

Chapter Trans 129

MOTORCYCLE LICENSING AND COURSES

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Note: Chapter Trans 129 is repealed and a new ch. Trans 129 is created, Register, January, 1998, No. 505, effective February 1, 1998.

Trans 129.01 Purpose and scope. The purpose of this chapter, as authorized by ss. 85.16 (1), 227.11, 343.06 (1) (c), 343.07 (4) (b) and 343.16 (1) (a), Stats., is as follows:

(1) To establish the department's administrative interpretation of s. 343.16 (2) (cm), Stats., relating to the waiver of the motorcycle skills test.

(2) To establish the department's administrative interpretation of ss. 343.60 to 343.73, Stats., with regard to motorcycle instruction schools.

(3) To establish the department's administrative interpretation of ss. 343.06 (1) (c), 343.07 (4) (b) and 343.16 (1) (a), Stats., relating to required attendance of motorcycle rider courses and motorcycle instruction permit issuance.

(4) To implement the Type 1 motorcycle, moped and motor bicycle safety program under s. 85.30, Stats.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

Trans 129.02 Definitions. (1) The words and phrases defined in ss. 340.01, 343.01 and 343.60, Stats., have the same meaning in this chapter unless a different definition is specifically provided.

(2) In this chapter:

(a) "Basic rider course" means a beginning course in motorcycle safety provided by a motorcycle instruction school that meets the requirements of s. Trans 129.09 (1) and has been approved by the department.

(b) "Driver record" means the abstract of convictions and other information related to a driver maintained by the department in its computer database.

(c) "Experienced rider course" means an advanced course in motorcycle safety provided by a motorcycle instruction school that meets the requirements of s. Trans 129.09 (2) and has been approved by the department.

(d) "Motorcycle instruction school" means a driver school that provides training on the operation of Type 1 motorcycles.

(e) "Skills test" means an examination of a person's ability to exercise ordinary and reasonable control in the operation of a Type 1 motorcycle.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

Trans 129.03 Student requirements for waiver.

(1) As a requirement for a waiver of skills test under s. 343.16 (2) (cm), Stats., a person shall meet all of the following requirements:

(a) Hold a valid motorcycle instruction permit.

(b) Provide proof that the person has completed a basic rider course on or after January 1, 1992. The proof may be in the form of a waiver authorization form meeting the requirements of s. Trans 129.13 or other proof from another jurisdiction showing the person is entitled to a waiver under s. Trans 129.07.

(2) A person who takes and fails a motorcycle skills test after completing a basic rider education course is not eligible for the motorcycle skills test waiver.

Note: A driver who has demonstrated incompetence despite having attended a basic rider course will not be licensed. This provision is adopted to avoid issuing a license to a known incompetent driver and then requiring an examination for cause under s. 343.16 (6), Stats.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

Trans 129.04 Rider course exemptions. A person is not required to complete a basic rider course prior to obtaining an operator's license authorizing the operation of Type 1 motorcycles if the person holds an operator's license, other than an instruction permit, that is valid or that is not expired by more than 4 years from another jurisdiction that authorizes the operation of a Type 1 motorcycle, or the person does not reside within 50 highway miles, by the most direct route, of a basic rider course site.

Note: Sections 343.06 (1) (c), 343.07 (4) (b) and 343.16 (1) (a), Stats., permit the Department to exempt certain people from the requirement of taking a rider course. This section exempts persons who have a valid motorcycle license from another jurisdiction or who live more than 50 miles from a facility that offers rider courses.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

Trans 129.05 Motorcycle instruction permits. The department may issue an instruction permit authorizing the operation of Type 1 motorcycles to a person who is required to complete a basic rider course by s. 343.06 (1) (c), 343.07 (4) (b) or 343.16 (1) (a), Stats., if the person meets all of the following criteria:

(1) The person has passed all examinations required under s. Trans 104.03 for issuance of a class "M" permit under s. 343.07, Stats.

