

No. 398, A.]

[Published June 6, 1941.

CHAPTER 205.

AN ACT to amend 4.01 (Brown County) of the statutes, relating to the reapportionment of assembly districts in Brown County.

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

SECTION 1. Section 4.01 (Brown County) of the statutes is amended to read:

(4.01) (BROWN COUNTY)—The city of Green Bay * * * shall constitute the first assembly district.

All the towns, cities and villages in the county, except the city of Green Bay * * * shall constitute the second district.

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

Approved June 3, 1941.

No. 457, A.]

[Published June 6, 1941.

CHAPTER 206.

AN ACT to repeal and recreate 85.08; to repeal 85.141 (1) (c); to amend 59.20 (8), 85.07 (12), 85.81 (3), 85.91 (2) and (3); and to create 20.051 (4), 85.09, 85.10 (40), (41) and (42) and 85.137 of the statutes, relating to licenses to operate motor vehicles, and providing penalties.

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

SECTION 1. Subsection (4) of section 20.051 of the statutes is created to read:

(20.051) (4) (a) Annually, beginning July 1, 1941, \$25,000, for the execution of its functions under sections 85.08 and 85.09.

(b) On July 1, 1941, and on July 1 every fourth year thereafter, \$85,000 for the execution of its functions under sections 85.08 and 85.09.

SECTION 1a. Subsection (8) of section 59.20 of the statutes is amended to read:

(59.20) (8) Retain 10 per cent for fees in receiving and paying into the state treasury all moneys received by him for the state for fines and penalties, *except that 50 per cent of the fines and penalties under chapter 85 shall be retained as fees*, and retain such other fees for receiving and paying money into the state treasury as are prescribed by law.

SECTION 1b. Subsection (12) of section 85.07 of the statutes is amended to read:

(85.07) (12) Any person violating any of the provisions of sections 85.06 or 85.07 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$25 for the first offense and for the second or each subsequent conviction within one year thereafter, by a fine not to exceed \$100 or by imprisonment in the county or municipal jail for not more than 30 days, or by both such fine and imprisonment. * * *

SECTION 2. Section 85.08 of the statutes is repealed and recreated to read:

85.08 MOTOR VEHICLE OPERATOR'S LICENSE. (1) DEFINITIONS. (a) Words and phrases not specifically defined in the section shall have the meaning ascribed to them in section 85.10, except in those instances where the contents clearly indicate a different meaning.

(c) "School bus" is any motor vehicle which is owned or operated by a public or governmental agency, or privately owned and operated for compensation which such vehicle is used to transport children to or from school or to transport school groups engaged in extra curricular activities to or from a school or district.

(d) "Nonresident" is every person who is not a resident of this state.

(e) "License" is an operator's or a chauffeur's license except in those cases where the contents clearly indicate a different type of license.

(f) "Suspension" means that the licensee's privileges to operate a vehicle are temporarily withdrawn.

(g) "Revocation" means that the licensee's privilege to operate a vehicle is terminated for a definite period.

(h) "Canceled" means that a license which was issued

through error or fraud or that the release from liability under subsection (10) is declared void and terminated.

(i) "Conviction" means a final conviction; a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

(2) ADMINISTRATION. (a) The department shall administer and enforce the provisions of this section.

(b) The commissioner is authorized to adopt and enforce such rules and regulations as may be necessary for the administration of this section.

(3) OPERATORS MUST BE LICENSED. No person, except those hereinafter expressly exempted, shall operate any motor vehicle upon a highway in this state unless such person has a valid license issued under the provisions of this section. After revocation or cancellation a new license can be obtained only as permitted in this section after the period of revocation has terminated.

(4) PERSONS EXEMPT FROM LICENSE. The following persons are exempt from licenses hereunder:

(a) Any person while operating a motor vehicle in the service of the army, navy or marine corps of the United States;

(b) Any person while operating any farm tractor or implement of husbandry temporarily operated or moved on a highway;

(c) A nonresident who is at least 16 years of age and who has in his immediate possession a valid license issued to him in his home state or country may operate a motor vehicle in this state;

(d) Any nonresident who is at least 16 years of age whose home state or country does not require the licensing of operators may operate a motor vehicle for a period of not more than 90 days in any calendar year, if the motor vehicle so operated is duly registered in the home state or country of such nonresident. However, such nonresident shall have an official certificate showing the lawful registration of such motor vehicle and may be required at any time or place by any person empowered to enforce the provisions of chapter 85 to establish his identity and prove lawful possession or right to operate such motor vehicle.

(5) LICENSES PREVIOUSLY CANCELED, SUSPENDED OR REVOKED. An operator's license or motor vehicle license which has been withheld, suspended, revoked or canceled by this state or any other state, province or country previous to the enactment of this section shall remain withheld, suspended, revoked or canceled in accordance with the law then in force.

