

## Chapter Trans 102

## OPERATOR'S LICENSES AND IDENTIFICATION CARDS

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**Trans 102.01 Purpose and scope.** (1) As authorized by ss. 85.16 (1), 110.06, 227.11, 343.05, 343.06, 343.14, 343.15, 343.17 and 343.20, Stats., the purpose of this chapter is to administratively interpret ss. 343.02, 343.03, 343.05, 343.06, 343.07, 343.08, 343.10, 343.11, 343.12, 343.135, 343.14, 343.16, 343.17, 343.18, 343.19, 343.20, 343.21, 343.22, 343.25, 343.265 and 343.50, Stats., relating to issuance of operator's licenses and identification cards.

(2) This chapter pertains to any person applying for a Wisconsin original, reissue, reinstatement, renewal, or duplicate operator's license or identification card.

**Note:** Forms used in administering this rule are MV3392 data card, MV3390 examination worksheet, MV3269A pocket envelope, MV3394 renewal information insert, MV3004 identification card application, MV3001 license application, MV3166 license form, MV3166A special restrictions card, MV3006 renewal license notice, and MV3007 identification card renewal notice, MV3415 religious conviction exemption request, MV3002 certification of name, date and place of birth, MV3125 additional information for operator license application, MV3452 foreign language document translation certification, MV3432 receipt and MV3501 temporary operator's license.

**History:** Cr Register, September, 1982, No. 321, eff. 10-1-82; am. Register, January, 1984, No. 337, eff. 2-1-84; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1987, No. 384; am. Register, December, 1990, No. 420, eff. 1-1-91; am. (1), Register, November, 1994, No. 467, eff. 12-1-94.

**Trans 102.02 Definitions.** 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. In this chapter:

(1) "Administrator" means the administrator of the division of motor vehicles of the department.

(2) "AKA record" means an entry on a driver file which shows that the person currently uses or previously used an alias or a fictitious name. A person with a former name entry, resulting from a lawful change of name, does not have an AKA record.

(3) "Backup system" is the system used by the department to produce an acceptable operator's license or identification card when the computerized processing system is inoperative.

(4) "Centrally issued," when used with a reference to an operator's license or identification card, means those finished licenses or identification cards that are mailed from the central office in Madison.

(4g) "Driver file" means a person's driving record as kept by the department containing the driver record and maintained in accordance with s. 343.23, Stats., or the substantially identical record maintained for each person holding an identification card. An "existing driver file" is a driver file that has not been purged.

(4p) "Duplicate" means a license or identification card issued for a fee to replace one which has been lost, damaged or destroyed, or to replace one which is no longer accurate because of a change of the licensed person's operating authority, name or address, or at the person's request to have a photograph retaken.

**Note:** See ss. Trans 102.09 (3) and 102.03 (2), and s. 343.265 (2), Stats.

(5) "Issuance period" means the period of time for which an operator's license or identification card is issued.

(5m) "Juvenile restricted license" means a license issued pursuant to s. 343.08, Stats.

(6) "Laminated photo license or photo identification card" means an operator's license or identification photo card that is sealed in a plastic lamination.

(6m) "License examiner" or "examiner" means an employe or agent of the department duly authorized by the administrator to process operator's license applications and other duties, regardless of the agent or employe's job title.

(6n) "Motor vehicle services center" means those locations within the state authorized by the department to provide driver licensing services, vehicle registration services, or both.

(7) "Original" when used to describe a license or identification card means the first Wisconsin license or identification card of that type issued to a person. The term also includes:

(a) A license or identification card issued to a person who previously held a license or identification card but who does not have an existing driver file; or

(b) A license or identification card issued to a person whose license or identification card has been canceled or revoked.

(8) "Reinstate" means the process of issuing a license to a person following a withdrawal of the person's operating privilege or license by cancellation, suspension, revocation, or disqualification. The term also includes the process of issuing an identification card to a person who previously had an identification card canceled or revoked.

(9) "Reissue" means the process of issuing a license or identification card because of:

(a) A change in license restrictions; or

(b) Department errors on the data card or defects in the license such as an unrecognizable photograph; or

(c) A change of address processed under s. 343.22 (2m), Stats.

**Note:** Refer to s. 343.21 (1) (h), Stats., regarding fees for changes in commercial driver license restrictions.

(10) "Special restrictions card" means a card prepared by the department and issued to a person when non-encoded or lengthy restrictions to a license are necessary.

**History:** Cr Register, September, 1982, No. 321, eff. 10-1-82; am. Register, January, 1984, No. 337, eff. 2-1-84; am. intro. and (3), r. (7) to (10), renum. (1) and (2) to be (2) and (10) and am., cr. (1), (4g), (4p), (5m), (6m), (6n), (7) to (9), Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 102.03 Photograph exemptions.** (1) Except as provided in this section, no license or identification card, including duplicates, shall be issued unless the person appears in person at a motor vehicle service center and is photographed.

**Note:** See s. 343.14 (3), Stats.

(2) A license without photograph may be issued when:

(a) A Wisconsin resident is out of state and is not able to return to Wisconsin for a renewal or duplicate license.

