



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-0873/P1  
EVM:klm

DOA:.....Aslesen, BB0079 - Skills test waiver, e-notify and alternating renewal

**FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**DRIVERS AND MOTOR VEHICLES**

***Electronic renewal of operator's licenses***

Under current law, most operator's licenses issued by DOT must be renewed every eight years. In general, an applicant for renewal of an operator's license must pass an eyesight test and have his or her photograph taken.

Under this bill, if an applicant for renewal of an operator's license meets certain requirements, the applicant may apply for renewal, and DOT may renew the license, by electronic means. The renewal may occur without an eyesight test and without a photograph. One of the eligibility requirements for use of the electronic procedure is that the applicant meets any additional criteria for eligibility established by DOT.

***Driving skills test waiver***

Under current law, with limited exceptions, an applicant for an operator's license authorizing operation of "Class D" vehicles, which are automobiles and most passenger vehicles, must successfully complete a knowledge test and a driving skills (road) test. This bill allows DOT to waive the road test for a person if all of the following are satisfied:

1. The person is under 18 years of age.

2. The person is applying for authorization to operate only "Class D" vehicles.
3. The person has satisfactorily completed a course in driver education.
4. An adult sponsor of the person consents to a waiver of the driving skills test.

***Electronic notifications***

Under current law, DOT must provide certain notifications by postal mail. This bill allows DOT to provide some of these notification by electronic means if the person being notified has requested electronic notifications from DOT. The notifications covered in this bill are notices of extensions of probationary license restrictions, notices related to amount of security required under certain financial responsibility requirements, and certain notices related to operator's license revocations, suspensions, or disqualifications.

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

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

**SECTION 1.** 343.06 (1) (c) of the statutes is amended to read:

343.06 (1) (c) To any person under age 18 unless the person is enrolled in a school program or high school equivalency program and is not a habitual truant as defined in s. 118.16 (1) (a), has graduated from high school or been granted a declaration of high school graduation equivalency, or is enrolled in a home-based private educational program, as defined in s. 115.001 (3g), and has satisfactorily completed a course in driver education in public schools approved by the department of public instruction, or in technical colleges approved by the technical college system board, or in nonpublic and private schools or tribal schools, as defined in s. 115.001 (15m), that meet the minimum standards set by the department of public instruction, or has satisfactorily completed a substantially equivalent course in driver training approved by the department and given by a school licensed by the department under s. 343.61, or has satisfactorily completed a substantially equivalent course in driver education or training approved by another state and has attained the age of 16, except as provided in s. 343.07 (1g). The department shall not

issue a license to any person under the age of 18 authorizing the operation of “Class M” vehicles unless the person has successfully completed a basic rider course approved by the Wisconsin department of transportation motorcycle safety program. The department may, by rule, exempt certain persons from the basic rider course requirement of this paragraph. Applicants for a license under s. 343.08 or 343.135 are exempt from the driver education, basic rider or driver training course requirement. The secretary shall prescribe rules for licensing of schools and instructors to qualify under this paragraph. The driver education course shall be made available to every eligible student in the state. Except as provided under s. 343.16 (1) (a) 5., (bm), and (c) and (2) (cm) to (e), no operator’s license may be issued unless a driver’s examination has been administered by the department.

**SECTION 2.** 343.085 (2m) (b) 2. of the statutes is amended to read:

343.085 **(2m)** (b) 2. If the department extends a restriction period under subd. 1., the department shall immediately provide notice of the extension by 1st class mail to the person’s last-known residence address, or if the person has requested electronic notification in the manner prescribed by the department, by any electronic means offered by the department.

**SECTION 3.** 343.14 (3) of the statutes is amended to read:

343.14 **(3)** Except as provided in sub. (3m) and s. 343.16 (3) (c), the department shall, as part of the application process, take a digital photograph including facial image capture of the applicant to comply with s. 343.17 (3) (a) 2. Except as provided in sub. (3m) and s. 343.16 (3) (c), no application may be processed without the photograph being taken. Except as provided in sub. (3m) and s. ss. 343.16 (3) (c) and 343.165 (4) (d), in the case of renewal licenses, the photograph shall be taken once

every 8 years, and shall coincide with the appearance for examination which is required under s. 343.16 (3).

