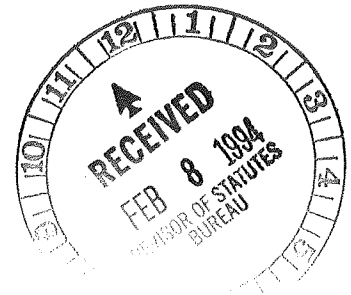


CR 93-209

CERTIFICATE



STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **Motorcycle Instruction Courses and Motorcycle Instruction Permits**, was duly approved and adopted by this Department on February 7, 1994.

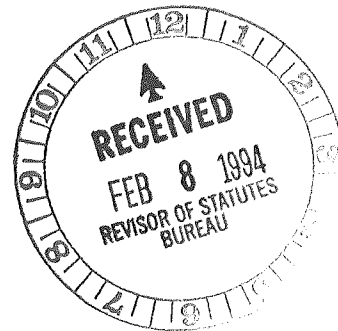
I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

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 7 day of February, 1994.



Charles H. Thompson
CHARLES H. THOMPSON
Secretary

IN THE MATTER OF an Order Adopting Rule REPEALING Trans 101.04(1) and 101.07(4); RENUMBERING Trans 101.04(2), (4), (5) and (7), 129.02, and 129.03(1)(a) to (g), (2), (3)(intro.), (a), (c) to (e), and (4); RENUMBERING AND AMENDING Trans 101.04(6) and 129.03(intro.), (1)(intro.) and (3)(b); AMENDING Trans 101.02(3)(k), 101.05(1), 101.07(2) and (9), ch. Trans 129(title) and (1), 129.03(title) and 129.07(2); REPEALING AND RECREATING Trans 101.04(3) and 129.09; CREATING Trans 101.02(5)(gm), (im), (sm) and (wm), 101.04(4)(d), 101.07(1)(d), 129.02(2), 129.03(1)(a) and (2), 129.035(title) and (2), 129.10 and 129.11, Wis. Admin. Code, relating to motorcycle instruction courses and motorcycle instruction permits.

**ORDER ADOPTING RULE****Analysis Prepared by the Wisconsin Department of Transportation**

STATUTORY AUTHORITY: s. 343.02(1), Stats., ss. 343.06(1)(c), 343.07(4)(b), 343.16(1)(a) and 343.34(2) as enacted in 1993 Wis. Act 16, and s. 343.32, Stats.

STATUTES INTERPRETED: ss. 343.06(1)(c), 343.07(4)(b) and 343.16(1)(a) as enacted in 1993 Wis. Act 16, and s. 343.32, Stats.

General Summary of Rule. 1993 Wis. Act 16, the budget bill, included provisions that affect driver licensing of persons who wish to obtain a motorcycle endorsement (Class "M") on their drivers license. It also affects the demerit point system that is used to determine when a driver's record is such that the person's license is suspended or revoked. This rule amends the rules regarding the demerit point system so that motorcycle safety school classes may be used for demerit point reduction purposes to reduce points related to convictions for offenses committed on a motorcycle.

The amendments to ss. 343.06(1)(c), 343.07(4)(b) and 343.16(1)(a), Stats., in 1993 Wis. Act 16 require a person to complete a rider course prior to obtaining a motorcycle license if any of the following apply:

- the person is under age 18
- the person has been issued 3 permits for Type 1 motorcycle operation
- the person has failed 2 tests for motorcycle operation

Chapter Trans 129 exempts persons under age 18 from the requirement of taking a basic rider course prior to being issued an endorsement or instruction permit if the person:

- holds a valid motorcycle endorsement from this state or another jurisdiction
- does not reside within 50 miles of a location where the classroom portion or range portion of the basic rider course is available
- was born on or before December 31, 1977

Section Trans 129.035(2) creates standards used by the Department to determine whether a point reduction will be awarded for an experienced rider course. A person who is under 18 years of age or who seeks a skills test waiver must complete a basic rider course to obtain motorcycle operating privileges. Drivers seeking demerit point reduction may attend either a basic rider course or an experienced rider course that is designed for drivers who are already familiar with basic motorcycle operation.

