

Chapter Trans 102

PHOTO OPERATOR'S LICENSE AND IDENTIFICATION
CARD

Trans 102.01	Purpose and scope (p. 127)	Trans 102.09	Photograph retake and re-photo specifications (p. 134)
Trans 102.02	Definitions (p. 127)	Trans 102.10	Special photo requirements (p. 135)
Trans 102.03	Photograph exemptions (p. 128)	Trans 102.11	Fees (p. 135)
Trans 102.04	Design of photo license and identification card (p. 128)	Trans 102.12	Transitional period (p. 135)
Trans 102.05	Dimensions and general design of operator's license and identification card (p. 129)	Trans 102.13	Special provisions (p. 136)
Trans 102.06	Instruction permit issuance (p. 134)	Trans 102.14	Issuance (p. 136)
Trans 102.07	Operator's license or identification card marking (p. 134)	Trans 102.15	Proof of identification (p. 136)
Trans 102.08	Expiration of operator's license (p. 134)	Trans 102.16	Operator's license and identification card issuance period (p. 138)

Trans 102.01 Purpose and scope. (1) As authorized by ss. 110.06, 227.11, 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.

Note: Forms used in administering this rule are MVD-3392 data card, MVD-3390 examination worksheet, MVD-3393 pocket envelope, MVD-3394 renewal information insert, MVD-3001B application, MVD-3001 application, MVD-3166 license form, MVD-3166A special restriction attachment, MVD-3006 renewal license notice, and MVD-3006B identification card renewal notice.

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82; am. Register, January, 1984, No. 337, eff. 2-1-84; correction in (1) made under s. 13.93 (2m) (b) 7, Stats., Register, December, 1987, No. 384.

Trans 102.02 Definitions. 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.

(4) "Centrally issued," 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.

Register, December, 1987, No. 384

Trans 102

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

(6) "Laminated photo license or photo identification card" means an operator's license or identification photo card that is sealed in a plastic lamination.

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

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

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

(10) "Retake" means another photograph is taken of an applicant for a photo operator's license or identification card.

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82; am. Register, January, 1984, No. 337, eff. 2-1-84.

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 signed statement by a member of the clergy of his or her religion 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.

Note: The attorney general opines that (1) (b) violates the U.S. and Wisconsin constitutions. OAG 23-86.

(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.

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82; am. (1) (b), Register, January, 1984, No. 337, eff. 2-1-84.

Trans 102.04 Design of photo license and identification card. (1) The operator's license and identification card shall be a one part document.

(2) The document shall consist of 2 sides and contain information to conform with s. 343.17, Stats.

Register, December, 1987, No. 384

(a) The front side shall:

1. Contain the applicant's photograph on the left side of the card.
2. Provide a space for restriction code numbers.
3. Be marked to show license type, if a license, and marked identification card only, if an identification card.
4. Not require a photograph when issued to applicants who qualify for photograph exemptions as provided for in s. Trans 102.03. The words "valid without photograph" shall appear in the space normally used for the photograph.

(b) The back side shall:

1. Provide space for numerical restriction codes.
2. Contain a restriction attachment form when the restrictions are lengthy and cannot be provided for by a restriction code number.
3. Provide a space for the organ donor sticker.

Note: Forms MVD 3166A special restriction attachment and photograph of MVD-3392 data card.

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82.

Trans 102.05 Dimensions and general design of operator's license and identification card. The dimension and general design of the operator's license and identification card are shown in figures 1 - 2 - 3 - 4 following.

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82; r. and rec. Figure 4, Register, January, 1984, No. 337, eff. 2-1-84.

