

Chapter Trans 104

EXAMINATION PROCEDURES FOR OPERATOR'S LICENSE

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Note: Chapter MVD 14 as it existed on December 31, 1990 was repealed and a new chapter Trans 104 was created effective January 1, 1991.

Trans 104.01 Purpose and scope. (1) As authorized by ss. 85.16 (1) and 343.02, Stats., the purpose of this chapter is to establish the department of transportation's administrative interpretation of ss. 343.03, 343.06 (1) (e), 343.12, 343.135, 343.16, 343.20, 343.25 and 343.32, Stats., relating to the procedure for testing applicants for any classification or endorsement on an operator's license.

(2) This chapter applies to any person applying for or holding a Wisconsin operator's license.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 104.02 Definitions. (1) The words and phrases defined in ss. 340.01 and 343.01, Stats., have the same meaning in this chapter unless a different definition is specifically provided.

(2) In this chapter:

(a) "Double or triple trailers" means commercial motor vehicles towing more than one trailer with an aggregate weight of more than 10,000 pounds.

(b) "Driving evaluation" means a skills test conducted to determine if a person adequately compensates for his or her medical condition or functional impairments.

(c) "Examiner" means an employe of the department who tests applicants for the purpose of determining license eligibility.

(d) "License classifications" means any of the classifications specified in s. 343.17 (3) (c), Stats.

(e) "Medical condition" means any physical, mental or emotional condition affecting a person's health, for which a person is receiving medical treatment, or for which medical treatment is usually prescribed.

(f) "Pre-trip inspection" means a scored demonstration of the driver's knowledge of a vehicle's equipment and his or her ability to inspect the vehicle for roadworthiness.

(g) "Re-examination" means re-testing of applicants who are licensed, for the purpose of determining continued eligibility, and may include all

or parts of the examinations required of persons making their first application for an operator's license.

(h) "Safety inspection" means a check to determine whether the required vehicle equipment is operational.

(i) "Skills test" means a driving examination consisting of a standard number of driving skills or traffic situations, designed to examine a person's ability to safely operate a representative motor vehicle through demonstration of the person's ability to exercise ordinary and reasonable vehicle control, respond to traffic conditions and practice safe driving practices.

(j) "Third party examiner" means a person who is employed by a third party tester and who holds a valid identification certificate issued by the department to conduct the driving skills test required for a commercial driver license.

(k) "Third party tester" means a person, including an agency or department of this state or its political subdivisions or another state, or a private employer of commercial motor vehicle drivers, who has contracted with the department to administer an approved testing program for commercial driver license applicants under s. 343.16 (1) (b), Stats.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 104.03 Knowledge tests. (1) A knowledge test shall be administered to determine the applicant's knowledge of traffic laws and related matters including, but not limited to, knowledge of rules of the road, highway signs, vehicle equipment requirements, safe driving practices, fuel efficient operation of motor vehicles, use of alcohol or other drugs in connection with the operation of motor vehicles, the need for anatomical gifts and the need for vehicle control in the proximity of sight-impaired pedestrians.

(2) A highway sign test shall be administered to a person doing any of the following:

(a) Applying for an original license.

(b) Applying for an original or renewal school bus endorsement.

(c) Being re-examined to determine the ability to understand the meaning of common highway signs.

(3) A knowledge test under sub. (1) shall be administered to all persons making their first application for an operator's license.

(4) An applicant shall be required to successfully complete special knowledge tests as required for the license classification or endorsement for which the applicant applies. These knowledge tests shall be developed and administered in accordance with the knowledge tests specified under 49 CFR 383.110 to 383.135 as follows:

(a) The tests for a classification "A" license shall include a commercial driver license general knowledge test and a combination vehicle test. An applicant shall be restricted from operating air brake equipped vehicles unless the applicant completes and passes an air brake test.

(b) The tests for a classification "B" or "C" license shall include a commercial driver license general knowledge test. An applicant shall be

restricted from operating air brake equipped vehicles unless the applicant completes and passes an air brake test.