(2) The person is enrolled in a basic rider course or is exempt from the requirement of attending a basic rider course under s. Trans 129.04.

Note: Section Trans 104.03 details the knowledge exam requirements for driver licenses.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

Trans 129.06 Counting instruction permits and skills tests. (1) **INSTRUCTION PERMITS.** The department shall determine whether a person is eligible for issuance of an instruction permit under s. 343.07 (4) (b), Stats., based upon the latest 5 years of the person's driver record.

(2) **SKILLS TESTS.** The department shall determine whether a person is ineligible for a skills tests because of repeated motorcycle skills test failures based upon the latest 5 years of the person's driver record.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

Trans 129.07 Motorcycle rider courses approved by another jurisdiction, U.S. governmental agency or military branch. (1) Successful completion of a motorcycle rider course approved by another jurisdiction, a U.S. governmental agency, or a branch of the military that meets the minimum requirements of s. Trans 129.09 (1) (a) and (d) may be approved by the department for the purpose of waiving skills tests or course

attendance requirements under ss. 343.06 (1) (c), 343.07 (4) (b), 343.16 (1) (a), or 343.16 (2) (cm), Stats.

(2) To qualify for a waiver under sub. (1), a person shall meet all of the following:

(a) The person shall present documentation satisfactory to the department that the person successfully completed a motorcycle rider course offered by another jurisdiction, a U.S. government agency, or a military branch.

(b) The person shall provide evidence that the course met the requirements of s. Trans 129.09 (1) (a) and (d).

(c) The person may not have failed a motorcycle skills test subsequent to completion of the course.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

Trans 129.08 Requirements for certification.

(1) **SKILLS TEST WAIVER.** A school or organization seeking authorization to participate in the waiver of skills test program shall complete and submit an application to the department. To be authorized to certify students for a motorcycle skills test waiver, a school or organization shall do all of the following:

(a) Hold any license required under s. 343.61 (1), Stats.

(b) Offer a basic rider course.

(c) Require students to be present for all sessions of the course.

(d) File an activity report at least annually, no later than December 31 of each year. The report shall contain all of the following:

1. Each student's full name.
2. Each student's social security number, driver license number, date of birth, address and phone number.
3. Course completion date.
4. The reason why any student did not complete the course.
5. Each student's skills test waiver number or other identifying number as determined by the department.
6. The instructor's name, DOT assigned instructor number, and Motorcycle Safety Foundation instructor number.
7. The motorcycle instruction school's license number.

Note: Grant recipients must file reports within 30 days of class completion rather than only at year end. See s. Trans 129.15 (6).

(2) **DEMERIT POINT REDUCTION.** A school or organization seeking authorization to participate in the demerit point reduction program shall complete and file an application with the department. To be authorized to certify students for a motorcycle demerit point reduction, a school or organization shall:

(a) Hold any license required under s. 343.61 (1), Stats.

(b) Offer a basic rider course or experienced rider course, or both.

(c) Require students to be present for all sessions of the course.

(3) **AUTHORIZATION EXPIRATION.** The authorization assigned by the department shall be valid until cancelled.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

Trans 129.09 Rider course requirements. (1) BASIC

RIDER COURSE REQUIREMENTS. A basic rider course shall meet all of the following criteria:

(a) The course shall consist of at least 15 hours of instruction which includes both classroom and range instruction. At least 50% of the total hours of instruction shall consist of range instruction.

(b) All instruction shall be completed within a 60-day time period.

(c) There shall be no more than 8 hours of instruction in a single day.

(d) At a minimum, instruction shall be provided in 6 maneuvers, including the following:

1. Straight line riding.
2. Turning.

3. Shifting.

4. Straight line braking.

5. Braking in a curve.

6. Evasive maneuvers.

(e) The course shall include instruction on the hazards posed by farm machinery and animals on highways and instruction in safely dealing with such hazards.

Note: s. 343.61 (6), Stats., requires this of commercial schools. Section 115.28(11), Stats., requires similar training be given by non-commercial schools.

