

CR 83-78

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STATE OF WISCONSIN )  
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DEPARTMENT OF TRANSPORTATION ) SS

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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Lowell B. Jackson, Secretary of the Wisconsin Department of Transportation and custodian of the official records of the department, do hereby certify that the annexed rule TRANS 102, relating to Issuance of Operator's License & ID Cards, was duly adopted by this department in accordance with s. 227.026(1), Stats.

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



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation in the City of Madison, Wisconsin, this 15<sup>th</sup> day of November, 1983.

*Lowell B. Jackson*  
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Lowell B. Jackson, P.E.  
Secretary

2-1-84

OFFICE OF THE SECRETARY

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IN THE MATTER OF THE PROPOSED AMENDMENT	:	
OF SECTIONS TRANS 102.01, 102.02, AND	:	
102.03, REPEAL AND RECREATION OF S.	:	
TRANS 102.05, FIGURE 4, AND CREATION OF	:	
SECTIONS TRANS 102.14, 102.15 and 102.16,	:	ORDER AMENDING
WISCONSIN ADMINISTRATIVE CODE RELATING TO	:	RULE
ISSUANCE OF OPERATOR'S LICENSES AND	:	
IDENTIFICATION CARDS.	:	

LEGISLATIVE COUNCIL CLEARINGHOUSE RULE #83-78

ANALYSIS BY THE DEPARTMENT OF TRANSPORTATION

This proposal amends ss. TRANS 102.01, 102.02, and 102.03, repeals and recreates s. TRANS 102.05, Figure 4, and creates ss. 102.14, 102.15, and 102.16 to establish by rule, as a result of Chapter 5, Laws of 1983, the Department's policies and procedures relating to issuance of an operator's license or identification card directly to eligible applicants at driver license examination stations. Statutory interpretations and policies included in the rule are:

Section (1) amends s. TRANS 102.01 to include s. 343.06, Stats. Section 343.06 (12), Stats., requires an applicant to provide proof of identification to obtain an operator's license or an identification card. As created, s. TRANS 102.15 identifies the acceptable documents necessary for proof of identification to obtain an operator's license or identification card for purposes prescribed in Sub. (1) pars. (a) through (f).

Section (2) amends, creates and re-numbers s. TRANS 102.02 pars. (1) through (10). New definitions are included in s. TRANS 102.02 (1), (2), (3) and (5) because of the immediate issuance of a license or identification card allowed by Chapter 5, Laws of 1983. New definitions for "AKA," "Attachment Card," and "Back-up System" have been added to provide clarification of words used in the following created Sections TRANS 102.14, 102.15, and 102.16, Stats.

Section (3) amends s. TRANS 102.03. Proof of religious exemption from photographing for a photo operator's license or identification card was furnished the department in the form of a certified or notarized statement from the applicant's clergy. Since it was optional, a signed statement from the clergy certifying the applicant's membership and exemption was the option chosen by all applicants. The notarized statement was inconvenient and associated with a fee to the applicant. Because the signed statement certifying the exemption is acceptable and facilitates the procedure, the notarized option is being deleted from the rule.

Section (4) repeals and recreates s. TRANS 102.05, figure 4. Figure 4 is repealed and recreated because of a print error in the restriction code. The "Additional restrictions attachment card required" restriction code is "99" but was printed "9" in error.

Section (5), TRANS 102.14 was created to provide for the direct issuance of photo operator's licenses and photo identification cards to eligible applicants at driver license examination stations. When processing must be completed at the central office because of special restriction attachment cards, backup system use, determination of

applicant's eligibility, or for administrative reasons, the photo license or photo identification card will be mailed to the applicant.

Section (6), TRANS 102.15 was created to prescribe the necessary documents the applicant must present for acceptable proof of identification when making application for an operator's license or identification card. Section 343.06(12), Stats., requires that satisfactory proof of name and date and place of birth must be furnished for issuance of an operator's license or identification card.

Section (7), TRANS 102.16 was created to prescribe the period of issuance for an original or renewal operator's license or identification card. Section 343.20(1), Stats., allows the department the option of issuing licenses or identification cards to be valid in excess of the ordinary effective period and issuance after expiration for a period less than the ordinary effective period. This section provides for the specific periods of issuance for originals and early and late renewals of regular, chauffeur, school bus, and special restricted licenses and identification cards. Many persons do not have a need for a license or identification card immediately upon expiration and do not make application for renewal until it is necessary for their employment, school, or other purpose. The provisions in this section make allowances for this type of renewal period. In no case will an applicant be issued a renewal license that expires in less than six months, regardless of how late in the

renewal period application is made.

