

Chapter MVD 11

POINT VALUES FOR TRAFFIC VIOLATIONS

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**History:** Chapter MVD 11 as it existed on September 30, 1972 was repealed, and a new chapter MVD 11 was created, Register, September, 1972, No. 201, effective October 1, 1972.

**MVD 11.03 Point schedule.** In accordance with the authority conferred under s. 343.32 (2), Stats., (the demerit point system having been adopted) the scale of demerit points are hereby set forth opposite the type of conviction (violation) in the following type case in determining habitually negligent operators having repeatedly violated state or local traffic laws for the purpose of suspending or revoking operating privileges (licenses).

Type of Violation	Point value
(1) Arterial sign; traffic control signal; officer's signal or any other traffic control sign violation .....	3
(2) Blocking traffic, obstructing traffic, slow moving vehicle.....	2
(3) Flee or attempt to elude an officer.....	6
(4) Driving the wrong way on one way street .....	3
(5) Following vehicle too closely .....	3
(6) Driving on wrong side of highway or driving on wrong side of street .....	3
(7) Failure to give appropriate signal.....	3
(8) Operating while under influence of intoxicant or controlled substance.....	6
(9) Failure to perform duty after accident (any violation of s. 346.67 or 346.68, Stats.) .....	6
(10) Failure to yield right of way or failure to yield right of way to emergency vehicle .....	3
(11) Driving with improper brakes or improper lights (includes clearance lights, without lights, spot light, head lights, taillights-signal lights) (does not include registration plate lamps or cycle headlamps during daylight hours) .....	3
(11a) Failure to dim lights.....	3
(12) Making a prohibited turn or illegal turn .....	3
(13) Inattentive driving.....	3
(14) (a) Operating with a license which has been expired for less than 6 months .....	2
(b) Operating without having obtained an operator's license or with a license which has been expired for 6 months or more .....	4
(15) Parking on highway in traffic lane .....	2
(16) (a) Illegal passing .....	4

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	(b) Passing a school bus when red lights are flashing					4	
	(c) Deviating from a traffic lane .....					4	
(17)	Reckless driving .....					6	
(18)	Racing on public highway or engaging in a contest of speed or endurance .....					6	
(19)	Speeding Convictions Within a Three-Year Period						
							5th or Subsequent
	(a) 10 mph or less in excess of lawful or posted speed	3	4	5	6	7	
	(b) More than 10 mph but less than 20 mph in excess of lawful or posted speed	4	6	8	10	12	
	(c) 20 mph or more in excess of lawful or posted speed	6	8	10	12	14	
							Point value
(19m)	Too fast for conditions, imprudent speed, failure to have vehicle under control, or unnecessary acceleration .....					4	
(20)	All other moving traffic convictions, except the following: .....					2	
	(a) Failure to pay public service permit fee						
	(b) Operating in excess of authority granted by public service commission						
	(c) Failure to register vehicle						
	(d) Improper license plates						
	(e) Overload on license or overload on axle						
	(f) Failure to transfer certificate of title						
	(g) Unnecessary blowing of horn						
	(h) Improper muffler						
	(i) Violation of boulevard ordinance						
	(j) Operating with studded tires outside of authorized period						
	(k) Failure to wear mandatory protective headgear while operating a motor driven cycle						
	(l) Operating a motor driven cycle with handlebars that exceed the legal height limit						
	(m) Operating a motor driven cycle with rear passenger pegs that are at an illegal height						

(21) The foregoing point schedule shall also cover similar ordinance violations even though the language of the ordinance adapting may vary.

(23) (a) When restriction, suspension, or revocation of operating privileges is ordered by a court under s. 343.30, Stats., the point value charged against the record of the offender shall be in strict accordance with the charge for which conviction is made as set forth under sub. (1) through (20) except as provided in section MVD 11.03 (24) (a).