FIGURE 1

Minimum Photo Dimensions

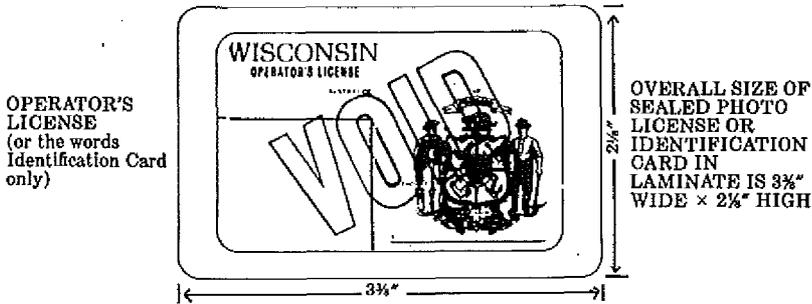
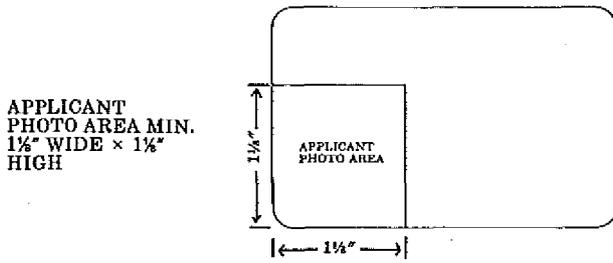
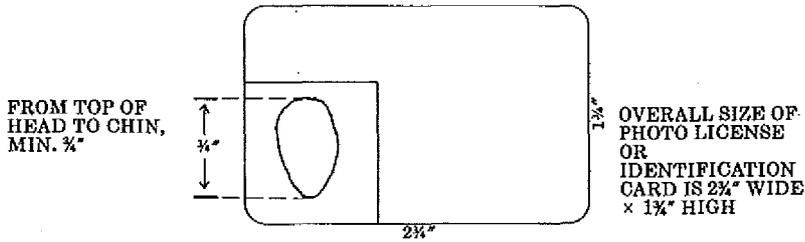


FIGURE 2
Maximum Photo Dimensions

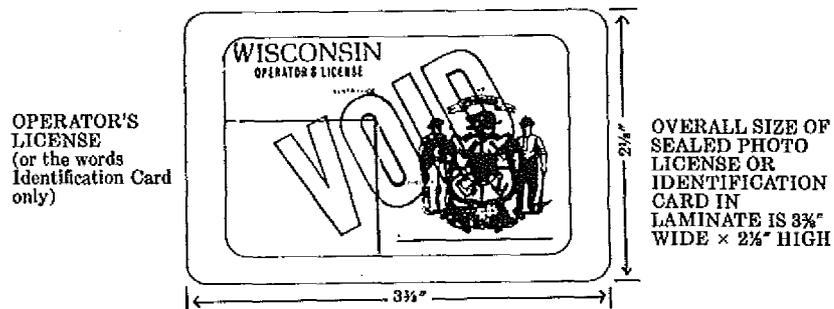
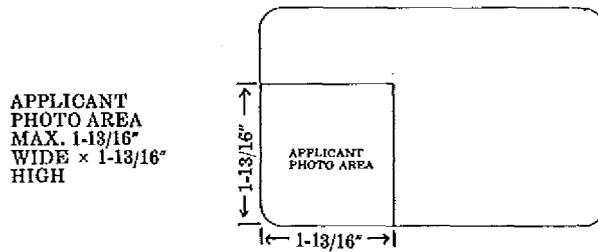
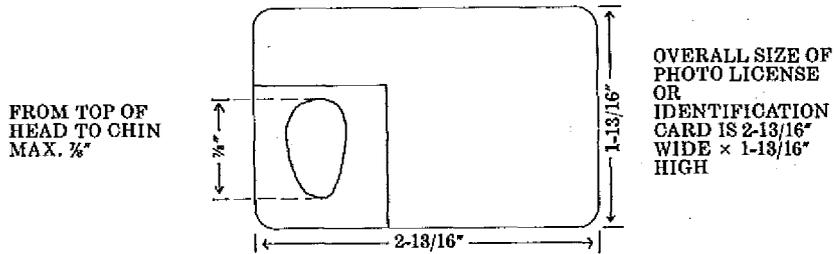