Section 343.16(1)(a), Stats., forbids the Department from giving a skills test (and therefore from licensing) any person who has failed the skills test twice, unless the person completes a rider education course. Section Trans 129.11 provides that during the interim period from January 1, 1994 to December 31, 1994, the Department shall not count skills tests administered prior to January 1, 1994.

Section 343.07(4)(b), Stats., as amended by 1993 Wis. Act 16, forbids the Department from issuing a motorcycle instruction permit to any person who has previously held three permits unless the person successfully completes a rider safety course. In order to allow citizens an opportunity to attend needed classes or to take required skills tests, this rule proposes to begin enforcing the counting provisions of s. 343.07(4)(b), effective January 1, 1995.

Sections 343.16(1)(a) and 343.06(1)(c), Stats., prohibit the Department from issuing an instruction permit to a person who has failed two skills tests and from issuing an instruction permit to a person under 18 years old. Section Trans 129.10 would permit the Department to issue an instruction permit to persons in these categories if they have passed all required examinations and are enrolled in a basic rider course or live in an area where no basic rider course is offered.

Chapter Trans 101 provides that a person who satisfactorily completes a motorcycle rider course may request a point reduction of up to 3 points. The minimum standards for the courses are set forth in s. Trans 129.035. The point reduction may be granted once for points resulting from convictions for offenses which were committed by the driver while operating a motorcycle. Whenever a point reduction is requested, whether it be for completion of a rider course defined in ch. Trans 129 or traffic safety school as defined in ch. Trans 106, the person will not be eligible for another point reduction for 5 years.

In addition to the above amendments to administer the changes to the law made in 1993 Wis. Act 16, the Department proposes several less significant changes to Chapters Trans 101 and 129. The requirement that a person must provide a social security number when applying for

a motorcycle endorsement is waived if the person has a religious conviction that does not allow him or her to provide a social security number.

The requirement that motorcycle rider courses be given only in Wisconsin is amended to allow persons to attend courses that are approved by the Department and are offered in Wisconsin or within 50 miles of the state boundaries. This amendment allows Wisconsin drivers living near the state boundaries to attend classes across the state lines if those classes are more convenient to them.

Several minor changes to ch. Trans 101 are related to the demerit point system. A number of references to chauffeur licenses are replaced with appropriate language regarding commercial driver licenses and endorsements. The rule also provides that the following offenses not result in demerit points:

- Immobilization device tampering.
- Interlock device tampering.
- Parking on a highway but off the roadway.
- Unnecessary noise or loud radio audible from a distance.

Section Trans 101.05(1) is amended to reflect that demerit point reduction upon license reinstatement will not be available to reduce any demerit points received prior to a drug offense license revocation.

Section Trans 101.04(4) is amended to provide that the effective date for revocations for out-of-state offenses will begin running at the time of the out-of-state conviction. Under the current rule, such license actions are effective on the date the Department issues a revocation or suspension order. Thus, persons' licenses can be suspended or revoked if they move to Wisconsin from other states and have old convictions on their driver records for which they have already served revocations or suspensions in their prior state of residence. This amendment will provide that the person's license will only be suspended or revoked in Wisconsin for the offense if the conviction for the offense is so recent that any Wisconsin suspension or revocation period would still be in effect or where mandatory insurance filings would still be required.

Fiscal Effect.

CONCLUSIONS

One time and annual costs.

One time cost incurred by the Department is estimated to be \$23,000 for computer programming and \$25,000 for instructor training. Estimated total one time costs are \$48,000.

The Department anticipates a continuing annual cost to the Department for funding additional rider courses required under the new law to be \$46,000 per annum.

The Department is unable to quantify the potential increase or decrease in cost to the Department that might occur as a result of a change in the number of skills tests and instruction permits issued.

It is estimated that the rule amendments will have no significant fiscal effect on local units of government.

Revenue

The Department is unable to quantify the potential increase or decrease in revenues to the Department that might occur as a result of a change in the number of skills tests and instruction permits issued.

