

CR 90-144

CERTIFICATE

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, RONALD R. FIEDLER, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **operator licenses and identification cards**, was duly approved and adopted by this Department on October 16th, 1990.

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



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 16th day of October, 1990.

Ronald R. Fiedler

RONALD R. FIEDLER, P.E.
Secretary

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OCT 16 1990
4:15 pm
Revisor of Statutes
Bureau

1-1-91

IN THE MATTER OF a rule to create chapter Trans 102, Wisconsin Administrative Code, relating to Operator Licenses and Identification Cards.

ORDER ADOPTING RULE

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OCT 16 1990

Analysis Prepared by the Wisconsin Department of Transportation

Revisor of Statutes
Bureau

STATUTORY AUTHORITY: ss. 85.16(1), 343.02, Stats.

STATUTES INTERPRETED: ss. 343.05, 343.06, 343.07, 343.08, 343.10, 343.11, 343.12, 343.135, 343.14, 343.16, 343.17, 343.18, 343.19, 343.20, 343.21, 343.22, 343.25, 343.265, and 343.50, Stats.

Summary of Rule. The purpose of this rule is to make a number of changes within Trans 102 in order to comply with the new commercial driver license law. The application provisions of s. Trans 102.01 are expanded to include juvenile restricted licenses, the transition to the classified driver license, the reissue and reinstatement of licenses and identification cards, and the interim consolidated licenses provided for in s. 343.03(1)(c), Stats.

Trans. 102.02(intro.) is amended to incorporate the meanings of words found in ss. 340.01 and 343.01, Stats., by reference. The term "Attachment card" is changed to "Special restrictions card." Persons are now allowed to carry the card with the license without physically attaching it to the license.

The definition of "AKA record" (also known as) is revised to clarify the Department's policy of distinguishing between persons who have used an alias or used false identification and persons who have legitimately changed their names. Affected persons must meet new, more stringent, identification requirements and cannot qualify for exceptions. Affected persons include persons who have used aliases, have previously made falsified applications, have altered licenses or ID cards, have loaned licenses, have illegally used licenses or have committed related offenses.

Definitions of "duplicate," "juvenile restricted license," "original," "reinstatement," "administrator," "driver file," "license examiner," "Motor Vehicle Services Center," and "reissue" are added to explain the Department's license and ID card terminology.

The religious photo exemption of s. Trans 102.03(1)(b) is revised. Exemption will be allowed upon written request on a Department form. This revision implements the opinion of the Attorney General found at 75 Op. Att'y Gen. 115 (1986). A provision is also added to waive the photo requirement for a temporarily disfigured applicant.

A provision allowing the Department to label a duplicate license as a duplicate is added.

Trans 102.12 is repealed and recreated in order to provide for renewals of licenses during the transition period to the classified license system.

Trans 102.09 is amended to allow the Department to require persons to have their photographs retaken when restrictions on a license change or when there are errors on the data card used to produce a license or identification card.

Trans 102.10(5) is added to allow the Department to require removal of any clothing which obscures the applicant's face while being photographed. An exception provision is added to codify current policy that a prosthesis normally used by a person with a permanent facial or dental disfigurement may be worn by the person when the person is photographed.

Trans 102.14(1) is changed to allow the Department to issue the operator's licenses or identification cards directly to applicants with temporary driving receipts containing special restrictions. The driving receipt with the special restrictions may be used for the operation of a motor vehicle until a special restrictions card is prepared by the Department and issued to the applicant.

Trans 102.15 is amended to revise the Department's procedures for identifying applicants for classified operator's licenses and identification cards and establishing issuance procedures of the new license types. These changes are the Department's attempt to comply with the requests from the public to reduce the number of fraudulently obtained driver licenses and identification cards. Procedural safeguards are installed to restrict the issuing operator's licenses or identification cards to persons who use false or fraudulent documents or otherwise falsify their applications in order to evade revocation, suspension, cancellation, or disqualification of their operating privileges or license, or for the purpose of obtaining identification showing a false name or birth date.

The rule will generally require an initial applicant to prove his or her name and date of birth using a certified birth certificate or certain specified documents deemed equally reliable. The applicant must also prove he or she is the person named on the birth certificate with common supporting documents, examples of which are listed. Certain exceptions are provided which both codify various current Department policies and provide for discretionary decisions in the rare cases when an individual may be unable to supply documentary proof of name, date of birth, place of birth and identity.

