

No. 644, S.]

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## CHAPTER 684

AN ACT to repeal 343.05 (2) (d), as created by ch. 551, laws of 1957, and 343.47, as created by ch. 551, laws of 1957; to renumber and amend 20.560 (second par.); to amend 20.420 (intro. par.), as amended by ch. 260, laws of 1957; 110.08 (1), as amended by ch. 652, laws of 1957; 340.01 (40), 343.01 (2) (b) and 343.05 (1), as created by ch. 260, laws of 1957; 343.10 (1) and (3), as amended by ch. 571, laws of 1957; 343.11 (3), 343.21 (1) (b), (c) and (d), 343.28 (1) and (2), 343.29 (1) and (2), 343.31 (1) (intro. par.), 343.32 (2); 343.38 (1) (c) and 343.44 (1), as created by ch. 260, laws of 1957; to repeal and recreate 343.01 (2) (e), as created by ch. 551, laws of 1957 and 343.20, as amended by ch. 594, laws of 1957; and to create 20.560 (79), 20.650 (47), 343.125, 343.126 and 343.21 (1) (ba) of the statutes, relating to the integration of the chauffeurs' licensing law into the vehicle code, making corrections, conferring rule-making authority and providing penalties.

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

SECTION 1. 20.420 (intro. par.) of the statutes, as amended by ch. 260, laws of 1957, is amended to read:

20.420 (intro. par.) There is appropriated to the state highway commission as received in the state highway fund the surplus of the motor vehicle registration fees, operator's license fees *other than chauffeur's license fees*, motor vehicle fuel taxes, and motor carrier fees and taxes, after deducting the amount paid or transferred for the costs of administration and operation of the motor vehicle department (*exclusive of costs paid by the appropriation made by s. 20.560 (79)*), department of taxation, and public service commission in performing their functions under chs. 78, 110, 129, 194, 218 and 341 to 349 and ss. 40.53 (7) and 76.54 (17), and the costs paid from the appropriation made by ss. 20.520 (71) and 20.822 (71). The amount thereof collected in each fiscal year and appropriated by this section shall be apportioned and allotted by the commission in the amounts and on the dates hereinafter provided; and if no date is specified, then at such times during the fiscal year as the commission determines.

SECTION 2. 20.560 (second par.) of the statutes is renumbered 20.560 (70) and amended to read:

20.560 (70) All moneys received by the motor vehicle department as motor vehicle registration fees, operator's *and chauffeur's* license fees, and motor carrier fees and taxes shall be paid into the state highway fund. There is appropriated from the state highway fund to the motor vehicle department:

SECTION 3. 20.560 (79) of the statutes is created to read:

20.560 (79) CHAUFFEURS' LICENSE ADMINISTRATION. Annually, beginning July 1, 1957, a sum sufficient to carry out its functions under the law pertaining to licensing of chauffeurs. After the close of each fiscal year the department shall compute the total amount of chauffeurs' license fees collected during such fiscal year and the total cost of administering the chauffeurs' licensing law during such fiscal year. Any surplus of such fees over such cost of administration shall be transferred by the department to the state superintendent of public instruction for deposit in the general fund appropriation made by s. 20.650 (47).

SECTION 4. 20.650 (47) of the statutes is created to read:

20.650 (47) HIGH SCHOOL DRIVER TRAINING. All moneys transferred from the highway fund pursuant to s. 20.560 (79), to 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, such apportionment to be made in accordance with a plan to be adopted by the state superintendent. The plan of apportionment shall be designed to promote effective driver training programs in the high schools of the state and the plan shall take into account such factors as the training of the teacher and the adequacy of the driver training program.

SECTION 5. 110.08 (1) of the statutes, as amended by ch. 652, laws of 1957, is amended to read:

110.08 (1) The motor vehicle department shall employ not to exceed \* \* \* 110 persons whose duty it shall be to give operator's license examinations, *including chauffeur's license examinations*, as prescribed by \* \* \* law. One of the persons so employed shall be the chief examiner. He shall have general supervisory powers over the other examiners and shall be responsible for the training of the other examiners and for assigning and coordinating their operations and functions. Not to exceed 5 of the persons employed shall be intermediate supervising examiners. The department may contract for specialists in driver's license examining to augment the department training program for examiners. The department shall train and assign sufficient examining personnel to carry out an intensive driver improvement program including re-examination and personal interview of problem drivers.