(c) Endorsement tests are required for persons operating any of the following vehicles:

1. Vehicles designed to carry 16 or more passengers including the driver.
2. School buses.
3. Vehicles transporting hazardous materials.
4. Tank vehicles.
5. Combination vehicles with double or triple trailers.

(5) A special knowledge test is required for a classification "M" license. If the applicant does not hold a classification "D" or higher classification license, the knowledge test under sub. (1) that is required to obtain a classification "D" or higher classification license shall also be required.

(6) Applicants for a special restricted operator's license shall meet the requirements under s. 343.135, Stats.

(7) Applicants for a classification "D" license with special restrictions under s. 343.08, Stats., shall be required to take the knowledge test under sub. (1) and the highway sign test under sub. (2). Applicants for a classification "M" license with special restrictions under s. 343.08, Stats., shall be required to take the knowledge test under sub. (1), the highway sign test under sub. (2) and the classification "M" knowledge test.

(8) In administering the knowledge tests, the department shall attempt to accommodate any special needs of the applicant. However, the department may not administer oral tests to a person applying for a school bus or hazardous materials endorsement.

(9) Each knowledge test shall be scored on the basis of percent of correct responses. A score of 80% or more correct is a passing grade.

(10) Unsuccessful applicants may not take a repeat knowledge test sooner than the next day following the failed test.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (4) (a) and (b), Register, October, 1991, No. 430, eff. 11-1-91.

Trans 104.04 Unauthorized assistance. An applicant who is observed or detected using unauthorized assistance during any part of a knowledge test under s. Trans 104.03 shall be disqualified immediately and may not be allowed to retake the knowledge test for 7 days. The department may in its discretion permit a repeat knowledge test within a lesser period of time.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 104.05 Skill test examiner qualifications. (1) All examiners conducting skills tests for any driver license classification shall possess a valid classification "D" or higher classification operator's license or an occupational license with a classification of "D" or higher.

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(2) Third party examiners conducting skills tests for the commercial driver license shall meet all qualifications under s. 343.16(1)(b)4, Stats.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 104.06 Vehicle safety and pre-trip inspection. (1) Prior to conducting any driving skills test, the examiner shall conduct a vehicle equipment safety inspection. The examiner may deny the skills test if the vehicle furnished by the applicant for the test is not in safe operating condition. The driving skills test shall be denied under any of the following conditions:

- (a) No proof of valid registration available.
- (b) No brake light on either side.
- (c) Directional signals with which a vehicle was manufactured missing or inoperable.
- (d) Defective or missing exhaust system.
- (e) Defective or obstructed windshield, side window or rear window.
- (f) Driver or passenger door inoperable.
- (g) Defective or missing required inside or outside mirror.
- (h) Defective or missing speedometer if vehicle was originally manufactured with speedometer.
- (i) Defective or missing horn.
- (j) Defective or missing brakes, except parking brake.
- (k) Defective or missing headlamps or tail lamps when required for visibility or driving conditions.
- (l) Excessively worn or defective tires.
- (m) Defective or missing windshield wipers or defroster when necessary due to weather conditions.
- (n) No permanently attached front seat for the examiner.
- (o) No safety belt for the examiner in commercial motor vehicles manufactured on or after January 1, 1972, or other vehicles required to be equipped with safety belts on or after January 1, 1972, or one of the following circumstances applies:
 - 1. Safety belt is extremely dirty or inoperable.
 - 2. The applicant refuses to wear the safety belt during the driving skills test.
- (p) Mopeds or motor bicycles do not meet the requirements specified in ss. 347.488 and 347.489, Stats.

(2) In addition to the conditions specified in sub. (1)(a) to (o), the driving skills test for a commercial motor vehicle shall be denied when one or more of the following conditions exists:

- (a) Defective or missing 4-way hazard warning lamps.
- (b) Defective or missing required access pegs or ladder for examiner.

(c) Missing or obstructed right or left outside mirror.