#### FISCAL ESTIMATE

No fiscal effect is anticipated from the promulgation of these rule changes.

#### FORMS

MVD-3002 Certification of name, date and place of birth. A motor vehicle form used to obtain information on or verification of a persons's name date and place of birth.

The above form may be obtained from the department without charge by writing the Division of Motor Vehicles, P. O. Box 7917, Madison, Wisconsin 53707.

#### RULE TEXT

Pursuant to authority vested in the Department of Transportation by ss. 110.06 and 227.014, the Department of Transportation proposes to amend ss. TRANS 102.01, 102.02, and 102.03, and repeal and recreate s. TRANS 102.05, figure 4, and create ss. TRANS 102.14, 102.15 and 102.16, Stats., interpreting ss. 343.06, 343.14, 343.17, 343.20, 343.22 and 343.50 as follows:

SECTION 1. Section TRANS 102.01 of the Wisconsin Administrative Code is amended to read:

TRANS 102.01 PURPOSE AND SCOPE. (1) As authorized by ss. 110.06, 227.014, 343.06, 343.14, 343.17 and 343.20, Stats., the purpose of this chapter is to administratively interpret ss. 343.06, 343.14, 343.17, 343.19, 343.20, 343.21, 343.22 and 343.50, Stats., relating to issuance of a photo operator's license and identification card.

(2) This chapter pertains to any person applying for a Wisconsin original, renewal, or duplicate operator's license or identification card, except for persons applying for license issued under ss. 343.08, 343.10, 343.12, 343.125 and 343.126, Stats.

SECTION 2. Section TRANS 102.02 of the Wisconsin Administrative Code is amended to read:

TRANS 102.02 DEFINITIONS. ~~As used~~ In this chapter:

(1) "AKA Record" means the applicant is shown on the driver record file with another name.

(2) "Attachment Card" means the special restriction card that is attached to the back-side of an operator's license when uncoded or lengthy restrictions are necessary.

(3) "Backup system" means the system used in the central office to produce an acceptable photo operator's license or photo identification card from a handwritten data card prepared in the driver license examination station when the computerized processing system is inoperative.

~~(1) (4) "Centrally issued," means the finished licenses or identification cards when used with a reference to an operator's license or identification card, means those finished licenses or identification cards that are mailed from the central office in Madison.~~

(5) "Issuance period" means the period of time for which an operator's license or identification card is issued.

~~(2) (6) "Laminated photo license or photo identification card"~~ means ~~the photo license or photo identification card of the applicant and application data, sealed within plastic and fused to the surface of the document.~~ an operator's license or identification photo card that is sealed in a plastic lamination.

~~(3) (7) "License type" means the distinguishing notation on the operator's license to readily identify one license from another.~~

~~(4) (8) "Operator's license" means a document which authorizes a person to drive or have actual physical control of a motor vehicle.~~

~~(5) (9) "Rephoto" means a replacement photograph with fee as prescribed in s. TRANS 102.09(3).~~

~~(6) (10) "Retake" means another photograph without fee taken when the previous photograph is not clear, complete, or becomes lost or damaged in processing as prescribed in s. TRANS 102.09(1).~~ is taken of an applicant for a photo operator's license or identification card.

SECTION 3. Section TRANS 102.03 of the Wisconsin Administrative Code is amended to read:

TRANS 102.03 PHOTOGRAPH EXEMPTIONS. (1) As provided by s. 343.14(3), Stats., a license without photograph shall be issued when:

(a) A Wisconsin resident is out of state and is not able to return for a renewal or duplicate for one of the following reasons:

1. The person is stationed outside the state in the military service, or
2. Is attending school in another state, or
3. Is working out of state on a job assignment, or
4. A person out of state on vacation.

(b) The person's religion does not allow a photograph to be taken. To qualify for the exemption, the following shall be furnished to the department.

1. A ~~certified or notarized~~ signed statement by a member of the clergy of his or her religion ~~verifying~~ certifying the applicant is a member of the congregation and that photographing is prohibited by the religion, and
2. A copy of the certificate of tax exempt status from the Internal Revenue Service for that congregation.

(2) Within 30 days of return to Wisconsin, the applicant who has received the photograph exemption license as prescribed in sub.(1)(a), shall apply for a license containing a photograph, and pay the fee required in s. 343.21(1)(f), Stats., for a duplicate license.

