

IN THE MATTER OF a rule creating ch.
Trans 129, Wis. Admin. Code, relating to
the waiver of motorcycle skills test.

ORDER ADOPTING RULE**RECEIVED**

Analysis Prepared by the Wisconsin Department of Transportation

MAR 23 1992

STATUTORY AUTHORITY: ss. 85.16(1) and 227.11, Stats.

Revisor of Statutes
Bureau

STATUTE INTERPRETED: s. 343.16(2)(cm), Stats.

General Summary of Rule. The rule relates to the waiver of motorcycle driving skills tests for applicants for class M (motorcycle) operator's license, if the applicant has successfully completed a basic rider education course approved by the Department. The rule sets standards for the contents, teaching and administration of the course. It sets standards for course instructors, describes the waiver authorization form and sets student requirements.

Retroactive eligibility for waiver of motorcycle driving skills test is provided for students who complete a substantially equivalent basic rider education course on or after April 1, 1991 and prior to the effective date of this rule.

A student who completes a basic rider education course on or after the effective date of this rule will be eligible for waiver only if the basic rider education course and the student meet all of the requirements of this rule.

An approved basic rider education course must have at least 15 hours of instruction, including both classroom and driving range components, including at least 6 standard maneuvers, be completed in no less than 3 days, and be taught within a class size of no greater than 30 in the classroom phase and 15 in the driving range phase. Schools teaching approved courses must file annual course activity reports with the Department.

Instructors must meet Department standards in order to participate in the skills test waiver program, including having completed an instructor preparation course and having a satisfactory driving record. Instructors will be authorized by the Department for 3-year periods and will be assigned authorization numbers. A hearing process is provided by the Department upon request of a person whose authorization to instruct in this program is cancelled or denied.

Waiver authorization will be on a Department-supplied form, to be filled out with student and course information, including the instructor's waiver authorization number and signature, by the instructor upon successful completion of the course.

Students in the basic rider education course must hold a valid operator's license or a valid instruction permit.

A person who attempts the cycle skills test after completing a basic rider education course will not be eligible for the cycle skills test waiver.

Fiscal Estimate. The Department estimates that there will be no direct fiscal impact from this rulemaking upon the state and anticipates no effect upon the fiscal liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education school district or sewerage district.

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

Preparation. This analysis was prepared by Steve Hoffland of the Department of Transportation, Division of Motor Vehicles (608) 266-2590.

TEXT OF RULE

Under the authority vested in the state of Wisconsin department of transportation, by ss. 85.16(1) and 227.11, Stats., the department of transportation hereby creates a rule interpreting s. 343.16(2)(cm), Stats., as follows:

CHAPTER TRANS 129

WAIVER OF MOTORCYCLE SKILLS TEST

Trans 129.01 PURPOSE AND SCOPE. As authorized by ss. 85.16(1) and 227.11, Stats., the purpose of this chapter is to establish the department of transportation's administrative interpretation of 343.16(2)(cm), Stats., relating to the waiver of the motorcycle skills test.

Trans 129.02 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.

Trans 129.03 REQUIREMENTS FOR COURSE OFFERINGS. A school or organization seeking authorization to participate in the waiver of skills test program shall complete an application. To be authorized to certify students for a motorcycle skills test waiver, a school or organization shall:

- (1) Offer a basic rider education course with:

(a) A minimum of 15 hours of instruction, to include both classroom and range instruction. Range instruction shall be at least 50% of the hours of instruction.

(b) No less than 3 days of instruction.

(c) All instruction completed within 60 days.

(d) No more than 8 hours instruction in one day.

(e) Instruction in a minimum of 6 maneuvers, including the following:

1. Straight line riding.

2. Turning.

3. Shifting.

4. Straight line braking.

5. Braking in a curve.

6. Evasive maneuvers.

(f) A maximum class size of 30 students in the classroom, and a maximum class size of 15 students on the range. Range class size shall be dependent upon meeting range safety and educational standards, as approved by the department.