Provisions are made to allow the Department to issue a temporary operating permit to certain applicants who need additional time to produce a certified birth certificate. These temporary permits may allow legal operation of a motor vehicle but are marked to indicate they should not be relied upon to otherwise identify the holder.

All applicants will be required to furnish their social security numbers. This provision is intended to both implement requirements of the Commercial Motor Vehicle Safety Act of 1986, P.L. 99-570, and to obtain additional information enabling more positive identification of the applicant. When the applicant has religious reasons for not providing a social security number, a signed statement certifying the objection will be accepted. A substitute number will be assigned by the Department.

The Department is repealing and recreating s. Trans 102.16 concerning the issuance and expiration dates of licenses and endorsements to conform to the classified license system.

Temporary operator's licenses and two types of temporary driving receipts are created by the rule. These allow certain applicants to legally operate motor vehicles when the Department is temporarily unable to issue a driver's license.

Regulatory Flexibility Analysis. This rule will have no adverse impact on small businesses.

Fiscal Estimate. The Department's preliminary estimate is that the cost of training Department personnel, revising the driver licensing manual, and any necessary data processing changes can be absorbed by existing programs.

Contact Person. The persons to contact for further information are Harold Thummel, (608)266-0054 or Jerry Bown, (608)266-0428.

TEXT OF RULE

Under the authority vested in the Wisconsin department of transportation by ss. 88.025, 85.16 and 343.02, Stats., the department hereby amends chapter Trans 102 as follows:

SECTION 1. CHAPTER TRANS 102 (title) is amended to read:

PHOTO OPERATOR'S LICENSES AND IDENTIFICATION CARDS

SECTION 2. Trans 102.01 is amended to read:

Trans 102.01 PURPOSE AND SCOPE. (1) As authorized by ss. 85.16(1), 110.06, ~~227.014~~, 227.11, 343.05, 343.06, 343.14, 343.17, and 343.20, Stats., the purpose of this chapter is to administratively interpret ss. 343.05, 343.06, 343.07, 343.08, 343.10, 343.11, 343.12, 343.135, 343.14, 343.16, 343.17, 343.18, 343.19, 343.20, 343.21, 343.22, 343.25, 343.265, and 343.50, Stats., relating to issuance of a ~~photo~~ operator's ~~license~~ licenses and identification ~~card~~ cards.

(2) This chapter pertains to any person applying for a Wisconsin original, reissue, reinstatement, 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~~ MV3392 data card, ~~MVD 3390~~ MV3390 examination worksheet, ~~MVD 3393~~ MV3269A pocket envelope, ~~MVD 3394~~ MV3394 renewal information insert, MV3004 identification card application, ~~MVD 3001B~~ application, ~~MVD 3001~~ MV3001 license application, ~~MVD 3166~~ MV3166 license form, ~~MVD 3166A~~ MV3166A special restriction ~~restrictions~~ attachment card, ~~MVD 3006~~ MV3006 renewal license notice, and ~~MVD 3006B~~ MV3007 identification card renewal notice, MV3415 religious conviction exemption request, MV3002 certification of name, date and place of birth, MV3125 additional information for operator license application, MV3452 foreign language document translation certification, MV3432 receipt and MV3501 temporary operator's license.

SECTION 3. Trans 102.02(intro.) is amended to read:

Trans 102.02 DEFINITIONS. The words and phrases defined in ss. 340.01 and 343.01, Stats., have the same meaning in this chapter unless a different definition is specifically provided. In this chapter:

SECTION 4. Trans. 102.02(10) is repealed.

SECTION 5. Trans 102.02(2) is renumbered 102.02(10) and amended to read:

Trans 102.02(10) "~~Attachment card~~" "Special restrictions card" means the ~~special restriction~~ a card that is attached to the backside of an operators license prepared by the department and issued to a person when non-encoded or lengthy restrictions to a license are necessary.

SECTION 6. Trans 102.02(1) is renumbered Trans 102.02(2) and amended to read:

Trans 102.02(2) "AKA record" means ~~the applicant is shown on the driver record file with another name another name~~ an entry on a driver file which shows that the person currently uses or previously used an alias or a fictitious name. A person with a former name entry, resulting from a lawful change of name, does not have an AKA record.

SECTION 7. Trans 102.02(1) is created to read:

Trans 102.02(1) "Administrator" means the administrator of the division of motor vehicles of the department.

SECTION 8. Trans 102.02(3) is amended to read:

Trans 102.02(3) "Backup system" is the system used ~~in~~ by the ~~central office~~ department 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.