(3) In addition to the conditions under sub. (1) (a) to (1), the driving skills test for Type 1 motorcycles shall be denied when one or more of the following conditions exist:

(a) Applicant not wearing an approved protective helmet when required under s. 347.485 (1) (a), Stats.

(b) Applicant not wearing protective face shield, glasses or goggles, unless the windshield rises at least 15" above the handlebars.

(c) Handlebars defective, repaired or improvised, or rise more than 30" above the lowest part of the top of the seat when occupied.

(d) Missing or inoperable headlamp.

(e) No adequate seat for operator.

(f) Footpegs or footrest for operator missing.

(4) Any person who is required to take a skills test for a commercial driver license classification or endorsement shall also be required to perform a pre-trip inspection of a representative vehicle. The pre-trip inspection of a representative vehicle that is equipped with air brakes shall include a demonstration of the air brake inspection skills specified in 49 CFR 383.113 (c) (1). A pre-trip inspection is subject to the following conditions:

(a) The minimum passing score for the pre-trip inspection is 80%.

(b) Notwithstanding par. (a), an applicant performing a pre-trip inspection on a vehicle equipped with air brakes shall fail the pre-trip examination if he or she fails to check at least one part of the air brake system.

(c) An applicant who fails the pre-trip inspection shall be required to perform the entire inspection and may re-take the test no sooner than the next day following the failed inspection.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 104.07 Driving skills test. (1) Unless waived by the department, a driving skills test in a representative vehicle shall be administered to all persons applying for any license classification or passenger or school bus endorsement not previously held.

(2) Whenever a driving skills test is required, the following driving skills shall be evaluated for all applicants, regardless of the classification or endorsements for which the person is applying:

(a) Right and left turns.

(b) Operation at controlled and uncontrolled intersections.

(c) Hill stop and start.

(d) Driving through an urban business district.

(3) In addition to the driving skills in sub. (2), the following driving skills shall be evaluated for applicants seeking a commercial driver license:

(a) Railroad crossing, if the representative vehicle is required to stop at a railroad crossing.

(b) Operation on a curve.

(c) Expressway or rural driving.

(d) Downgrade driving.

(e) Upgrade driving.

(f) Backing skills.

(4) An air brake restriction shall be applied to a commercial driver license if the skills test is conducted in a commercial motor vehicle that is not equipped with air brakes.

(5) In addition to the skills listed in subs. (2) and (3), applicants seeking a school bus endorsement shall demonstrate sufficient use of both hands and the foot normally used to operate the brake and accelerator and a student discharge procedure.

(6) In addition to the driving skills listed in sub. (2), the following driving skills shall be evaluated for applicants seeking a classification "D" license:

(a) Backing skills.

(b) Turnabout.

(c) Parking skills.

(7) In addition to the driving skills listed in sub. (2), the following skills shall be evaluated for applicants seeking a classification "M" license or a classification "D" license restricted to moped or motor bicycle operation:

(a) U-turn.

(b) Quick stop.

(8) The skills test for a person with a disability which may impair the safe operation of a motor vehicle may include a quick stop.

(9) Whenever the department considers licensing for a restricted area, driving skills may be modified to include only those driving situations normally found in the restricted area.

(10) The skills test may be cancelled if the weather or road conditions or vehicle equipment defects are such that it may be hazardous or impossible to complete the test. The driving skills test shall be discontinued at any time the examiner determines that continuing would constitute a hazard to the applicant, the examiner or the public.

(11) Persons with an instruction permit may take a driving skills test no sooner than 7 days after obtaining the permit, except as specified in par. (b). Skills tests are subject to the following conditions:

(a) One skills test may be conducted if a person's classification "D" or classification "M" instruction permit is expired one year or less. If the person fails the skills test, he or she shall renew the instruction permit before attempting another skills test.

(b) There is no waiting period for a skills test if:

1. The person renews an instruction permit that expired one year or less prior to the time of renewing the instruction permit, unless a waiting period is required because the person failed a skills test.
2. The person is applying for a commercial drivers license, unless a waiting period is required because the person failed a skills test.