BASIS FOR CONCLUSIONS

Data processing costs include programming the Department's driver record file:

- to stop issuance of a motorcycle operators license to a person under age 18 until the person completes a rider course.
- to disallow a person an attempt at a skills test if the person has failed two skills tests until the person completes a rider course.
- to stop issuance of a motorcycle operators license to a person who has held three instruction permits until the person completes a rider course.
- to allow point reduction for completion of a rider course only once and only for points assessed for violations while riding a motorcycle.

It is estimated that the additional number of persons attending the rider courses that the Department funds at up to 70% of the cost of the course (approximately \$80 per student) will be 580. In 1992 there were 2,133 persons in basic rider courses and 592 in experienced rider courses.

Approximately 8,000 skills tests are conducted per year. The change in that number as a result of the amendments to this rule are indeterminable.

Approximately 15,000 original and 10,000 renewal instruction permits are issued annually. The change in that number as a result of the amendments to this rule are indeterminable.

There will be an increase in the staff time required to explain the new law to persons who will be required to complete a rider course prior to licensing. The total effect of this additional time is indeterminable, however it may be possible to absorb within the Department's budget.

There is no estimated fiscal effect resulting from the point reductions that will be received as a result of completing a rider course.

In order to reduce this fiscal impact to the extent possible, the Department proposes interim periods for enforcement between January 1, 1994 and December 31, 1994. This period

will serve to give drivers an opportunity to learn about the new rider course requirements before they affect them and also will allow the Department an opportunity to update its data processing systems.

Final Regulatory Flexibility Analysis. The Department anticipates no affect on small businesses.

Preparation and Copies of Rule. Copies of this rule can be obtained, without cost, upon request from the Division of Motor Vehicles, Bureau of Driver Services, P.O. Box 7917, Madison, WI 53707-7919. For further information, contact Wes Geringer at (608) 266-0614.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 343.02(1) and 343.32, Stats., and ss. 343.06(1)(c), 343.07(4)(b), and 343.16(1)(a), Stats., as amended or created by 1993 Wis. Act 16, the department of transportation hereby adopts a rule interpreting ss. 343.32, Stats., and ss. 343.06(1)(c), 343.07(4)(b), and 343.16(1)(a), Stats., as amended or created by 1993 Wis. Act 16, relating to the demerit point system, motorcycle instruction permits and motorcycle driver schools.

SECTION 1. Trans 101.02(3)(k) is amended to read:

Trans 101.02(3)(k) Operating without having obtained an operator's license, without a proper license endorsement, without proper license classification for the vehicle being operated, or with a license which has expired, and including the following:

1. Operating as a ~~chauffeur~~ commercial motor vehicle without having obtained a ~~chauffeur~~ commercial driver license.
2. Operating a school bus without having obtained a school bus ~~operator's license~~ endorsement.
3. Operating a Type 1 motorcycle without ~~endorsement or motorcycle~~ a license authorizing the operation of class "M" vehicles.

SECTION 2. Trans 101.02(5)(gm),(im),(sm) and (wm) are created to read:

(gm) Immobilization device tampering.

(im) Interlock device tampering.

(sm) Parking on a highway but off the roadway.

(wm) Unnecessary noise or loud radio audible from a distance of 75 feet or more.

SECTION 3. Trans 101.02(8)(a)(note) is created to read:

Note: Commercial driver licenses are never issued on a probationary basis.
s. 343.085(2)(b), Stats.

SECTION 4. Trans 101.04(1) is repealed.

SECTION 5. Trans 101.04(2) is renumbered 101.04(1).

SECTION 6. Trans 101.04(3) is repealed and recreated to read:

Trans 101.04(2) The department shall suspend for 2 months the operating privilege of any person convicted of violating s. 343.16(7)(b), Stats.

SECTION 7. Trans 101.04(4) is renumbered 101.04(3).

SECTION 8. Trans 101.04(5) is renumbered 101.04(4).

SECTION 9. Trans 101.04(4)(d) is created to read:

Trans 101.04(4)(d) Revocations for convictions in another jurisdiction for an offense therein which, if committed in this state, would have required revocation of the person's operating privilege under s. 343.32(1), Stats., shall be effective from the date of the conviction.