**SECTION 4.** 343.16 (1) (a) 1. of the statutes is amended to read:

343.16 (1) (a) 1. Except as provided in subd. 5. and when examination by an authorized 3rd-party tester is permitted under pars. (b) to (c), the department shall examine every applicant for an operator's license, including applicants for license renewal as provided in sub. (3), and every applicant for authorization to operate a vehicle class or type for which the applicant does not hold currently valid authorization, other than an instruction permit.

**SECTION 5.** 343.16 (1) (a) 2. a. of the statutes is amended to read:

343.16 (1) (a) 2. a. Except as provided in par. (cm) and sub. (2) (cm) and (e), the examinations of applicants for licenses authorizing operation of "Class A", "Class B", "Class C", "Class D" or "Class M" vehicles shall include both a knowledge test and an actual demonstration in the form of a driving skills test of the applicant's ability to exercise ordinary and reasonable control in the operation of a representative vehicle.

**SECTION 6.** 343.16 (1) (a) 5. of the statutes is created to read:

343.16 (1) (a) 5. The department may waive the driving skills test of an individual applying for an operator's license if all of the following apply:

- a. The applicant is under 18 years of age.
- b. The application is for authorization to operate only "Class D" vehicles.
- c. The applicant has satisfactorily completed a course in driver education in a public school approved by the department of public instruction, or in a technical college approved by the technical college system board, or in a nonpublic and private school or tribal school, as defined in s. 115.001 (15m), that meets the minimum

standards set by the department of public instruction, or has satisfactorily completed a substantially equivalent course in driver training approved by the department and given by a school licensed by the department under s. 343.61, or has satisfactorily completed a substantially equivalent course in driver education or training approved by another state.

d. An adult sponsor who has signed for the applicant under s. 343.15 (1) consents to a waiver of the driving skills test.

**SECTION 7.** 343.16 (3) (a) of the statutes is amended to read:

343.16 (3) (a) Except as provided in s. 343.165 (4) (d), the department shall examine every applicant for the renewal of an operator's license once every 8 years. The department may institute a method of selecting the date of renewal so that such examination shall be required for each applicant for renewal of a license to gain a uniform rate of examinations. Subject to ~~par.~~ pars. (am) and (c), the examination shall consist of a test of eyesight. The department shall make provisions for giving such examinations at examining stations in each county to all applicants for an operator's license. The person to be examined shall appear at the examining station nearest the person's place of residence or at such time and place as the department designates in answer to an applicant's request. In lieu of examination, the applicant may present or mail to the department a report of examination of the applicant's eyesight by an ophthalmologist, optometrist or physician licensed to practice medicine. The report shall be based on an examination made not more than 3 months prior to the date it is submitted. The report shall be on a form furnished and in the form required by the department. The department shall decide whether, in each case, the eyesight reported is sufficient to meet the current eyesight standards.

**SECTION 8.** 343.16 (3) (c) of the statutes is created to read:

343.16 (3) (c) 1. An applicant for the renewal of an operator's license may apply for the license, and the department may issue the license, by any electronic means offered by the department if all of the following apply:

a. The applicant verifies that his or her eyesight is sufficient to meet the current eyesight standards.

b. The applicant satisfies any eligibility criteria established by the department under subd. 2.

2. The department may establish additional criteria for eligibility for license renewal by electronic means under this paragraph.

3. a. The department may renew a license under this paragraph without a test of eyesight.

b. Subject to s. 343.165 (7), the department may renew a license under this paragraph without a photograph being taken if the department is able to produce a photograph of the applicant from its records.

4. The department may not make consecutive renewals of an operator's license by electronic means.

**SECTION 9.** 343.305 (8) (b) 7. of the statutes is amended to read:

343.305 (8) (b) 7. The hearing examiner shall notify the person in writing of the hearing decision, of the right to judicial review and of the court's authority to issue a stay of the suspension under par. (c). If the person has requested electronic communication in the manner prescribed by the department, the hearing examiner may provide the notice under this subdivision by any electronic means offered by the department. The administrative suspension is vacated and the person's operating privilege shall be automatically reinstated under s. 343.39 if the hearing examiner

fails to mail or provide this notice in the manner specified under this subdivision to the person within 30 days after the date of the notification under par. (a).

