) No loss of foot, leg, hand or arm.
- (b) No mental, nervous, organic, or functional disease, likely to interfere with safe driving.
- (c) No loss of fingers, impairment of use of foot, leg, fingers, hand or arm or other structural defect or limitation, likely to interfere with safe driving.

(2) **EYESIGHT.** Visual acuity of at least 20/40 (Snellen) in each eye either without glasses or by correction with glasses; form field of vision in the horizontal meridian shall not be less than a total of 140 degrees; ability to distinguish colors red, green and yellow; drivers requiring correction by glasses shall wear properly prescribed glasses at all times when driving.

(3) **HEARING.** Hearing shall not be less than 10/20 in the better ear, for conversational tones, without a hearing aid.

(4) **LIQUOR, NARCOTICS AND DRUGS.** Shall not be addicted to the use of narcotics or habit-forming drugs, or the excessive use of alcoholic beverages or liquors.

(5) **AGE.** Every driver shall be not less than 21 years of age.

(6) **DRIVING EXPERIENCE.** Every driver shall be experienced in driving some type of motor vehicle (including private automobiles) for not less than one year, including experience throughout the four seasons.

(7) **DRIVING RECORD MUST BE CHECKED.** In addition to the other qualifications required by this part, motor carriers shall in the employment and use of drivers and from time to time thereafter in continuing drivers in their service give due consideration to the following factors where they exist:

(a) Violations of laws or regulations governing the operation of motor vehicles of which the driver is guilty, especially as to those violations which tend to establish a disregard for regulatory requirements and for the public safety.

(b) The driver's accident record insofar as it tends to establish a lack of concern for or indifference to his own or the public's safety.

(c) Violations of criminal laws of which the driver is guilty, especially with respect to those offenses which tend to demonstrate his unfitness in the public interest to be a driver of a motor vehicle.

(d) Motor carriers shall maintain and preserve as a part of each driver's personnel record a summary of all driver acts and offenses which are within the purview of this section. In addition to the periodic review of such records as contemplated by this regulation, motor carriers shall specifically review the individual record of a driver when he is involved in a serious accident to the end that reckless or accident-prone drivers may not continue to drive vehicles as a hazard to the public safety.

(8) **DRIVING SKILL.** Every driver shall be competent by reason of experience or training to operate safely the type of motor vehicle or motor vehicles which he drives.

(9) **KNOWLEDGE OF ENGLISH.** Every driver shall be able to read and speak the English language.

(10) **KNOWLEDGE OF REGULATIONS.** Every driver shall be familiar with the rules and regulations hereby established pertaining to the driving of motor vehicles.

**MVD 6.02 Driving rules. (1) DUTY OF DRIVER TO INSPECT EQUIPMENT.** No motor vehicle shall be driven unless the driver thereof shall have satisfied himself that the following parts and accessories are in good working order; nor shall any driver fail to use or make use of such parts and accessories when and as needed:

- (a) Service brakes;
- (b) Parking (hand) brake;
- (c) Steering mechanism;
- (d) Lighting devices and reflectors;
- (e) Tires;
- (f) Horn;
- (g) Windshield wiper or wipers;
- (h) Rear-view mirror or mirrors.

(2) **DRIVER FORBIDDEN TO OPERATE WHEN.** (a) Ill or fatigued. No driver shall drive or be required or permitted to drive a motor vehicle while his ability or alertness is so impaired through fatigue, illness or any other cause as to make it unsafe for him to begin or continue to drive.

(b) Under influence of alcoholic beverages. No driver shall drive or be required or permitted to drive a motor vehicle, be in active control of any such vehicle, or go on duty or remain on duty, when under the influence of any alcoholic beverage or liquor, regardless of its alcoholic content, nor shall any driver drink any such beverage or liquor while on duty.

(c) In excess of maximum permitted driving time. No driver shall operate a motor vehicle carrying explosives for more than 10 hours in any period of 24 consecutive hours.

(3) **SMOKING AND USE OF LIQUOR.** No person shall be permitted to ride upon or drive a vehicle transporting explosives, while smoking or while under the influence of liquor or narcotics or harmful drugs.

(4) **ENGINE OFF AND VEHICLE SECURE.** No explosive shall be loaded into or on or be unloaded from any motor vehicle with the engine

running; and in every case, the hand brake on such motor vehicle shall be securely set and all reasonable precautions taken to prevent movement of the motor vehicle during loading or unloading.