**Note:** See s. 343.14 (3), Stats.

(b) A Wisconsin resident has seriously held religious convictions that do not allow the resident to be photographed. To qualify for this exemption, the person shall complete, sign and date a statement, on a form provided by the department, certifying that the person objects to being photographed due to a seriously held religious conviction.

(c) A Wisconsin resident requests a photograph exemption on the grounds that a photograph would not accurately reflect the person's appearance because of the person's temporary disfigurement, and the department finds that an exemption should be granted. In cases where an exemption is granted, the person shall apply for a duplicate operator's license with photograph when the reason for the exemption no longer exists.

**Note:** The fee for a duplicate license may be found in s. 343.21 (1) (L), Stats.

(3) Within 30 days of return to Wisconsin, a person who has received a photograph exemption license under sub. (2) (a) shall obtain a license containing a photograph.

**Note:** See s. 343.21, Stats., for fees on duplicate licenses. Form MV3415 religious conviction exemption request is provided upon request at a department motor vehicle services center or from Wisconsin Department of Transportation, Bureau of Driver Services, License Issuance Unit, P.O. Box 7918, Madison, Wisconsin 53707.

(4) No photograph shall be required for temporary licenses or driving receipts.

**Note:** Authority for this provision may be found at s. 343.14 (3), Stats. See s. 343.07, Stats., regarding instruction permits, and ss. 343.17 (5), 343.10, 343.11, 343.16 (6) (b), 343.305, Stats., and s. Trans. 102.17 regarding temporary licenses or driving receipts.

(5) A photograph may be required for instruction permits.

(6) The department may issue a license to a person without requiring that person's appearance if the department is able to produce a photograph from its records.

**History:** Cr. Register, September, 1982, No. 321, eff. 10-1-82; am. (1) (b), Register, January, 1984, No. 337, eff. 2-1-84; renum. (1) and (2) to be (2) and (3) and am. cr. (1), (2) (c), (4) to (6), Register, December, 1990, No. 420, eff. 1-1-91.

#### **Trans 102.04 Design of operator's license and identification card.** Operator's licenses and identification cards:

(1) Shall consist of one part with 2 sides, except as otherwise prescribed is ss. 343.10 (7) (d) and 343.17 (4), Stats.

(2) Shall include the following descriptive legends:

(a) Duplicate licenses and identification cards shall be marked "duplicate" or an abbreviation thereof.

(b) Juvenile restricted licenses shall be marked "juvenile restricted" or an abbreviation thereof.

(3) Shall contain such further information as the department considers appropriate for security or identification purposes.

**History:** Cr. Register, September, 1982, No. 321, eff. 10-1-82; r. and recr. Register, December, 1990, No. 420, eff. 1-1-91.

#### **Trans 102.07 National driver registry and commercial driver license registration system.** Information system record inquiries for issuance of commercial driver licenses required by s. 343.03 (5), Stats., shall be made as follows:

(1) The department shall make inquiries of the commercial driver license information system and the national driver registry to determine licensing eligibility before issuing a license.

(2) When the information systems described in sub. (1) are inoperative, the person's class D or M license may be processed based on the information certified by the person on the license application and any Wisconsin driver record available.

(3) Subsequent to the issuance of a license under sub. (2), when the information system is again operative, the driver record inquiry will be made. If the inquiry shows that the person's record is unacceptable, the department may cancel, revoke or suspend the license issued under sub. (2).

**History:** Cr. Register, September, 1982, No. 321, eff. 10-1-82; r. and recr. Register, December, 1990, No. 420, eff. 1-1-91; am. (2), Register, November, 1994, No. 467, eff. 12-1-94.

#### **Trans 102.09 Photograph specifications.** (1) As determined by the department, a license or identification card photograph shall be retaken without fee when:

(a) The photograph of the person is indistinguishable, unclear, incomplete, or becomes lost or damaged in the film and card processing procedure; or

(b) The data recorded by the department on the data card is in error.

(2) Persons who fall into the retake specifications described under sub. (1) shall be required to have the license photograph retaken by the department before an operator's license or identification card will be issued.

(3) Any person not satisfied with the photograph after receipt of a license or identification card may request to have the photograph retaken. If the photograph does not meet the requirements of sub. (1), the person shall apply for a duplicate license or identification card, surrender the existing license or identification card and pay the fee required in s. 343.21 (1) (L), Stats.

(4) When an application for an operator's license or an identification card is made, the date the photograph is taken shall be at the discretion of the department.

(5) Persons shall be notified by the department when a photograph needs to be retaken or when a subsequent change of license restrictions or endorsements requires license reissuance or a duplicate license. Failure to comply within 30 days of notification shall result in the cancellation of the operator's license.

(6) Persons requiring a duplicate operator's license or identification card shall return to the department for duplicate application and new photograph, unless the person's appearance at the department is not required under s. Trans. 102.03 (2) (a) or (6).

**History:** Cr. Register, September, 1982, No. 321, eff. 10-1-82; (4) to (6) renum. from Trans 102.13 (1) to (3) and am., am. (1) to (3), Register, December, 1990, No. 420, eff. 1-1-91; correction made in (3) under s. 13.93 (2m) (b) 7., Stats., Register, December, 1990, No. 420.

