

shall be an open season from November first to January thirty-first in all counties south of the north line of Buffalo, Trempealeau, Jackson, Wood, Portage, Waupaca, Outagamie, Brown and Kewaunee counties; and in all other counties from October fifteenth to January fifteenth. *For raccoon the same open seasons shall apply but there shall be a closed season during the year beginning October 15, 1927, and every alternate year thereafter.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 8, 1927.

No. 85, S.]

[Published June 10, 1927.]

## CHAPTER 205.

AN ACT to amend subsection (2) of section 20.04 and the introductory paragraph of section 20.49 and to create section 85.33 of the statutes, relating to licensing of operators of motor vehicles, providing penalties and making an appropriation.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subsection (2) of Section 20.04 and the introductory paragraph of section 20.49 of the statutes are amended to read: (20.04) (2) Annually, such sums as may be necessary for the administration of sections 85.04 to \* \* \* 85.07 and 85.33 inclusive.

(20.49) (Introductory paragraph) There is appropriated from the general fund to the state highway commission, annually, an amount equal to the surplus of the motor vehicle registration fees, operator's license fees, and \* \* \* motor vehicle fuel taxes paid into the general fund under the provisions of chapters 78 and 85, on account of motor vehicle fuel used or sold or motor vehicles registered, prior to the end of each fiscal year, after deducting the actual cost of administering said chapters, and any allotments of federal aid made to this state by any act of the congress of the United States enacted subsequent to the acts approved November 9, 1921, and June 19, 1922, amendatory and supplementary to the federal aid act of July 11, 1916, by which further allotments of federal aid for the improvement of high-

ways may be made available to this state. This amount shall be apportioned and distributed by the state highway commission as follows:

SECTION 2. A new section is added to the statutes to read: 85.33 (1) After January 1, 1928, no person shall operate or drive a motor vehicle upon any public highway of this state without obtaining a license for that purpose as provided in this section. No such license shall be issued to any person under sixteen years of age, or to any person who is physically or mentally incompetent to safely operate a motor vehicle upon the public highways.

(2) In case any application for a motor vehicle operator's license shows that the applicant might be lacking in the proper experience and physical or mental qualifications necessary to insure the safe operation of a motor vehicle by said applicant, or if the secretary of state ascertains such to be the fact in any other way, he may require such applicant to undergo such physical, mental and driving tests as may be necessary to determine the ability of the applicant. To facilitate such examinations the secretary of state may require any chief of police or sheriff or any inspector in the department of state to conduct the same in accordance with such rules as the said secretary of state may prescribe. The officer conducting such examination shall forward a report of same on a blank form furnished by the secretary of state, with a recommendation as to whether an operator's license should be issued to the applicant. When the secretary of state shall require such physical examination, the applicant shall pay the cost of the same, but no physician shall charge therefor more than two dollars. In such examinations the person to be examined shall furnish the motor vehicle to be used in such examination, and shall appear at such time and place in the city or village of or nearest his residence as the secretary of state or his agent may designate.

(3) Applications for motor vehicle operator's licenses shall be filed with the secretary of state upon blanks furnished under his authority. The form of such application shall be determined by the secretary of state and shall include the name, post-office address, age, color of eyes, color of hair, sex, height and weight of the applicant, whether owner of a motor vehicle or not, whether or not the applicant has any mental or physical defects which might affect the safe operation by him of a motor vehicle upon

the public highways, and whether or not any operator's license previously held by such applicant was revoked or suspended, giving the date of such revocation or suspension.

(4) No fee shall be required for an operator's license, as provided in this section, if the applicant for the same is a motor vehicle owner registered in this state as such, except when application is made after a revocation of a former license.

(5) A fee of twenty-five cents shall be paid to the secretary of state with each application for a motor vehicle operator's license except as provided in subsection (4). A motor vehicle operator's license, when once issued, shall remain in force until and unless revoked as provided in this section. In the event of the loss or destruction of a motor vehicle operator's license card, the person to whom it was issued may obtain a duplicate thereof by filing an application with the secretary of state, and paying a fee of twenty-five cents. Whenever a motor vehicle operator's license card becomes worn or mutilated to such an extent that the legibility of the information contained thereon is impaired, but not totally destroyed, the holder of such license card shall immediately apply to the secretary of state for a duplicate license, and forward a fee of twenty-five cents, and a duplicate will be issued.

(6) The secretary of state shall assign a distinguishing number to each motor vehicle operator's license and keep proper record of all licenses issued, which record shall be open to public inspection. A license card shall be issued to each licensee, in such form as the secretary of state may determine and shall contain the name and post-office address of, the distinguishing number assigned to, and a brief description of the licensee, for the purpose of identification. Upon receipt of such card the licensee shall endorse his or her signature thereon, in ink, in a space provided for that purpose, and such license shall not be valid until such card is so endorsed. Such card shall at all times be carried by the licensee when operating a motor vehicle upon the public highways of this state and shall be submitted for examination to any proper officer upon demand. For the purpose of verification, such officer may require the licensee to write his signature in presence of each officer. Upon change of street address, rural route or post-office address by the licensee, he shall immediately endorse his new address on the back of his license card and inform the secretary of state of such change.

(7) Any person desiring to learn to operate a motor vehicle,

preparatory to securing a motor vehicle operator's license, may operate a motor vehicle when accompanied by a person duly licensed hereunder; provided, that nothing herein contained shall be construed to exempt any such person from full compliance with this section if he is not accompanied by a licensed motor vehicle operator.

(8) The provisions of this section shall not prevent any non-resident operating a motor vehicle upon the public highways of this state, unless he be convicted of any offense for which any license may be revoked, when such persons shall thereafter be subject to and required to comply with all the provisions of this section.

