

DRIVER'S LICENSE LAW

(Or at least enough for now)

Driving is a privilege, not a right, regulated by the federal, state, and local governments.

Though it is a privilege, drivers do have protections against arbitrary action to deprive them of a license, once acquired.

New drivers receive a probationary license. It remains probationary for the time between the date they obtain the license and their next birthday plus 2 years. Then they obtain a regular license. In addition, drivers are considered to be in a probationary status before they obtain their license (while holding an instruction permit or prior to even applying for a permit). Drivers are assigned a driver's license number when they apply for a state identification card, apply for an instruction permit, or have a traffic conviction reported by a court.

Drivers who are convicted of certain traffic violations acquire demerit points assigned to those violations. For probationary drivers, demerit points double after the first conviction for a point-bearing violation; this does not apply to equipment violations.

Drivers can lose their privileges, or licenses, in two general ways: by order of a court, or by order of the Dept. of Transportation.

Courts may suspend (or revoke) for a number of reasons, for example:

- For any violation of the rules of the road, for up to one year
- For up to 6 months for a conviction of operating while suspended
- For 3 months for driving while under 21 with any measurable alcohol in the system
- For up to 2 years for failure to pay a traffic forfeiture or a juvenile nontraffic forfeiture
- For between 6 and 9 months for a first offense OWI (this is a revocation); this can go as high as 3 years for subsequent convictions
- For 15 days for a conviction for driving 25 or more miles over the speed limit on a freeway

- For 6 months to 5 years for conviction in circuit court of a drug violation
- For 1 year (this is a revocation) for refusal to take a test after an OWI arrest

DOT may suspend (or revoke) for a number of reasons:

- Accumulation of demerit points: for regular drivers, in any 12 month period, 12 or more points = 2 months, 17-22 points = 4 months, 23-30 points = 6 months, and more than 30 points = 1 year; for probationary drivers, in any 12 month period, 12-30 points = 6 months; over 30 points = 1 year
- For 6 months (this is a revocation) after a 4th conviction for OWS or OAR
- For 5 years where the driver becomes an Habitual Traffic Offender (HTO); this results where in a 5-year period the driver is convicted of 4 major violations or any combination of 12 major/minor violations
- For 6 months where on an OWI arrest there is a blood alcohol content of .08 or above
- For 1 year on a false statement regarding ownership or operation of a motor vehicle
- For 1 year due to an uninsured accident where the driver is believed to be responsible
- Indefinitely (20 years) where a damage judgment is entered due to an uninsured accident where the driver is found responsible
- Indefinitely where a driver fails to comply with an AODA assessment after an OWI conviction

When any of these events happen, the driver's status becomes either suspended or revoked. A suspended status results from less serious events; a driver who is caught driving while suspended will always be charged with a civil violation. A revoked status results from more serious conduct; a driver who is caught driving while revoked will most of the time be charged with a criminal violation.

Drivers who have previously obtained a license may be eligible to obtain an occupational license to drive on the job, to and from work, to and from church and school. These licenses can be applied for at a

motor vehicle office (\$40 fee, proof of SR-22 insurance), except that drivers who are HTO must apply at a circuit court.

It is sometimes possible to end a suspension or revocation early. For example, on a demerit point suspension, a driver can reopen cases which contributed to the suspension and thereby get below the point total that led to the suspension. On an HTO revocation, the driver can reopen enough cases to get below the number that caused the revocation.

To get relicensed after a suspension/revocation ends, the driver must pay a reinstatement fee of \$50 and, for a revocation, obtain proof of insurance (SR-22) for 3 years from the date the revocation ends.

(NOTE: PARKING TICKETS. Unpaid parking tickets do not cause a suspension of driving privileges, even when they are bundled together and put into a court case which is then not paid. Instead, they can cause a suspension of the vehicle owner's registration privileges.)

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PROJECTED PROGRAM OF THE CENTER FOR DRIVER'S LICENSE RECOVERY AND EMPLOYABILITY

This program, which will move forward on several fronts to remove the barriers to employment which result from the lack of a driver's license, is scheduled to begin operations on April 1, 2007. It will be housed in the Foundation Building of the downtown campus of Milwaukee Area Technical College.

The Center will concentrate its efforts in three primary areas. First, it will provide case management assistance to individuals to assist them in taking all necessary steps to become legal drivers. Second, it will promote and develop driver's education programs so that young drivers can start their driving careers legally. Third, the Center will work for change in policies, procedures, and legislation which currently impede the licensing of affected individuals.

Eligibility criteria have not been finalized, but individuals will have to meet 200% of the federal poverty guidelines and will have to be referred from one of a number of approved sources, e.g., State Public Defender, Municipal Court, MATC, and yet-to-be-identified employers and community-based organizations (some of the latter based on City Block Grant participation).

Funding as of now for 2007 has reached \$370,000 from a variety of sources: the City of Milwaukee, Helen Bader Foundation, Jane Bradley Pettit Foundation, Annie E. Casey Foundation, and MATC (in-kind office space and equipment). Funding initially is being directed to Justice 2000 which will provide the case management. Legal assistance is being provided by Legal Action of Wisconsin.