(5) **VEHICLES NOT TO BE LEFT UNATTENDED.** No vehicle transporting any explosive or other dangerous article shall be left unattended upon any public street or highway except when the driver is engaged in the performance of normal operations incident to his duties as the operator of the vehicle to which he is assigned.

(6) **PACKAGES CAPABLE OF REPAIR IN TRANSIT.** Any package of explosives found injured or broken in transit may be repaired and recovered when this is evidently practicable and not dangerous. When a box containing any explosive is so damaged that it cannot be repaired it should be reinforced by stout wrapping paper and twine, placed in another strong box, and surrounded by dry, fine sawdust, or dry and clean cotton waste, or elastic wads made from dry newspapers. The box cover should then be securely attached. A ruptured can or keg should be enclosed in a grain bag of good quality, and boxed. Injured packages thus protected, and properly marked with name of contents and consignee's name and address, may be carried to destination; provided, however, that the motor carrier, if himself the shipper, need not mark his own name and address on the package.

(7) **DISPOSITION OF UNSAFE BROKEN PACKAGES.** In the event any leaking package or container cannot be safely and adequately repaired for transportation or transported, it shall be stored pending proper disposition in the safest and most expeditious manner possible.

(8) **CAUTION PASSING FIRES.** Motor vehicles transporting explosives shall not be driven past fires of any kind burning on or near the highway or other thoroughfare until after due caution shall have been taken to ascertain that such passing can be made with safety.

(9) **AVOIDANCE OF CONGESTED PLACES.** Drivers of motor vehicles transporting explosives shall avoid, so far as practicable, driving into or through congested thoroughfares, places where crowds are assembled, street car tracks, tunnels, viaducts, and dangerous crossings. So far as practicable, this shall be accomplished by prearrangement of routes.

(10) **PARKING IN CONGESTED PLACES.** Except where the necessities of the operation make impracticable the application of this rule, no motor vehicle transporting any dangerous or less dangerous explosive shall be parked on any public street adjacent to or in proximity to any bridge, tunnel, dwelling, building or place where persons work, congregate or assemble; provided, however, that this rule shall not be so construed as to prohibit such motor vehicle being parked near persons loading or unloading any such motor vehicle.

(11) **WARNING OF NEARBY PERSONS.** In the event of an accident involving any motor vehicle transporting any explosive every available means shall be employed to prevent individuals other than those employed in the protection of persons or property or in the removal of hazards or wreckage, from congregating in the vicinity; such means shall also be employed to prevent smoking, to keep flames away, and to safeguard against the aggravation of the hazard present, and to warn other users of the highway, in the event that any

motor vehicle laden with or carrying dangerous explosives is entangled with another or with any other object or structure, until the lading, together with any fragments thereof, be removed to a place at least 200 feet from the vehicle (and preferably 200 feet from any habitation). In the event of fire involving a motor vehicle laden with any explosive, every practicable effort shall be made to give warning of danger of explosion to habitants in the vicinity and to other users of the highway.

(12) **UNNECESSARY STOPS.** Only necessary stops shall be made by motor vehicles loaded with explosives.

**MVD 6.03 Vehicle requirements.** (1) **FLOOR AND BODY.** Vehicles used for transporting explosives shall have a tight floor. If there is any exposed sparking metal on the inside of the body, it shall be covered or protected with non-sparking material so that the explosives containers will not come in contact with the exposed sparking metal.

(2) **FREEDOM FROM DIRT.** Trucks used for the transportation of explosives shall be clean and free from surplus oil and grease.

(3) **FIRE EXTINGUISHERS.** A fire extinguisher equivalent to a one and one-half quart carbon tetrachloride type, a four pound dry chemical type, or a four pound carbon dioxide type fire extinguisher shall be mounted in an accessible place in the cab of every motor vehicle transporting explosives. (Two extinguishers may be carried instead of one to secure the above required capacity.)

(4) **EMERGENCY ELECTRICAL EQUIPMENT.** (a) There shall be carried at least one spare electric bulb for each kind of electric lamp where such electric lamp is used for any of the lighting devices required by Wisconsin Statutes.

(b) There shall be carried at least one spare electric fuse of each kind and size used for any of the electric circuits on the vehicle.

(5) **USE OF OPEN TRUCKS.** In open trucks servicing any job with explosives, a tarpaulin shall be used to cover explosives and the sides of the body shall be high enough to prevent cases from falling off.