(9) Any motor vehicle operator's license issued upon any application which is untrue or which contains any false statements as to any material matter, shall be absolutely void from the date of its issuance, and any such license card so issued shall forthwith be surrendered upon request or order of the secretary of state.

(10) Under the conditions prescribed in this subsection, the secretary of state shall upon recommendation of any court of record revoke any motor vehicle operator's license without any refunding of the fee paid for such license, and the order of revocation may further direct that no new license shall be issued within a stated period not more than one year thereafter. During such period no such license shall be issued to such licensee. A motor vehicle operator's license shall be revoked upon recommendation of any court of record, for any of the following causes, and for the period stated:

(a) For the conviction of the licensee for operating a motor vehicle while under the influence of intoxicating liquor, not more than one year.

(b) For the conviction of the licensee on a criminal charge involving the operation of a motor vehicle in a manner showing gross or culpable negligence or showing a reckless disregard of human life, not more than one year.

(c) For the conviction of the licensee for leaving the scene of accident after injuring any person without giving his or her name and address to the person injured or to the proper authorities and any one on demand, not more than one year.

(d) Because such licensee has become mentally or physically incompetent to safely operate a motor vehicle.

(11) Whenever any such licensee shall have been convicted in a court of record for operating a motor vehicle while under the influence of intoxicating liquor, or for reckless driving, or for leaving the scene of accident after injuring any person without giving his or her name and address to the person injured, the judge of said court may recommend the revocation of the license of such person for such period as is provided for in subsection (10). The court, or clerk thereof, shall within twenty-four hours after such conviction forward to the secretary of state upon blanks furnished for that purpose, the name of the person convicted, his address, the date of conviction, the license number, violation or violations of which convicted, the name of the complainant, the penalty imposed and the period of revocation recommended.

(12) Whenever any such licensee shall have been convicted by a justice of the peace for operating a motor vehicle while under the influence of intoxicating liquor, or for reckless driving, or for leaving the scene of accident after injuring any person without giving his or her name and address to the person injured, the justice shall, within twenty-four hours after such conviction, forward to the secretary of state, upon blanks furnished for that purpose, the name of the person convicted, his address, the date of conviction, the license number, violation or violations for which convicted, the name of the complainant, and the penalty imposed. The secretary of state shall thereupon forward the name and address of the person so convicted, to the sheriff of the county in which such person resides. The secretary of state shall also send to the chief of police of each city, and the sheriff of each county, a list of the names and addresses of all motor vehicle drivers whose licenses have been revoked, and the periods of revocation thereof.

(13) Except as provided in subsection (11), a motor vehicle driver's license shall be revoked only after a hearing, upon written complaint filed with any court of record. Such complaints shall be filed by an inspector of the department of state, the chief of police of the city or the sheriff of the county in which such licensee resides, and shall be prosecuted by the district attorney of such county. Persons whose cases are to be heard shall be

notified at least three days before the date set for such hearing by personal service or by registered mail addressed to the licensee at the address given on the last application filed by him. Any person who shall without cause fail to appear when so notified shall forfeit his right to a hearing. The secretary of state shall revoke any license under the provisions of subsection (10) for such period as the court may recommend. Upon revocation of such license the holder thereof shall immediately surrender his license, through the court, to the secretary of state and must apply for a new license, at the end of the period of revocation. Such application shall be accompanied by a fee of twenty-five cents. The revocation or cancellation of a motor vehicle operator's license shall be exclusive of any penalties prescribed by law.

(14) The term "motor vehicle" wherever used in this section shall include any automobile, motor truck, motor bus, motorcycle or other similar motor vehicle required to be registered and licensed in this state.

(15) (a) Any person who shall operate any motor vehicle subject to license under the laws of this state upon the public highways without having first obtained an operator's license, or without being able to show satisfactory evidence of having made application for such a license shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars or more than fifty dollars, or be imprisoned in the county jail for not to exceed thirty days, or be punished by both such fine and imprisonment.

(b) Any person who shall operate a motor vehicle upon the public highways after his operator's license has been revoked and before the termination of such period of revocation, shall be deemed guilty of misdemeanor and upon conviction thereof shall be fined not less than fifty dollars or not more than one hundred dollars, or imprisoned in the county jail for not to exceed six months, or be punished by both such fine and imprisonment.

(c) Any person duly licensed who shall refuse to exhibit his or her license card to any proper officer upon demand, or who shall refuse to write his signature in the presence of such officer shall be deemed guilty of misdemeanor and upon conviction thereof shall be fined not more than twenty-five dollars, or imprisoned in the county jail not to exceed thirty days.

(d) Any person who shall use or have in his possession any

altered or forged operator's license card, or who shall allow another person to use any license card issued to him, or who shall fail to deliver his license card to the secretary of state or his agent upon notice of revocation of such license, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars or not more than one hundred dollars, or imprisoned in the county jail not to exceed three months, or be punished by both such fine and imprisonment.

(16) The secretary of state shall cause to be printed copies of this section, together with application blanks, license cards, and such other forms as may be necessary to its efficient administration. A quantity of application blanks shall also be forwarded to the sheriff of every county, and to the chief of police of every city and to such others as the secretary of state deems advisable. Such sheriffs and chiefs of police and others, shall furnish copies of said blanks to any persons upon request.

(17) If any provision of this section shall be held to be unconstitutional by any court, such judgment shall not affect any other provisions of this section.

(18) In addition to their other duties, the license inspectors working under the secretary of state are hereby required to exercise reasonable diligence in ascertaining whether the provisions of this section are being complied with and to perform such duties in connection therewith as the secretary of state may require. Said inspectors shall have the authority to arrest with or without a warrant any person violating any provision of the state laws, relating to motor vehicles, and the licensing and operation thereof, and take such person before any court and make proper complaint.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 9, 1927.