SECTION 9. Trans 102.02(4g) and (4p) are created to read:

Trans 102.02(4g) "Driver file" means a person's driving record as kept by the department containing the driver record and maintained in accordance with s. 343.23, Stats., or the substantially identical record maintained for each person holding an identification card. An "existing driver file" is a driver file that has not been purged.

(4p) "Duplicate" means a license or identification card issued for a fee to replace one which has been lost, damaged or destroyed, or to replace one which is no longer accurate because of a change of the licensed person's operating authority, name or address, or at the person's request to have a photograph retaken.

NOTE: See ss. Trans 102.09(3) and 102.03(2), and s. 343.265(2), Stats.

SECTION 10. Trans 102.02(5m) is created to read:

Trans 102.02(5m) "Juvenile restricted license" means a license issued pursuant to s. 343.08, Stats.

SECTION 11. Trans 102.02(6m) and (6n) are created to read:

Trans 102.02(6m) "License examiner" or "examiner" means an employe or agent of the department duly authorized by the administrator to process operator's license applications and other duties, regardless of the agent or employe's job title.

(6n) "Motor vehicle services center" means those locations within the state authorized by the department to provide driver licensing services, vehicle registration services, or both.

SECTION 11. Trans 102.02(7), 102.02(8), 102.02(9), and 102.02(10) are repealed.

SECTION 12. Section Trans 102.02(7), (8) and (9) are created to read:

Trans 102.02(7) "Original" when used to describe a license or identification card means the first Wisconsin license or identification card of that type issued to a person. The term also includes:

(a) A license or identification card issued to a person who previously held a license or identification card but who does not have an existing driver file; or

(b) A license or identification card issued to a person whose license or identification card has been canceled or revoked.

(8) "Reinstate" means the process of issuing a license to a person following a withdrawal of the person's operating privilege or license by cancellation, suspension, revocation, or disqualification. The term also includes the process of issuing an identification card to a person who previously had an identification card canceled or revoked.

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

(a) A change in license restrictions; or

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

(c) A change of address processed under s. 343.22(2m), Stats.

NOTE: Refer to s. 343.21(1)(h), Stats. regarding fees for changes in commercial driver license restrictions.

SECTION 13. Trans 102.03(1) and (2) are renumbered 102.03(2) and 102.03(3) and amended to read:

Trans 102.03(2) ~~As provided by s. 343.14(3), Stats.,~~ a A license without photograph may be issued when:

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

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

(b) ~~The person's religion~~ A Wisconsin resident has seriously held religious convictions that does do not allow the resident to be photograph photographed to be taken. To qualify for the this exemption, the ~~following shall be furnished to the department.~~ person shall complete, sign and date a statement, on a form provided by the department, certifying that the person objects to being photographed due to a seriously held religious conviction. ~~1. A signed statement by a member of the clergy of his or her religion certifying the applicant is 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.~~

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

~~NOTE: The Attorney General Opines that (1) (b) violates the U.S. and Wisconsin constitutions. OAG 23-86.~~

NOTE: See s. 343.21, Stats., for fees on duplicate licenses. Form MV3415 religious conviction exemption request is provided upon request at a department motor vehicle services center or from Wisconsin Department of Transportation, Bureau of Driver Services, License Issuance Unit, P.O. Box 7918, Madison, Wisconsin 53707.

SECTION 14. Trans 102.03(1) is created to read:

Trans 102.03(1) Except as provided in this section, no license or identification card, including duplicates, shall be issued unless the person appears in person at a motor vehicle service center and is photographed.

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

SECTION 15. Trans 102.03(2)(c), (4), (5) and (6) are created to read:

Trans 102.03(2)(c) A Wisconsin resident requests a photograph exemption on the grounds that a photograph would not accurately reflect the person's appearance because of the person's temporary disfigurement, and the department finds that an exemption should be granted. In cases where an exemption is granted, the person shall apply for a duplicate operator's license with photograph when the reason for the exemption no longer exists.

NOTE: The fee for a duplicate license may be found in s. 343.21(1)(f), Stats.

(4) No photograph shall be required for temporary licenses or driving receipts.

NOTE: Authority for this provision may be found at s. 343.14(3), Stats. See s. 343.07, Stats., regarding instruction permits, and ss. 343.17(5), 343.10, 343.11, 343.16(6)(b), 343.305, Stats., and Trans. 102.17 regarding temporary licenses or driving receipts.