(c) A person may not take a skills test for a commercial driver license unless the person has one of the following:

1. A valid instruction permit that authorizes operation of commercial motor vehicles.
2. Prior to April 1, 1992, a valid chauffeur license.
3. Prior to April 1, 1992, a valid school bus license that authorizes operation of the vehicle being driven.

(d) A person who has not previously held a license or instruction permit from this or any other jurisdiction and who is seeking to reinstate his or her operating privilege shall first obtain an instruction permit and shall take the skills test no sooner than 7 days from the date of issuance of the instruction permit.

(12) No person other than personnel authorized by the department may accompany the applicant during the driving skills test.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (11) (b), Register, October, 1991, No. 430, eff. 11-1-91.

Trans 104.08 Driving evaluation. (1) A driving evaluation may be conducted to determine if a person adequately compensates for a medical condition or functional impairment, with or without license restrictions.

(2) (a) Driving evaluations may be conducted on either a pre-established route or in an area and at a time that can best demonstrate the person's ability to compensate for a medical condition or functional impairment.

(b) All driving skills specified in s. Trans 104.07 may be evaluated. The test shall be conducted in a representative vehicle.

(c) The examiner may deny or refuse to conduct the driving evaluation as provided in s. Trans 104.07 (10).

(3) A complete skills test shall be required when the person demonstrates the inability to exercise ordinary and reasonable control in the operation of the representative vehicle, and the inability is not related to the medical condition or functional impairment.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 104.09 Scoring driving skills tests or evaluations. (1) All driving skills are divided into components that include, among others, attention, speed control and knowledge of proper procedure and skill. Skills shall be scored as either satisfactory or unsatisfactory and shall be assigned a point value.

(2) A passing score for a driving skills test is 80% of the possible point total.

(3) The following are grounds for immediate failure, regardless of the total of points scored:

(a) Any accident which the applicant could have prevented, or contact with any fixed object or pedestrian.

(b) A dangerous act which causes another person to take a defensive action to avoid an accident.

(c) Commission of a moving traffic violation.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 104.10 Repeat driving skills tests and evaluations. (1) Except as provided under sub. (3), if an applicant fails the skills test under s. Trans 104.09, the person may not retake the test without first completing a practice period based on his or her score as follows:

(a) Seventy percent to 79%: one-week practice period.

(b) Less than 70%: 2-week practice period.

(2) The first day of the practice period under sub. (1) starts on the day of the unsuccessful test.

(3) If an applicant fails the skills test solely as a result of committing a moving traffic violation during the skills test, the practice period may be reduced to one day.

(4) Notwithstanding sub. (1), prior to April 1, 1992, a person applying for a commercial driver license who does not qualify for the driving examination waiver under s. 343.03 (8) (b), Stats., and fails the skills test may retake the test no sooner than the next day following the failed test.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 104.11 Testing persons previously licensed in another jurisdiction.

(1) A person who was previously licensed in another jurisdiction and who applies for an operator's license may be required to satisfactorily complete all appropriate tests for the vehicle classifications or endorsements being requested.

(2) Knowledge and skills tests for equivalent classes or endorsements may be waived if the person holds any of the following:

(a) A valid operator's license or an operator's license that is expired four years or less, issued by another jurisdiction.

(b) A valid commercial driver license with endorsements or such a license that is expired 4 years or less, issued by another jurisdiction.

(3) The person may be required to take a skills test or evaluation if the license specified in sub. (2) (a) or (b) does not have appropriate restrictions to accommodate the person's medical condition or functional impairment.

(4) The person seeking to retain an endorsement to transport hazardous materials shall be required to satisfactorily complete the hazardous materials endorsement test under s. Trans 104.03 (4) (c) 3.

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(5) A person seeking to upgrade license classifications or endorsements shall be required to satisfactorily complete the appropriate knowledge and skills tests.