(b) As the revocation required under s. 344.25, Stats., is for a civil liability which must be met and proof of future financial responsibility furnished before reinstatement of driving privileges can be obtained, no point value shall be charged against the record of the operator against whom the judgment is obtained as a result of the judgment.

(24) (a) The demerit points charged against the record of any person who holds a probationary license or any unlicensed person who would be issued a probationary license if he made proper application and met all other requirements for license shall be double the demerit point value shown for conviction of violations set forth under subs. (1) through (20) on the second and all subsequent convictions.

(b) Any person who has had his operating privilege revoked while unlicensed or while licensed under a probationary license shall at the time of issue of any reinstated license be continued on a probationary license.

(25) In determining the accumulated demerit points against an operator within 12 months, 24 months, or 36 months, the division shall use the date each violation was committed as the basis for such determination.

(26) Point values assessed under sub. (19) for violations occurring on or after July 1, 1980 are based on conviction date, regardless of the date notice of the conviction is received by the department. Any point value which has been assessed will be adjusted to reflect receipt by the department of an earlier conviction.

**History:** Cr. Register, September, 1972, No. 201, eff. 10-1-72; am. (20), Register, April, 1977, No. 256, eff. 5-1-77; emerg. r. and recr. (19) (intro.), (a) and (b), renum. (19) (c) to be (19m), cr. (19) (c) and (26), eff. 7-1-80; r. and recr. (19) (intro.), (a) and (b), renum. (19) (c) to be (19m), cr. (19) (c) and (26), Register, November, 1980, No. 299, eff. 12-1-80.

**MVD 11.04 Warnings.** The division may notify any operator of the point value charged against his record when the record shows 6 or more points to have been accumulated in a 12-month period.

**History:** Cr. Register, September, 1972, No. 201, eff. 10-1-72.

**MVD 11.05 Suspension or revocation of license.** (1) Demerit points accumulated when a person is not operating as a chauffeur shall not be counted against his chauffeur license unless specifically required by law, but demerit points accumulated by a person when operating as a chauffeur shall be counted against both his chauffeur license and his regular license.

(2) The division may suspend or revoke the operating privileges of any person when his driving record shows he has attained or accumulated 12 points in 12 months or 18 points in 24 months or 24 points in 36 months except any person who holds a probationary license or any unlicensed person who would have been issued a probationary license had he made application and met all other requirements for license and who has not had his operating privilege previously suspended or revoked shall have his operating privilege suspended.

(3) The division may suspend or revoke the chauffeur license of any person when his driving record shows he has attained or accumulated 12 points in 12 months or 18 points in 24 months or 24 points in 36 months for offenses committed while operating as a chauffeur or when the law requires assignment of points against his chauffeur's license.

(4) The following demerit point accumulations, calculated from the date of violation, shall result in the following revocation or suspension periods:

*emerg. am. b.*  
*(2)+(3)*  
*2/6*  
*5/7/81*

Demerit Points Accumulated in a 12-month Period	Length of Revocation or Suspension
12 to 16 points	2 months
17 to 22 points	4 months
23 to 30 points	6 months
More than 30 points	1 year

  

Demerit Points Accumulated in a 24-month Period	Length of Revocation or Suspension
18 to 22 points	2 months
23 to 28 points	4 months
29 to 36 points	6 months
More than 36 points	1 year

  

Demerit Points Accumulated in a 36-month Period	Length of Revocation or Suspension
24 to 28 points	2 months
29 to 36 points	4 months
37 to 44 points	6 months
More than 44 points	1 year

(5) The effective date of all departmental suspensions or revocations under this rule shall be the date the order was mailed, except if the person is currently under suspension or revocation, the effective date shall be the date the license was surrendered for the previous action, or the date of the conviction causing the new suspension or revocation, whichever is later.

(6) Revocations under the provisions of s. 343.32 (1) (b), Stats., shall be for a period of 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.

(7) Any court ordered revocation or suspension for the same violation shall supersede a revocation or suspension under this section, except that the minimum length of any revocation or suspension shall be 2 months.