#### **Trans 102.10 Special photo requirements.** To provide for a full facial image, the following shall be required:

(1) Except as provided in sub. (2), hats, caps, or other head coverings may not be worn by the applicant when the photograph is taken.

(2) If a turban or similar head covering is worn by the applicant due to religious belief, the covering shall be pushed from the forehead until a full facial image is shown.

(3) A photograph shall be taken with or without glasses, at the applicant's preference. Sunglasses shall be removed. Light sensitive glasses that do not adjust sufficiently to clearly show the eyes shall also be removed.

(4) Hair shall be brushed away from the eye area for the photograph.

(5) Any clothing or device obscuring all or part of a person's face shall be removed when being photographed to show a full facial image, except that any appliances or prosthesis normally used by a person with a permanent facial or dental disfigurement need not be removed.

**History:** Cr. Register, September, 1982, No. 321, eff. 10-1-82; cr. (5), Register, December, 1990, No. 420, eff. 1-1-91.

#### **Trans 102.11 Prorated fees.** To maintain the existing license renewal cycle when upgrading a valid license, the department shall prorate the statutory fees under s. 343.21 (1) (a), (b) and (d), Stats., required to be paid to the department to upgrade a license.

(1) Upgraded license. If a license is upgraded by adding class A, B, C, D or M privileges to an existing operator's license, the following apply to determine the applicable fee under s. 343.21 (1) (a), (b) or (d), Stats.:

(a) When 365 days or more remain on the existing license, the license holder shall pay the prorated fee for the upgraded license determined by the department as follows:

1. Multiply the number of days remaining on the existing license from the date of application by the statutory fee and divide by 1460. The number of days include the day of expiration, but not the day of application.

2. Round the resulting quotient to the nearest whole dollar amount. The license upgraded for this fee shall expire on the expiration date of the existing license.

(b) When more than 90 but less than 365 days remain on the existing license, the license holder may do either of the following:

1. Pay the prorated fee as determined under sub. (1) (a). The license upgraded for this fee shall expire on the expiration date of the existing license.

2. Pay the prorated fee as determined under sub. (1) (a) and the statutory fee. The license upgraded for this fee shall expire 4 years from the expiration date of the existing license.

(c) When 90 days or less remain on the existing license, the license holder shall pay the prorated fee as determined under sub. (1) (a) and the statutory fee. The license upgraded for this fee shall expire 4 years from the expiration date of the existing license.

**(2) MANUAL CALCULATION.** Notwithstanding sub. (1) (a), if the automated processing system is not available, the prorated fee shall be determined by the department by multiplying the number of months remaining on the existing license from the date of application by the statutory fee and dividing by 48. The number of months include the month of expiration, but not the month of application. The resulting quotient is rounded to the nearest whole dollar amount.

**Note:** See s. 343.20 (1) (a), Stats., regarding the department's authority to prorate fees.

**History:** Cr. Register, September, 1982, No. 321, eff. 10-1-82; r. and recr. Register, December, 1990, No. 420, eff. 1-1-91; cr. (intro.), r. and recr. (1) and (2), r. (3), Register, September, 1992, No. 441, eff. 10-1-92.

**Trans 102.14 Issuance. (1)** The department shall issue operator's licenses and identification cards directly to eligible Wisconsin residents at motor vehicle services centers upon completion of application processing and payment of required fees, unless:

(a) The license has non-encoded or lengthy special restrictions, and a special restrictions card is required for the license, in which case the license may be issued directly to the person with a driving receipt that includes the special restrictions. The driving receipt with the special restrictions when carried with the license may be used for the operation of a motor vehicle until the earlier of 60 days from the date of the application or the date the special restrictions card is issued to the person.

(b) The computer system is down and a backup system in the central office must be used to produce the photo operator's license or photo identification card.

(c) Further verification of eligibility is necessary to comply with licensing qualifications in ch. 343, Stats.

(d) There are administrative reasons for not issuing the operator's license or identification card immediately, for purposes including, but not limited to, conducting a study or establishing a control group.

**(2)** A Wisconsin resident may be issued an operator's license or an identification card if the person surrenders all operator licenses and identification cards issued to the person by other jurisdictions, and the person is otherwise eligible to be issued an operator's license or identification card under Wisconsin law.

**(3)** A person may not be required to have resided in Wisconsin for any minimum amount of time in order to be eligible for a Wisconsin operator's license.

**(4)** Persons who establish Wisconsin residency and who are not exempt from Wisconsin licensing requirements under s. 343.05 (4), Stats., shall apply for a Wisconsin operator's license within 30 days of establishing Wisconsin residency.

**Note:** See s. 343.01 (2) (g), Stats., regarding establishing residency for driver license purposes.

**(5)** No license will be issued to a person under the age of 18 unless the person provides satisfactory proof that the person has successfully completed a driver education or training course which meets the requirements of s. 343.06 (1) (c), Stats., an approved driver education course of another jurisdiction, or the per-

son is exempt from those requirements under s. 343.08 or 343.135, Stats.

**History:** Emerg. cr. eff. 3-14-83; cr. Register, January, 1984, No. 337, eff. 2-1-84; renum. (intro.) to (4) to be (1) (intro.) to (d) and am. (1) (intro.) and (a), cr. (2) to (5), Register, December, 1990, No. 420, eff. 1-1-91; reprinted to restore dropped copy in (4), Register, September, 1991, No. 429.