(6) PERSONS NOT TO BE LICENSED. The department shall not issue any license hereunder:

(a) To any person whose license was withheld, suspended, revoked, or canceled under the provisions of the law that was in effect before the effective date hereof, unless such person shall in addition to the requirements of this section comply with the laws that existed at the time such license was withheld, suspended, revoked or canceled.

(b) To any person, as an operator who is under the age of 16 years, except that the department may issue a restricted license as hereinafter provided to any person who is at least 14 years of age;

(c) To any person whose license has been suspended, during such suspension, nor to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(d) To any person as an operator who is an habitual drunkard or who is addicted to the use of narcotic drugs;

(e) To any person who has previously been adjudged insane or an idiot, imbecile, epileptic or feeble-minded, and who has not at the time of the application been declared restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon a certificate signed by the superintendent that such person is restored to competency; nor then unless the commissioner is satisfied that such person is competent to operate a motor vehicle with reasonable safety to persons and property;

(f) To any person who is afflicted with or suffering from any mental or physical disability or disease such as to prevent him or her from exercising reasonable control over a motor vehicle;

(g) To any person who is required by this section to take

an examination, unless such person shall have successfully passed such examination; deaf persons otherwise qualified to receive a license hereunder shall be issued such license at the discretion of the commissioner;

(h) To any person who is required under the provisions of the motor vehicle financial responsibility laws of this state to furnish proof of financial responsibility, and who has not furnished such proof in the manner prescribed by law and in accordance with the rulings of the department;

(i) To any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person to be inimical to the public safety or welfare;

(j) To any person who is under the age of 21 years when such person operates a motor vehicle as a school bus.

(7) INSTRUCTION PERMITS. Any person, who, except for his lack of instruction in operating a motor vehicle would otherwise be qualified to obtain a license under this section, may apply for an instruction permit, and the department may issue such permit, entitling the applicant, while having such permit in his immediate possession, to operate a motor vehicle upon the highways for a period not to exceed 60 days, but, except when operating a motorcycle or power driven scooter, such person must be accompanied by a licensed operator who is actually occupying a seat beside the operator and there shall be no other occupant in the vehicle. Any instruction permit shall be valid only to the party to whom issued for use during daylight hours.

(8) APPLICATION FOR LICENSE OR INSTRUCTION PERMIT. (a) Every application for a license or for an instruction permit shall be made upon a form furnished by the department.

(b) The form of such application shall be determined by the commissioner and shall include the full name, address, date of birth, color of eyes, color of hair, sex, height and weight, race, residence and business address and occupation of applicant, and shall state whether the applicant has heretofore been licensed as an operator or chauffeur, and if so, when and by what state or country, and whether any previous license has ever been suspended or revoked or whether application has ever been re-

fused, and if so, the date and place of such suspension, revocation or refusal.

(c) The application of any person under the age of 18 years for an instruction permit or license shall be signed and verified before a person duly authorized to administer oaths, by the father of the applicant if he has the custody of such person; or if the father has not such custody then the mother, if she has the custody; or in the event that neither parent has the custody, then by the person or guardian having such custody or by the employer.

(9) APPLICATION OF PERSONS UNDER THE AGE OF 16 YEARS AND LIABILITY OF SPONSORS.

(a) The department may issue a license to any person otherwise qualified, who is less than 16 years and more than 14 years of age, if satisfied that it is necessary for such person to operate his parent's or guardian's motor vehicle licensed as an automobile or a farm truck. Such license shall be of such form or color so that it may be readily distinguishable from licenses issued to persons who are 16 years of age or over, and shall restrict the holder thereof to the operation of a motor vehicle licensed as an automobile or farm truck belonging to his parent or guardian during the daylight hours only and shall not authorize such licensee to operate a taxicab. A license shall not be issued to a person who is less than 16 years of age until such person accompanied by his parent or guardian appears in person before an examining officer, as provided in this section, with a certificate of birth to show that such person is at least 14 years of age; nor until such person shall have passed an oral examination and a test of his ability to safely operate a motor vehicle as provided herein and the examining officer shall attest the signatures of the applicant and the parent or guardian as required on the application for licenses issued to persons under the age of 16 years. Nothing in this section shall be construed to permit any person who is less than 16 years of age to operate any type of motor vehicle in any county of this state having a population of 500,000 or more.

(b) Any negligence or wilful misconduct of a person under the age of 16 years when operating a motor vehicle upon the highways shall be imputed to the person who signed the application of such person for a permit or license, which person

shall be jointly and severally liable for such operator for any damages caused by such negligent or wilful misconduct as otherwise provided in paragraph (c).

(c) In the event a person under the age of 16 years deposits or there is deposited upon his behalf proof of financial responsibility in respect to operation of a motor vehicle in form and in amount as required under the motor vehicle financial responsibility laws of this state, then the department may accept the application of such person under the age of 16 years when signed by one parent or the guardian of such person under the age of 16 years and while such proof is maintained, such parent or guardian shall not be subject to the liability imposed under this subsection.