(6) **MARKING OF VEHICLES.** Motor trucks or vehicles when used for transporting explosives shall be marked or placarded on both sides and the rear with the word **EXPLOSIVES** in letters not less than six inches high, or shall conspicuously display a red flag with the word **DANGER** printed, stamped or sewed thereon in white letters at least six inches high, mounted above the highest point of the vehicle. These markings shall be in addition to all markings required by chapter MVD 4.

(7) **FIRE PREVENTION MEASURES.** All electrical wiring shall be completely insulated, fuel and exhaust lines free from leaks, and all necessary precautions shall be taken to prevent the vehicle from catching fire.

**MVD 6.04 General additional requirements.** (1) **MATERIALS CARRIED IN CONJUNCTION WITH EXPLOSIVES.** No sparking metal tools or flammable or corrosive substances shall be carried in the bed or body of vehicles transporting explosives, except that service trucks carrying small quantities of explosives in approved containers are considered as complying with this order.

(2) **SPEED LIMIT.** The maximum speed of vehicles coming within the scope of this order shall be 45 miles per hour.

(3) **TRANSPORTATION OF DETONATORS.** Detonators may be transported in the same motor vehicle with high explosives only as follows: The detonators shall be packed in authorized I.C.C. specification outside shipping containers, or in prescribed inside I.C.C. packages in an outside box made of 1-inch lumber lined with padding material not less than  $\frac{1}{2}$  inch thick, or a box made of not less than 12-gauge sheet metal lined with plywood or other similar material not less than  $\frac{3}{8}$  inch thick so that no metal is exposed. Hinged covers and fastening devices are required on boxes. These boxes shall be loaded in the motor vehicle so that contents of the box will be immediately accessible for removal.

(4) **RESTRICTIONS REGARDING USE OF TRAILER.** Explosives may be transported on any truck or any semitrailer attached to a tractor. Under no condition shall explosives be transported in any "full" trailer, or any form of "pole" trailer.

**MVD 6.05 Special provisions.** No carrier or driver shall be prosecuted for violation of any provision of these rules and regulations if such violation is a result of compliance with the safety rules and regulations promulgated by the interstate commerce commission.

*Note:* Nothing contained in this order shall be construed as prohibiting any motor carrier from carrying additional safety equipment or enforcing additional rules and regulations relating to safety of operation, not inconsistent with this order.



**History:** Chapter MVD 7, Standards for adequate rear fenders or mudguards, 1-2-56, repealed Register, August, 1957, No. 20, eff. 9-1-57.

Chapter MVD 8, Display of reciprocity certificates and decals, 1-2-56, repealed Register, August, 1957, No. 20, eff. 9-1-57.

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## Chapter MVD 10

### SAFETY RESPONSIBILITY

#### 10.01 Certificate of insurance coverage

**10.01 Certificate of insurance coverage.** (1) It shall be the declared rule and policy of the motor vehicle department that all written notices of insurance required under section 344.15 (4), Wis. Stats., to effect the exemption provided under section 344.14 (2) from the deposit of a bond or security as required under section 344.13 (a) (“\* \* \* to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such operator or owner; \* \* \*”) shall be printed in the following approved form, with printing designation SR-21 for standard referral: (See following page.)

(2) Such notice, shall be deemed to certify a policy of coverage equivalent to the security requirement under section 344.13, Wis. Stats., (“\* \* \* to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such operator or owner; \* \* \*”).

(3) All certificates not in conformity with the above rule shall stand rejected as not complying with the standard certificate form or not meeting the purpose and requirements of chapter 344, Wis. Stats., that damages will be paid the public where damages occur through the negligent operation of a motor vehicle.

(4) The requirement of the statutes for either the posting of security 344.13 or the filing of a notice of insurance coverage 344.15 (4) in lieu of the posting of security, “Within 60 days after the receipt of each individual report of a motor vehicle accident \* \* \*” necessitates the further administrative working time procedure that no (SR-21) notice of insurance coverage shall be withdrawn after having been on file with the Motor Vehicle Department for 30 days or more from the filing of such individual report.

**History:** Am. Eff. 4-1-56; am. (1), (2), (3), and (4), Register, August, 1957, No. 20, eff. 9-1-57.

*Note:* Subsection (4) of the foregoing provides the department with necessary working time for procedure required under chapter 344 (a), Wis. Stats. This has been the administrative policy followed by the department since the inception of the Safety Responsibility Act. It is published without a hearing pursuant to section 227.02 (1) (a), Wis. Stats., to overcome any question as to validity of the policy under prior statutes and the revision of Chapter 227 of the Statutes of 1955.