**Trans 102.15 Proof of identification. (1)** "UNAVAILABLE" DEFINED. In this section, "unavailable" does not include documents which persons have forgotten to bring with them when applying for a license or identification card, or a lost or destroyed document if a replacement original or a certified copy of the document is available to those persons upon proper request.

**(2) REQUIREMENTS.** (a) Satisfactory proof of date and place of birth, as specified under sub. (3) and satisfactory proof of identity as specified under sub. (4) shall be submitted by a person applying for an original Wisconsin operator's license or identification card.

(b) Satisfactory proof of identity as specified under sub. (4) shall be submitted by a person applying for a renewal, reissue, reinstatement or duplicate of a Wisconsin operator's license or identification card.

(c) A person shall provide proof of the person's name, date and place of birth under sub. (3) and of the person's identity under sub. (4) upon the first application for an original, renewal, reinstatement or duplicate operator's license or identification card following:

1. Any action which results in the department creating an AKA record in the person's driver file;

2. Cancellation of the person's license or identification card for altering a license or identification card, or cancellation for making a fraudulent or falsified application for a license or identification card, or cancellation for violation of s. 343.25 (1), (4), (5) or (6), Stats.;

3. Suspension of the person's license under s. 343.34 (2), Stats.;

4. Revocation or suspension of the person's operating privilege under s. 343.31 (1) (e), Stats.;

5. Revocation of the person's operating privilege under s. 343.32 (1) (b), Stats.;

6. Revocation or suspension of an instructor's license pursuant to s. 343.67 (4), Stats.; or

7. Conviction for violation of ss. 343.14 (5), 343.16 (4) or (5), 343.19 (2), 343.43 (1), 343.50 (4) or (12) or 345.17, Stats.

**(3) PROOF OF NAME AND DATE AND PLACE OF BIRTH.** (a) One of the following is satisfactory proof of a person's name, date and place of birth:

1. For a person born in Wisconsin, a copy of the person's Wisconsin birth certificate issued and certified in accordance with s. 69.21, Stats.;

2. For a person born outside Wisconsin, a certified copy of his or her birth certificate or the equivalent document from the state, territory or foreign country of birth;

**Note:** Neither a hospital birth certificate nor baptismal certificate satisfies this requirement. Effective November 1, 1986 s. 69.24 (1) (a), Stats., prohibits Wisconsin hospitals from issuing a document which appears to be a birth certificate.

3. A US passport;

4. A passport issued by a foreign country that bears an identifiable photograph of the person and identifies the person's first and last names, and the person's day, month and year of birth;

5. A Wisconsin operator's license bearing a photograph of the person;

6. A Wisconsin identification card issued under s. 343.50, Stats., bearing a photograph of the person;

7. A federal I-151 or I-551 "alien registration receipt card";

8. A federal I-94 "parole edition" or "refugees version" arrival-departure record, together with a certification, on the depart-

ment's form, by the person, of the person's name, date and place of birth;

9. A U.S. certificate of naturalization;
10. A certificate of U.S. citizenship;
11. A federal I-688 "temporary resident card" or I-688A "employment authorization card";
12. A notification of birth registration issued by the Wisconsin division of health or a Wisconsin county or city health department;
13. A federal I-181 "memorandum of creation of lawful permanent residence."

(b) If a person is unable to provide documentation under par. (a), and the documents are unavailable to the person, the person may make a written petition to the administrator of the division of motor vehicles for an exception to the requirements of par. (a). The application shall include supporting documentation required by sub. (4) and:

1. A certification of the person's name, date, and place of birth on the department's form;
2. An explanation of the circumstances by which the person is unable to provide any of the documents described in par. (a); and
3. Whatever documentation is available which states the person's name, date of birth and place of birth.

(c) The administrator may delegate to the administrator's subordinates the authority to accept or reject such extraordinary proof of name, date and place of birth.

Note: Form MV3002 certification of name, date and place of birth.

(4) **PROOF OF IDENTITY** (a) One supporting document identifying the person by name and bearing the person's signature or an identifiable photograph of the person is sufficient proof of the identity of the person. Acceptable supporting documents include:

1. A driver education certificate;
2. A chauffeur, school bus or operator's license, including an out-of-state license;
3. Military discharge papers (including certified copy of federal form DD-214);
4. A U.S. government, military and dependent identification card;
5. A state-issued identification card;
6. An employe identification card;
7. A student identification card;
8. A U.S. merchants service identification;
9. A copy of the person's federal or state income tax return;
10. A professional license;
11. A marriage certificate or certified copy of judgment of divorce;
12. An international driver's license;
13. A social security card;
14. A credit card;
15. A private investigator's license;
16. A life insurance policy;
17. A canceled check;
18. A welfare card;
19. A medicaid card.