SECTION 10. Trans 101.04(6) is renumbered 101.04(5) and amended to read:

Trans 101.04(5) Revocations under the provisions of s. 343.32(1)(b) or (c), Stats., shall be ~~for a period of~~ effective for 6 months. If a person was convicted of a traffic violation that was a cause of an accident that resulted in the death of another, there shall be a revocation for a period of 6 months under the provisions of s. 343.32(1)(a), Stats.

SECTION 11. Trans 101.04(7) is renumbered 101.04(6).

SECTION 12. Trans 101.05(1) is amended to read:

Trans 101.05(1) The department, upon issuing a reinstated operator's license or upon return of a license which has been suspended, shall reduce the accumulated point value to 6 points. If at the time of reinstatement or suspension termination, the demerit point value in the immediately preceding 12 month period is less than 6, the lesser point value shall be carried forward in the record. Revocations and suspensions under chs. 48, 161, 344, 345, and 800, Stats., and ss. ~~161.495(2)~~, 343.30(1q)(d), 343.30(6), 343.305(10), 343.32(1m)(b) and 343.345, Stats., shall not qualify for point reduction under this section.

SECTION 13. Trans 101.07(1)(d) is created to read:

Trans 101.07(1)(d) A motorcycle rider course offered under s. Trans 129.03 provided that the person has not had a prior point reduction resulting from attending a motorcycle rider course.

SECTION 14. Trans 101.07(2) is amended to read:

Trans 101.07(2) The certified instructor of the traffic safety, motorcycle rider or defensive driving course or the driver improvement analyst of the driver improvement counseling program shall furnish to the department a certification of completion of an approved course. A separate certification shall be provided to the department for each individual in the course. The certification shall be on the form prescribed by the department and must be made within 30 days of satisfactory completion of the course in order to qualify for point reduction. A copy of the completed certification form shall be furnished to the student, another copy sent to the court or assessment agency, if the student was assigned to the school, and one copy shall be retained by the school. The department may approve the use of a reproduction of this form, at the request of a school, including computerized versions.

Note: The multipart form ~~MVD-3304~~ MV-3304, course completion certificate, is available by mail upon request. Each form produces an original and 3 copies. Send requests to DOT Maps and Publications, P.O. Box 7713, Madison, Wisconsin 53707-7713.

SECTION 15. Trans 101.07(4) is repealed.

SECTION 16. Trans 101.07(9) is amended to read:

Trans 101.07(9) Demerit point reductions under this section shall apply only to demerit points based on convictions dated before the date of the course completion. Demerit point reductions under this section resulting from attending a motorcycle rider course shall apply only to demerit points from convictions for offenses which were committed by the driver while operating a class "M" vehicle. Demerit points for convictions on or after the date of course completion shall be added to any current demerit point value.

SECTION 17. Chapter Trans 129(title) is amended to read:

CHAPTER TRANS 129 (title)

WAIVER OF MOTORCYCLE SKILLS TEST RIDER COURSES

SECTION 18. Trans 129.01 is amended to read:

Trans 129.01 PURPOSE AND SCOPE. As authorized by ss. 85.16(1) and, 227.11, 343.06(1)(c), 343.07(4)(b), and 343.16(1)(a), Stats., the purpose of this chapter is to establish the ~~department of transportation's~~ department's administrative interpretation of s. 343.16(2)(cm), Stats., relating to the waiver of the motorcycle skills test, and ss. 343.06(1)(c), 343.07(4)(b) and 343.16(1)(a), Stats., relating to required attendance of motorcycle rider courses and motorcycle instruction permit issuance.

SECTION 19. Trans 129.02 is renumbered Trans 129.02(1).

SECTION 20. Trans 129.02(2) is created to read:

Trans 129.02(2) In this chapter:

(a) "Basic rider course" means a beginning course in motorcycle safety meeting the requirements of s. Trans 129.035(1) that is conducted in the state of Wisconsin or within 50 miles of the state boundaries and that has been approved by the department.

