

Chapter Trans 101

POINT VALUES FOR TRAFFIC VIOLATIONS AND
REVOICATIONS AND SUSPENSIONS

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Note: Chapter MVD 11 as it existed on September 30, 1972 was repealed, and a new chapter MVD 11 was created effective October 1, 1972; chapter MVD 11 as it existed on June 30, 1981 was renumbered to be chapter Trans 101 effective July 1, 1981.

Trans 101.01 Purpose and definitions. (1) The purpose of this chapter is to administratively interpret those portions of chs. 343 to 349, Stats., relating to establishing a traffic violation demerit point system and revocation and suspension of a person's operating privilege.

(2) The words and phrases defined in ss. 340.01 and 343.01, Stats., have the same meaning in this chapter.

History: Cr. Register, June 1981, No. 306, eff. 7-1-81, r. and recr. (2), Register, December, 1990, No. 420, eff. 1-1-91.

Trans 101.02 Point schedule. Pursuant to s. 343.32 (2), Stats., the department has established a demerit system to identify habitually reckless or negligent operators or those who have repeatedly violated traffic laws. The following scale lists violations according to the number of demerit points assessed, with higher point values being assessed for more severe offenses:

(1) **SIX DEMERIT POINT VIOLATIONS.** The department shall assess 6 demerit points for any of the following violations:

(a) Failure to perform duty after accident under s. 346.67 or 346.68, Stats.

(b) Fleeing or attempting to elude an officer.

(c) Operating after license is revoked or suspended.

(d) Operating commercial motor vehicle while disqualified.

(e) Operating commercial vehicle with alcohol concentration of 0.04 or more but less than 0.1 and causing injury.

(f) Operating while intoxicated and causing injury.

(g) Operating while under the influence of intoxicant or controlled substance.

(h) Racing on public highway or engaging in a contest of speed or endurance.

(i) Reckless driving.

(j) Speeding 20 miles per hour or more in excess of lawful or posted speed.

- (k) Violation of occupational license restrictions.
- (2) **FOUR DEMERIT POINT VIOLATIONS.** The department shall assess 4 demerit points for any of the following violations:
- (a) Deviating from lane of traffic.
 - (b) Driving on wrong side of road.
 - (c) Driving too fast for conditions.
 - (d) Failure to have vehicle under control.
 - (e) Failure by operator to stop for school bus when red lights are flashing.
 - (f) Failure to yield right of way or failure to yield right of way to emergency vehicle.
 - (g) Imprudent speed.
 - (h) Inattentive driving.
 - (i) Speeding more than 10 miles per hour but less than 20 miles per hour in excess of lawful or posted speed.
 - (j) Unnecessary acceleration.
- (3) **THREE DEMERIT POINT VIOLATIONS.** The department shall assess 3 demerit points for any of the following violations:
- (a) Arterial sign violation.
 - (b) Driving against traffic or driving the wrong way on one way street.
 - (c) Failure to dim lamps or lights.
 - (d) Failure to give appropriate signal.
 - (e) Failure to obey traffic sign or signal.
 - (f) Following vehicle too closely.
 - (g) Illegal turn.
 - (h) Improper brakes.
 - (i) Improper or unlit or missing lamps or lights, including clearance lamps, spotlamps, head lamps, brake lamps, tail lamps and signal lamps, but not including use of cycle headlamps during daylight hours or registration plate lamps.
 - (j) Operating with multiple licenses.
 - (k) Operating without having obtained an operator's license or with a license which has expired, and including the following:
 1. Operating as a chauffeur without having obtained a chauffeur license.
 2. Operating a school bus without having obtained a school bus operator's license.
 3. Operating type 1 motorcycle without endorsement or motorcycle license.