(b) As an alternative to par. (a) the department may accept the following as satisfactory proof of identity for purposes of this subsection:

1. The person is personally known to the license examiner;
2. The person has submitted proof of name, date and place of birth in accordance with sub. (3) (a) in the form of a document bearing a photograph of the person sufficient to identify the person's present appearance to the satisfaction of the department;

3. The person is applying for reinstatement and presents the department order of revocation, cancellation or suspension from which the person seeks reinstatement;

4. The person is applying by mail to reinstate a suspended license which is in the actual possession of the department, the person's name, as shown on the license, is unchanged, the person is still a Wisconsin resident, and the suspended license itself is not expired, altered, mutilated or otherwise in a condition unsatisfactory for proper use;

5. The person is applying for a renewal operator's license or identification card and presents the renewal notice issued by the department as his or her application;

6. The person is applying for an operator's license or identification card, is identified in person by the person's spouse, and the spouse presents a valid Wisconsin operator's license or identification card issued by the department; or

7. The person is applying for an operator's license or identification card, is identified, in person, by a parent, child, or guardian having legal custody, and the parent, child or guardian shows a valid Wisconsin operator's license or identification card issued by the department.

Note: These alternatives are not satisfactory proof of name and date and place of birth under sub. (3).

(5) **PROOF OF SOCIAL SECURITY NUMBER** (a) Each person who applies for an operator's license or identification card is required to provide his or her social security number, except as provided in pars. (b) and (c). The department may verify the number with the federal social security administration prior to acceptance for issuance of an operator's license or identification card. The original social security card or other documentation satisfactory to the department to prove the person's social security number shall be presented to the examiner for verification of the number, when any of the following apply:

1. A duplicate social security number is found on the department's driver files and assigned to another person;
2. The social security number provided on the person's current application does not match the number provided by the person on a previous application that is recorded on the person's driver file;
3. The social security number being submitted does not match the format of social security numbers issued by the federal social security administration.

(b) The department shall issue a special number, in lieu of the social security number, to identify the person when the person's seriously held religious convictions do not allow them to provide a social security number to the department. When the person objects to providing a social security number due to a religious conviction, the person shall complete, sign, and date a statement certifying the objection on a form provided by the department.

Note: See s. 343.14 (2) (b), Stats. Form MV3415 Religious conviction exemption request.

(c) The department may issue a special number, in lieu of the social security number, to identify the person when the person has not been issued a social security number or the social security number is not available, and the person is being issued an original instruction permit and the person does not have an existing driver file in Wisconsin. The person is required to provide his or her social security number on any subsequent application following the original issuance of the instruction permit.

(6) **TEMPORARY DRIVER RECEIPT** The department may issue a temporary driver receipt to a person who is temporarily unable to meet the identification requirements of sub. (3). The temporary driver receipt shall state the date of issue, shall be clearly marked "NOT VALID FOR IDENTIFICATION," and shall be validated for the operation of a vehicle for a stated period of up to 60 days from the date issued. The person may complete his or her license application within this period by presenting proof of the person's name, date and place of birth in accordance with sub. (3) (a). For

good cause shown, the department may renew the driving receipt once for an additional period of no more than 30 days. This subsection does not prohibit a person from proceeding under sub. (3) (b). This subsection applies only to persons who meet all of the following:

(a) Were previously licensed in another jurisdiction who surrender to the department the driver's license issued by the other jurisdiction.

(b) Are unable to immediately provide proof of name, date and place of birth in accordance with sub. (3) (a), but state that they will be able to do so.

(c) Submit an otherwise complete and acceptable application, including the proof of identity required by sub. (4) and social security number required by sub. (5).

Note: Form MV3432, Receipt.

(7) **GENERAL DOCUMENT CONDITIONS.** All documents offered by persons applying for licenses in accordance with this section shall be original documents, unless otherwise expressly allowed. Certified copies of government documents shall bear an original certification and the seal of the appropriate agency, or otherwise exhibit evidence to the satisfaction of the department that the document is an authentic, accurate and unaltered copy of the original government document. Mutilated, altered or uncertified photocopies of documents are not acceptable.

(8) **FOREIGN LANGUAGE DOCUMENTS.** Documents offered to meet the requirements of sub. (3) or (4) which are in a foreign language shall be accompanied by a photocopy of the foreign language document, to be retained by the department, and by a written English language translation, on the form provided by the department, that is certified as accurate by the translator. The person applying for a license may not certify the translation. The administrator may waive the written translation if the translation is made by an authorized and qualified employee of the department.

Note: Form MV3452 Foreign language document translation certification.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84; emerg. am. eff. 6-24-86; r. and recr. Register, December, 1990, No. 420, eff. 1-1-91; am. (6) (intro.), Register, January, 1993, No. 445, eff. 2-1-93.

**Trans 102.16 Operator's license and license endorsement issuance periods.** (1) Reinstated licenses, probationary licenses, and original licenses other than instruction permits and license endorsements shall expire 2 years from the licensed person's next birthday.

Note: See s. 343.20 (1) (a), Stats.

(2) The eyesight test shall be given to each person who applies for renewal of a 2 or 4 year license at the time application is made.

Note: See s. 343.16 (3) (a), Stats.

(3) A 4 year operator's license and its endorsements:

(a) Shall expire 4 years from the licensed person's next birthday when the application is made prior to the expiration date of the license;

(b) Shall expire 3 years from the licensed person's next birthday when the application is made after the expiration date of the license.

(4) No person may renew:

(a) An operator's license more than one year prior to the expiration date of the license.