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DRIVER'S LICENSE RECOVERY AND EMPLOYABILITY PROJECT

Upon review of your driving record, you will need to take the following steps to obtain a valid driver's license:

- 1. You must pay fines that you owe to the following courts:

- 2. Your driving privileges are suspended or revoked due to an excessive accumulation of demerit points, a conviction of driving with a suspended/revoked driver's license, or a OWI/BAC conviction. The suspension/revocation period will end _____.
- 3. You are a Habitual Traffic Offender (HTO). You must open _____ cases that have accumulated to make you habitual.
- 4. If your license was revoked in the last 3 years you may need to obtain auto liability insurance and file a SR-22 proof of insurance form with the Division of Motor Vehicles. Consult the yellow pages under AInsurance@ for companies specializing in SR-22 filings
- 5. Due to a damage judgment resulting from an accident, you must meet the requirements of the Safety Responsibility Law. The judgment can be cleared by a bankruptcy action, or by agreeing to an installment plan with the party claiming damage, or their insurance company. For information on the judgment, call Division of Motor Vehicles at (608) 266-1249.
- 6. You have a drug conviction, which has caused a suspension. You must go into a Division of Motor Vehicles office and apply for a license to start this suspension running at the earliest possible time.
- 7. You are suspended for failure to complete an AODA assessment after an OWI conviction. You must contact the assessment facility to complete it.
- 8. To reinstate your driving privileges (get your license back), you must pay a \$50 reinstatement fee at the Division of Motor Vehicles.
- 9. You will have to take written and/or behind the wheel road tests at the Division of Motor Vehicles. You must bring a certified birth certificate, your social security card or social security number

If you completed the above steps and still cannot obtain a license, call the Division of Motor Vehicles office in Madison at 1-608-266-2261.

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LISTING OF AREA COURTS CIRCUIT COURTS

Brown County
100 S. Jefferson Street
P.O. Box 23600
Green Bay, WI 54305-3600
920-448-4162

****Kenosha County**
912 56th Street
Kenosha, WI 53140-3747
262-653-2836

Sheboygan County
615 N. Sixth St.
Sheboygan, WI 53081
920-459-3068

Dane County
210 Martin Luther King, Jr. Blvd.
Madison, WI 53709-0001
608-266-4311

Milwaukee County
821 West State Street, Room 130
Milwaukee, WI 53233
414-278-4538

Walworth County
100 West Walworth Street
P.O. Box 1001
Elkhorn, WI 53121-1001
262-741-4224

Dodge County
210 W. Center St.
Juneau, WI 53036-1091
920-386-3820

Monroe County
112 S. Court St.
Sparta, WI 54658
608-269-8781

Waukesha County
515 W. Morland Blvd.
Waukesha, WI
262-548-7484

Fond du Lac County
180 S. Macy St.
P.O. Box 1355
Fond du Lac, WI 54936-1355
920-929-3040

Ozaukee County
1201 S. Spring Street
Port Washington, WI 53074
262-238-8411

***Washington County**
432 East Washington Street
P.O. Box 1986
West Bend, WI 53095 1986
262-336-4341

Jefferson County
320 S. Main St.
Jefferson, WI 53649
920-674-7169

***Racine County**
730 Wisconsin Avenue
Racine, WI 53403-1274
262-836-3151

Winnebago County
415 Jackson Dr.
P.O. Box 2808
Oshkosh, WI 54903-2808
262-335-4341

*Must have citation or case number for information. Otherwise you must pre-pay a \$5.00 search fee for them to search by name. They will not search until the money is received. Will not take credit card payment for the search fee.

**Charge a \$5.00 search fee for any cases prior to 1995.

MUNICIPAL COURTS

BAYSIDE
414-351-8805

MC713 Rev. 0805
GREENFIELD
414-761-6366

RIVER HILLS
414-352-8211

WESTERN WAUKESHA COUNTY
262-569-0920

BROOKFIELD (CITY)
262-796-6680

HALES CORNERS
414-528-8145

SHOREWOOD
414-332-0966

BROOKFIELD (TOWN)
262-796-3780

KENOSHA
262-853-4220

SOUTH MILWAUKEE
414-762-1965

BROWN DEER
414-371-3003

MENDOTA FALLS
262-532-8770

ST. FRANCIS
414-481-2232

BUTLER
262-781-9790

MILWAUKEE
414-286-3800

WEST MILWAUKEE
414-645-5411

CUDAHY
414-769-2220

NEW BERLIN
262-860-1935

WAUKESHA
262-524-3706

ELM GROVE
262-788-4141

OAK CREEK
414-768-7425

WAUWATOSA
414-471-8488

FRANKLIN
414-426-4768

PEWAUKEE (CITY)
262-691-3507

WEST ALLIS
414-302-8181

GLENDALE
414-228-1762

PEWAUKEE (VILLAGE)
262-691-5678

WHITEFISH BAY
414-867-5125

GREENDALE
414-423-2121

RACINE
262-835-9263