(f) Class size may not exceed 36 students in the classroom or 15 students on the range except as permitted under sub. (3). The department may make approval of a course contingent on range class sizes of less than 15 students if the physical layout of the range may not safely accommodate a 15-student class or if the physical layout of the range would not be conducive to the education of a group as large as 15 students.

(g) A knowledge test and a skills test, which shall be given prior approval by the department, shall be conducted prior to the end of the course.

(2) **EXPERIENCED RIDER COURSE REQUIREMENTS.** An experienced rider course shall meet all of the following criteria:

(a) The course shall consist of at least 8 hours of instruction which includes both classroom and range instruction. At least 40% of the total hours of instruction shall consist of range instruction.

(b) All instruction shall be completed within a 30-day time period.

(c) There shall be no more than 9 hours of instruction in a single day.

(d) At a minimum, instruction shall be provided in all of the following maneuvers:

1. Straight line braking.
2. Braking on a curve.
3. Cornering.
4. Swerving techniques.

(e) Class size may not exceed 24 students in the classroom or 15 students on the range, except as provided in sub. (3). The department may make approval of a course contingent on range class sizes of less than 15 students if the physical layout of the range may not safely accommodate a 15-student class or if the physical layout of the range would not be conducive to the education of a group as large as 15 students.

(f) A skills test, which shall be given prior approval by the department, shall be conducted prior to the end of the course.

(3) **CLASS SIZE WAIVERS.** The department may waive the classroom or range class size restrictions of sub. (1) (f) or (2) (e) on a case-by-case basis for an individual class if the department determines that unique circumstances justify such an exception and granting the exception would not adversely affect the instruction provided or class safety.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

Trans 129.10 Requirements for instructors. (1) AP-

PLICATION. Instructors seeking authorization to participate in the waiver of skills test program shall complete and submit an application to the department.

(2) **WAIVER ELIGIBILITY CRITERIA.** An instructor may not be authorized to grant waivers of skills tests unless the instructor meets all of the following criteria:

(a) The instructor has completed a department-approved instructor preparation course in this state or a substantially similar course approved by another jurisdiction, U.S. governmental agency, or a branch of the military.

(b) The instructor is licensed by the department, if required to be licensed under s. 343.62 (1), Stats.

(c) The instructor teaches an average of one range or classroom course per year for each full year of an authorization period. For

purposes of this paragraph, teaching either the classroom portion or range portion of a class shall count as one class, and teaching both the classroom and range portions of one class shall count as one class.

(d) The instructor attends a minimum of one department conducted or approved instructor in-service program during each authorization period.

(3) INSTRUCTOR DRIVER RECORD REQUIREMENTS. To be authorized to instruct students in rider education courses for the motorcycle skills test waiver or point reduction purposes, the instructor shall maintain a satisfactory driving record. A person's driving record may not be considered satisfactory under this subsection if that person:

(a) Has accumulated more than 6 demerit points under s. 343.32 (2), Stats., during a one-year period, as specified in this paragraph and sub. (4). The one-year period, under this paragraph, shall commence from the date of the first violation which contributed to the accumulation of more than 6 demerit points.

(b) Has been involved in 2 or more accidents in the preceding year and the accident report indicates that the person may have been causally negligent.

(c) Has had his or her operator's license revoked or suspended for a traffic violation other than a parking violation, failure to pay a forfeiture or other debt of any type, at any time during the preceding year.

(4) CANCELLATION OF INSTRUCTOR AUTHORIZATION. (a) If an applicant for an authorization under this section accumulates more than 6 demerit points in a one-year period as provided in sub. (3) (a) in the year preceding application, the department shall deny the instructor's application until one year elapses from the date of the most recent violation that resulted in the person's accumulation of more than 6 demerit points.

(b) If an instructor authorized under this section accumulates more than 6 demerit points in a one-year period as provided under sub. (3) (a), the department shall cancel the instructor's authorization for a period of one year. The period of cancellation shall commence on the date that the department receives notice of the most recent conviction that resulted in the person's accumulation of more than 6 demerit points.