(10) **RELEASE FROM LIABILITY.** Any person who signed the application of a person under the age of 16 years for a license, may thereafter file with the commissioner a verified written request that the license of such person so granted be canceled. Thereupon the commissioner shall within 10 days after the receipt of such notice, cancel the license of such person and the person who signed the application of such person shall be relieved from the liability imposed under this section by reason of having signed such application on account of any subsequent negligent or wilful misconduct of such person while operating a motor vehicle.

(11) **REVOCAION OF LICENSE UPON DEATH OF SPONSORS.** The commissioner upon receipt of satisfactory evidence of the death of the persons who signed the application of a person under the age of 16 years for a license shall cancel such license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this section.

(12) **EXAMINATIONS.** The department shall examine every applicant for an operator's license except:

(a) That it shall be the policy of the department to issue an operator's license without examination to a person previously licensed in this state or holding a valid license to operate a motor vehicle in another state or country.

(b) To facilitate such examinations and tests the department may authorize any state traffic inspector, deputy, chief of police, sheriff or county traffic officer to conduct the same in

accordance with such rules and regulations as the department may prescribe. The person conducting such examination shall upon completion thereof forward to the department a report of same on a form furnished by the department, with a definite recommendation as to whether a license or instruction permit should be issued, denied or taken up as the case may be. If the person examined is not at the time the holder of a valid license, the examiner's report must be accompanied by a duly executed application and the proper fee.

(c) Such examination shall include a test of the applicant's eyesight; his ability to read and understand highway signs regulating, warning and directing traffic; his knowledge of the traffic laws; and an actual demonstration of his ability to exercise ordinary and reasonable control in the operation of a motor vehicle. The person to be examined shall furnish a motor vehicle in safe operating condition, and shall appear at such time and place in the city or village of or nearest his residence as the department or its agent may designate.

(d) The commissioner may in his discretion require a special examination by such agencies as the commissioner may direct, of any applicant for learner's permit or operator's license, or of any licensed operator to determine incompetency, physical or mental disability, or disease or any other condition which might prevent such person from exercising reasonable and ordinary control over a motor vehicle.

(13) LICENSES ISSUED TO OPERATORS. (a) The department shall assign a distinguishing number to each license and keep a 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 department may determine, including either a facsimile of the licensee's signature or a space for the licensee to indorse his usual signature thereon in ink. No license shall be valid until it has been so signed by the licensee.

(b) New licenses issued between September 1 and November 1 of every fourth year after 1941 shall be issued to expire on November 1 of the fourth year after the year of issuance.

(14) LICENSE TO BE CARRIED; VERIFICATION OF SIGNATURE. (a) Every licensee shall have his license in his immediate possession at all times when operating a motor

vehicle, and shall display the same upon demand from a justice of the peace, judge, police officer, magistrate, a peace officer, a field deputy, inspector of the department or county traffic officer. However, no person charged with violating this section shall be convicted if he produces in court or the office of the arresting officer a license theretofore issued to him and valid at the time of his arrest.

(b) For the purposes of verification, any justice of the peace, judge, police justice, magistrate, a peace officer, field deputy, inspector of the department or county traffic officer, may require the licensee to write his signature in the presence of such officer.

(15) RESTRICTED LICENSES. (a) The department upon issuing a license shall have authority whenever good cause appears, to impose restrictions suitable to the licensee's operating ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate, or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. Restricted licenses issued by the department shall be of such form or color so that they will be readily distinguishable from the regular licenses.

(b) The department shall, upon receiving satisfactory evidence of any violation of the restriction of such license, suspend or revoke the same but the licensee shall be entitled to a hearing as upon a suspension or revocation under this section.

(16) DUPLICATE LICENSES AND PERMITS. In event that an instruction permit or license issued under the provisions of this section is lost or destroyed, the person to whom the same was issued, may obtain a duplicate or substitute thereof upon furnishing proof satisfactory to the department that such permit or license has been lost or destroyed. The department shall place proper notations of any convictions reported to the department of the licensee to which any duplicate instruction permit or license is issued before such license or permit is issued. In the event that the original license is found it shall immediately be transmitted to the department.

(17) EXPIRATION OF LICENSE. (a) All licenses validly outstanding and issued under section 85.08 repealed by

this act shall be renewed between September 1 and November 1, 1941.

(b) All validly outstanding licenses shall be renewed between September 1 and November 1 of every fourth year thereafter.

(c) Every such license renewal or duplicate shall be made upon a verified application to the department in such form as the department shall prescribe and upon satisfactory proof the licensee is qualified under this section to receive such license.

(d) Every license and instruction permit issued shall show the date upon which such license or permit expires.