(g) An end-of-course skills test, approved by the department.

(2) Require students to be present for all sessions of the course.

(3) File an activity report at least annually, no later than December 31 of each year. The report shall include the names of all students registered for courses during the report period and contain all of the following:

(a) Each student's full name.

(b) Each student's social security number.

(c) Course completion date.

(d) The reason why any student did not complete the course.

(e) Each student's skills test waiver number.

(4) The authorization assigned by the department shall be valid for a period of 3 years from date of issuance unless cancelled. The department will provide applications for renewal of authorization 60 days prior to expiration of authorization.

Trans 129.04 REQUIREMENTS FOR INSTRUCTORS. (1) Instructors seeking authorization to participate in the waiver of skills test program shall complete an application.

(2) To be authorized to instruct students in courses for motorcycle skills test waiver, the instructor shall:

(a) Have completed a department-approved instructor preparation course in this state or a substantially similar course approved by another jurisdiction.

(b) Be approved by the department.

(c) Teach a minimum of 3 courses within each 3-year authorization period.

(d) Attend a minimum of one department instructor in-service program within each 3-year authorization period.

(3) To be authorized to instruct students in basic rider education courses for the motorcycle skills test waiver, the instructor shall maintain a satisfactory driving record. A person's driving record shall not be considered satisfactory in this subsection if that person:

(a) Has accumulated more than 6 demerit points under s. 343.32(2), Stats., during a one-year period, as specified in this paragraph and sub. (4). The one-year period under this paragraph shall commence from the date of the first violation which contributed to the accumulation of more than 6 demerit points.

(b) Has been involved in 2 or more accidents in a one-year period where the accident report indicates that such person may have been causally negligent.

(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.

(4)(a) If an applicant for an authorization under this section accumulates more than 6 demerit points in a one-year period as provided in sub. (3)(a) in the year preceding application, the department shall deny the instructor's application until one year elapses from the date of the most recent violation that resulted in the person's accumulation of more than 6 demerit points.

(b) If the instructor authorized under this section accumulates more than 6 demerit points in a one-year period as provided under sub. (3)(a), the department shall cancel the instructor's authorization for a period of one year. The period of cancellation shall commence on the date that the department receives notice of the most recent conviction that resulted in the person's accumulation of more than 6 demerit points.

(c) An applicant for authorization under this section, or an instructor currently authorized under this section, may utilize demerit point reduction pursuant to s. Trans 101.07. If sufficient point reduction to bring the demerit point total below 7 points is thereby achieved, the applicant or instructor may reapply for authorization immediately.

(5) Instructors authorized to participate in the waiver of skills test program shall be assigned an authorization number by the department.

(6) The authorization assigned by the department shall be valid for a period of 3 years from date of issuance unless cancelled.

(7) The department shall provide applications for the renewal of authorization 60 days prior to the expiration of authorization.

Trans 129.05 COURSE EVALUATION. Evaluation of basic rider education courses shall be completed by the department and shall include one or more of the following:

(1) At least biennially, an on-site inspection by a chief instructor authorized by the department of all aspects of every basic rider education course.

(2) At least annually, limited monitoring of every basic rider education course by authorized department personnel to determine compliance with s. Trans 129.06(1)(a), (b) and (g).

(3) A review of the pass/fail ratio, including reasons for student noncompletion of the course.

Trans 129.06 CANCELLATION OF DEPARTMENT APPROVAL. (1) Authorization of schools or instructors to certify students for motorcycle skill test waiver shall be cancelled for any of the following reasons:

(a) False or misleading advertising.

(b) Fraud.

(c) Failure to meet standards set in this chapter.

(d) Failure to follow department-approved curriculum.

(e) Unsafe training facility.

(f) Unsafe motorcycles.

(g) Guaranteeing the issuance of a license upon completion of the course.