(c) An applicant for authorization under this section, or an instructor currently authorized under this section, may utilize demerit point reduction pursuant to s. Trans 101.07. If sufficient point reduction to bring the demerit point total below 7 points is thereby achieved, the applicant or instructor may reapply for authorization immediately.

(5) INSTRUCTOR AUTHORIZATION. (a) All authorized instructors shall be assigned an authorization number by the department.

(b) The authorization assigned by the department shall be valid through December 31 of the third year following the date of issuance, unless cancelled.

(c) The department shall evaluate each instructor's qualifications under this section at least once every 3 years and shall cancel the authorization of any instructor who does not meet the qualification requirements. The authorization assigned by the department shall be valid for a period of 3 years from date of issuance unless cancelled.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

Trans 129.11 Course evaluation. Evaluation of basic rider education courses may include any of the following:

(1) An on-site inspection of the basic rider course program by a Wisconsin motorcycle program chief instructor or other personnel authorized by the department.

(2) A review of the ratio of passing to failing students, including reasons any students did not complete the course.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

Trans 129.12 Cancellation or denial of department approval. (1) Authorization of schools or instructors to certify students for motorcycle skill test waiver shall be cancelled and may not be renewed for any of the following reasons:

(a) False or misleading advertising.

(b) Fraud.

(c) Failure to meet standards set in this chapter.

(d) Failure to follow department-approved curriculum.

(e) Unsafe training facility.

(f) Unsafe motorcycles.

(g) Guaranteeing the issuance of a license upon completion of the course.

(h) The institution at which the program is offered closes or goes out of business.

(i) Failure to permit or cooperate with audits, inspections or reviews conducted under s. Trans 129.11 or 129.15 (5).

(j) The motorcycle instruction school or instructor does not hold a license required by s. 343.61 (1) or 343.62, Stats.

(2) A school or instructor may be reauthorized after cancellation or nonrenewal when all the following conditions have been met:

(a) Any period of cancellation as set by the department has been completed and any revoked or suspended instruction school or instructor license is reinstated.

(b) The school or instructor submits an application for reauthorization.

(c) The department is satisfied that the conditions which led to the cancellation have been corrected or no longer exist.

(3) A person adversely affected by a cancellation or refusal to renew an authorization made under sub. (1) (a) to (i) may request a hearing before the department to review the cancellation. A request for hearing shall be made in writing and shall be filed with the department within 30 days of the date of the notice of cancellation or notice that the person's authorization may not be renewed. If the department receives a request for hearing which satisfies the requirements of this subsection, the department shall conduct a prompt informal hearing within 15 days after receiving the request. If the matter is not resolved after an informal hearing is completed, the person adversely affected by the cancellation may request a full evidentiary hearing before the department, pursuant to ch. 227, Stats. A request for hearing shall be in writing and shall be filed with the department within 30 days after the completion of the informal hearing. A request for an informal or a full evidentiary hearing does not stay the effect of a cancellation or nonrenewal, unless the cancellation or nonrenewal is expressly stayed in writing by the department.

Note: Persons affected by sub. (1) (j) are afforded due process by a pre-license revocation hearing under s. 343.69, Stats.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

Trans 129.13 Waiver authorization form. (1) Waiver authorization shall be on a form approved by the department. The form may contain space for any of the following information:

(a) Student's full name.

(b) Student's date of birth.

(c) Student's social security number.

(d) Student's operator's license number.

(e) A physical description of the student.

(f) Date of completion of course.

(g) Student's skills test waiver number or other identifying number as determined by the department.

(h) Instructor's authorization number.

(i) Authorization number for the instruction site.

(j) Instructor's signature.

(2) A waiver form shall be completed by the authorized instructor upon the student's successful completion of a basic rider education course.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

Trans 129.14 Priorities. The department shall administer the program to support the following activities in the order of priority indicated:

- (1) Motorcycle riding courses.
- (2) Public awareness program.
- (3) Safety education.
- (4) Improved testing.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

Trans 129.15 Motorcycle riding course grants.