**SECTION 10.** 343.315 (4) of the statutes is amended to read:

343.315 (4) NOTIFICATION AND COMMENCEMENT. The Except as provided in this section, the department shall send the a notice of disqualification under this section by 1st class mail to a person's last-known residence address. If a person has requested electronic notification in the manner prescribed by the department, the department may provide the notice of disqualification by any electronic means offered by the department. A period of disqualification ordered under this section commences on the date on which the notice is sent under this subsection. This subsection does not apply to disqualifications under sub. (2) (g).

**SECTION 11.** 343.44 (3) of the statutes is amended to read:

343.44 (3) FAILURE TO RECEIVE NOTICE. Refusal to accept or failure to receive an order of revocation, suspension, or disqualification ~~mailed by 1st class mail to such person's last-known address shall not be provided as authorized by the statutes is~~ not a defense to the charge of driving after revocation, suspension, or disqualification. If the person has changed his or her address and fails to notify the department as required in s. 343.22 then failure to receive notice of revocation, suspension, or disqualification ~~shall not be mailed as authorized by the statutes is~~ not a defense to the charge of driving after revocation, suspension or disqualification. If a person has requested electronic notification in the manner prescribed by the department and the person has changed the electronic contact information provided to the department without informing the department, failure to receive notice of revocation, suspension, or disqualification is not a defense to the charge of driving after revocation, suspension, or disqualification.

**SECTION 12.** 344.02 (1) of the statutes is amended to read:

344.02 (1) Whenever the department under s. 344.13 gives notice of the amount of security required to be deposited and that an order of suspension or impoundment will be made if ~~such~~ the security is not deposited, ~~it~~ the department shall afford the person ~~so notified~~ subject to the proposed action an opportunity for a hearing on the proposed action, if written request for a hearing is received by the department prior to the date specified in the notice, or prior to the postponed effective date of suspension if postponement has been granted under s. 344.14 (1). ~~Upon~~ Except as provided under this section, upon receipt of timely request for hearing, the department shall fix the time and place of the hearing and give notice ~~thereof~~ of the time and place of the hearing to such the person by regular mail. If the person has requested electronic notification in the manner prescribed by the department, the department may provide the notice of the time and place of the hearing by any electronic means offered by the department. The scope of the hearing is limited to the matter set forth in s. 344.14 (2) (k) and, subject to s. 344.14 (2m), to whether or not the person is the owner of the motor vehicle to be impounded. Any person who fails without reasonable cause to appear at the time and place specified in the notice shall forfeit the right to a hearing.

**SECTION 13.** 344.13 (2) of the statutes is amended to read:

344.13 (2) The secretary shall determine the amount of security required to be deposited by each person on the basis of the accident reports or other information submitted. In addition to the accident reports required by law, the secretary may request from any of the persons, including passengers and pedestrians, involved in such accident ~~such~~ further information, sworn statements, or other evidence relating to property damage, personal injury, or death in motor vehicle accidents as deemed



necessary to aid in determining the amount to be deposited as security under s. 344.14. Failure of a person to comply with such request is grounds for suspending such person's operating privilege but no suspension shall be made on such grounds until one follow-up request has been made and at least 20 days have elapsed since ~~the mailing of providing~~ the first request. The first request under this subsection shall be mailed to the person or, if the person has requested electronic communication in the manner prescribed by the department, may be provided by any electronic means offered by the department

**SECTION 14.** 351.025 (2) of the statutes is amended to read:

351.025 (2) ~~The revocation is effective~~ Revocation under this section takes effect on the date the department mails, if the notice is sent by 1st class mail, or provides, if the notice is by electronic means, the notice of revocation under s. 351.027 (1).

**SECTION 15.** 351.027 (1) of the statutes is amended to read:

351.027 (1) Whenever the secretary ~~under authority of s. 351.025~~ revokes a person's operating privilege under s. 351.025, the secretary shall immediately notify the person ~~in writing~~ of the revocation and of the person's right to a hearing on the revocation ~~as provided in sub. (2). The.~~ Except as provided in this subsection, the department shall send the notice by 1st class mail to the address most recently provided to the department by the person. If a person has requested electronic notification in the manner prescribed by the department, the department may provide the notice by any electronic means offered by the department.

(END)