- (l) Passing illegally.
- (m) Possession of intoxicating beverage while operating or being on duty time with respect to a commercial motor vehicle.
- (n) Speeding 10 miles per hour or less in excess of lawful or posted speed.
 - (o) Unlawful commercial motor vehicle license or endorsement.
 - (p) Violation of license restriction.
- (4) TWO DEMERIT POINT VIOLATIONS. The department shall assess 2 demerit points for any of the following violations:
 - (a) Defective speedometer.
 - (b) Obstructed view or control, including illegally tinted windows.
 - (c) Obstructing traffic, or driving excessively slowly.
 - (d) Parking on highway in traffic lane.
 - (e) All other moving traffic convictions except as provided in sub. (5).
- (5) ZERO DEMERIT POINT VIOLATIONS. The department shall not assess demerit points for any of the following violations:
 - (a) Child safety restraint violation.
 - (b) Failure to fasten seat belt.
 - (c) Failure to report an accident under s. 346.69 or 346.70, Stats.
 - (d) Failure to transfer certificate of title.
 - (e) Failure to wear mandatory protective headgear while operating a type 1 motorcycle.
 - (f) Falsified accident report.
 - (g) Falsified application for operator's license, identification card or motor vehicle title or registration.
 - (h) Improper license plates.
 - (i) Improper muffler.
 - (j) Intoxicant in vehicle carrying underage person.
 - (k) License not in operator's immediate possession.
 - (l) Littering on highway.
 - (m) No motorcycle headlamps during daylight hours or no registration plate lamps.
 - (n) Open intoxicant in vehicle.
 - (o) Operating a type 1 motorcycle with handlebars that exceed the legal height limit.
 - (p) Operating a type 1 motorcycle with rear passenger pegs that are at an illegal height.

(q) Operating a commercial motor vehicle or being on duty time with respect to a commercial motor vehicle while having any measured alcohol concentration above 0.0 but less than 0.04 or within 4 hours of having consumed or having been under the influence of an intoxicating beverage, regardless of its alcohol content.

(r) Operating a commercial motor vehicle with an alcohol concentration of 0.04 or more but less than 0.1 and not causing injury.

(s) Operating illegally with studded tires.

(t) Permitting unauthorized person to operate.

(u) Refusal to submit to breath or chemical test for intoxication.

(v) Under age 19, operating motor vehicle with any measured alcohol content.

(w) Unnecessary blowing or sounding of horn.

(x) Unregistered vehicle.

(y) Violation of size, weight or load restriction.

(6) The point schedule in this section also covers similar ordinance violations and similar violations of department administrative rules even though the language of the ordinance or rule may vary.

(7) When restriction, suspension, or revocation of operating privileges is ordered by a court under s. 343.30, Stats., the point value charged against the record of the offender shall be in strict accordance with the charge for which conviction is made as described in subs. (1) to (5), except as provided in sub. (8) (a).

(8) (a) The demerit points charged against the record of any person who holds a probationary license on the date of the conviction or any unlicensed person who would be issued a probationary license if proper application were made and all other requirements for license were met, shall have the demerit point value shown for the convictions set forth in subs. (1) to (4) increased by 2 points on the second and all subsequent convictions, but shall not be increased by 2 points when applied against the chauffeur license.

(b) Any person whose operating privilege has been revoked or canceled while unlicensed or while licensed under a probationary license shall be issued a reinstated probationary license for the same period as an original probationary license.

(9) In determining the accumulated demerit points against an operator within 12 months, the department shall use the date each violation was committed as the basis for the determination.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72; am. (20), Register, April, 1977, No. 256, eff. 5-1-77; emerg. r. and recr. (19) (intro.), (a) and (b), renum. (19) (c) to be (19m), cr. (19) (c) and (26), eff. 7-1-80; r. and recr. (19) (intro.), (a) and (b), renum. (19) (c) to be (19m), cr. (19) (c) and (26), Register, November, 1980, No. 299, eff. 12-1-80; renum. from MVD 11.03 and renum. (1) to (26) to be (1) to (27) and am., cr. (15) (a) to (d), Register, June, 1981, No. 306, eff. 7-1-81; cr. (11a) and (22) (o), Register, April, 1982, No. 316, eff. 5-1-82; emerg. cr. (15) (e) and (f), eff. 5-1-82; cr. (15) (e) and (f), Register, November, 1982, No. 323, eff. 12-1-82; am. (20) and (26), Register, March, 1990, No. 411, eff. 4-1-90, r. and recr. (intro.) to (22), renum. (23) to (26) to be (6) to (9) and am. (7) and (8) (a), r. (27), Register, December, 1990, No. 420, eff. 1-1-91; reprinted to restore dropped copy in (2) (f), Register, June, 1991, No. 426.

Register, June, 1991, No. 426