FIGURE 3
Laminate Specifications

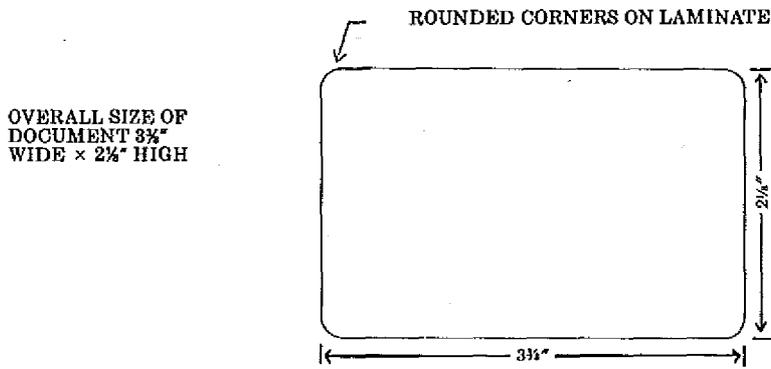
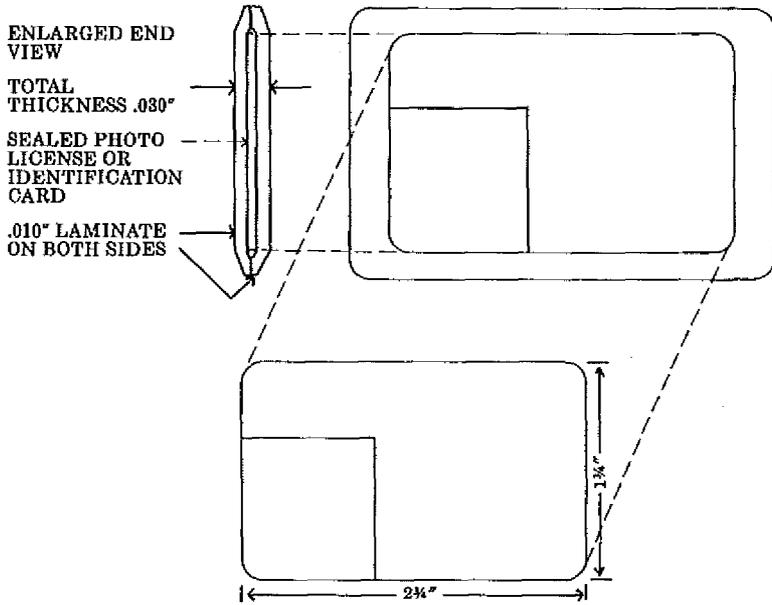


FIGURE 4
Backside Laminate Imprinting

OPERATOR'S LICENSE LAMINATE IMPRINTING (BACK)

<p>RESTRICTION CODE</p> <p>1. Corrective glasses or contact lenses</p> <p>2. Hearing aid or vehicle equipped with outside rear view mirror</p> <p>3. Automatic transmission</p> <p>4. Automatic turn signals</p> <p>5. Daylight driving only</p>	<p>7. Proof of financial responsibility</p> <p>9. Complete hand controls</p> <p>10. Left outside mirror</p> <p>11. Right outside mirror</p> <p>12. Adequate seat adjustment</p> <p>99. Additional restrictions Attachment Card required</p>	<div style="border: 1px dashed black; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 0 auto;"> <p>PLACE DONOR STICKER HERE</p> </div> <p>13. Buses not painted school bus colors</p> <p>14. Under 10,000 lbs</p>
<p>ANATOMICAL GIFT STATEMENT - Upon my death I wish to donate:</p> <p><input type="checkbox"/> Only the following organ or parts _____ Specify the organ(s) or part(s)</p> <p><input type="checkbox"/> Any needed organ or parts <input type="checkbox"/> My body for anatomical study if needed</p> <p>Signed _____ Witness _____</p> <p>Parents must sign if licensee is a minor Witness _____</p> <p>Physician should immediately contact one of the following transplant centers Madison - (608)262-2122 (Milwaukee - (414)257-5406 Body or Organs)</p> <p>TO CANCEL THIS GIFT CROSS OUT THE GIFT STATEMENT TO AMEND GIFT APPLY FOR A DUPLICATE LICENSE</p>		
		<div style="border: 1px solid black; padding: 2px; display: inline-block;"> Milwaukee-(414) 257-5543 Eyes </div>

