

No. 377, A.]

[Published August 21, 1957.

### CHAPTER 551

AN ACT to create 343.01 (2) (e), 343.05 (2) (d) and 343.47 of the statutes, relating to motor vehicle operator's and chauffeur's licenses and revocation of same, granting rule-making power and providing penalties.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 343.01 (2) (e) of the statutes is created to read:

343.01 (2) (e) "Chauffeur" means every person, including the owner, who is employed for the principal purpose of operating a motor vehicle, and every person who drives a motor vehicle while in use as a public carrier of persons or property for hire except a school bus operator and except a person while engaged in operating a motor vehicle in connection with providing funeral service.

SECTION 2. 343.05 (2) (d) of the statutes is created to read:

343.05 (2) (d) Persons licensed as chauffeurs under the laws of this state while operating motor vehicles in the performance of their duties as chauffeurs.

SECTION 3. 343.47 of the statutes is created to read:

343.47 CHAUFFEUR'S LICENSE. (1) LICENSE REQUIRED; DEFINITIONS. No person shall drive a motor vehicle as a chauffeur upon any public highway in this state unless he is licensed by the commissioner, as provided by this section, except that a nonresident chauffeur, licensed under the law of the country, state, territory, province or district of his residence, operating such motor vehicle temporarily within this state and while having in his immediate possession the license assigned to him as such chauffeur in the country, state, territory, province or district of his residence, shall be exempt from such license requirements. No employer shall hire any person to operate a motor vehicle which requires a driver with a chauffeur's license unless the employe is duly licensed as a chauffeur under this chapter.

(2) DEFINITION. The term "chauffeur," as used in this section, means:

(a) Every person, including the owner, who operates a motor vehicle while it is in use as a public carrier of persons or property for hire, except a person while engaged in operating a motor vehicle in connection with providing funeral service;

(b) Every person who is employed for the principal purpose of operating a passenger vehicle as a public carrier of persons, except a school bus operator and except a person while engaged in operating a motor vehicle in connection with providing funeral service;

(c) Every employe who, in the course of his employment, operates upon the streets or highways a truck, tractor, or truck-tractor belonging to another, with the exception of light trucks classified as pickups, panels and sedan deliveries which are only used to carry tools, repairs, light materials and equipment used by the driver in the furtherance of some other and principal occupation, and farm trucks operated by the owner or an immediate member of his family or an employe not primarily employed for the purpose of operating the farm truck and trucks weighing 15,000 pounds or less gross transporting unprocessed farm products.

(3) QUALIFICATIONS OF CHAUFFEURS. The commissioner may establish a chauffeurs' license division in the motor vehicle department for the purpose of ascertaining and determining the qualifications of applicants for chauffeurs' licenses, and conduct examinations of applicants for such license at such times and places as he designates, and issue licenses only to such applicants as have attained the age of 18 years and who have a practical knowledge of the construction, mechanism and operation of motor vehicles and a sufficient knowledge of the traffic laws of this state, and other needful qualifications including physical qualifications, to enable him to drive with safety, and he may appoint such examiners and other employes as are necessary in the conduct of the license division so established.

(4) LICENSE; CONTENT; USE. (a) The commissioner shall, upon payment of the required fee, issue to every person licensed hereunder a license in a form prescribed by him which shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and a space upon which the licensee shall write his usual signature with pen and ink. No license shall be valid until it has been so signed by the licensee. No licensed chauffeur shall voluntarily permit another person to possess and use the license so provided, nor shall any person, while driving or operating a motor vehicle, use any license belonging to another.

(b) Any person licensed under s. 343.05 to operate a motor vehicle and who on January 1, 1958, is operating a motor vehicle for the operation of which a chauffeur's license is required under this section, shall be granted a chauffeur's license automatically by the commissioner upon application therefor and payment of a fee of \$2. The applicant shall present a certification signed by his employer that he is employed for the principal purpose of operating a motor vehicle.

(c) Every licensee shall have said license in his immediate possession at all times when operating as a chauffeur and shall display the same, upon demand of a justice of the peace, a peace officer, an authorized representative of the department, or by an officer authorized by law to enforce the laws relating to the operation of motor vehicles on public streets and highways, and the licensee shall, upon request of any such officer, write his name in the presence of such officer in order that the identity of the licensee may be determined.

(d) In the event of the loss or destruction of the original license the commissioner shall, upon receiving a sworn statement from the licensee

of such loss or destruction and the payment of the fee of \$1, issue a duplicate license.

(5) EXPIRATION OF CHAUFFEURS' LICENSES; RENEWAL. (a) All chauffeurs' licenses issued hereunder shall expire annually on a date to be determined by the commissioner, but may be renewed without examination, if application for renewal is made during the time prescribed by the commissioner.