(5) A photograph may be required for instruction permits.

(6) The department may issue a license to a person without requiring that person's appearance if the department is able to produce a photograph from its records.

SECTION 16. Trans 102.04 is repealed and recreated to read:

Trans 102.04 DESIGN OF OPERATOR'S LICENSE AND IDENTIFICATION

CARD. Operator's licenses and identification cards:

(1) Shall consist of one part with two sides, except as otherwise prescribed in ss. 343.10(7)(d) and 343.17(4), Stats.

(2) Shall include the following descriptive legends:

(a) Duplicate licenses and identification cards shall be marked "duplicate" or an abbreviation thereof.

(b) Juvenile restricted licenses shall be marked "juvenile restricted" or an abbreviation thereof.

(3) Shall contain such further information as the department considers appropriate for security or identification purposes.

SECTION 17. Trans 102.05 and 102.06 are repealed.

SECTION 18. Trans 102.07 is repealed and recreated to read:

Trans 102.07 NATIONAL DRIVER REGISTRY AND COMMERCIAL DRIVER LICENSE REGISTRATION SYSTEM. Information system record inquiries for issuance of commercial driver licenses required by s. 343.03(5), Stats., shall be made as follows:

(1) The department shall make inquiries of the commercial driver license information system and the national driver registry to determine licensing eligibility before issuing a license.

(2) When the information systems described in sub. (1) are inoperative, the person's license will be processed based on the information certified by the person on the license application and any Wisconsin driver record available.

(3) Subsequent to the issuance of a license under sub. (2), when the information system is again operative, the driver record inquiry will be made. If the inquiry shows that the person's record is unacceptable, the department may cancel, revoke or suspend the license issued under sub. (2).

SECTION 19. Trans 102.08 is repealed.

SECTION 20. Section Trans 102.09 is amended to read:

Trans. 102.09(title) PHOTOGRAPH SPECIFICATIONS.

(1) As determined by the department, a ~~no~~ fee a license or identification card photograph ~~retake~~ shall be made retaken without fee when:

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

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

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

(3) Any ~~applicant~~ person not satisfied with the photograph after receipt of a license or identification card may request a ~~rephoto~~ to have the photograph retaken. If the photograph does not meet the ~~retake~~ requirements ~~in~~ of sub. (1), the ~~applicant~~ person shall ~~make application~~ apply for a duplicate license or identification card, surrender the existing license or identification card and pay the fee required in s. 343.21(1)(f), Stats.

SECTION 21. Trans 102.10(5) is created to read:

Trans 102.10(5) Any clothing or device obscuring all or part of a person's face shall be removed when being photographed to show a full facial image, except that any appliances or prosthesis normally used by a person with a permanent facial or dental disfigurement need not be removed.

SECTION 22. Trans 102.11 is repealed and recreated to read:

Trans 102.11 PRORATED FEES. (1) (a) When the department issues a license that is valid for less than the ordinary effective period, the fees due under s. 343.21(1)(a), (b) and (d), Stats., shall be based on the whole fee of the license applied for and prorated according to the fraction of the four year license period for which it is issued.

(b) When an existing class D license or class M license is upgraded to a class A, B, or C commercial driver license, the expiration date of the commercial driver license shall be the same as the expiration date for the existing license and the fee for the commercial driver license shall be prorated.

(c) When an existing class M only license is upgraded to a class D, the expiration date of the class D license shall be the same as the expiration date of the existing license and the fee for the class D license shall be prorated.

(2) Fees assessed in accordance with s. 343.21(1), (a), (b), and (d), Stats., shall be prorated as follows:

(a) A fee factor based on the number of years remaining on the existing license is calculated under the following table:

Time Remaining on Existing License	Fee Factor
more than 3 months and 12 months or less	1/4 fee
more than 12 months and 24 months or less.....	1/2 fee
more than 24 months and 36 months or less.....	3/4 fee

(b) For the 4 year licenses specified in s. 343.21(1)(a), (b) and (d), Stats., the full fee prescribed for that license type shall be multiplied by the fee factor from the table in sub.(a) to determine the fee to be paid for the new license.

(c) The fee shall be rounded to the nearest whole dollar amount as determined by the department.

(d) When more than 36 months remain on the existing license, the full fee of the new license applied for shall be paid.

(e) When less than 3 months remain on the existing license, the full fee of the upgraded license applied for shall be paid, and a renewal license for the next renewal period shall be issued.