**History:** Cr. Register, September, 1972, No. 201, eff. 10-1-72; emerg. cr. (4) to (6), eff. 11-18-80; cr. (4) to (7), Register, March, 1981, No. 303, eff. 4-1-81.

**MVD 11.06 Determination of point value at reinstatement.** (1) The division upon issuing a reinstated operator's license shall reduce the accumulated point value to 6 points, provided reinstatement of such operating privilege is made within 12 months from the date of the latest violation. If at the time of such reinstatement the demerit point value in the immediately preceding 12 month period is less than 6, then the lesser point value shall be carried forward in the record.

Register, March, 1981, No. 303

(2) The division upon return of a license which has been suspended shall reduce the accumulated point value to 6 points. If at the time of return the demerit point value in the immediately preceding 12 month period is less than 6, then the lesser point value shall be carried forward in the record.

**History:** Cr. Register, September, 1972, No. 201, eff. 10-1-72.

**MVD 11.07 Reduction of point value for clear driving record.** (1) For the first full year of operation without a traffic violation the total accumulated point value charged against an operator shall be reduced by one-third.

(2) For the second full year of operation without a traffic violation the remaining total accumulated point value charged against an operator shall be reduced by one-half.

(3) For the third full year of operation without a traffic violation the remaining accumulated point value charged against an operator shall be withdrawn.

**History:** Cr. Register, September, 1972, No. 201, eff. 10-1-72.

**MVD 11.08 Reduction of point value for attendance of driver improvement counseling, traffic safety school or defensive driving courses.** (1) In accordance with authority contained in s. 343.32 (5), Stats., a person's point record may be reduced by no more than 3 points if he furnishes acceptable certification to the administrator that he has satisfactorily completed a course of instruction at a traffic safety school as authorized, approved and administered under s. 345.16, Stats., or a course of instruction in defensive driving, which course has been approved in advance by the administrator, or by completing a counseling program conducted by employes of the division. The certification must be filed with the division within 30 days of completion of the course to qualify for point reduction. Definitions of such schools and courses are established in Wis. Adm. Code, s. MVD 23.02 (1), (4), (5) and (6). The person seeking the reduction shall be responsible for any and all fees charged for the course.

(2) The certification of completion of an approved course shall be provided to the division on an individual person basis. The division will prescribe the information necessary to be supplied from an approved school or supply the necessary forms to complete the certification for administering this program.

(3) Each person is limited to only one such point reduction in a 5-year period.

(4) Prior to reaching the 6-point level, a person may voluntarily select and take an approved course, specified in (1), of his choice to obtain the necessary certification for point reduction without notification from the division.

(5) In those instances where the person attends an approved course and is otherwise entitled to point reduction and his record has less than 3 points, his record will be reduced by his record point value. No credit will be applied toward future point assessments nor shall he have the opportunity to have his point record reduced again within a 5-year period.

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(6) No reduction in points will be permitted when attendance to a school has been ordered by a court in lieu of revocation following conviction of operating while intoxicated.

(7) At the 6-point level the division may notify a person by first class mail to his last known address on file with the bureau of driver control that he has the opportunity to attend a course on a voluntary basis, advising the person he may seek the assistance of specified employes of the division for assignment to an approved course if he desires to enroll.

(8) Persons who have accumulated more than 6 but less than the demerit points required for suspension or revocation on their record under the point system shall be processed only as provided in **chapter MVD 23—Procedure for counseling and re-examination of drivers**. Upon receipt of certification of satisfactory completion of one of the courses provided in s. MVD 23.02 (1), (4), (5) or (6), such person may be given a point reduction as provided in this chapter if he is otherwise entitled to it.

(9) No reduction in points will be permitted when a person accumulates sufficient demerit points to require suspension or revocation under this chapter.

**History:** Cr. Register, September, 1972, No. 201, eff. 10-1-72.