(b) Any person who has served in the army, navy or marine corps of the U.S. subsequent to December 7, 1941, and who has been honorably discharged therefrom may, without payment of any fee or charge and without taking a physical examination except such as the commissioner may deem necessary, renew his chauffeur's license for the current calendar year at any time within one year after his discharge by making proper application therefor, provided that the veteran be employed for the principal purpose of operating a motor vehicle.

(6) APPLICATION FOR EXAMINATION AND LICENSE; FEES; REFUNDS. Application for examination and license shall be in writing upon such forms and shall contain such needed information as the commissioner may prescribe, and shall be accompanied by the payment of an examination and license fee of \$3. The fee for renewal of a chauffeur's license shall be \$2, if the application for renewal is made during the time prescribed by the commissioner; otherwise it shall be \$3. Any surplus funds that remain after deducting the costs of administering this section shall be used for driver training in the high schools of this state. The apportionment of such funds shall be made by the state superintendent of public instruction to the school districts which operate driver training courses in accordance with a plan adopted by the state superintendent which shall be based upon the per capita cost of such instruction.

(7) REVOCATION OF LICENSES. If a licensed chauffeur is convicted in this state of a major offense, revocation by the commissioner of his chauffeur's license shall be mandatory. For the purposes of this section, the term "major offense" shall be used to refer to any of the following offenses:

(a) Manslaughter resulting from the operation of a motor vehicle;

(b) Driving a motor vehicle while under the influence of intoxicating liquor or narcotic drug. When a chauffeur is convicted of driving a motor vehicle, the driving of which requires an operator's license, while under the influence of intoxicating liquor, his operator's license shall be revoked and his chauffeur's license shall be suspended, but the commissioner shall restore the chauffeur's license 15 days after surrender of such license;

(c) Any crime punishable as a felony under the motor vehicle laws of this state or any other felony in the commission of which a motor vehicle is used;

(d) Three convictions for reckless driving all within the preceding 12 months;

(e) Failure of a driver of a motor vehicle involved in an accident to stop and disclose his identity at the scene of an accident resulting in the death or injury of a person.

(8) DUTY OF COURT. Whenever a person is brought before any court charged with a major offense, whether the charge be under state law or municipal ordinance, the court shall, before accepting a plea of guilty or nolo contendere or entertaining a judgment of conviction pursuant thereto, inform the defendant that upon conviction not only will he be liable to a penalty, but the chauffeur's license that he may have must be revoked. Whenever in any court a licensed chauffeur is convicted of any violation of the state motor vehicle laws or a municipal traffic ordinance, the court shall promptly report such conviction to the commissioner together with any recommendations that the court may wish to make with reference to

the chauffeur's license. Whenever the offense of which the licensed chauffeur is convicted is a major offense, the court shall, as a part of the penalty, order the convicted chauffeur to surrender his chauffeur's license immediately to the clerk of the court or the judge who shall forward it to the commissioner. The revocation of a chauffeur's license upon his conviction of a major offense shall be for a period of not less than 30 days or more than 12 months, the length of the period in each particular case to be determined by the commissioner on the basis of the seriousness of the offense and in the interest of public safety and welfare. The period of suspension shall commence upon the surrender of the license.

(9) LIMITED LICENSE AFTER REVOCATION. (a) When at least 90 days of a period for which a chauffeur's license has been revoked have elapsed, and if the chauffeur's livelihood depends upon his employment as a licensed chauffeur, the commissioner may, upon recommendation by the court in which the chauffeur was convicted, issue a limited license to such chauffeur on condition that proof of financial responsibility covering the vehicle or vehicles to be operated shall be filed in accordance with ch. 344. The commissioner in issuing such limited license may impose such conditions and limitations as in his judgment are necessary in the interest of public safety and welfare, including re-examination as to the chauffeur's qualifications. Such license may be limited to the operation of particular vehicles, to particular classes of operation and to particular conditions of traffic.

(b) The limited license issued by the commissioner shall clearly indicate the limitations imposed and the chauffeur operating under such limited license shall have such license in his immediate possession at all times when operating as a chauffeur. Such a limited chauffeur's license may also be issued by the commissioner when in his judgment the privileges of a chauffeur should be limited in that manner because of convictions of other than major offenses against the traffic laws or ordinances or other conditions pertaining to the chauffeur's qualifications.

(c) For other than major offenses, a chauffeur's license may also be suspended under s. 343.32 (2) for offenses committed while operating motor vehicles as a chauffeur within the meaning of this section. Offenses committed while operating motor vehicles as a chauffeur shall be considered by the commissioner when revoking the private operating license under s. 343.32.

SECTION 6. This act shall take effect January 1, 1958.

Approved August 7, 1957.

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