(18) COST OF LICENSES, RENEWALS, DUPLICATES AND PHYSICAL EXAMINATIONS. Each application for a license, reinstatement, renewal, instruction permit, or duplicate shall be accompanied by a fee, as follows:

(a) For any person not previously licensed in this state, for each 4 years or part thereof, \$1.

(b) For reinstating a license, \$1.

(c) For a license renewal, 25 cents.

(d) For an instruction permit, 50 cents.

(e) For a duplicate license, 25 cents.

(f) When the department shall require a physical examination of the applicant the applicant shall pay the cost of the same, but no physician shall charge more than \$2 therefor.

(19) NOTICE OF CHANGE OF ADDRESS OR NAME. Whenever any person, after applying for or receiving a license shall move from the address named in such application or in the license issued to him, he shall immediately indorse his new address on his license and inform the department of such change, or when the name of the licensee is changed by marriage or otherwise, such person shall within ten days thereafter notify the department in writing of such former or new names, and the number of any license then held by him. No fee shall be charged for licenses issued solely for change of name when the original license is returned with such application. Proper fee shall be forwarded with such application when the original license is not returned.

(20) RECORDS TO BE KEPT BY THE DEPARTMENT. The department shall file every application for license received by it and shall maintain suitable indices containing:

(a) All applications denied, and on each thereof note the reason for such denial;

(b) The name of every licensee whose license has been suspended, revoked, or canceled by the department and note thereon the reason for such action;

(c) The department shall maintain a file for each licensee so that such file shall contain the application for license, a copy of the license issued, a record of reports or abstract of convictions, and a record of any reportable accident in which the licensee has been involved. This information must be so filed by the department so that the complete operator's record is available for the exclusive use of the commissioner in determining whether the operating privileges of such person shall be suspended, revoked, canceled or withheld in the interest of public safety. Such reports and records shall not be accumulative beyond the period for which a license is granted.

(21) FRAUD VOIDS LICENSE. Any license or instruction permit issued upon any application which is untrue, or which contains any false statements as to any material matter, shall be void from the date of its issuance, and any such license card so issued shall forthwith be surrendered to the department or its agent upon demand.

(22) SUSPENDING PRIVILEGES OF NONRESIDENTS AND REPORTING CONVICTIONS. (a) The privilege of operating a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation by the commissioner in like manner and for like cause as a license issued hereunder may be suspended or revoked.

(b) The commissioner is further authorized, upon receiving a record of the conviction in this state of a nonresident operator of a motor vehicle of any offense which is grounds for suspension or revocation under the laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

(23) REVOKING OR SUSPENDING RESIDENT'S LICENSE UPON CONVICTION IN ANOTHER STATE AND RELEASE THEREFROM. (a) The commissioner shall suspend or revoke the license of any resident of this state or the privilege of a nonresident to operate a motor vehicle

in this state upon receiving notice of the conviction of such person in another state, for an offense therein, which, if committed in this state, would be grounds for suspension or revocation of the license of an operator.

(b) The commissioner shall upon receipt of proper evidence of release of the suspension or revocation of the operating privileges by the proper authority of the state in which the offense was committed, release such person's suspension or revocation in this state.

(24) WHEN COURT TO FORWARD LICENSE TO DEPARTMENT AND REPORT CONVICTIONS. (a) Whenever any person is convicted of any offense for which this section makes mandatory the revocation of a license by the department, the court in which such conviction is had, shall require the surrender to it of all licenses, certificates of registration, and license plates then held by the person so convicted, and the court shall thereupon forward the same together with a record of such conviction to the department.

(b) Every court having jurisdiction over offenses committed under this section, or any other law of this state, county, city or village ordinance which is in conformity with state law regulating the operation of motor vehicles on highways, shall forward to the department a record of the conviction of any person in such court for the violation of any provisions of chapter 85 which the commissioner has by order designated are to be reported to the department. The clerk, or if there is no clerk, then the justice, judge or magistrate of such court in which such conviction occurred shall at the time of the conviction enter upon the operator's license of the convicted person such information in connection with the conviction as the commissioner may require.

(c) It shall be the duty of the clerk of such court or the justice of the peace, judge or magistrate of such court not having a clerk, to comply with the provisions of paragraphs (a) and (b) and the failure of such person whose duty it is to make such entry or to forward such record of conviction or appeal thereof to the department within 48 hours thereafter, shall be imputed as a misdemeanor and the commissioner shall cause to be brought such action against such court as the statutes provide.

(d) The department shall thereupon forward the name

and address of the person so convicted to the sheriff of the county, chiefs of police, and county traffic officers in the county in which such person resides; and once each month furnish the sheriff of each county, the chief of police of each city, and all county traffic officers, a list of the names and addresses of all operators whose licenses have been suspended or revoked during the preceding month under this section and the periods thereof.

(25) MANDATORY REVOCATION OF LICENSE.