(1) **APPLICATION AND CONTRACT.** Upon application and approval, the department shall enter into grant contracts with applicants for the reimbursement of expenses incurred in conducting motorcycle riding courses.

Note: Application and grant contract forms are available from the Department of Transportation, Bureau of Transportation Safety, P.O. Box 7936, Madison, Wisconsin 53707.

(2) **GENERAL GRANT POLICIES.** (a) The department in considering grant applications shall attempt to avoid or minimize the offering of duplicate courses by applicants in the same geographic area where demand for courses has not exceeded the student capacity of existing course providers.

(b) In allocating funds, the department may:

1. Give priority to training instructors.
2. Attempt to encourage courses in all areas of the state.
3. Avoid a concentration of grants in any one geographic area.
4. Give priority to funding basic rider courses over experienced rider courses.
5. Give priority to creating new programs over expanding existing programs.
6. Give priority to innovative or pilot programs.

(c) The department may award a grant or provide funding under this chapter to a vocational, technical or adult education district, a school district, a unit of state, county, or municipal government, or any other person or legal entity that provides motorcycle education courses that does all of the following:

1. Meets the requirements of s. Trans 129.09 (1) or (2).
2. Has facilities available to them, such as a standard range or a range that may be modified to acceptable standards and an adequately equipped classroom.
3. Has adequate motorcycles appropriately equipped for training purposes available.
4. Has enough authorized instructors available to teach proposed classes.
5. Has adequate financial resources to initiate a program and meet program expenses, except for government institutions.
6. Has maintained a permanent address for a period of 3 years, except for government institutions.

(3) **COURSE REQUIREMENTS.** To be eligible for reimbursement, an applicant shall provide rider courses that meet all of the following minimum requirements:

- (a) The course is open to the general public.
- (b) The course meets the curriculum requirements of this chapter.
- (c) The applicant has authority to use the course site by agreement, lease or ownership.
- (d) The course instructor has been authorized to provide rider training by the department under s. Trans 129.09.
- (e) The applicant has adequate audio-visual equipment available to teach the course.
- (f) The range is properly laid out and painted.

(4) **REIMBURSEMENT.** (a) Reimbursement under this section may not exceed either of the following:

1. 70% of the actual course cost.
2. An amount equal to actual course cost less the amount students are required to pay.

(b) For purposes of this subsection, "actual course cost" means allowable costs under Office of Management and Budget Circular No. A-87, Cost Principles for State, Local and Indian Tribal Governments, dated May 4, 1995.

Note: The intent of this section is that courses be funded 70% by state money and 30% by student fees to encourage student commitment. OMB Circular No. A-87 was published in the Federal Register for May 17, 1995, (Volume 60, Number 95) Pages 26483-26507. Copies may be obtained from the State Law Library Reference Department, P.O. Box 7881, Madison, WI 53707-7881, (800) 322-9755 or (608) 267-9696. The library does charge for photocopying. Copies are also on file with the Attorney General's office and the Revisor of Statutes.

(5) **AUDITS.** The grant recipient shall be required to keep accurate records of the use of grant money, curricula, names of instructors and students, attendance, and the names of students who successfully complete a course for 5 years. The department may periodically audit these records.

(6) **REPORTING REQUIREMENT.** To be eligible for funding under a grant, the grant recipient shall file the report required under s. Trans 129.08 (1) (d) within 30 days of course completion.

(7) **INSTRUCTORS.** (a) If necessary to ensure the existence of a sufficient number of trained instructors, the department may contract with qualified chief instructors to provide instructor training.