SECTION 6. 340.01 (40) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

340.01 (40) "Operating privilege" means, in the case of a person who is licensed under ch. 343, \* \* \* *every* license so granted to *such person*; in the case of a resident of this state who is not so licensed, it means the privilege to secure a license under ch. 343; in the case of a nonresident, it means the operating privilege granted by s. 343.05 (2) (c).

SECTION 7. 343.01 (2) (b) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

343.01 (2) (b) "License" means any authority to operate a motor vehicle granted pursuant to ch. 343, including temporary and restricted

licenses, *chauffeurs' licenses* and instruction permits, unless the context clearly indicates a different or more restricted meaning.

SECTION 8. 343.01 (2) (e) of the statutes, as created by ch. 551, laws of 1957, is repealed and recreated to read:

343.01 (2) (e) "Chauffeur" means every person, including the vehicle owner, who is employed for the principal purpose of operating a motor vehicle, and every person who operates a motor vehicle while in use as a public carrier of persons or property for hire, except that a person is not a chauffeur within the meaning of this paragraph solely because:

1. He is engaged in operating or employed for the principal purpose of operating a motor vehicle in connection with providing funeral services; or
2. He is engaged in operating or employed for the principal purpose of operating a school bus; or
3. He is engaged in operating a farm truck and he is either the owner of the farm truck or a member of the owner's immediate family or an employe of the owner not employed primarily for the purpose of operating the farm truck; or
4. He is engaged in operating or employed for the principal purpose of operating a motor truck having a registered gross weight of not more than 16,000 pounds transporting unprocessed farm products.

SECTION 9. 343.05 (1) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

343.05 (1) Except as provided in sub. (2), no person shall operate a motor vehicle upon a highway in this state unless such person has a license issued to him by the department, which license is not revoked, suspended, canceled or expired. *A valid chauffeur's license satisfies the requirements of this section only when the licensee is operating a vehicle in the performance of his duties as chauffeur.*

SECTION 10. 343.05 (2) (d) of the statutes, as created by ch. 551, laws of 1957, is repealed.

SECTION 11. 343.10 (1) and (3) of the statutes, as amended by ch. 571, laws of 1957, are amended to read:

343.10 (1) *If a person has had his chauffeur's license revoked he may file a petition with the commissioner for a limited chauffeur's license as provided in s. 343.126. If a person not licensed as a chauffeur has had \* \* \* his license revoked because he has been convicted of operating a motor vehicle while under the influence of intoxicating liquor, and if such person is engaged in an occupation or trade making it essential that he operate a motor vehicle, he may after complying with sub. (2) file with a judge of a court of record or of a municipal court having criminal jurisdiction in the county of residence a verified petition setting forth in detail his need for operating a motor vehicle. Thereupon, if the petitioner has not been convicted of any such offense within the 18-month period immediately preceding the present conviction, the judge may order the commissioner to issue an occupational license to such person. The order for issuance of an occupational license shall contain definite restrictions as to hours of the day (not to exceed 12), type of occupation and areas or routes of travel to be permitted under the license. A copy of the petition and the order for the occupational license shall be forwarded to the department. No order for an occupational license shall be issued until at least 90 days have elapsed since the date of conviction or, in the case of an appeal which is subsequently dropped or affirmed, until at least 90 days have*

elapsed since the date of revocation following the dropping or affirmance of the appeal.

(3) The department shall issue an occupational license upon receipt of a court order for such a license if at least 90 days have elapsed since the conviction or, in the case of an appeal which is subsequently dropped or affirmed, if at least 90 days have elapsed since the date of revocation following the dropping or affirmance of the appeal and if proof of the financial responsibility of the owners of all vehicles which the holder of the occupational license will be permitted to operate has been furnished as \* \* \* specified in s. 343.38 (1) (c).

SECTION 12. 343.11 (3) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

343.11 (3) The department is authorized to issue a receipt to any applicant for a first operator's license in this state, a renewal of a previous license in this state or an original or renewal of a school bus operator's license or chauffeur's license, which receipt shall constitute a temporary license to operate a motor vehicle while the application for license is being processed. Such temporary license shall be valid for a period not to exceed 30 days. No such temporary license shall be issued to any applicant for reinstatement of an operating privilege which was revoked or canceled.

SECTION 13. 343.125 and 343.126 of the statutes are created to read:

343.125 CHAUFFEURS TO OBTAIN SPECIAL LICENSE. (1) No person shall operate a motor vehicle as a chauffeur upon any highway in this state unless such person holds a valid chauffeur's license issued to him by the department pursuant to this section or s. 343.126.

