



State of Wisconsin
2005 - 2006 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 43**

March 22, 2005 – Offered by Representatives WASSERMAN, HINES and AINSWORTH.

1 **AN ACT to amend** 343.16 (3) (a), 343.21 (2) (a) and 343.25 (7); and **to create**
2 343.16 (3) (am) and 343.16 (3) (ar) of the statutes; **relating to:** operator's
3 license requirements for certain drivers and for certain drivers' tests and
4 making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, a person who applies for a new driver's license, must, under most circumstances, demonstrate his or her knowledge of the rules of the road and his or her driving skills in a test administered by the Department of Transportation (DOT). Most drivers' licenses issued by DOT must be renewed every eight years. To renew a license to drive an automobile or a motorcycle, an applicant must pass a test of his or her eyesight. Current law allows the secretary of DOT to require any person to submit to additional testing to determine incompetency, incapacity, disease, or impairment that may prevent the person from exercising reasonable and ordinary control over a motor vehicle. Under current law, most drivers pay \$15 to take up to three driving skills tests.

Under this bill, a person who is at least 75 years of age but less than 85 years of age must pass a test of his or her eyesight every three years. A person who is over the age of 85 must pass a test of his or her eyesight and demonstrate his or her knowledge of traffic laws every two-years. The bill requires DOT to submit to the legislature a report on the effects of the proposed legislation on highway safety and

a report on effects of aging and driving ability and transportation alternatives for older drivers.

Additionally, under the bill most drivers are charged \$13 for each driving skills test that he or she takes.

The bill also authorizes the creation of 2.5 positions in DOT to conduct the required studies relating to older drivers and to administer driver licensing services.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 343.16 (3) (a) of the statutes is amended to read:

2 343.16 (3) (a) The Except as provided in par. (am), the department shall
3 examine every applicant for the renewal of an operator's license once every 8 years
4 and shall examine every person who holds an operator's license and who is at least
5 75 years of age but less than 85 years of age once every 3 years. The department may
6 institute a method of selecting the date of renewal so that such examination shall be
7 required for each applicant for renewal of a license to gain a uniform rate of
8 examinations. The examination shall consist of a test of eyesight. The department
9 shall make provisions for giving such examinations at examining stations in each
10 county to all applicants for an operator's license. The person to be examined shall
11 appear at the examining station nearest the person's place of residence or at such
12 time and place as the department designates in answer to an applicant's request. In
13 lieu of examination, the applicant may present or mail to the department a report
14 of examination of the applicant's eyesight by an ophthalmologist, optometrist or
15 physician licensed to practice medicine. The report shall be based on an examination
16 made not more than 3 months prior to the date it is submitted. The report shall be
17 on a form furnished and in the form required by the department. The department

1 shall decide whether, in each case, the eyesight reported is sufficient to meet the
2 current eyesight standards.

3 **SECTION 2.** 343.16 (3) (am) of the statutes is created to read:

4 343.16 (3) (am) The department shall examine every person who holds an
5 operator's license and who is at least 85 years of age every 2 years. The department
6 may institute a method of selecting the date of renewal so that such examination
7 shall be required for each applicant for renewal of a license to gain a uniform rate
8 of examinations. The examination shall consist of a test of eyesight that meets the
9 requirements of par. (a) and a knowledge test that meets the requirements of sub.
10 (1).

11 **SECTION 3.** 343.16 (3) (ar) of the statutes is created to read:

12 343.16 (3) (ar) In determining whether a person passes a test administered
13 under par. (a) or (am), the department shall, whenever possible, consider issuing a
14 restricted operator's license that would enable the person to operate a vehicle with
15 restrictions including, but not limited to, the type of vehicle, special equipment, time
16 of day of operation, and specific geographic areas and streets or routes of travel.

17 **SECTION 4.** 343.21 (2) (a) of the statutes is amended to read:

18 343.21 (2) (a) In addition to the fees set under sub. (1), any applicant whose
19 application for a permit, license, upgrade or endorsement, taken together with the
20 applicant's currently valid license, if any, requires the department to administer a
21 driving skills test of the applicant's ability to exercise ordinary and reasonable
22 control in the operation of a motor vehicle shall pay to the department an
23 examination fee of \$20 for an examination in a commercial motor vehicle other than
24 a school bus and ~~\$15~~ \$13 for an examination in any other vehicle. ~~Payment of the~~
25 ~~examination fee entitles the applicant to not more than 3 tests of the applicant's~~

1 ~~ability to exercise reasonable control in the operation of a motor vehicle. If the~~
2 ~~applicant does not qualify for issuance of a license, upgraded license or endorsement~~
3 ~~in 3 such tests, then a 2nd examination fee in the same amount shall be paid, which~~
4 ~~payment entitles the applicant to not more than 3 additional tests.~~

5 **SECTION 5.** 343.25 (7) of the statutes is amended to read:

6 343.25 (7) When a person who has been ordered or is required by s. 343.16 (3)
7 (a) or (am) to submit to an examination under s. 343.16 or to appear for either group
8 or individual counseling or examination under s. 343.32 (2) fails or refuses to do so.
9 Such cancellation shall continue until compliance with the order has been made or
10 the order is rescinded.

11 **SECTION 6. Nonstatutory provisions.**

12 (1) The department of transportation shall issue a report on the effects of this
13 act on highway safety including the impact on the affected age group's crash rates,
14 violation rates, loss of driving privileges, and related issues. No later than 5 years
15 from the effective date of this subsection, the department shall submit the report to
16 the legislature.

17 (2) The department of transportation shall appoint an advisory council to study
18 the effects of aging and driving ability, identify existing transportation alternatives
19 throughout the state, and examine additional transportation alternatives for older
20 drivers. Members of the council shall be comprised of representatives of
21 organizations involved with issues facing older drivers, providers of services to
22 senior citizens, and research entities. No later than 2 years after the effective date
23 of this subsection, the department shall submit the study to the legislature.

24 **SECTION 7. Appropriation changes.**