(6) In addition to the medical standards established by the department under s. 343.12 (2) (g), Stats., any person seeking a school bus endorsement shall be required to satisfactorily complete the school bus knowledge and skills tests to qualify for the endorsement.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 104.12 Renewal testing. (1) Any person seeking to renew a school bus endorsement shall undergo a school bus knowledge test, vision and hearing screening, highway sign test and an abbreviated skills test in a school bus at each renewal.

(a) An abbreviated driving skills test includes at least the following:

1. Pre-trip inspection.
2. Simulated passenger pickup and discharge.
3. Railroad crossing stop.

(b) The components of the skills test shall be scored as satisfactory or unsatisfactory. If a driver commits a moving traffic violation or dangerous act in conjunction with any driving skill, the skills test shall be scored as unsatisfactory.

(c) If a person with a school bus endorsement fails the abbreviated renewal test, a complete driving skills test shall be required. This test may be taken no sooner than the next day following the failed test.

(d) Any person with a school bus endorsement whose license does not have an air brake restriction shall not be required to retake the air brake tests at renewal.

(2) Persons who are 70 years of age or older and hold a school bus endorsement shall demonstrate their continuing ability to meet the licensing requirements under sub. (1) at 2-year intervals and file a medical certification yearly.

(3) Any person with a hazardous materials endorsement shall take the hazardous materials knowledge test at each renewal of the license.

(4) Any person who holds a special restricted license issued under s. 343.135, Stats., shall successfully complete the required knowledge and driving skills tests at each renewal.

(5) A person whose operator's license has been expired more than 4 years and who has no proof of valid, licensed operation within the 4-year period preceding application shall be required to take all tests for any requested classification or endorsement as provided in ss. Trans 104.03, 104.06 and 104.07.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 104.13 Re-examination. (1) Whenever the department has good cause to believe that a licensed operator is not qualified to hold a license, the department may require the person to take a re-examination, including all or part of the tests specified in ss. Trans 104.03, 104.06 and 104.07.

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(2) If a skills test is required, the department shall determine the representative vehicle in which the person will be re-examined. Depending on the classification or endorsement a person holds, more than one skills test may be required.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 104.14 Cancellation. Except as provided in s. 343.265, Stats., the department shall cancel a person's license if the person has been requested by the department to submit to an examination and fails or refuses to do so.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 104.15 Department waivers of tests. (1) The department may waive the knowledge test requirements for a classification "D" license if the applicant satisfactorily completes the knowledge tests administered and certified in an approved driver education program as provided in s. 343.16(1)(a)3, Stats.

(2) The department may waive the driving skills tests for commercial driver license classifications or endorsements if the applicant shows proof of satisfactory completion of the appropriate skills tests conducted by an authorized third party tester, or prior to April 1, 1992, meets the requirements for waiver specified in s. 343.03(8)(b), Stats.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 104.16 Expiration of knowledge or skill tests results. The department shall honor test results for those commercial driver license tests conducted by the department or tests waived under s. Trans 104.15 (2) for one year from the date of the test or waiver. The results of commercial driver license tests conducted prior to April 1, 1991, shall be valid until April 1, 1992.

Note: Forms created or revised under this chapter include the following:

MV3001, Application for Operator's License.

MV3006, Wisconsin Driver License Renewal Application.

MV3137, Re-Examination Report.

MV3141, Driver Condition or Behavior Report.

MV3402, Cancellation Acknowledgement.

MV3432, Receipt.

MV3507, Voluntary Temporary Surrender.

MV3537, Commercial Driver Knowledge Tests, Form A.

MV3538, Commercial Driver Knowledge Tests, Form B.

MV3539, Knowledge Examinations Answer Sheet.

MV3541, Receipt for CDL Test Results.

MV3542, Commercial Driver Pre-Trip Inspection Report.

MV3543, Commercial Driver Skills Examination Report.

MV3544, Class D or Class M Driver Skills Examination Report.

Forms may be obtained from the Division of Motor Vehicles, Bureau of Driver Services, P.O. Box 7917, Madison, WI 53707-7917

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Register, October, 1991, No. 430