(2) A school or instructor may be reauthorized after cancellation when all the following conditions have been met:

(a) Any period of cancellation as set by the department has been completed.

(b) A school or instructor submits an application for reauthorization.

(c) The department is satisfied that the conditions which led to the cancellation have been corrected or no longer exist.

(3) A person adversely affected by a cancellation made under sub. (1) may request a hearing before the department to review the cancellation. A request for hearing shall be made

in writing and shall be filed with the department within 30 days after receiving a notice of cancellation. If the department receives a request for hearing which satisfies the requirements of this subsection, the department shall conduct a prompt informal hearing within 15 days after receiving the request. If the matter is not resolved after an informal hearing is completed, the person adversely affected by the cancellation may request a full evidentiary hearing before the department, pursuant to chapter 227, Stats. A request for hearing shall be in writing and shall be filed with the department within 30 days after the completion of the informal hearing. A request for an informal, or a full evidentiary hearing, does not stay the effect of a cancellation, unless a cancellation is expressly stayed in writing by the department.

Trans 129.07 WAIVER AUTHORIZATION FORM. (1) Waiver authorization shall be on a form provided by the department. The form shall contain all of the following:

- (a) Student's full name.
- (b) Student's date of birth.
- (c) Student's social security number.
- (d) Student's operator's license number.
- (e) A physical description of the student.
- (f) Date of completion of course.
- (g) Student's skills test waiver number.
- (h) Instructor's waiver authorization number.
- (i) Instructor's signature.

(2) A waiver form shall be completed by the authorized instructor upon successful completion of a department-approved basic rider education course in this state.

(3) A waiver authorization expires one year from the date of completion of the basic rider education course.

Trans 129.08 STUDENT REQUIREMENTS. (1) As a requirement of participating in a basic rider education course, a student shall hold one of the following:

(a) A valid operator's license.

(b) A valid instruction permit.

(2) As a requirement for a waiver of skills test, an applicant shall have held a motorcycle instruction permit for at least 7 days immediately preceding application for waiver.

(3) A person who attempts the motorcycle skills test after completing a basic rider education course shall not be eligible for the motorcycle skills test waiver.

Trans 129.09 EFFECTIVE DATE OF WAIVER. Students who complete a basic rider education course prior to the effective date of this rule, shall be eligible for waiver of the motorcycle skills test if the course were:

(1) Completed on or after April 1, 1991.

(2) Completed in this state.

(3) Substantially equivalent to the requirements of this chapter.

NOTE: Forms used in this chapter include MV3573--School or Organization Application for Motorcycle Skills Test Waiver Authorization; MV3574 Instructor Application for Motorcycle Skills Test Waiver Authorization; MV3575 Motorcycle Skills Test Waiver Certification, DT50--Student Report. Forms are available from the Bureau of Driver Services, Department of Transportation, 4802 Sheboygan Avenue, P. O. Box 7917, Madison, WI 53707-7917.

(END OF RULE TEXT)

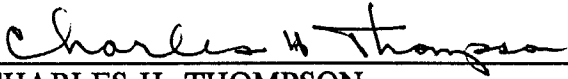
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Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2), Stats.

Signed at Madison, Wisconsin, this 20 day of March, 1992.



CHARLES H. THOMPSON

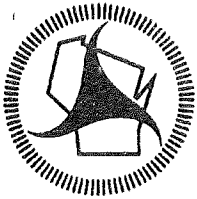
Secretary

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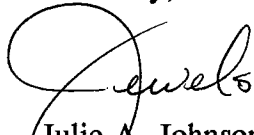
RE: CLEARINGHOUSE RULE 91-157

In the Matter of the Adoption of **TRANS 129**, Wisconsin Administrative Code, relating to the **waiver of motorcycle skills test**.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 91-157**, 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
Dorothy Kapke
Steve Watters
Roger Cross
Wes Geringer
Steve Hoffland