(b) "Experienced rider course" means an advanced course in motorcycle safety meeting the requirements of s. Trans 129.035(2) that is conducted in the state of Wisconsin or within 50 miles of the state boundaries and that has been approved by the department.

(c) "Skills test" means a driving test of a person's ability to operate class "M" vehicles.

SECTION 21. Trans 129.03(title) is amended to read:

Trans 129.03 (title) REQUIREMENTS FOR CERTIFICATION

SECTION 22. Trans 129.03(intro.) is renumbered Trans 129.03(1)(intro.) and amended to read:

Trans 129.03(1)(intro.) **SKILLS TEST WAIVER.** A school or organization seeking authorization to participate in the waiver of skills test program shall complete and file an application with the department. To be authorized to certify students for a motorcycle skills test waiver, a school or organization shall:

SECTION 23. Trans 129.03(1) is repealed.

SECTION 25. Trans 129.03(1)(a) is created to read:

Trans 129.03(1)(a) Offer a basic rider course.

SECTION 26. Trans 129.03(2) is renumbered Trans 129.03(1)(b).

SECTION 27. Trans 129.03(2) is created to read:

Trans 129.03(2) **DEMERIT POINT REDUCTION.** A school or organization seeking authorization to participate in the demerit point reduction program shall complete and file an

(a) "Basic rider course" means a beginning course in motorcycle safety meeting the requirements of s. Trans 129.035(1) that is conducted in the state of Wisconsin or within 50 miles of the state boundaries and that has been approved by the department.

(b) "Experienced rider course" means an advanced course in motorcycle safety meeting the requirements of s. Trans 129.035(2) that is conducted in the state of Wisconsin or within 50 miles of the state boundaries and that has been approved by the department.

(c) "Skills test" means a driving test of a person's ability to operate class "M" vehicles.

SECTION 21. Trans 129.03(title) is amended to read:

Trans 129.03 (title) REQUIREMENTS FOR CERTIFICATION

SECTION 22. Trans 129.03(intro.) is renumbered Trans 129.03(1)(intro.) and amended to read:

Trans 129.03(1)(intro.) **SKILLS TEST WAIVER.** A school or organization seeking authorization to participate in the waiver of skills test program shall complete and file an application with the department. To be authorized to certify students for a motorcycle skills test waiver, a school or organization shall:

SECTION 23. Trans 129.03(1) and (2) are repealed.

SECTION 25. Trans 129.03(1)(a) is created to read:

Trans 129.03(1)(a) Offer a basic rider course.

SECTION 26. Trans 129.03(2) is renumbered Trans 129.03(1)(b).

SECTION 27. Trans 129.03(2) is created to read:

Trans 129.03(2) **DEMERIT POINT REDUCTION.** A school or organization seeking authorization to participate in the demerit point reduction program shall complete and file an

application with the department. To be authorized to certify students for a motorcycle demerit point reduction, a school or organization shall:

- (a) Offer a basic rider course or experienced rider course, or both.
- (b) Require students to be present for all sessions of the course.
- (c) File an activity report for the preceding year, no later than January 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:

- 1. Each student's full name.
- 2. Each student's social security number unless the student certifies his or her seriously-held religious conviction as a basis for not providing a social security number.

NOTE: Form MV 3415, Request for Religious Conviction Exemption may be obtained from any motor vehicle service center.

- 3. Course completion date.
- 4. The reason why any student did not complete the course.

SECTION 28. Trans 129.03(3)(intro.) and (a) are renumbered Trans 129.03(1)(c)(intro.) and 1.

SECTION 29. Trans 129.03(3)(b) is renumbered Trans 129.03(1)(c)2 and amended to read:

Trans 129.03(1)(c)2. Each student's social security number unless the student certifies his or her seriously-held religious conviction as a basis for not providing a social security number.

NOTE: Form MV 3415, Request for Religious Conviction Exemption may be obtained from any motor vehicle service center.

SECTION 30. Trans 129.03(3)(c) to (e) are renumbered Trans 129.03(1)(c)3 to 5.