TE COPY **SR 21**—NOTICE OF INSURANCE POLICY [Wis. Statutes Section 344.15 (4)] Accident No. \_\_\_\_\_

te of accident \_\_\_\_\_ Location of accident \_\_\_\_\_  
Street or Highway City County

VEHICLE INVOLVED						(Description not required if an Operator's Policy)
ACCIDENT	Year of Model	Trade Name	Model	Body Type	Serial No.	

me of Driver \_\_\_\_\_ Address \_\_\_\_\_  
First Middle Last Street or R.F.D. Post Office

me of Owner \_\_\_\_\_ Address \_\_\_\_\_  
First Middle Last Street or R.F.D. Post Office

The company signatory hereto gives notice that its policy numbered \_\_\_\_\_ issued on the date of \_\_\_\_\_

l issued to \_\_\_\_\_ Address \_\_\_\_\_  
an automobile liability policy as provided in section 344.15, Wis. Stats., affording limits of \$10,000,/\$20,000, bodily injury and \$5,000,  
perty damage, which policy was in effect on the date of the above described accident.

as this policy apply to the above owner in above accident? Yes  No   
as this policy apply to the above operator in above accident? Yes  No  Claim No. \_\_\_\_\_

**DRIVERS OF OTHER VEHICLES INVOLVED IN THE ACCIDENT:**

ver Vehicle No. 2 \_\_\_\_\_ Address \_\_\_\_\_

ver Vehicle No. 3 \_\_\_\_\_ Address \_\_\_\_\_

persons injured? \_\_\_\_\_ No. persons killed? \_\_\_\_\_ What is estimated property damage to insured vehicle? \$ \_\_\_\_\_

\_\_\_\_\_  
Full Name of Insurance Co. — By \_\_\_\_\_ Date \_\_\_\_\_  
Signature of Authorized Representative must be signed in ink.

**History:** MVD 10.02 Repealed, Register, August, 1957, No. 20, eff. 9-1-57.

**MVD 10.03 Proof of operating without permission under section 344.14 (2) (g), Wis. Stats.** In all motor vehicle accident cases wherein the owner of a motor vehicle involved alleges the vehicle to have been operated or parked without the owner's express or implied permission for the purpose of being exempt from the requirement of depositing security as provided under section 344.14 (2) (g), Wis. Stats., such owner shall produce proof of such operation without express or implied permission as follows:

(1) In the case of a stolen vehicle with the driver unknown, a letter from the law enforcement chief of the municipality where the offense occurred, that the vehicle was immediately reported stolen and investigated by such law enforcement agency and found to be a stolen vehicle with driver unknown; or,

(2) In the case of a claim that the vehicle was operated without express or implied permission by a letter from the district attorney that the owner has shown his good faith and signed a complaint with the district attorney, that a warrant was issued and the driver was convicted and proven to be so operating such vehicle at the time of the accident; or,

(3) In cases where the claim is made that prosecution would be impossible because of it being in the family, a close friend causing a breach in the family or loss of companionship society and immediate friends or other good and sufficient cause, the owner files with the commissioner his sworn affidavit of such operation without express or implied permission;

(a) Upon the filing of such affidavit of operation without permissive use, the commissioner shall give all injured passengers and the owner's of all damaged property involved, a ten-day notice of such claim for exemption and further stating that unless substantiated proof to the contrary is filed within such 10-day period, the owner's claim for exemption will be granted.

(b) Where no proof to the contrary is filed within such 10-day period resulting in the commissioner's granting an exemption to the owner on the basis of the operator's operation of the vehicle without express or implied permission, such exemption shall stand irrespective of proof to the contrary being filed untimely under such notice until a court of competent jurisdiction determines otherwise.

(c) In all cases where substantiated proof by affidavit is furnished within such 10-day notice period, that an investigation by a party in interest has produced facts to prove that a vehicle was operated with either express or implied permission indicating a controversy, either security must be deposited in accordance with law, or an insurance certificate in lieu of such security indicating coverage for the accident; or, one of the other alternatives meeting the statutory requirements filed with the commissioner to comply with the statute.

**History:** Cr. Register, June, 1956, No. 6, Eff. 7-1-56; am. intro. par., (2), (3), (3a), Register, August, 1957, No. 20, eff. 9-1-57.