Whenever an operator is convicted under a state law or under a county, city or village ordinance which is in conformity to the state law, the commissioner shall forthwith revoke the license of such operator upon receiving the record of such operator's conviction of any of the following offenses when such conviction has become final:

(a) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(b) Operation of a motor vehicle while under the influence of intoxicating liquor or a narcotic drug except as provided in subsection (25c);

(c) Any felony in the commission of which a motor vehicle is used;

(d) Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another or in serious property damage;

(e) Perjury or the making of a false affidavit or statement under oath to the department under this section or any other law relating to the ownership or operation of motor vehicles.

(25c) The revocation of an operator's license of a person convicted the first time in a period of a year for violating the state law or a county, city, or village ordinance in conformity with the state law prohibiting a person from operating a motor vehicle while under the influence of intoxicating liquor may be stayed by the judge or magistrate in whose court such conviction takes place. In such case the judge or magistrate may in his discretion order that the convicted person may operate a motor vehicle for occupational purposes with such restrictions as to places and time of operation as the judge or magistrate shall prescribe, and if the judge or magistrate finds that such person has violated such order of restriction, he shall notify the com-

missioner who shall thereupon revoke all such operator's licenses. Such period of restricted operation shall be for one year. Before such convicted person may operate a vehicle pursuant to such restrictions he must be in possession of a restricted license issued by the department which shall be of a special color or form and shall show the restrictions; the department shall issue a restricted license upon receipt of the original license which shall be forwarded to the department by the judge or magistrate together with a copy of the order setting forth the restrictions. In the event that such judge or magistrate does not upon the facts see fit to permit such convicted person to retain such privileges he shall notify the commissioner who shall thereupon revoke such license. Any revocation under this subsection shall have the same force and effect as other revocations by the commissioner under subsection (25). Where a restricted license is issued and is not revoked during the year, the department shall upon application reissue the unrestricted license.

(26) LICENSE AFTER REVOCATION. Any person whose license has been duly revoked is not entitled to apply for a new license until the period of such revocation has been terminated, and then only upon such person's meeting with the following requirements:

- (a) The filing of financial responsibility as required by section 85.09 as specified in subsection (31) of this section;
- (b) The filing of an application for a new license; and
- (c) The passing of an operating or any other test which the commissioner may deem necessary.

(27) COMMISSIONER TO SUSPEND LICENSES. Whenever an operator is convicted under a state law or under a county, city or village ordinance which is in conformity to the state law, the commissioner shall suspend the license of such operator without preliminary hearing, upon receiving the record of such operator's conviction of any of the following offenses:

- (a) Has been convicted as an operator in any accident resulting in the death or personal injury of another or serious property damage;
- (b) Has been convicted of permitting an unlawful or fraudulent use of such license.

(27k) JUDGMENT SUSPENDS LICENSE AND REGISTRATION; RELIEF THEREFROM. (a) The li-

cense and registration certificate of any person who shall have been found negligent in respect to his operation of a motor vehicle in any civil action for damages and against whom a judgment shall have been rendered on account thereof, shall be forthwith suspended by the department upon receiving a certified copy or transcript of such judgment from the court in which the same was rendered showing such judgment to have been entered, and same shall remain so suspended and shall not be renewed, nor shall any motor vehicle be thereafter registered in his name for a period of one year after the entry of said judgment unless such person gives proof of his ability to respond in damages as required in section 85.09, for future accidents. No such judgment shall be stayed in so far as it operates to cause a suspension of license or registration certificate unless proof of ability to respond in damages for any future accidents is made as provided in section 85.09. It shall be the duty of the clerk of the court, or of the court where it has no clerk, in which any such judgment is rendered, to forward immediately to the department a certified copy of such judgment or a transcript thereof, as aforesaid. In the event the defendant is a nonresident, it shall be the duty of the department to transmit to the proper authority of the state or province of which the defendant is a resident, a certified copy of the said judgment. If after such proof has been given, any other such judgment shall be recovered against such person for an accident occurring before such proof was given but after this section shall take effect, such license and certificate shall again be and remain suspended.

(b) Such suspension shall continue for a period of one year during which time such suspension shall be lifted while said proof of ability to respond for damages is on file in accordance with the provisions of this section and the security thereby provided for is in full force and effect. If, however, the enforcement of such judgment should be stayed so as to excuse the filing of such security during any part of such one year period then the period of such stay shall be added to the one-year period if such judgment is sustained. If any such judgment be reversed, the suspension shall terminate with such reversal.

(c) If any such motor vehicle operator shall not be a resident of this state, the privilege of operating any motor vehicle

in this state and the privilege of operation within the state of any motor vehicle owned by him shall be withdrawn for one year after the date of such final judgment against him and shall be restored only when such person shall have given proof of his ability to respond in damages for future accidents, as required in section 85.09, and while such security is kept in force.