IDENTIFICATION CARD LAMINATE IMPRINTING (BACK)

<p>ANATOMICAL GIFT STATEMENT — Upon my death I wish to donate:</p> <p><input type="checkbox"/> Only the following organ or parts _____ Specify the organ(s) or part(s)</p> <p><input type="checkbox"/> Any needed organ or parts <input type="checkbox"/> My body for anatomical study if needed</p> <p>Signed _____</p> <p>Witness _____ Witness _____</p> <p>Parents must sign if applicant is a minor</p> <p>Physician should immediately contact one of the following transplant centers Madison - (608)262-2122 Milwaukee - (414)257-5543 Eyes (414)257-5406 Body or Organs</p> <p>TO CANCEL THIS GIFT CROSS OUT THE GIFT STATEMENT TO AMEND GIFT APPLY FOR A DUPLICATE IDENTIFICATION CARD</p>	
<div style="border: 1px dashed black; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;"> <p>PLACE DONOR STICKER HERE</p> </div>	

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

Trans 102

Trans 102.06 Instruction permit issuance. Instruction permits issued under s. 343.07, Stats., shall be issued without a photograph. This provision is adopted pursuant to s. 343.17 (2), Stats.

Note: Form MVD-3392 data card.

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82.

Trans 102.07 Operator's license or identification card marking. As provided in ss. 343.17(2) and 343.50(3), Stats., each type of license, or an identification card, shall be marked to be readily distinguished from the others.

(1) For a regular license the document shall be marked operator's license "regular".

(2) For a probationary license the document shall be marked operator's license "probationary".

(3) For a special restricted license the document shall be marked operator's license "special restricted".

(4) For an identification card the document shall be marked "identification card only".

Note: Forms MVD-3392 data card and MVD-3166A special restriction attachment.

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82.

Trans 102.08 Expiration of operator's license. (1) As provided in s. 343.20(1), Stats., an original operator's license may be issued for any period of a fraction of a year in excess of the ordinary effective period of such license. The fee is established in s. 343.21(1)(b), Stats. All original licenses and reinstated licenses with photograph issued under this chapter shall expire 2 years from the applicant's next birthday as provided in s. 343.20(1), Stats.

(2) As provided in s. 343.20(1), Stats., renewal photograph or the photograph exemption operator's license as prescribed in s. Trans 102.03, shall expire 4 years after the date of expiration of the previous license. The fee is established in s. 343.21(1)(c), Stats.

(3) Non-photograph renewal licenses issued under this chapter shall expire in the transition period prescribed in s. Trans 102.12(3).

Note: Forms MVD-3392 data card and MVD-3166 license form.

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82.

Trans 102.09 Photograph retake and rephoto specifications. (1) As determined by the department, a no fee photograph retake shall be made when the photograph of the applicant is indistinguishable, unclear, incomplete, or becomes lost or damaged in the film and card processing procedure.

(2) Applicants who fall into the retake specifications described under sub. (1) shall be required to have a retake photograph taken by the department before their operator's license or identification card can be issued.

(3) Any applicant not satisfied with the photograph after receipt of a license or identification card may request a rephoto. If the photograph Register, December, 1987, No. 384

does not meet the retake requirements in sub. (1), the applicant shall make application and pay the fee for a duplicate.