**MVD 10.04 Time for substantiation of damage.** In all cases of requirement of an affidavit of damages (personal or real property or personal injury) under section 344.13 (2), Wis. Stats., such substantiation must be filed within 10 days on the day certain as noticed

such party or considered untimely for the requirement of security. Such time limitation is evident from the fact that section 344.12, Wis. Stats., requires the commissioner to require the security within 60 days of the filing of the accident report, with at least a 10 day notice of the amount of security requirement given within such 60 day period.

**History:** Cr. Register, June, 1956, No. 6, eff. 7-1-56; am. Register, August, 1957, No. 20, eff. 9-1-57.

**MVD 10.05 Notice of subrogation or assignments.** In all cases of subrogation claims or assignments under chapter 344, Wis. Stats., a signed duplicate or certified copy of such subrogation or assignment agreement of claim must be filed with the commissioner as notice of such rights. Where the commissioner has acted prior to receipt of such notice the notice shall be considered as untimely.

**History:** Cr. Register, June, 1956, No. 6, eff. 7-1-56; am. Register, August, 1957, No. 20, eff. 9-1-57.

**MVD 10.06 Fees for photostatic and certified copy of public records.**

(1) Upon receipt of requests for certified photostatic copies of any application for operators' licenses, motor vehicle registrations, or any other applications or public file records, it shall be the policy of the motor vehicle department to furnish such copies at a fee of one dollar for certifying the record plus a fee of 50 cents for each photographic exposure. If uncertified copies of above public records are requested, then the fee shall be 50 cents for each photographic exposure.

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(2) The fee for furnishing and certifying abstract of operator's record upon request as provided in section 85.09 (3), Wis. Stats., shall be \$1.00, excepting law enforcement officers requesting same for use in performing their official duties in which no charge shall be made.

**History:** Cr. Register, June, 1956, No. 6, eff. 7-1-56; am. Register, August, 1957, No. 20, eff. 9-1-57.

## Chapter MVD 11

## POINT VALUES FOR TRAFFIC VIOLATIONS

MVD 11.01	Causes for mandatory revocation of operator's license	MVD 11.05	Suspension of license
MVD 11.02	Causes for mandatory suspension of operator's license	MVD 11.06	Determination of point value at reinstatement
MVD 11.03	Point schedule	MVD 11.07	Reduction of point value for clear driving record
MVD 11.04	Warnings	MVD 11.08	Policy on converting present record to point value

**MVD 11.01 Causes for mandatory revocation of operator's license.**

(1) Whenever any person is convicted of any one of the offenses enumerated under section 343.31 (a) through (f), Wis. Stats., there shall be charged against his driving record 12 points.

(2) Whenever any person is convicted of violation of the restrictions on his occupational license under section 343.10 (6), Wis. Stats., or any local ordinance with same provisions there shall be charged against his record 12 points.

**History:** Cr., Register, July, 1956, No. 7, Eff. 8-1-56; am. Register, August, 1957, No. 20, eff. 9-1-57.

**MVD 11.02 Causes for mandatory suspension of operator's license.**

(1) When suspension of license is directed by the court under section 343.30 (1), Wis. Stats., the point value charged against the record of the offender shall be in strict accordance with the charge for which conviction is made as shown in point schedule section MVD 11.03.

(2) When suspension of license is required under section 343.32 (1) (a), Wis. Stats., for conviction of an operator for an offense which caused a traffic accident resulting in personal injury to or death of another the point value charged against the offender shall be in strict accordance with the charge for which conviction is made as shown in point schedule section MVD 11.03 and six points shall be added for causing a personal injury accident.

(3) The point value charged against the record of any offender convicted of any one of the charges set forth under section 343.32 (1) (b), Wis. Stats., shall be 12.

(4) As the suspension required under section 343.32 (1) (d), Wis. Stats., is for a civil liability which must be met and proof of future financial responsibility furnished before reinstatement of driving privileges can be obtained no point value shall be charged against the record of the operator against whom the judgment is obtained as a result of the judgment.

(6) Whenever a suspension of an operator's license is made under the provisions of chapter 48.36 (1) (a) or 48.36 (2) (a), Wis. Stats., the point value charged against the record of such violator shall be in strict accordance with the charge for which conviction

is made as shown in the point schedule section MVD 11.03. The point value charged against the record of any operator whose driving privilege is suspended under chapter 48.36 (2) (c), Wis. Stats., shall be 12.