(2) No person shall hire any person to operate a motor vehicle as chauffeur unless such employe is duly licensed as required by sub. (1).

(3) Any person violating subs. (1) or (2) may be fined not more than \$100 or imprisoned not more than 6 months, or both.

(4) The department shall issue a chauffeur's license to a person only if such person:

(a) Is at least 18 years of age; and

(b) Except as otherwise provided, takes and passes a special examination which indicates that he has practical knowledge of the construction, mechanism and operation of motor vehicles and a sufficient knowledge of the traffic laws of the state and other needful qualifications, including physical qualifications, to enable him to drive with safety. It shall be the general policy of the department not to require such examination for renewal of a chauffeur's license prior to the expiration thereof.

(5) Any person who holds a valid operator's license issued to him by the department and who on January 1, 1958, is operating a motor vehicle for the operation of which a chauffeur's license is required, shall be granted a chauffeur's license automatically by the department upon application therefor and payment of a fee of \$2, provided such application is made prior to February 1, 1958. The applicant shall present a certification, signed by his employer, to the effect that the applicant is employed as a chauffeur or, if the applicant is self-employed, a statement by such applicant to the effect that he works as a chauffeur.

343.126 LIMITED CHAUFFEUR'S LICENSE AFTER REVOCATION. (1) When at least 90 days of a period for which a person's chauffeur's license has been revoked have elapsed or, in the case of an appeal which is subsequently dropped or affirmed, if at least 90 days have elapsed since the date of revocation following the dropping or affirmance of the appeal, the commissioner may, upon application therefor accompanied by a filing fee of \$5, issue a limited chauffeur's license to such person if:

(a) Such person's livelihood depends upon his employment as a licensed chauffeur; and

(b) Proof of financial responsibility covering all vehicles which the applicant will be permitted to operate has been furnished as specified in s. 343.38 (1) (c).

(2) The commissioner may impose such conditions and limitations upon such limited chauffeur's license 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.

SECTION 14. 343.20 of the statutes, as amended by ch. 594, laws of 1957, is repealed and recreated to read:

343.20 EXPIRATION OF LICENSES. (1) Except as otherwise expressly provided in this chapter, chauffeurs' licenses shall expire one year after the date of issuance and other licenses shall expire 2 years after the date of issuance, but the department may institute any system of license renewals which it deems advisable for the purpose of gaining a uniform rate of renewals and, in order to put such system into operation, may issue licenses which are valid for any fraction of a year in excess of the ordinary effective period of such license.

(2) The department shall mail to the last-known address of a licensee at least 30 days prior to the expiration of his license a notice of the date upon which such license must be renewed. Failure to receive notice to renew such license shall not be a defense to a charge of operating a motor vehicle without a valid operator's license.

(3) Any person who holds a valid license and who is unable to make a renewal application within the period declared by the department, due to his serving with any branch of the armed services, may apply for a renewal of his license at any time during such service or within 6 months after the date of his discharge from such services. The department shall charge only the standard renewal fee upon renewal of such license.

SECTION 15. 343.21 (1) (b), (c) and (d) of the statutes, as created by ch. 260, laws of 1957, are amended to read:

343.21 (1) (b) For the issuance of a license, *other than a chauffeur's license*, to a person not previously licensed in this state or previously licensed only under s. 343.08, \$2. No fee shall be charged for issuance of a restricted license under s. 343.08.

(c) For the renewal of a license, \* \* \* \$2 *in case of a chauffeur's license and \$1 in case of any other license*.

(d) For the reinstatement of a license after cancellation or which was not renewed prior to the date of expiration, \* \* \* \$3 *in case of a chauffeur's license and \$2 in case of any other license*.

SECTION 16. 343.21 (1) (ba) of the statutes is created to read:

343.21 (1) (ba) For the issuance of a chauffeur's license, \$3.