(b) A probationary license or special restricted license more than 90 days prior to the expiration date of the license.

(5) Original operator's licenses issued under s. 343.20 (1) (e), Stats., shall be expired 3 years after the licensed person's next birthday.

(6) Special restricted license renewals shall be issued to expire as follows:

(a) Two years from the person's next birthday when the renewal application is made prior to expiration date of the license;

(b) One year from the person's next birthday when the renewal application is made after the expiration date of the license;

(7) All endorsements on an operator's license shall expire on the same date the operator's license expires or is withdrawn.

(8) The expiration date of a valid license document shall remain the same when subsequent upgrades to classifications or endorsements are applied to the license.

Note: Expiration of restricted licenses is provided for in s. 343.08 (2) (a), Stats.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84; r. and recr. Register, December, 1990, No. 420, eff. 1-1-91; am. (3) (b), Register, September, 1992, No. 441, eff. 10-1-92.

**Trans 102.17 Temporary operator's license or driver receipt.** (1) **TEMPORARY OPERATOR'S LICENSE.** The department may issue a class D or M temporary operator's license and attach it to a person's previous Wisconsin license when the person presents the previous license and the department is unable to immediately issue a renewal operator's license to the person for one of the following reasons:

(a) The department, pursuant to s. 343.16 (6), Stats., requires testing or an examination prior to renewal including, but not limited to, medical, eye, or mental examinations or evaluations of drug or alcohol dependency and the testing cannot be completed prior to the expiration of the existing license; or

(b) The department's license production system temporarily prevents production of an operator's license.

(2) **TEMPORARY DRIVER RECEIPT.** The department may issue a class D or M temporary driver receipt and validate it for driving:

(a) When a person is eligible for a temporary driver receipt under s. Trans 102.15 (6); or

(b) When a person applying for renewal of a license is unable to present the person's previous Wisconsin license and the department is not able to immediately issue an operator's license for any of the reasons stated in sub. (2) (a) or (b).

(3) **DURATION.** A temporary operator's license or driver receipt may be valid for not longer than 60 days from the date issued, unless otherwise canceled, revoked or suspended. The date issued shall be shown on the face of a temporary license or driver receipt.

Note: Form MV3501, temporary operator's license, form MV3432, receipt, form MV3392 data card instruction permit/receipt.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1) (intro.) and (2) (intro.), Register, November, 1994, No. 467, eff. 12-1-94.

**Trans 102.18 Identification card and issuance period.** (1) Original and reinstatement identification cards expire 4 years from the identified person's next birthday.

(2) Renewal identification cards expire:

(a) Four years from the identified person's next birthday when the renewal application is made prior to the expiration date of the latest identification card on file for that person;

(b) Three years from the identified person's next birthday when the renewal application is made after the expiration date of the latest identification card on file for that person.

(3) No person may renew an identification card more than one year prior to the expiration date of the identification card.

Note: See s. 343.50 (5) and (6), Stats.

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

**Trans 102.19 Moped and motor bicycle instruction permits.** (1) In order to be issued a moped and motor bicycle instruction permit, a person must pass a knowledge test established by the department.

Note: See s. 343.07 (1), Stats.

(2) A person holding a moped or motor bicycle instruction permit, or regular instruction permit endorsed for moped and motor bicycle operation may operate a moped or motor bicycle only during daylight hours and may not carry passengers.

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

**Trans 102.20 Farm service CDLs.** (1) Purpose. The purpose of this section is to administratively interpret s. 343.055 (1) (f), Stats., consistent with those federal department of transportation regulations at 57 Fed. Reg. 13650 (April 17, 1992).

**Note:** Federal CDL regulations make no provision for limited license privileges or license waivers for drivers described in those classes described in s. 343.055 (1) (e) and (g), Stats. Pursuant to s. 343.055 (4), Stats., drivers in those categories are required to hold CDLs. Drivers licensed under this section are subject to all laws and regulations pertaining to commercial motor vehicle drivers and CDL holders.

**(2) DEFINITIONS.** In this section:

(a) "Agri-chemical business" means a business that sells and delivers fertilizer, pesticides or other chemical compounds to farmers.

(b) "CDL" means a commercial driver license.

(c) "Convicted" or "conviction" has the meaning set forth in s. 340.01 (9r), Stats., and includes convictions under state law, convictions under local ordinances in conformity with state law, convictions under a law of federally recognized American Indian tribe or band in this state in conformity with state law, or convictions under the law of another jurisdiction which prohibits conduct similar to that prohibited under state law even if that jurisdiction's law is not in conformity with state law.

(d) "Custom harvester" means a business which is engaged solely in the provision of hire harvesting services to farmers or engaged in canning, freezing or processing the crops being harvested.

**Note:** The licenses of temporary seasonal employes of custom harvester employes are limited to permit only transportation related to the harvesting of crops. See s. Trans 102.20 (8) (fm). A driver in this category may, for example, haul harvesting equipment to and from the fields where the harvest is conducted, and may haul harvested crops from the fields where harvested to a storage facility or food processing plant. Subsequent transportation of the harvested crops, however, such as to haul harvested crops from storage facilities to processing plants or to haul processed crops to market, are not permitted under a Farm Service CDL.