(3) When a person applies to upgrade a license more than three months and no more than one year before the expiration date of the person's existing license, the person may, in addition to paying a prorated fee for the upgraded license for the remaining period of validity for the existing license, pay the fee for renewing the upgraded license for the next renewal period. If the renewal fee is paid the license shall be renewed for the next renewal period.

NOTE: See s. 343.20(1)(a), Stats., regarding the department's authority to prorate fees.

SECTION 23. Trans 102.12 is repealed and recreated to read:

Trans 102.12 TRANSITION PERIOD PROVISIONS. (1) After December 31, 1990, renewal applications for chauffeur licenses or commercial driver licenses may be made by mail only if authorized for the photograph exemption of s. Trans 102.03(2)(a).

(2) By April 1, 1991 the department shall begin classifying licenses upon initial application, renewal, or reinstatement of a license, as follows:

(a) Upon renewal, chauffeur, school bus and interim consolidated licenses shall be converted to classified commercial drivers licenses. Persons applying for renewal of these licenses shall be required to pass any required examinations prescribed by ch. Trans 104 for the issuance of a commercial driver license.

(b) Upon renewal, operator's licenses other than commercial drivers licenses shall be converted to classified non-commercial licenses. Persons applying for a non-commercial license will be required to take an eye exam pursuant s. 343.16(3)(a) Stats.

NOTE: See s. 343.03(1)(b) Stats.

SECTION 24. Trans 102.13(title) is repealed.

SECTION 25. Trans 102.13(1),(2) and (3) are renumbered 102.09(4), (5), and (6) and are amended to read:

Trans 102.09(4) When an application for a ~~photo~~ an operator's license or an identification card is made, ~~by an applicant~~ the date the photograph is taken shall be at the discretion of the department.

(5) Persons shall be notified by the department when a ~~retake~~ photograph is ~~necessary~~ for those reasons described in s. ~~Trans 102.09(1)~~ needs to be retaken or when a subsequent change of license restrictions or endorsements requires license reissuance or a duplicate license. Failure to comply within 30 days of notification shall result in the cancellation of the operator's license.

(6) ~~There shall be no negative film file maintained.~~ Persons requiring a duplicate operator's license or identification card shall return to the department for duplicate application and new photograph, unless the person's appearance at the department is not required under s. Trans 102.03(2)(a) or 102.03(6).

SECTION 26. Trans 102.14(intro.) and 102.14(1) are renumbered 102.14(1)(intro.) and (1)(a), and amended to read:

Trans 102.14(1)(intro.) The department shall issue ~~photo~~ operator's licenses and identification cards directly to eligible ~~applicants~~ Wisconsin residents at motor vehicle services centers upon completion of the application processing and payment of required fees, unless:

(a) The license has non-encoded or lengthy special restrictions and ~~an attachment card~~ a special restrictions card is required for the license; ~~must be prepared at the central office~~

in which case the license may be issued directly to the person with a driving receipt that includes the special restrictions. The driving receipt with the special restrictions when carried with the license may be used for the operation of a motor vehicle until the earlier of 60 days from the date of the application or the date the special restrictions card is issued to the person.

SECTION 27. Trans 102.14(2), (3), and (4) are renumbered s. Trans 102.14(1)(b), (1)(c), (1)(d), respectively.

SECTION 28. Trans 102.14(2), (3), (4) and (5) are created to read:

Trans 102.14(2) A Wisconsin resident may be issued an operator's license or an identification card if the person surrenders all operator licenses and identification cards issued to the person by other jurisdictions, and the person is otherwise eligible to be issued an operator's license or identification card under Wisconsin law.

(3) A person may not be required to have resided in Wisconsin for any minimum amount of time in order to be eligible for a Wisconsin operator's license.

(4) Persons who establish Wisconsin residency and who are not exempt from Wisconsin licensing requirements under s. 343.05(4), Stats., shall apply for a Wisconsin operator's license within thirty days of establishing Wisconsin residency.

NOTE: See s. 340.01 (2)(g) regarding establishing residency for driver license purposes.

(5) No license will be issued to a person under the age of 18 unless the person provides satisfactory proof that the person has successfully completed a driver education or training course which meets the requirements of s. 343.06(1)(c), Stats., an approved driver education course of another jurisdiction, or the person is exempt from those requirements under ss. 343.08 or 343.135, Stats.

SECTION 29. Trans 102.15 is repealed and recreated to read:

Trans 102.15 PROOF OF IDENTIFICATION. (1) "UNAVAILABLE" DEFINED.

