

CR 85-19

CERTIFICATE

State of Wisconsin)
) ss.
Department of Transportation)

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SEP 13 1985

1:58 pm
Revisor of Statutes
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Lowell B. Jackson, P.E., Secretary of the Wisconsin Department of Transportation and custodian of the official records of the Department, do hereby certify that the annexed rule relating to licensing of driver schools and instructors was duly approved and adopted by this Department on September 11, 1985.

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 11th day of September, 1985.



Robert M. Baker deputy-secy
For Lowell B. Jackson, P.E.
Secretary
Wisconsin Department of Transportation

11-1-85

ORDER OF THE
DEPARTMENT OF TRANSPORTATION
AMENDING RULES

To amend Chapter 105 relating to licensing of driver schools and instructors.

Analysis by the Department of Transportation

This rule amends Chapter Trans 105 relating to licensing of driver schools and instructors. The changes are to bring the rule into conformance with recent legislation. The changes are as follows:

1. Trans 105.03(1)(c) previously included all revocations, suspensions or cancellations, but now it is limited to considering them if they relate to a moving traffic violation.

2. Trans 105.03(2) previously referred to a determination of "good moral character." This term was removed from s. 343.64 and s. 343.65, Stats., and has been removed from the rule also.

3. Trans 105.09 provides a time period for review and determination of eligibility to comply with s. 227.0105(1), Stats. It states that the Department will make a determination of eligibility in 5 days provided a properly completed application is received with all the necessary information the Department needs to determine whether or not the applicant meets the requirements of the rule and applicable statutes. Since a hearing is required by law when the license is denied, the rule includes a subsection to clarify that it is held after the determination of eligibility is made and not within the 5-day period.

Fiscal Estimate. No fiscal impact is anticipated from the promulgation of these rule changes.

Forms. One form, MVD 3209, Questionnaire, has been deleted. No new forms were added and no changes are anticipated in the present forms.

Pursuant to the authority vested in the department of transportation by s. 227.014(2)(a), Stats., the department of transportation hereby amends rules interpreting certain provisions of ss. 343.06(3) and 343.60 to 343.73, Stats., as follows:

SECTION 1. Trans 105.03(intro.), (1)(c) and (2) are amended to read:

TRANS 105.03 DETERMINATION OF SATISFACTORY DRIVING RECORD AND FITNESS
(ss. 343.64(4) AND 343.65(2), STATS.). (1)(c) Has had his or her operator's license revoked, suspended or cancelled for a traffic violation other than a parking violation, at any time during the past 4 years.

(2) For the purpose of determining ~~good-moral-character~~ fitness, the department shall consider relevant arrests and convictions for the past 5 years, on-record, contact-at-least-2-character-references-of-the-3-named-by-the applicant, and make such further examinations and checks as are deemed necessary.

SECTION 2. Trans 105.09 is created to read:

TRANS 105.09 TIME PERIOD FOR REVIEW AND DETERMINATION OF ELIGIBILITY.

(1) A determination of the eligibility for instructor's license shall be made no later than the close of the business day 5 full business days after the day a complete application is received by the department's bureau responsible for driver schools and instructors. An application is complete when:

- (a) All the required sections of the application are accurately completed.
- (b) All examinations have been passed.
- (c) The official conviction record has been received.

(2) A determination of the eligibility for a driver school license shall be made no later than the close of the business day, 5 full business days after the day a completed application is received by the department's bureau responsible for driver schools and instructors. An application is complete when:

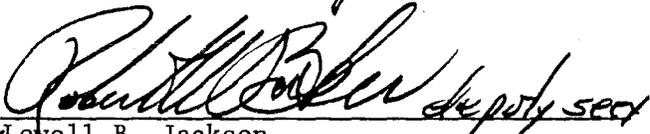
- (a) All the required sections of the application are accurately completed.
- (b) All the applicable requirements of this chapter including inspection of place of business, required records, driver training cars, insurance policy and driver education program have been completed or are available for review.
- (c) The official conviction record has been received.

(3) When a hearing is provided it will be held after the determination of eligibility by the department. Hearings for driver schools and instructors are held by the office of the commissioner of transportation as required by s. 343.69, Stats.

[NOTE: Applications can be obtained from, and should be returned to:
Department of Transportation, Bureau of Driver Licensing, Hill Farms
State Office Building, 4802 Sheboygan Avenue, Madison, Wisconsin
53702]

The rules contained in this order shall take effect upon the first day of
the month following publication as provided in s. 227.026(1)(intro.), Stats.

Signed and dated in Madison, Wisconsin,
this 6 day of Sept., 1985.


deputy secy
for Lowell B. Jackson
Secretary
Wisconsin Department of Transportation

Transportation (CR 85-19)

Chapter Trans 105 - Licensing of driver schools and instructors

Summary of Final Regulatory Flexibility Analysis

This rule makes no significant changes in the operation of any of the licensees which may be considered small businesses. The changes made to this rule were initiated in response to recent legislation. All of the currently licensed driver schools have been notified of the changes.



State of Wisconsin \

DEPARTMENT OF TRANSPORTATION



DIVISION OF MOTOR VEHICLES

4802 Sheboygan Avenue
P. O. Box 7949
Madison, WI 53707-7949

September 12, 1985

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SEP 13 1985

Revisor of Statutes
Bureau

Mr. Gary Poulson
Assistant Revisor of Statutes
411 West, State Capitol
Madison, Wisconsin 53702

Re: Clearinghouse Rule 85-19
Relating to licensing of driver schools and
instructors; Trans 105

Dear Mr. Poulson:

Enclosed for filing, pursuant to sec. 227.023, Wis. Stats., is a certified copy of CR 85-19, an administrative rule relating to licensing of driver schools and instructors. An additional, uncertified copy of CR 85-19 is enclosed to be used as a printer's copy. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

Holly M. Luth

Holly M. Luth
Program Assistant

hml

Enclosures

cc: Sue Gallagher
DOT Office of Transportation Information
Connie Keator
Joyce Gelderman
Wes Geringer