**History:** Cr., Register, July, 1956, No. 7, Eff. 8-1-56; am. (1); (2); (3); (4); r. (5); am. (6); Register, August, 1957, No. 20, eff. 9-1-57.

**MVD 11.03 Point schedule.** In charging points against the driver record of any person convicted of a traffic offense the following schedule shall be followed and the information furnished the department by the court in which the conviction was made shall be the basis for the points charged.

<i>Type of Violation</i>	<i>Point Value</i>
(1) Arterial or Traffic Control Violation ----- (If accident involved, add three)	3
(2) Blocking Traffic, Obstructing Traffic, Slow Moving Vehicle -----	2
(3) Conviction for any traffic violation during sus- pension or revocation period or when proof of financial responsibility is required without having furnished such proof -----	12
(4) Driving the Wrong Way on One Way Street -- (If accident involved, add three)	1
(5) Driving Over Sidewalk ----- (If accident involved, add three)	2
(6) Driving on Wrong Side of Highway and Driving on Wrong Side of Street ----- (If accident involved, add three)	3
(7) Failure to give Appropriate Signal ----- (If accident involved, add three)	3
(8) Failure to Report Reportable Accident -----	2
(9) Failure to Stop After Accident, and Hit and Run (If only property damage involved)	6
(10) Failure to Yield Right of Way and Following Ve- hicle too Closely ----- (If accident involved, add three)	3
(10A) Failure to Yield Right of Way to Emergency Vehicle ----- (If accident involved, add three)	3
(11) Improper Brakes and Improper Lights (includes clearance lights, without lights, spot light and head lights) ----- (If accident involved, add three)	3
(11A) Failure to Dim Lights -----	3
(12) Prohibited Turn or Illegal Turn ----- (If accident involved, add three)	3
(13) Inattentive Driving—(346.89 (1), Wis. Stats.) --	3
(14) Operating Auto Without Driver License ----- (If while operator's license is suspended or re- voked or when proof of financial responsibility is required and has not been furnished, 12 points)	4
(15) Parking on Highway in Traffic Lane -----	2
(16) Illegal Passing ----- (If accident involved, add three)	4



<i>Type of Violation</i>	<i>Point Value</i>
(17) Reckless Driving ----- (If accident involved, add three)	6
(18) Racing on Public Highway ----- (If accident involved, add three)	6
(19) Speeding	
(a) Up to 20 MPH in excess of lawful or posted speed -----	3
(b) 20 MPH or over in excess of lawful or posted speed -----	6
(c) School Zone -----	6
(d) Too Fast for Conditions, Imprudent Speed, Failure to have Vehicle Under Control ----- (If accident involved, add three)	4
(20) All Other Moving Traffic Violations -----	2

**History:** Cr., Register, July, 1956, No. 7, Eff. 8-1-56; am. (13), Register, August, 1957, No. 20, eff. 9-1-57.

**MVD 11.04 Warnings.** The department may notify any operator of the point value charged against his record when the record shows six or more points to have been accumulated in a 12 month period.

**History:** Cr., Register, July, 1956, No. 7, Eff. 8-1-56.

**MVD 11.05 Suspension of license.** The department may suspend the operating privileges of any person when his driving record shows he has obtained or accumulated 12 points in 12 months or 18 points in 24 months or 24 points in 36 months.

**History:** Cr., Register, July, 1956, No. 7, Eff. 8-1-56.

**MVD 11.06 Determination of point value at reinstatement.** The department upon issuing a reinstated operator's license shall reduce the accumulated point value to 6 points.

**History:** Cr., Register, July, 1956, No. 7, Eff. 8-1-56.

**MVD 11.07 Reduction of point value for clear driving record.**

(1) For the first full year of operation without conviction for a traffic violation the total accumulated point value charged against an operator shall be reduced by one-third.

(2) For the second full year of operation without conviction for a traffic violation the remaining total accumulated point value charged against an operator shall be reduced by one-half.

(3) For the third full year of operation without conviction for a traffic violation the remaining accumulated point value charged against an operator shall be withdrawn.

**History:** Cr., Register, July, 1956, No. 7, Eff. 8-1-56.

**MVD 11.08 Policy on converting present record to point value.** The department in warning an operator of his conviction record or in issuing an order suspending his driving privileges shall not convert to points or use as a basis of suspension any conviction which occurred more than 12 months prior to the latest entry on his driving record until after August 1, 1957.

**History:** Cr., Register, July, 1956, No. 7, Eff. 8-1-56.