(27m) **SUSPENSION OF LICENSES IN OTHER CASES.** Whenever any operator appears by the records of the department to be an habitually reckless or negligent operator of a motor vehicle or an habitual violator of any of the state traffic laws or of any of the county, city or village ordinances which are in conformity to the state traffic laws, the commissioner may suspend such operator's license, but the commissioner shall suspend any operator's license upon being directed to do so by any court within 30 days of any conviction of such operator therein of any of the state traffic laws or of any of the county, city or village ordinances which are in conformity to the state traffic laws.

(28) **HEARING ON SUSPENSION.** Upon suspending the license of any person as hereinbefore in this section authorized, the department shall immediately notify the licensee in writing and upon his request shall afford him an opportunity to a hearing as early as practicable within not to exceed 20 days after receipt of such request. The place of such hearing shall be set by the commissioner as close as practicable to the residence of the applicant and in no case shall it be set for a place not in a county of the applicant's residence or a county contiguous to such county, unless another place is mutually agreed upon; in the event that the applicant's residence is without the state then the commissioner shall fix the place of hearing. The department may refuse to hold a hearing if satisfied that the records and information in its possession do not warrant such hearing. Any person who shall without cause fail to appear at the time and place specified in the notice served on him shall forfeit his right to a hearing. Upon such hearing the commissioner or his duly authorized agent may administer oaths, issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the license. All testimony shall be taken and transcribed. After such hearing the department shall make findings of fact and

either rescind its order of suspension or, upon good cause appearing therefor, may extend the suspension of such license or revoke such license. The provisions of this subsection shall not apply to any operator whose license has been suspended pursuant to direction from any court as provided in subsection (27m).

(29) REINSTATEMENT AFTER SUSPENSION.

Any person whose license has been duly suspended may regain such license after the period of suspension has terminated upon meeting the following requirements:

(a) The filing of proof of financial responsibility as required by section 85.09 as specified in subsection (31) of this section;

(b) The filing of application for reinstatement of his license; and

(c) The demonstration of ability to satisfactorily operate a motor vehicle or any other tests which the commissioner may deem necessary.

(30) PERIOD OF SUSPENSION OR REVOCATION.

No license shall be suspended for a period of more than one year. After revocation the department shall not grant a new license until the expiration of one year after the date of such revocation.

(31) PERIOD FOR WHICH FINANCIAL RESPONSIBILITY IS REQUIRED.

The department shall not issue a new license to any person whose license has been revoked at any time during the 2 years immediately following the date of expiration of such revocation, unless such person shall have filed financial responsibility in the amounts, form and manner specified in section 85.09 for that time of such 2-year period during which he is granted a license; nor shall the department reinstate an operator's license which has been suspended at any time during one year immediately following the date of expiration of such suspension, unless such person shall have filed financial responsibility in the amounts, form and manner specified in section 85.09 for that time of such one-year period during which such license is reinstated.

(32) SURRENDER AND RETURN OF LICENSES, CERTIFICATES OF REGISTRATION AND MOTOR VEHICLE LICENSE PLATES. The commissioner or his

duly appointed agent is authorized to take possession of any license, certificate of registration, or registration plate upon the suspension or revocation thereof under the provisions of this section or to direct any person empowered to enforce the provisions of chapter 85 to take possession thereof and to return the same to the office of the commissioner. Upon receipt of notice of the suspension or revocation of any person's license to operate a motor vehicle, the license, certificate of registration and motor vehicle license plates issued to or in the possession of such person, shall be immediately surrendered to the department.

(33) COMMISSIONER MAY REQUIRE RE-EXAMINATION. The commissioner having good cause to believe that a licensed operator is incompetent or otherwise not qualified to be licensed, may upon written notice of at least 5 days to the licensee require him to submit to an examination. Upon the conclusion of such examination the commissioner shall take action as may be appropriate and may suspend or revoke the license of such person or permit him to retain such license, or may issue a license subject to any restriction which he may order. Refusal or neglect of the licensee to submit to such examination shall be grounds for suspension or revocation of such license.

(34) NO OPERATION UNDER FOREIGN LICENSE DURING SUSPENSION OR REVOCATION IN THIS STATE. Any resident or nonresident whose license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this section, shall not operate a motor vehicle in this state under a license, permit or certificate of registration issued by any other jurisdiction or otherwise during such suspension or revocation until a new license is obtained when and as permitted under this section.

(34a) RIGHT OF REVIEW. Any person denied a license or whose license has been suspended, revoked or canceled by the commissioner, except where such suspension, revocation or cancellation is mandatory under the provisions of this section, shall have the right, within 30 days following such determination, to file a petition for review thereof in the circuit court nearest to the legal residence of such person or if such residence is without the state then in the circuit court of Dane county and it shall be the duty of the court to set the matter for hearing upon 30

days' written notice to the commissioner.