(e) "Farm retail outlet" means a business engaged in the retail sale and delivery of farm supplies to farmers.

(f) "Farm service CDL" means a restricted commercial driver license issued pursuant to this section.

(g) "Farm service industry" means a farm retail outlet, a custom harvester, a livestock feeder or an agri-chemical business.

(h) "Farmer" has the meaning set forth in s. 340.01 (18) (b), Stats.

(i) "Livestock feeder" means a business that is licensed as an approved veal lot under s. ATCP 11.13 or an approved feed lot under s. ATCP 11.14.

(j) "Seasonal employment" means a period of employment that does not exceed 180 days per year.

(k) "Seasonal period" means a continuous time period for which a farm service CDL permits limited operation of commercial motor vehicles.

**(3) ELIGIBILITY.** The department may issue a farm service CDL to any person who meets all of the following requirements:

(a) Is employed in seasonal employment with a farm service industry.

(b) Has held a class D operator's license, other than an instruction permit for at least the one-year period preceding the date of application.

(c) Meets the driver record requirements of sub. (4).

(d) Has passed the test required under sub. (7).

(e) Does not hold a CDL.

(f) Meets the medical standards requirements of s. 343.065, Stats., and ch. Trans 112.

(g) Is at least 18 years of age.

**(4) DRIVER RECORD REQUIREMENTS.** The department may not issue or renew a farm service CDL to any person who at any time during the 2-year period preceding the date of application:

(a) Held more than one operator's license at one time, except that for purposes of this subdivision, a school bus or chauffeur's license issued under s. 343.12 or 343.125, 1987 Stats., shall be counted with a regular license as a single license.

(b) Had any driver license or operating privilege, in Wisconsin or any other jurisdiction, revoked, suspended or canceled as a result of a moving violation. Failure to pay a forfeiture resulting

from a non-traffic offense is not a moving violation for purposes of this paragraph.

(c) Was convicted of any one violation listed as a disqualifying offense or serious traffic violation under s. 343.315 (2) (a), (e), (f) or (g), Stats., regardless of whether the person was operating a commercial motor vehicle at the time of the offense.

(d) Was convicted of a violation of a law relating to motor vehicle traffic control arising in connection with any traffic accident, except a parking or safety belt violation.

(e) Was at fault in any motor vehicle accident.

(f) Was convicted of a violation of a law arising out of the person's operating a vehicle type not authorized under a farm service CDL, violating a restriction of a farm service CDL, transporting hazardous materials not permitted under a farm service CDL, or operating a commercial motor vehicle outside the seasonal period provided for on a farm service CDL.

**(5) DISQUALIFICATION.** The department shall revoke, suspend, cancel or disqualify the farm service CDL privilege of any person who is disqualified under s. 343.315, Stats.

**(6) APPLICATION.** (a) An application for a farm service CDL shall be made on forms provided by the department and shall include all requested information.

(b) An original or renewal application for farm service CDL shall include all of the following:

1. A standard driver license application form.

2. A certification of the driver's eligibility for the license.

3. The required fee.

4. Specification of the seasonal period for which the applicant seeks farm service CDL operating privileges.

**Note:** Driver License Application and renewal forms (MV3001 and MV3005) and Driver Certification forms (MV3586) may be obtained at any Division of Motor Vehicle Services Center or from the Wisconsin Department of Transportation, Bureau of Driver Services, License Issuance Unit, P.O. Box 7918, Madison, WI 53707-7918.

**(7) TESTING.** (a) The department may not issue a farm service CDL to any person who has not passed the required knowledge test.

**Note:** See ss. 343.16 (1) (a) and 343.16 (2) (intro.), Stats.

(b) The department shall waive CDL skills tests for applicants seeking farm service CDLs except under circumstances where the department would require one or more examinations under s. 343.16 (5) or (6), Stats.

**(8) RESTRICTIONS.** All farm service CDLs shall be subject to the following restrictions:

(a) The license may not permit operation of class A motor vehicles as defined in s. 343.04 (1) (a), Stats.

(b) The license may not permit transporting hazardous materials except liquid fertilizer in vehicles or implements of husbandry with total capacities of 3000 gallons or less, solid fertilizers that are not transported with any organic substance, or 1000 gallons or less of diesel fuel, but no combination of these materials.

(c) The license may not permit operation of a school bus or of a passenger carrying vehicle, as defined in s. 343.04 (2) (d), Stats.

(d) The license shall permit operation only of commercial motor vehicles owned, leased or rented by the driver's farm service industry employer.

(e) The license may not permit operation of commercial motor vehicles outside the period of seasonal employment.

(f) The license may not permit the operation of commercial motor vehicles beyond 150 miles of the driver's place of employment or, in the case of custom harvester employes, 150 miles of the farm being served by the custom harvester business.

(fm) The license may not permit operation by a custom harvester unless related to the harvesting of crops.

(g) The license may not permit operation in interstate commerce unless the driver meets the requirements of s. 343.06 (3), Stats.

(h) The license may not grant farm service CDL privileges for more than 180 days in any calendar year.

(9) NO OCCUPATIONAL LICENSE. The department may not issue an occupational license granting farm service CDL privileges.