(b) If there is a need for instructors, the department may reimburse the training costs of approved persons. Reimbursement may cover tuition, course material, meals, lodging and any pre-approved additional expenses. The department may reimburse 50% of these costs after successful completion of the training, and may reimburse the remaining 50% after the newly trained instructor has taught an entire riding course. If costs are less than \$100 in claimed expenses, the entire amount may be paid after the newly trained instructor has taught an entire riding course.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

Trans 129.16 Public awareness programs. The department shall aid other organizations in the promotion of Type 1 motorcycle safety by furnishing them with educational and informational materials for display and distribution. The department may contract with certified instructors to provide services and programs related to public awareness of Type 1 motorcycle safety.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

Trans 129.17 Safety education. The department may conduct public workshops, rallies and programs to cover Type 1 motorcycle, moped and motor bicycle safety-related topics such as alcohol and drug abuse, the use of proper personal protective gear, proper licensing, and improved driving techniques.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

Trans 129.18 Improved testing. The department may allocate funds to improve the testing of applicants for Type 1 motorcycle, moped and motor bicycle endorsements or licenses. The amount allocated may be made available to the division of motor vehicles to use for training or the purchasing of equipment.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

Trans 129.20 Motorcycle instruction school and instructor licensing. (1) **GENERALLY.** The department shall issue driver school licenses to motorcycle instruction schools and instructor licenses to instructors for motorcycle instruction schools under this section, notwithstanding the provisions of ch. Trans 105.

(2) **RECONCILIATION WITH CH. TRANS 105.** A driver school or instructor license issued under this section authorizes the motorcycle instruction school or instructor to provide motorcycle training only. Applicants seeking authorization to provide training for

other types of motor vehicles in addition to Type 1 motorcycles shall meet the requirements of ch. Trans 105 for the license sought in addition to the requirements of this chapter.

(3) MOTORCYCLE INSTRUCTION SCHOOL LICENSING. A motorcycle instruction school shall meet all of the following criteria as a condition of licensing:

(a) *Application and fee.* The school shall submit an application and pay the fee required under s. 343.61 (3), Stats.

Note: The current statutory fee is \$25 per year.

(b) *Licensed instructors.* The school shall employ only licensed instructors to conduct motorcycle riding instruction.

Note: s. 343.62 (1), Stats.

(c) *Prior record.* The school shall meet the requirements of ss. 343.64 and 343.66, Stats.

(d) *Prohibited practices.* The school may not have violated the requirements of s. 343.72, Stats.

(e) *Waiver and demerit point authorization.* The school shall meet the requirements of s. Trans 129.08 needed for skills test waiver and demerit point reduction authorization.

(f) *Course requirements.* Each course offered by the school shall meet the requirements of ss. Trans 129.09 and 129.15 (3).

(g) *Records.* The school shall maintain records in accordance with the requirements of s. Trans 129.15 (5).

(4) MOTORCYCLE INSTRUCTOR LICENSING. A motorcycle riding instructor shall meet all of the following criteria as a condition of licensing:

(a) *Application and fee.* The instructor shall submit a complete application for license and pay the fee required under s. 343.62 (3), Stats.

Note: The current fee is \$5 per year.

(b) *MSF certification.* The instructor shall successfully complete all knowledge tests and all driving tests required for instructor certification by the Motorcycle Safety Foundation, and certification by the Motorcycle Safety Foundation shall satisfy the testing requirements of s. 343.63 (1) and (2), Stats.

(c) *Physical qualifications.* The instructor shall meet the minimum physical qualification restrictions of s. 343.63 (3) and (5), Stats. Instructors who do not meet the requirements of s. 343.63 (3) or (5), Stats., may not conduct behind-the-wheel training on a highway.

(d) *Prior record.* The instructor shall meet the requirements of ss. 343.65 and 343.67, Stats.

(e) *Waiver and demerit point authorization.* The instructor shall meet the requirements of s. Trans 129.10 needed for skills test waiver and demerit point reduction authorization.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.

Trans 129.21 Interim provisions. Instructor certifications which expire during calendar year 1998 shall be extended to December 31, 1998, unless cancelled under s. Trans 129.12.

Note: Section Trans 129.21 is repealed effective January 1, 2000.

History: Cr. Register, January, 1998, No. 505, eff. 2-1-98.