(35) UNLAWFUL USE OF LICENSE. It is a misdemeanor for any person:

(a) To display or cause or permit to be displayed or have in his possession any suspended, revoked, canceled, fictitious or fraudulently altered operator's license;

(b) To lend his operator's license to any other person or knowingly permit the use thereof by another;

(c) To display or represent as one's own any operator's license not issued to him;

(d) To fail or refuse to surrender to the department upon its lawful demand any operator's license which has been suspended, revoked or canceled;

(e) To use a false or fictitious name in any application for an operator's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;

(f) To permit any unlawful use of an operator's license issued to him; or

(g) To do any act forbidden or fail to perform any act required by this section.

(36) MAKING FALSE AFFIDAVIT; PERJURY. Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this section to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punishable as other persons committing perjury are punishable.

(37) OPERATING WHILE LICENSE SUSPENDED OR REVOKED. Any person whose license issued in this or any other state or country, or whose operating privilege as a non-resident, has been suspended, revoked or canceled as provided in this section, and who operates any motor vehicle upon the highways of this state while such license or privilege is canceled, suspended, or revoked, is guilty of a misdemeanor and upon conviction shall be punished by a fine of not to exceed \$200 or by imprisonment of not less than 5 days nor more than 6 months or by both such fine and imprisonment.

(38) PERMITTING UNAUTHORIZED MINOR TO OPERATE A MOTOR VEHICLE. No person shall cause or

knowingly permit his child or ward under the age of 18 years to operate a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this section.

(39) PERMITTING UNAUTHORIZED PERSON TO OPERATE A MOTOR VEHICLE. No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be operated upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this section.

(40) RENTING VEHICLES TO ANOTHER. (a) No person shall rent a motor vehicle, trailer or semitrailer to another person unless the person who operates such vehicle is then duly licensed hereunder, or in the case of a nonresident, the person who shall operate such vehicle shall then be duly licensed under the laws of the state or country of his residence, except a nonresident whose home state or country does not require that a person be licensed.

(b) No person shall rent a motor vehicle, trailer or semitrailer to another until he has inspected the license of the person who is to operate the vehicle and compare and verify the signature thereon with the signature of such person written in his presence.

(c) Every person renting a motor vehicle, trailer or semitrailer to another shall keep a record of the registration number of the motor vehicle so rented or in the case of a trailer or semitrailer the registration number of the motor vehicle to which such trailer or semitrailer is to be attached, the name and address of the person who is to operate such rented vehicle, the number of the license of such person and the date and place, when and where such license was issued. Such record shall be open to inspection by any police officer or inspector or employe of the department.

(41) PENALTY FOR MISDEMEANOR. (a) It is a misdemeanor for any person to violate any of the provisions of this section unless such violation is by this section or other law of this state declared to be a felony.

(b) Unless another penalty is in this section or by the laws of this state provided, every person convicted of a misdemeanor for the violation of this section shall be punished by a fine of

not more than \$100 or imprisonment of not more than 6 months, or by both such fine and imprisonment.

(42) REVOCATION AND CANCELLATION BY COURTS. Notwithstanding any other provisions of law, after the effective date of this section, no justice of the peace nor any other court or incumbent thereof shall have the authority or power to revoke or suspend any operator's license.

(43) INTERPRETATION; SHORT TITLE; CONSTITUTIONALITY. (a) This section shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

(b) This section may be cited as the "Uniform Motor Vehicle Operators' License Act."

(c) If any part or parts of this section shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this section. The legislature declares that it would have passed the remaining parts of this section if it had known that such part or parts thereof would be declared unconstitutional.

SECTION 3. A section of the statutes is created to read:

85.09 MOTOR VEHICLE FINANCIAL RESPONSIBILITY.

(1) DEFINITIONS. Words and phrases used in this section shall have the meanings ascribed to them in sections 85.08 and 85.10, except in those instances where the contents clearly indicate a different meaning.

(2) COMMISSIONER TO ADMINISTER THIS SECTION. (a) The commissioner shall administer and enforce the provisions of this section.

(b) The commissioner is authorized to adopt and enforce such rules and regulations as may be necessary for the administration of this section.

(3) AMOUNT OF PROOF REQUIRED. Proof of financial responsibility shall mean proof of ability to respond in damages for any liability thereafter incurred resulting from the ownership, maintenance, use, or operation of a motor vehicle for bodily injury to or death of any one person in the amount of \$5,000, and subject to said limit for any one person injured or killed, in the amount of \$10,000 for bodily injury to or death of two or more persons in any one accident, and for

damages to property in the amount of \$5,000 resulting from any one accident. Such proof in said amounts shall be furnished for each motor vehicle registered in the name of such person.

(4) ALTERNATE METHODS OF GIVING PROOF. Proof of financial responsibility when required under this section may be given by the following alternate methods: Either by proof that a policy of liability insurance has been obtained and is in full force and effect or that a bond has been duly executed or that deposit has been made of money or securities all as hereinafter provided.