Note: Forms MVD-3001 application, MVD-3001B, and MVD-3392 data card.

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82.

Trans 102.10 Special photo requirements. To provide for a full facial image, the following shall be required:

(1) Except as provided in sub. (2), hats, caps, or other head coverings may not be worn by the applicant when the photograph is taken.

(2) If a turban or similar head covering is worn by the applicant due to religious belief, the covering shall be pushed from the forehead until a full facial image is shown.

(3) A photograph shall be taken with or without glasses, at the applicant's preference. Sunglasses shall be removed. Light sensitive glasses that do not adjust sufficiently to clearly show the eyes shall also be removed.

(4) Hair shall be brushed away from the eye area for the photograph.

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82.

Trans 102.11 Fees. (1) The fee for an original regular, probationary, or special restricted operator's license with photograph shall be the fee prescribed in s. 343.21(1)(b), Stats.

(2) The fee for the renewal of a license with a photograph shall be the fee prescribed in s. 343.21(1)(c), Stats.

(3) The fee for renewal of an operator's license issued without photograph as prescribed in s. Trans 102.12(3), shall be the fee as established in s. 343.20(1m), Stats.

(4) The fee for the rephoto as described in s. Trans 102.09(3) shall be the fee prescribed in s. 343.21(1)(f), Stats., for a duplicate.

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82.

Trans 102.12 Transition period. Transition period means the first four years of operation under the photo license system from beginning effective date of this chapter. Issuance of both photograph and non-photograph renewal operator's licenses to phase in the operation shall take place in the first year.

(1) As provided for in ss. 343.14(3) and 343.20(1), Stats., all renewal operator's licenses with photograph, or the photograph exemption as prescribed in s. Trans 102.03, shall be issued to be valid for four years after the expiration date of the previous license.

(2) Applicants who require the vision examination for renewal, as prescribed in s. 343.16(1)(a)2., Stats., shall receive the operator's license described in sub. (1). One-half of renewal licenses issued under this chapter for the first year of the transition period shall be the photo license.

(3) As provided in s. 343.14(4), Stats., the renewal operator's license without photograph shall be issued to those applicants who are not required to take the examination prescribed in s. 343.16(1)(a)2., Stats.

Register, December, 1987, No. 384

The 2 year license without photograph shall be issued for the purpose of gaining a uniform rate of renewals and shall be discontinued after the first year of the transition period.

Note: Forms MVD-3392 data card, MVD-3166 license form and MVD-3394 renewal information insert.

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82.

Trans 102.13 Special provisions. (1) When an application for a photo operator's license is made by an applicant, the date the photograph is taken shall be at the discretion of the department.

(2) Persons shall be notified by the department when a retake photograph is necessary for those reasons described in s. Trans 102.09(1). Failure to comply within 30 days of notification shall result in the cancellation of the operator's license.

(3) There shall be no negative film file maintained. Persons requiring a duplicate photo operator's license or identification card shall return to the department for duplicate application and new photograph.

Note: Form MVD-3392 data card, MVD-3001, MVD-3001B, and MVD-3393 Pocket Envelope.

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82.

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 ch. 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.

History: Emerg. cr. eff. 3-14-83; cr. Register, January, 1984, No. 337, eff. 2-1-84.

Trans 102.15 Proof of identification. (1) Satisfactory proof of name and date and place of birth, as specified under sub. (2) (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.

Register, December, 1987, No. 384

(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) when accompanied with one supporting document listed under par. (b) containing a signature, 2 supporting documents in par. (b) without signature, or one additional document containing a signature from par. (a):

(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.

Trans 102

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) (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 2 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.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84; emerg. am. eff. 6-24-86.

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; 2 years from the applicant's next birthday.

(b) Original school bus as follows:

1. With the exception of subd. 2; 2 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 2 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 subds. 3, 4 and 5; 2 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 subds. 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.

Register, December, 1987, No. 384

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 4 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: 4 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.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84.