(10) SEASONAL PERIOD APPLICATION AND DRIVER RECORD VERIFICATION. (a) Except when a license is due for renewal, at least once each calendar year in which an applicant seeks farm service CDL privileges, the person shall apply to the department for a farm service CDL restriction card designating the person's next seasonal period.

Note: Form MV3587, Application for New Farm service CDL Seasonal Period may be obtained at any Division of Motor Vehicle Services Center or from the Wisconsin Department of Transportation, Bureau of Driver Services, License Issuance Unit, P.O. Box 7918, Madison, WI 53707-7918.

(b) The department shall confirm the driver's continued eligibility for the farm service CDL before each seasonal period and, if the driver is eligible for the license under sub. (3), shall issue a restriction card to the driver.

(c) No person may have more than 2 seasonal periods in a calendar year.

Note: See sub. (13)(c) regarding the fee for changing a seasonal period.

(11) LICENSE FORM. A farm service CDL shall be subject to the restrictions set forth on a restriction card.

(12) EXPIRATION. Farm service CDL privileges shall expire on the same date as the holder's operator's license.

Note: See s. Trans 102.16.

(13) FEES. (a) The fee for the farm service CDL shall be \$32.00 or the prorated amount due under s. Trans 102.10.

(b) There shall be no fee for annually issuing a seasonal period restriction card.

(c) The fee for changing the seasonal period after a person has specified a seasonal period in a given calendar year shall be the fee for obtaining a duplicate license under s. 343.21 (1) (L), Stats.

Note: Section 343.21 (1) (d), Stats. prescribes the fee for CDLs. Section 343.21 (1) (L), Stats., currently provides that the fee for a duplicate license shall be \$4.

History: Cr Register, January, 1993, No. 445, eff. 2-1-93; am. (2) (d), (j), (8) (b), (h) and (10) (a), cr. (8) (fm), Register, December, 1993, No. 456, eff. 1-1-94; correction in (2) (i) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1993, No. 456.

#### Trans 102.21 Sponsorship of persons under 18 years of age. (1) DEFINITIONS. In this section:

(a) "Adult" means a person who is 18 years of age or older.

(b) "Foster parent" means a person licensed to operate a foster home or treatment foster home under s. 48.62, Stats.

(c) "Guardian" means the person named by the court having the duty and authority of guardianship.

(d) "Minor" means a person less than 18 years of age.

(e) "Parent" means either a biological parent, a husband who has consented to the artificial insemination of his wife under s. 891.40, Stats., or a parent by adoption. If the child is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.60, Stats., "parent" includes a person adjudged in a judicial proceeding to be the biological father. "Parent" does not include any person whose parental rights have been terminated.

(f) "Stepparent" means a person who is married to the minor's biological or adoptive parent and is not a biological or adoptive parent of the minor.

Note: The definitions used in pars. (c) and (e) are intended to parallel those in s. 48.02, Stats.

(2) ADULT SPONSORS. The following adults may sponsor a minor's application for Wisconsin operator's license:

(a) The minor's parent, stepparent or guardian.

(b) The minor's spouse.

(c) The minor's grandparent, brother, sister, aunt, uncle or foster parent if the minor does not reside with any of the persons identified in par. (a).

(d) The person with whom a foreign exchange student resides if the foreign exchange student is from outside the United States and is not residing with any of the persons identified in par. (a).

(3) POWERS OF ATTORNEY. An adult holding a valid power of attorney may execute the sponsorship form for a minor on behalf of a sponsor.

Note: The department has a form Durable Power of Attorney, Driver License Sponsorship for Minor that is designed to be used for this purpose, form MV 3627. The form can be obtained from the Division of Motor Vehicles, Bureau of Driver Services, P.O. Box 7920, Madison, WI 53707-7920, telephone (608) 266-2237 or at any motor vehicle services station.

(4) PROOF OF IDENTITY. A sponsor or attorney-in-fact of a sponsor shall provide proof of identity satisfying the requirements of s. Trans 102.15 (4) when a department representative acts as the witness to a sponsor's or attorney-in-fact's signature.

History: Cr Register, November, 1994, No. 467, eff. 12-1-94.

#### Trans 102.22 Backup snowplow drivers for local units of government. (1) PURPOSE. The purpose of this section is to administratively implement the federal waiver for snowplow drivers permitted under federal commercial driver licensing laws.

Note: The current federal waiver appears at 61 Fed. Reg. 14677, April 3, 1996.

(2) DEFINITIONS. In this section, "local unit of government" means a county, city, village, town, school district, county utility district, sanitary district, metropolitan sewage district, or other public body created by or pursuant to state law.

(3) SNOWPLOW WAIVER. A person operating a commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, salting or sanding is not required to hold a commercial driver license if the person meets all of the following requirements:

(a) The person is an employe of a local unit of government with a population of 3000 or less.

(b) The person holds a valid license authorizing the operation of class "D" vehicles.

(c) The person is operating within the boundaries of the local unit of government.

(d) One of the following:

1. The person is replacing the employe who ordinarily operates the vehicle because that employe is unable to operate the vehicle.

2. Additional assistance is required in plowing snow because the local unit of government has determined that a snow emergency exists.

History: Cr Register, October, 1996, No. 490, eff. 11-1-96.