SECTION 31. Trans 129.03(4) is renumbered 129.03(3).

SECTION 32. Trans 129.035 is created to read:

Trans 129.035 RIDER COURSE REQUIREMENTS.

(1) **BASIC RIDER COURSE REQUIREMENTS.** A basic rider course shall meet all of the following criteria:

(a) The course shall consist of at least 15 hours of instruction which includes both classroom and range instruction. At least 50% of the total hours of instruction shall consist of range instruction.

(b) The course shall be conducted on at least 3 separate days.

(c) All 15 hours of instruction shall be completed within a 60-day time period.

(d) No more than 8 hours of instruction in a single day.

(e) At a minimum, instruction shall be provided in 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) Class size may not exceed 30 students in the classroom or 15 students on the range.

The department may make approval of a course contingent on range class sizes of less than 15 students if the physical layout of the range could not safely accommodate a 15 student class or if the physical layout of the range would not be conducive to the education of a group as large as 15 students.

(g) A written test and a skills test, which shall be given prior approval by the department, shall be conducted at the end of the course.

(2) EXPERIENCED RIDER COURSE REQUIREMENTS. An experienced rider course shall meet all of the following criteria:

(a) The course shall consist of at least 8 hours of instruction which includes both classroom and range instruction. At least 40% of the total hours of instruction shall consist of range instruction.

(b) All 8 hours of instruction shall be completed within a 30-day time period.

(c) No more than 9 hours of instruction in a single day.

(d) At a minimum, instruction shall be provided in all of the following maneuvers:

1. Straight line braking.
2. Braking on a curve.
3. Cornering.
4. Swerving techniques.

(e) Class size may not exceed 24 students in the classroom or 12 students on the range.

The department may make approval of a course contingent on range class sizes of less than 12 students if the physical layout of the range could not safely accommodate a 12 student class or if the physical layout of the range would not be conducive to the education of a group as large as 12 students.

(f) A written test and a skills test, which shall be given prior approval by the department, shall be conducted at the end of the course.

SECTION 33. Trans 129.07(2) is amended to read:

Trans 129.07(2) A waiver form shall be completed by the authorized instructor upon successful completion of a ~~department-approved~~ basic rider course ~~in this state~~.

SECTION 34. Trans 129.09 is repealed and recreated to read:

Trans 129.09 PERSONS LESS THAN 18 YEARS OLD. A person less than 18 years old who has not failed two or more skills tests is not required to complete a basic rider course prior to obtaining an operators license authorizing the operation of class "M" vehicles, other than an instruction permit, if the person meets any of the following criteria:

(1) The person holds a valid license from another jurisdiction that authorizes the operation of class "M" vehicles.

(2) The person does not reside within 50 miles of a basic rider course site.

(3) The person was born on or before December 31, 1977.

SECTION 35. Trans 129.10 and 129.11 are created to read:

Trans 129.10 MOTORCYCLE INSTRUCTION PERMITS. The department may issue an instruction permit authorizing the operation of class "M" vehicles to a person who is required to complete a basic rider course by s. 343.06(1)(c), 343.07(4)(b) or 343.16(1)(a), Stats., if the person meets all of the following criteria:

(1) The person has passed all examinations required under s. Trans 104.03.

(2) The person is enrolled in a basic rider course or is exempt from the requirement of attending a basic rider course under s. Trans 129.09.

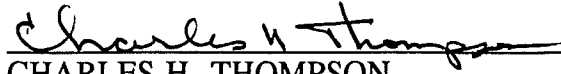
Trans 129.11 INTERIM PROVISIONS ON COUNTING INSTRUCTION PERMITS AND SKILLS TESTS. (1) From January 1, 1994 to December 31, 1994, the department may issue instruction permits authorizing the operation of class "M" vehicles regardless of the number of permits the person has previously held.

(2) For purposes of counting prior skills tests under s. 343.16(1)(a), Stats., from January 1, 1994 to December 31, 1994, the department shall consider only skills tests administered on or after January 1, 1994.

(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), Stats.

Signed at Madison, Wisconsin, this 7 day of February, 1994.



CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation

