

NOTICE OF PROPOSED GUIDANCE DOCUMENT

Enforcement FAQ DSP2

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on Enforcement FAQ DSP2, Wis. Stat. ss. 341-347, ch. Trans 305, 325 and 327, a proposed guidance document.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website:

<https://appengine.egov.com/apps/wi/dot/guidance-docs?guidDocId=DSP2>

2. Mailing written comments to:

Division of State Patrol
Wisconsin Department of Transportation
9th Floor South
4822 Madison Yards Way
Madison, WI 53705-9100

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at wisconsin.gov to allow for ongoing comment.

AGENCY CONTACT

DOTDSPGuidanceDocs@DOT.WI.GOV



State of Wisconsin Department of Transportation



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Enforcement - frequently asked questions

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Accidents

When do you have to report an accident?

Immediately. [See when to report an accident.](#)

How can I get a copy of a crash report?

You may [purchase and print crash reports](#) that have occurred in the last 90 days online.

Information you need to request a crash report:

- Date of the crash
- Name of one of the drivers involved and/or driver's license number
- DOT crash report document/form number
- DOT accident number (optional)

Alcohol

Is my driver license automatically suspended when I get an OWI?

If you take a chemical test and the results are .08 alcohol concentration or more, you will be automatically suspended. If you refuse to take test(s), the penalties will be different.

How long is my driver license revoked if I refuse the intoxilyzer test?

One to three years. Mandatory one year for a first offense.

May you have alcoholic beverages in your vehicle in Wisconsin?

No, you cannot have an opened container on your person in a motor vehicle on a public highway. Containers of alcoholic beverages with the seal broken must be transported in the trunk, or in a portion of the vehicle not normally occupied by passengers if the vehicle does not have a trunk - not the glove compartment.

May you drink alcohol in a motor home?

Open container laws apply to all motor vehicles, including motor homes and pickup campers, except motor buses which are vehicles designed to transport people and having a passenger carrying capacity of 16 or more persons and chauffeur driven limousines. **Limos and buses must have a hired chauffeur.**

What is the fine for open intoxicants?

Driver - \$212; Passenger - \$150.50

May juveniles drink non-alcoholic beer?

Yes. For a drink to be considered alcoholic, it has to contain 0.5% or more of alcohol by volume. The amount of alcohol in non-alcoholic beer is so minimal that a person would have to drink a huge amount before this would register on a Preliminary Breath Test (PBT).

Child restraints

Parents can call (800) 261-WINS (9467) to register their child car seats and receive notification in the event that their seat model is recalled. WINS provides information about proper use of car seats and the state's new child passenger safety law. WINS also has a brochure that tells what to look for when buying a new or used safety seat and loans out instructional videos, Vince and Larry costumes and Buckle Bear suits. [See child safety seat resources.](#)

What is the law on child restraints?

Effective April 30, 1992: All children under age four must be restrained in an approved child car seat. (The law previously stated children up to age two.) Safety belt requirements were also extended to apply to children up to age eight. (The law previously stated children up to age four.) See [Child safety seat laws](#).

What about children under four who are too big to fit into an approved safety seat?

[Transportation rule 310](#) specifically exempts children who are incapable of being transported due to body size, medical condition or disabilities.

What is primary enforcement provision?

Law enforcement officers may stop a vehicle solely because a child passenger under age eight is not properly restrained. Effective June 30, 2009, Wisconsin also has a primary enforcement [seat belt law](#) for adults.

Citations

Is the date on my citation the actual trial date?

No. This is an initial appearance date. This may be before a judge or a court commissioner. Please review the reverse side of the citation for more court information.

Am I entitled to pre-trial discovery for a traffic citation?

Generally, neither party is entitled to pretrial discovery in traffic forfeiture actions. But a defendant has a limited right to inspect and test devices used by the state to determine whether a traffic violation has been committed, including speed and alcohol detection devices. Before these devices can be inspected and tested, a defendant must first request court approval within 10 days after the alleged violation, and a court must order that these devices be inspected and tested. See [Wisconsin statute 345.421](#).

I lost my ticket and forgot the appearance date. What should I do?

Contact the Clerk of Courts in the county where the citation was issued.

I have a perfect driving record but the officer gave me a ticket anyway. Why?

Decisions to cite are situational and circumstantial. The nature of the violation, weather conditions or other factors are considered before issuing a citation. An individual's driving record is typically not a factor.

If I file a complaint against an officer, will the ticket be dropped?

No. While the State Patrol will investigate complaints regarding the conduct of its employees, we believe that the merits of the citation should be assessed by the judiciary.

I have a Minnesota driver license and received a citation in

Wisconsin. Will it show on my Minnesota record?

The violation will be reported to your home state. Some states put it on your record and some don't. Check with the Minnesota Division of Motor Vehicles.

Court

I received a citation. Instead of going to court, I want to pay the fine. How do I go about paying it?

Send the bond and pink copy of the citation to the Clerk of Courts of the county where the citation was issued. The address will be on the citation in the court information area.

Whom do I notify that I won't be in court?

You should contact the Clerk of Court's office in the county where the citation was issued and explain the circumstances.

I received a citation in a county other than the one I live in and never paid it. I found out there is a warrant for my arrest. How and where do I take care of it?

Contact the Clerk of Court in the County where the citation was not paid.

Disabled and handicapped

What does it cost for a Disabled Veteran license plate?

See [disabled parking license plate](#).

Driver license

Is it illegal to operate in Wisconsin without your driver license on your person?

Yes. See [Wisconsin statute 343.18\(1\)](#).

I am temporarily residing in Wisconsin. How many days do I have to get a Wisconsin license?

See [License requirements for visitors, students and members of the Armed Forces](#).

I lost my license. How do I get another one?

See [Duplicate driver license, instruction permit, or ID card](#).

I just moved. How long do I have to get my address changed on my license?

Ten days. See [Change of address](#).

I don't have a Wisconsin driver license. How and where can I get a Wisconsin I.D. card?

See [Obtaining an ID card](#).

We are going on a trip. My 16-year-old has an instructional permit. May she/he operate after dark, and how many passengers are allowed in the vehicle?

See [Graduated driver license \(GDL\)](#).

Do you need a driver license to operate a maintenance vehicle on the roadway?

Yes, unless it is an implement of husbandry.

How does the driver license point system work?

See [Driver license points - frequently asked questions](#), [Graduated driver license \(GDL\) points and convictions](#) and [Wisconsin's point system](#) for more information.

How do I reinstate if my license is revoked or suspended?

See [Reinstate a revoked or suspended driver license](#).

I am suspended/revoked. How can I get an occupational license and where?

Apply at the [DMV customer service center](#) where your county resides. See [Occupational license](#).

I have a suspended Wisconsin driver license, but a valid Minnesota license. May I operate a vehicle in Wisconsin?

No. You have lost your operating privileges. When your suspension period is over, you must reinstate your privileges by appearing at a [DMV customer service center](#) in Wisconsin before driving here again.

Enforcement

What are my rights and responsibilities when I am stopped by the State Patrol?

See the brochure [Guidelines for motorists who are stopped](#).

Why do officers shine their lights into the car when stopping someone at night?

As a safety precaution at night, officers need to see what is inside the car.

I was stopped for what seemed like a long time. Why do officers sit in the cars for so long?

Using advanced communications technology, officers can check your driving status and vehicle registration directly from their patrol cars. However, there may be unavoidable delays in transmission. Officers also must complete information regarding the traffic stop, which takes time. Please be patient.

Why do other officers show up if I've been stopped only for a traffic violation?

Officers may back each other up (even when they are not requested) as an added safety procedure and as a courtesy to fellow officers.

Are officers required by law to show me the reading on a radar or laser device?

No. In many cases, the officer does not lock in the radar or laser reading when identifying the vehicle and tracking its speed.

Why are most State Patrol cars outfitted with video cameras?

Video cameras are a great tool to accurately and impartially record what happens during traffic stops and other enforcement events including the actions of the officers.

Do State Patrol officers have a quota for issuing citations?

State Patrol officers absolutely do not have a quota for issuing citations. Furthermore, the State Patrol does not receive revenue from traffic citations. Most of the revenue generated by traffic citations goes to the county where the citation was issued and the state's common school fund. Other citation assessments and fees help finance various state and county court and legal functions. See [Distributing traffic citation deposits and fines](#).

I received a traffic citation, and I wish to contest it. What should I do?

You should follow the instructions listed on the citation. The State Patrol cannot reduce the forfeiture amount, lower the demerit points assessed, or dismiss the citation once it has been issued.

Should I stay in my car after I am stopped or should I get out and meet the officer?

You should remain in your car. An officer might interpret someone suddenly exiting their car and approaching him/her as a threat. Stay put and refrain from a lot of movement--even if it is simply to tidy up your car. The officer will come to you.

Why are the traffic forfeitures so high?

The traffic forfeitures are so high because they include fees for jail assessment, crime lab and drug assessment, justice information, court support services, penalty assessment, and court costs.

How long do violations stay on your record?

See [Wisconsin's point system](#) and [Driver license points - frequently asked questions](#).

Does a traffic warning end up on my driving record?

No. However, warnings records are maintained by the State Patrol.

Are radar detectors legal?

They are unlawful for commercial motor vehicles. Otherwise, they are only unlawful if they constitute a view obstruction.

I received a warning from a trooper, and I need more time to get it repaired. How do I get an extension?

Stop at a [State Patrol office](#) and explain the problem. Someone should be able to look at the vehicle and advise you.

Equipment

I am replacing my rear bumper. What rules must I follow?

Cars must have a rear bumper attached the same way it came from the manufacturer. Pickup trucks do need a rear bumper.

What is the height requirement for vehicle bumpers?

For cars, the requirement is two-inches plus or minus manufacturers' specifications.

Pickup trucks may have up to four-inches plus for tires, and five-inches plus for suspension for a combination of an additional nine-inches over manufacturers' specifications.

What are the limitations concerning tinted windows?

50% front side windows only; 65% rear windows (35% light).

May I operate with a cracked windshield?

Yes, depending on where the crack is. It cannot be in the critical area (windshield wiper area). See [□ Transportation rules 305.32 & 305.34](#).

Is it illegal to have decals on my windshield?

Stickers authorized by law (i.e., state park stickers or others issued by a government agency) are allowed four (4) inches up from the bottom of the windshield. See [Wisconsin Statute 346.88 \(3\)\(a\)](#) and [Transportation rule 305.34 \(6\)](#).

May I operate without a rear view mirror?

No, there must be a rear view mirror located inside or outside the vehicle, or both. Side mirrors are required if you cannot see 300 feet to the rear.

Is it legal to operate my vehicle with things hanging from my rear view mirror?

No, it is an obstruction of view.

When may I operate my fog lights? Off road lights?

During inclement weather with two headlamps (no more than four lights on). Off road lamps mounted outside restrictions cannot be operated on roads. See [□ Transportation rule 305.075\(5\)](#).

May I have a red light visible in my vehicle? (Firemen, EMTs, etc.)

Yes, but the red light does not give you the right to disobey the law when driving.

Is it legal to drive with your dome light on?

Yes, however, it is more difficult to see at night with a light on in the vehicle. The light affects night vision. Inattentive driving may be involved, depending why the driver has the light on.

Is it legal to flash your bright lights at another vehicle to get

them to turn their bright lights off?

Yes, [Wisconsin statute 347.12\(1\)](#) allows for an operator to intermittently flash the vehicle's high-beam headlamps at an oncoming vehicle whose high-beam headlamps are lit.

I have auxiliary lights mounted above the cab of my pickup. Are there restrictions?

Yes. They cannot be used for highway use. See [Transportation rule 305.075](#).

When is a tire considered to be illegal?

If the tire is worn to the point where part of the ply or cord construction is exposed, or there is less than 2/32 inch tread depth measured at two points no less than 15 inches apart in any major tread groove, at or near the center of the tire.

How does tire size affect speed?

One tire size may increase speed 5%.

How far may tires stick out past the fender wall?

Two inches, but that protrusion must be covered by fender extension.

How high can I "lift" my vehicle?

Four inches.

Where may I have my speedometer checked?

Listed in the Yellow Pages, under "Speedometer."

Miscellaneous

How can an aircraft check my speed?

The pilot times vehicles as they cross pavement markings of known distance. A device in the aircraft takes the distance and time and converts it to MPH. The pilot then radios this information to patrol cars.

What is a class B highway?

This is a road that restricts axle weights to 60% of ordinary legal weight limitations.

Does DMV accept credit cards at the counter?

DMV service centers accept cash, checks, most debit cards and the following credit cards: Visa, MasterCard, American Express and Discover.

Is it legal to drive without shoes?

Yes.

Is it legal to operate a vehicle with a cast on?

Yes.

Do you have to have insurance on your car to operate in

Wisconsin?

Effective June 1, 2010, Wisconsin drivers are required to have an automobile insurance policy in force or, in limited situations, other security which could be a surety bond, personal funds, or certificate of self-insurance. See [auto insurance requirements](#).

Do I have to register my handgun in Wisconsin?

No.

What is the legal method of carrying a weapon in my vehicle in Wisconsin?

With the weapon unloaded. Applies to firearms and bow hunting equipment.

May an officer exceed the speed limit without having lights/siren on?

Yes, while obtaining evidence of a speed violation or responding to a felony in progress.

Is it unlawful to drive with headphones on?

If there is reason to believe that this would interfere with safe operation of a vehicle, a person could be charged with inattentive driving.

May anybody ride along with an officer?

Law enforcement officers often are exposed to considerable risk. Any passengers would likely be subjected to similar danger and expose the agency to liability. Because of this, ride-alongs are generally prohibited.

Motorcycles/mopeds

Do I need a license to drive a moped?

A driver license is required. You do not need a [motorcycle license](#).

May I get a cycle endorsement on an instruction permit?

You may get a separate motorcycle instructional permit. See [Motorcycle license](#).

Do I have to wear a helmet while operating a motorcycle? Moped?

See [Motorcycle license](#).

Is there a minimum age or size for children who are passengers on a motorcycle?

There is no minimum age, but a child has to ride behind the driver (cannot sit in front of the driver), and has to wear a helmet. The child has to be able to reach the foot pegs - the foot pegs can legally be raised.

Registration and plates

Phone: (608) 264-7447

When I buy a vehicle, do plates stay on the vehicle or stay with the previous owner?

Automobiles: Stay with previous owner

Trucks A -C Plates: Stay with previous owner

Heavy Trucks D-T Plates: Stay with vehicle

Farm Plates: Stay with previous owner

Motorcycles: Stay with previous owner

May you put your vehicle license plates in areas other than the designated area?

If two plates are issued, one should be in the front and one in the back. Attach firmly and rigidly in a horizontal position and a conspicuous place. Must be displayed so it can be readily read. Rear plate must have a lamp illuminating the plate 50 feet to the rear. See [Wisconsin statute 347.13\(3\)](#).

Do I have to have a front license plate?

Yes, for passenger cars and light trucks.