In this section, "unavailable," does not include documents which persons have forgotten to bring with them when applying for a license or identification card, or a lost or destroyed document if a replacement original or a certified copy of the document is available to those persons upon proper request.

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

(b) Satisfactory proof of identity as specified under sub. (4) shall be submitted by a person applying for a renewal, reissue, reinstatement or duplicate of a Wisconsin operator's license or identification card.

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

1. Any action which results in the department creating an AKA record in the person's driver file;
2. Cancellation of the person's license or identification card for altering a license or identification card, or cancellation for making a fraudulent or falsified application for a license or identification card, or cancellation for violation of s. 343.25(1), (4), (5) or (6), Stats.;
3. Suspension of the person's license under s. 343.34(2), Stats.;
4. Revocation or suspension of the person's operating privilege under s. 343.31(1)(e), Stats.;
5. Revocation of the person's operating privilege under s. 343.32(1)(b), Stats.;

6. Revocation or suspension of an instructor's license pursuant to s. 343.67(4), Stats.; or

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

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

1. For a person born in Wisconsin, a copy of the person's Wisconsin birth certificate issued and certified in accordance with s. 69.21, Stats.;

2. For a person born outside Wisconsin, a certified copy of his or her birth certificate or the equivalent document from the state, territory or foreign country of birth;

NOTE: Neither a hospital birth certificate nor baptismal certificate satisfies this requirement. Effective November 1, 1986 s. 69.24(1)(a), Stats., prohibits Wisconsin hospitals from issuing a document which appears to be a birth certificate.

3. A. U.S. passport;

4. A passport issued by a foreign country that bears an identifiable photograph of the person and identifies the person's first and last names, and the person's day, month and year of birth;

5. A Wisconsin operator's license bearing a photograph of the person;

6. A Wisconsin identification card issued under s. 343.50, Stats., bearing a photograph of the person;

7. A federal I-151 or I-551 "alien registration receipt card";

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

9. A U.S. certificate of naturalization;

10. A certificate of U.S. citizenship;

11. A federal I-688 "temporary resident card" or I-688A "employment authorization card";

12. A Notification of birth registration issued by the Wisconsin division of health or a Wisconsin county or city health department;

13. A federal I-181 "memorandum of creation of lawful permanent residence."

(b) If a person is unable to provide documentation under par. (a), and the documents are unavailable to the person, the person may make a written petition to the administrator of the division of motor vehicles for an exception to the requirements of par.(a). The application shall include supporting documentation required by sub (4) and:

1. a certification of the person's name, date, and place of birth on the department's form;

2. an explanation of the circumstances by which the person is unable to provide any of the documents described in par. (a); and

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

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

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

(4) **PROOF OF IDENTITY.** (a) One supporting document identifying the person by name and bearing the person's signature or an identifiable photograph of the person is sufficient proof of the identity of the person. Acceptable supporting documents include:

1. A driver education certificate;

2. A chauffeur, school bus or operator's license, including an out-of-state license;

3. Military discharge papers (including certified copy of federal form DD-214);
4. A U.S. government, military and dependent identification card;
5. A state-issued identification card;
6. An employee identification card;
7. A student identification card;
8. A U.S. merchants service identification;
9. A copy of the person's federal or state income tax return;
10. A professional license;
11. A marriage certificate or certified copy of a judgment of divorce;
12. An international driver's license;
13. A social security card;
14. A credit card;
15. A private investigator's license;
16. A life insurance policy;
17. A canceled check;
18. A welfare card;
19. A medicaid card.

(b) As an alternative to par. (a) the department may accept the following as satisfactory proof of identity for purposes of this subsection:

1. The person is personally known to the license examiner;
2. The person has submitted proof of name, date and place of birth in accordance with sub. (3)(a) in the form of a document bearing a photograph of the person sufficient to identify the person's present appearance to the satisfaction of the department;

3. The person is applying for reinstatement and presents the department order of revocation, cancellation or suspension from which the person seeks reinstatement;

4. The person is applying by mail to reinstate a suspended license which is in the actual possession of the department, the person's name, as shown on the license, is unchanged, the person is still a Wisconsin resident, and the suspended license itself is not expired, altered, mutilated or otherwise in a condition unsatisfactory for proper use;

5. The person is applying for a renewal operator's license or identification card and presents the renewal notice issued by the department as his or her application;

6. The person is applying for an operator's license or identification card, is identified in person by the person's spouse, and the spouse presents a valid Wisconsin operator's license or identification card issued by the department; or

7. The person is applying for an operator's license or identification card, is identified, in person, by a parent, child, or guardian having legal custody, and the parent, child or guardian shows a valid Wisconsin operator's license or identification card issued by the department.

NOTE: These alternatives are not satisfactory proof of name and date and place of birth under sub. (3).

(5) PROOF OF SOCIAL SECURITY NUMBER. (a) Each person who applies for an operator's license or identification card is required to provide his or her social security number, except as provided in pars. (b) and (c). The department may verify the number with the federal social security administration prior to acceptance for issuance of an operator's license or identification card. The original social security card or other documentation satisfactory to the department to prove the person's social security number shall be presented to the examiner for verification of the number, when any of the following apply:

1. A duplicate social security number is found on the department's driver files and assigned to another person;

2. The social security number provided on the person's current application does not match the number provided by the person on a previous application that is recorded on the person's driver file;

3. The social security number being submitted does not match the format of social security numbers issued by the federal social security administration.

(b) The department shall issue a special number, in lieu of the social security number, to identify the person when the person's seriously held religious convictions do not allow them to provide a social security number to the department. When the person objects to providing a social security number due to a religious conviction, the person shall complete, sign, and date a statement certifying the objection on a form provided by the department.

NOTE: See s. 343.14(2)(b), Stats. Form MV3415 Religious conviction exemption request.

(c) The department may issue a special number, in lieu of the social security number, to identify the person when the person has not been issued a social security number or the social security number is not available, and the person is being issued an original instruction permit and the person does not have an existing driver file in Wisconsin. The person is required to provide his or her social security number on any subsequent application following the original issuance of the instruction permit.

(6) **TEMPORARY DRIVER RECEIPT.** The department may issue a temporary driver receipt to a person who is temporarily unable to meet the identification requirements of sub. (3). The temporary driver receipt shall state the date of issue, shall be clearly marked "NOT VALID FOR IDENTIFICATION," and shall be validated for the operation of a vehicle for a stated period of up to 60 days from the date issued. The person may complete

his or her license application within this period by presenting proof of the person's name, date and place of birth in accordance with sub. (3)(a). For good cause shown, the department may renew the driving receipt once for an additional period of no more than 30 days. This subsection does not prohibit a person from proceeding under sub. (3)(b). This subsection applies only to a persons who meets all of the following:

(a) Were previously licensed in another jurisdiction who surrender to the department the driver's license issued by the other jurisdiction.

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

(c) Submit an otherwise complete and acceptable application, including the proof of identity required by sub.(4) and social security number required by sub.(5).

NOTE: Form MV3432, Receipt.

(7) GENERAL DOCUMENT CONDITIONS. All documents offered by persons applying for licenses in accordance with this section shall be original documents, unless otherwise expressly allowed. Certified copies of government documents shall bear an original certification and the seal of the appropriate agency, or otherwise exhibit evidence to the satisfaction of the department that the document is an authentic, accurate and unaltered copy of the original government document. Mutilated, altered or uncertified photocopies of documents are not acceptable.

(8) FOREIGN LANGUAGE DOCUMENTS. Documents offered to meet the requirements of sub.(3) or (4) which are in a foreign language shall be accompanied by a photocopy of the foreign language document, to be retained by the department, and by a written English language translation, on the form provided by the department, that is certified as accurate by the translator. The person applying for a license may not certify the translation. The

administrator may waive the written translation if the translation is made by an authorized and qualified employe of the department.

NOTE: Form MV3452 Foreign language document translation certification.

SECTION 30. Trans 102.16 is repealed and recreated to read:

Trans 102.16 OPERATOR'S LICENSE AND LICENSE ENDORSEMENT ISSUANCE PERIODS. (1) Reinstated licenses, probationary licenses, and original licenses other than instruction permits and license endorsements shall expire two years from the licensed person's next birthday.

NOTE: See s. 343.20(1)(a), Stats.

(2) The eyesight test shall be given to each person who applies for renewal of a two or four year license at the time application is made.

NOTE: See s. 343.16(3)(a), Stats.

(3) A 4 year operator's license and it's endorsements:

(a) shall expire four years from the licensed person's next birthday when the application is made prior to the expiration date of the license;

(b) shall expire three years from the licensed person's next birthday when the application is made after the expiration date of the license.

(4) No person may renew:

(a) an operator's license more than one year prior to the expiration date of the license.

(b) a probationary license or special restricted license more than 90 days prior to the expiration date of the license.

(5) Original operators licenses issued under s. 343.20(1)(e), Stats., shall be expires three years after the licensed person's next birthday.

(6) Special restricted license renewals shall be issued to expire as follows:

(a) Two years from the person's next birthday when the renewal application is made prior to expiration date of the license;

(b) One year from the person's next birthday when the renewal application is made after the expiration date of the license;

(7) All endorsements on an operator's license shall expire on the same date the operator's license expires or is withdrawn.

(8) The expiration date of a valid license document shall remain the same when subsequent upgrades to classifications or endorsements are applied to the license.

NOTE: Expiration of restricted licenses is provided for in s. 343.08(2)(a), Stats.

SECTION 31. Trans 102.17 is created to read:

Trans 102.17 TEMPORARY OPERATOR'S LICENSE OR DRIVER RECEIPT.

(1) TEMPORARY OPERATOR'S LICENSE. The department may issue a temporary operator's license and attach it to a person's previous Wisconsin license when the person presents the previous license and the department is unable to immediately issue a renewal operator's license to the person for one of the following reasons:

(a) The department, pursuant to s. 343.16(6), Stats., requires testing or an examination prior to renewal including, but not limited to medical, eye, or mental examinations or evaluations of drug or alcohol dependency and the testing cannot be completed prior to the expiration of the existing license; or,

(b) The department's license production system temporarily prevents production of an operator's license.

(2) TEMPORARY DRIVER RECEIPT. The department may issue a temporary driver receipt and validate it for driving:

(a) when a person is eligible for a temporary driver receipt under s. Trans 102.15(6);

or

(b) when an person applying for renewal of a license is unable to present the person's previous Wisconsin license and the department is not able to immediately issue an operator's license for any of the reasons stated in sub. (2)(a) or (b).

(3) DURATION. A temporary operator's license or driver receipt may be valid for not longer than 60 days from the date issued, unless otherwise canceled, revoked or suspended. The date issued shall be shown on the face of a temporary license or driver receipt.

NOTE: Form MV3501, temporary operator's license, form MV3432, receipt, form MV3392 data card instruction permit/receipt.

SECTION 32. Trans 102.18 is created to read:

Trans 102.18 IDENTIFICATION CARD AND ISSUANCE PERIOD. (1) Original and reinstatement identification cards expire four years from the identified person's next birthday.

(2) Renewal identification cards expire:

(a) four years from the identified person's next birthday when the renewal application is made prior to the expiration date of the latest identification card on file for that person;

(b) three years from the identified person's next birthday when the renewal application is made after the expiration date of the latest identification card on file for that person.

(3) No person may renew an identification card more than one year prior to the expiration date of the identification card.

NOTE: See s. 343.50(5) and (6), Stats.

SECTION 33. Trans 102.19 is created to read:

Trans 102.19 MOPEL AND MOTOR BICYCLE INSTRUCTION PERMITS. (1) In

order to be issued a moped and motor bicycle instruction permit, a person must pass a knowledge test established by the department.

NOTE: See s. 343.07(1), Stats.

(2) A person holding a moped or motor bicycle instruction permit, or regular instruction permit endorsed for moped and motor bicycle operation may operate a moped or motor bicycle only during daylight hours and may not carry passengers.

(END OF RULE TEXT)

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

Signed at Madison, Wisconsin, this 16th day of October, 1990.



RONALD R. FIEDLER, P.E.
Secretary
Department of Transportation

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Wisconsin Department of Transportation

Tommy G. Thompson
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Ronald R. Fiedler, PE
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October 16, 1990

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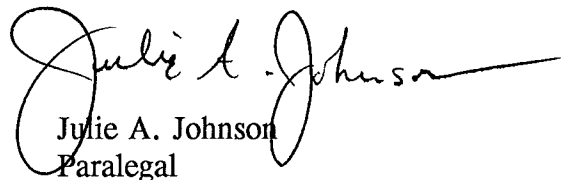
RE: **CLEARINGHOUSE RULE 90-144**

In the Matter of the Adoption of **TRANS 102**, Wisconsin Administrative Code, Relating to Operator Licenses and Identification Cards

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 90-144**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,


Julie A. Johnson
Paralegal

Enclosures

cc: Tom Walker
Linda Thelke
Sandy Beaupre
Joyce Gelderman
Wes Geringer
Harold Thummel
Gerald Bown