SECTION 4. Section TRANS 102.05, figure 4, is repealed and recreated as shown in figure 4 following:

WISCONSIN ADMINISTRATIVE CODE  
 Trans 102

FIGURE 4  
 Backside Laminate Imprinting

OPERATOR'S LICENSE LAMINATE IMPRINTING (BACK)

<b>RESTRICTION CODE</b>		PLACE DONOR STICKER HERE
1. Corrective glasses or contact lenses.	7. Proof of financial responsibility.	
2. Hearing aid or vehicle equipped with outside rear view mirror.	9. Complete hand controls	
3. Automatic transmission.	10. Left outside mirror.	
4. Automatic turn signals	11. Right outside mirror.	
5. Daylight driving only	12. Adequate seat adjustment	13. Buses not painted school bus colors.
6. Additional restrictions, Attachment (and required)		14. Under 10,000 lbs.
<b>ANATOMICAL GIFT STATEMENT - Upon my death I wish to donate:</b> <input type="checkbox"/> Only the following organ or parts _____ Specify the organ(s) or part(s) <input type="checkbox"/> Any needed organ or parts. <input type="checkbox"/> My body for anatomical study if needed.		
Signed _____		Witness _____
Parents must sign if licensee is a minor		
Physician should immediately contact one of the following transplant centers Madison - (608) 262-2122 Milwaukee - (414) 257-5543 Eyes. (414) 257-5405		
<b>TO CANCEL THIS GIFT CROSS OUT THE GIFT STATEMENT</b> <b>TO AMEND GIFT APPLY FOR A DUPLICATE LICENSE</b>		Body or Organs

IDENTIFICATION CARD LAMINATE IMPRINTING (BACK)

<b>ANATOMICAL GIFT STATEMENT - Upon my death I wish to donate:</b> <input type="checkbox"/> Only the following organ or parts _____ Specify the organ(s) or part(s). <input type="checkbox"/> Any needed organ or parts. <input type="checkbox"/> My body for anatomical study if needed.	
PLACE DONOR STICKER HERE	Signed _____
	Witness _____
Parents must sign if applicant is a minor.	
Physician should immediately contact one of the following transplant centers. Madison - (608) 262-2122 Milwaukee - (414) 257-5543 Eyes. (414) 257-5405 Body or Organs	
<b>TO CANCEL THIS GIFT CROSS OUT THE GIFT STATEMENT</b> <b>TO AMEND GIFT APPLY FOR A DUPLICATE IDENTIFICATION CARD</b>	

(The back laminate will be made of a material that will accept written information without rubbing off)

SECTION 5. Section TRANS 102.14 of the Wisconsin Administrative Code is created to read:

TRANS 102.14 ISSUANCE. The department shall issue photo operator's licenses and photo identification cards directly to eligible applicants at driver license examination stations upon completion of application processing and payment of required fees, unless:

- (1) The license has special restrictions, and an attachment card must be prepared at the central office for the license;
- (2) The computer system is down and a backup system in the central office must be used to produce the photo operator's license or photo identification card;
- (3) Further verification of eligibility is necessary to comply with licensing qualifications in Chapter 343, Stats.;
- (4) There are administrative reasons for not issuing the operator's license or identification card immediately, for purposes including but not limited to; conducting a study or establishing a control group.

SECTION 6. Section TRANS 102.15 of the Wisconsin Administrative Code is created to read:

TRANS 102.15 PROOF OF IDENTIFICATION. (1) Satisfactory proof of name and date and place of birth, as specified under sub. (2), pars. (a) and (b) shall be submitted by an applicant for an operator's license or identification card when:

- (a) Applying for a Wisconsin operator's license or identification card for the first time.
- (b) Seeking reinstatement of an operator's license after revocation.
- (c) The applicant is on the driver file with an AKA record.

(d) Any of the applicant's operator's licenses or an identification card has been cancelled for alteration or fraudulent application.

(e) Applying for a duplicate operator's license or identification card.

(f) Applying for a renewal of an operator's license or identification card and the previous license or identification card or department issued renewal notice is not presented.

(2) Any of the primary documents in par. (a) is satisfactory for purposes of sub: (1) above when accompanied with one supporting document listed under par. (b) containing a signature, two supporting documents in par. (b) without signature, or one additional document containing a signature from par. (a) below:

(a) Primary documents:

1. Certified copy of birth certificate.
2. Short form birth certificate.
3. Photostatic copy of birth certificate.
4. Hospital certificate of birth.
5. Passport.
6. Federal alien registration report I-151 or I-551.
7. Naturalization certificate.
8. Baptismal certificate, if name, date and place of birth are indicated.