SECTION 17. 343.28 (1) and (2) of the statutes, as created by ch. 260, laws of 1957, are amended to read:

343.28 (1) Whenever a person is convicted of a moving traffic violation under chs. 341 to 349 or under a local ordinance which is in conformity therewith, the clerk of the court in which the conviction occurred, or the justice, judge or magistrate of a court not having a clerk, shall, within 48 hours after the conviction, forward to the department the record of such conviction. The record of conviction forwarded to the department

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shall state whether the offender was involved in an accident at the time of the offense *and whether he was operating as a private person or as a chauffeur at the time of the offense.*

(2) Whenever a person is convicted of any offense for which s. 343.31 makes mandatory the revocation by the commissioner of such person's operating privilege, the court in which the conviction occurred shall require the surrender to it of any license then held by such person. Within 48 hours after the conviction, the clerk of the court, or the justice, judge or magistrate if the court has no clerk, shall forward to the department the record of conviction and any surrendered \* \* \* licenses. The record of conviction forwarded to the department shall state whether the offender was involved in an accident at the time of the offense *and whether he was operating as a private person or as a chauffeur at the time of the offense.*

SECTION 18. 343.29 (1) and (2) of the statutes, as created by ch. 260, laws of 1957, are amended to read:

343.29 (1) Whenever a person, pursuant to s. 345.14, stipulates his guilt of a moving traffic violation under chs. 341 to 349 or under a local ordinance which is in conformity therewith, the official receiving the penalty shall, within 48 hours after the stipulation, forward to the department a certified copy of such stipulation, together with a statement whether the offender was involved in an accident at the time of the offense *and whether he was operating as a private person or as a chauffeur at the time of the offense.*

(2) Whenever a person, pursuant to s. 345.14, stipulates his guilt of any offense for which s. 343.31 makes mandatory the revocation by the commissioner of such person's operating privilege, the official receiving the penalty shall require the surrender to him of any license then held by such person. Within 48 hours after the stipulation of guilt, the official receiving the penalty shall forward to the department a certified copy of the stipulation of guilt, together with a statement whether the offender was involved in an accident at the time of the offense *and whether he was operating as a private person or as a chauffeur at the time of the offense, and any surrendered \* \* \* licenses.*

SECTION 19. 343.31 (1) (intro. par.) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

343.31 (1) (intro. par.) The commissioner shall forthwith revoke a person's operating privilege upon receiving a record of conviction showing that such person has been convicted of any of the following offenses under a state law or under a local ordinance which is in conformity therewith, *except that if a person licensed as a chauffeur was convicted for operation of a motor vehicle while under the influence of intoxicating liquor and such person was not operating a vehicle as a chauffeur at the time of such offense, only his regular license shall be revoked as provided in this section but his chauffeur's license shall be suspended for 15 days:*

SECTION 20. 343.32 (2) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

343.32 (2) The commissioner may revoke a person's operating privilege if such person appears by the records of the department to be an habitually reckless or negligent operator of a motor vehicle or to have repeatedly violated any of the state traffic laws or any local ordinance which is in conformity therewith. For the purpose of determining when to revoke an operating privilege under this subsection, the commissioner may determine and adopt by rule a method of weighting traffic convictions by their seriousness and may change such weighted scale from time to time as experience or the accident frequency in the state makes neces-

sary or desirable. *In regard to convictions which are not by themselves grounds for mandatory revocation of a license, such rule shall provide that demerit points accumulated when a person is not operating a vehicle as a chauffeur shall not be counted against his chauffeur's license but such rule may provide that demerit points accumulated by a person when operating a vehicle as a chauffeur shall be counted against his regular license.*

SECTION 21. 343.38 (1) (c) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

343.38 (1) (c) Unless 3 years have elapsed since the expiration of the period of revocation, files with the department proof of financial responsibility in the amount, form and manner specified in ch. 344. Such proof of financial responsibility shall be maintained at all times during such 3-year period when the license is in effect. *No such proof shall be required for a vehicle subject to the requirements of ss. 40.57, 194.41 or 194.42 or a vehicle owned by or leased to the United States, this state or any county or municipality of this state.*

SECTION 22. 343.44 (1) of the statutes, as created by ch. 260, laws of 1957, is amended to read:

343.44 (1) No person whose operating privilege has been duly revoked or suspended pursuant to the laws of this state shall operate a motor vehicle upon any highway in this state before he has obtained a new license in this state or his operating privilege has been reinstated under the laws of this state. *No person whose regular license has been duly revoked or suspended pursuant to the laws of this state, but whose chauffeur's license is still valid, shall operate a motor vehicle upon any highway in this state other than as a chauffeur before he has obtained a new license or has had his license reinstated under the laws of this state.*

SECTION 23. 343.47 of the statutes, as created by ch. 551, laws of 1957, is repealed.

SECTION 24. SECTIONS 5 to 22 of this act shall take effect on January 1, 1958. The remainder of this act shall take effect on the day after publication.

Approved November 13, 1957.