(b) Acceptable supporting documents include, but are not limited to:

1. Driver education certificate.
2. Chauffeur, school bus or operator's license, including out-of-state license.

3. Military discharge papers (including DD-214).
4. Military and dependent identification cards.
5. State-issued identification card.
6. Employee identification card.
7. Student identification card.
8. U.S. Merchants Service identification.
9. School transcript.
10. Professional license.
11. Marriage or divorce papers.
12. International driver's license.
13. Social Security Card.
14. Credit card with signature.
15. Family records such as Bible or baptismal certificate.
16. Police pistol permit with photo and fingerprint.
17. Insurance papers or card.
18. Bankbook.
19. Bills.
20. Welfare card.
21. Medicaid card.
22. Social club card.

(c) Aliens who possess the federal I-94 form as their only proof of identification shall complete an MVD-3002 form to comply with par. (a) primary document requirements. Two supporting documents listed in par. (b) are also required, one of which shall contain the applicant's signature.

(d) For purposes of sub.(1) pars. (e) and (f), proof from this subsection, par. (b) only, is also acceptable.

(e) When it has been established that there is no record of birth, or record of birth is in a foreign language, an MVD-3002 form shall be completed by the applicant and presented with two supporting documents described in par.(b), one of which shall contain the applicant's signature.

NOTE: Form MVD-3002 Certification of name, date and place of birth.

SECTION 7. Section TRANS 102.16 of the Wisconsin Administrative Code is created to read:

TRANS 102.16 OPERATOR'S LICENSE AND IDENTIFICATION CARD ISSUANCE PERIOD.

(1) As provided for in s.343.20(1) Stats., operator's licenses under this chapter expire as follows:

(a) Original probationary, regular, and special restricted licenses; two years from the applicant's next birthday.

(b) Original school bus as follows:

1. With the exception of subd. 2; two years from the applicant's next birthday.
2. For persons over 68 years of age; one year from the applicant's next birthday.

(c) Original chauffeur; one year from the applicant's next birthday.

(d) Renewal regular and special restricted two year operator's licenses;

1. Two years from the applicant's next birthday when a renewal application is made prior to the expiration date of that license type.

2. One year from the applicant's next birthday when a renewal application is made after the expiration date of that license type.

(e) Renewal school bus as follows:

1. With the exception of subd. 3 , 4 and 5 ; two years from the applicant's next birthday when a renewal application is made prior to the expiration date of that license type.
2. With the exception of subd. 3 , 4 and 5 ; one year from the applicant's next birthday when a renewal application is made after the expiration date of that license type.
3. One year from the applicant's next birthday when the applicant for a school bus license is 68 years of age or older and the renewal application is made before the expiration date of that license type.
4. On the applicant's next birthday when the school bus license applicant is 69 years of age or older, and the renewal application is made after the expiration date of that license type, but more than 6 months remain before the applicant's next birthday.
5. One year from the applicant's next birthday when the school bus license applicant is 68 years of age or older, and the renewal application is made after the expiration date of that license type, but 6 months or less remain before the applicant's next birthday.

(f) Renewal chauffeur as follows:

1. One year from the applicant's next birthday when the application is made prior to the expiration date of that license type.
2. On the applicant's next birthday when the renewal application is made after the expiration date of that license type but more than 6 months remain before the applicant's next birthday.
3. One year from the applicant's next birthday when the renewal application is made after expiration date of that license type, but 6 months or less remain before the applicant's next birthday.

(g) Renewal four year operator's licenses:

1. Four years from the applicant's next birthday when the application is made prior to the expiration date of that license type.
2. Three years from the applicant's next birthday when the application is made after the expiration date of that license type.

(2) As provided for in s.343.50(5) Stats., an identification card under this chapter expires as follows:

(a) An original identification card: four years from the applicant's next birthday.

(b) Renewal identification card:

1. Four years from the applicant's next birthday when the renewal application is made prior to the expiration date of the latest identification card on file.

2. Three years from the applicant's next birthday when the renewal application is made after the expiration date of the latest identification card on file.

The rule revisions contained in this order shall take effect upon publication as provided in s.227.026(1) (intro.), Stats.

Signed at Madison, Wisconsin  
this 26<sup>th</sup> day of August 1983

A handwritten signature in cursive script, appearing to read "Lowell B. Jackson", written over a horizontal line.

Lowell B. Jackson P.E.  
Secretary  
Department of Transportation