(5) CERTIFICATE SHOWING INSURANCE POLICY OBTAINED. (a) Proof of financial responsibility may be made by filing with the commissioner the written certificate of any insurance carrier duly authorized to do business in this state, certifying that it has issued to or for the benefit of the person for which such proof is required and named as the insured a motor vehicle liability policy, or in the event such person is not the owner of a motor vehicle, an operator's policy, meeting the requirements of this section and that such policy is then in full force and effect. Such certificate shall give the dates of issuance and expiration of such policy and certify that the same shall not be canceled unless 10 days' prior written notice thereof be given to the commissioner and shall explicitly describe all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

(b) The commissioner shall not accept any certificate unless the same shall cover all motor vehicles registered in the name of the person furnishing such proof as owner and an additional certificate shall be required as a condition precedent to the subsequent registration of any motor vehicle in the name of the person giving such proof as owner.

(6) MOTOR VEHICLE LIABILITY POLICY. (a) A motor vehicle liability policy as such term is used in this section shall mean a policy of liability insurance issued by an insurance carrier authorized to transact business in this state to or for the benefit of the person named therein as insured which policy shall meet the following requirements:

1. It shall describe all motor vehicles in a manner promulgated by the commissioner with respect to which coverage is thereby granted.

2. It shall insure every such person on account of the operation of such motor vehicle within the continental limits of the United States or the Dominion of Canada against loss from the liability imposed by law arising from such maintenance, use or operation to the extent and aggregate amount, exclusive of interest and costs, with respect to each such motor vehicle, of \$5,000 for bodily injury to or death of one person as a result of any one accident and, subject to said limit as to one person, the amount of \$10,000 for bodily injury to or death of 2 or more persons as a result of any one accident and the amount of \$5,000 for damage to property of others as a result of any one accident.

(b) When an operator's policy is required it shall insure the person named therein as insured against the liability imposed by law upon the insured for bodily injury to or death of any person or damage to property to the amounts and limits above set forth and growing out of the use or operation by the insured within the continental limits of the United States or the Dominion of Canada of any motor vehicle not owned by him.

(c) Any liability policy issued hereunder need not cover any liability of the insured assumed by or imposed upon said insured under any workman's compensation law nor any liability for damage to property in charge of the insured or the insured's employes.

(d) Any such policy may, however, grant any lawful coverage in excess of or in addition to the coverage herein specified and may contain any agreements, exclusions, conditions, provisions or stipulations not in conflict with the provisions of this section and not otherwise contrary to law. No motor vehicle policy shall be issued and delivered in this state and accepted as complying with the provisions of this section as proof of ability to pay damages until a copy of the form of the policy shall have been on file with the commissioner of insurance for at least 30 days, unless sooner approved in writing by such commissioner, nor if within such period of 30 days, such commissioner shall have notified the carrier in writing that in his opinion, specifying reasons therefor, the form of policy does not comply with the provisions of this section or other provisions of law. The commissioner shall approve any form of policy which specifies the name, address and business, if

any, of the assured, the coverage afforded by the policy, the conditions of the policy, including reasonable provisions for co-operation of assured in defense of any action, the premium charged therefor, the policy period, and the limits of liability, and contains an agreement that the insurance thereunder, is provided in accordance with the coverage defined in this section as respects bodily injury and death or property damage or both, and is subject to all the provisions of this section. Every such policy shall fully comply with the provisions of sections 85.93, 204.30, 204.34, and all other provisions of law relating to such policies.

(e) Any motor vehicle liability policy which by endorsement contains the provisions required hereunder shall be sufficient proof of ability to respond in damages when such endorsements are made on a form approved by the commissioner of insurance.

(f) The department may accept several policies of one or more such carriers which together meet the requirements of this section.

(g) Any binder pending the issuance of any policy, which binder contains or by reference includes the provisions hereunder shall be sufficient proof of ability to respond in damages.

(7) WHEN INSURANCE CARRIER TO ISSUE CERTIFICATE. An insurance carrier who has issued a motor vehicle liability policy or an operator's policy meeting the requirements of this section shall upon request of the insured therein deliver to the insured for filing, or at the request of the insured shall file direct with the commissioner, a certificate in the form promulgated by the commissioner showing that such policy has been issued, which certificate shall meet the requirements of this section.

(8) NOTICE REQUIRED BEFORE CANCELLATION. When an insurance carrier has certified a motor vehicle liability policy under this section it shall give 10 days' prior written notice to the commissioner before cancellation of such policy and the policy shall continue in full force and effect until the date of cancellation specified in such notice.

(9) SECTION NOT TO AFFECT OTHER POLICIES. This section shall not be held to apply to or affect policies of motor vehicle insurance against liability which may now or hereafter be required by any other law of this state.

(10) FILING A BOND AS PROOF OF FINANCIAL RESPONSIBILITY. (a) A person required to give proof of financial responsibility may file with the commissioner a bond meeting the requirements of this section.

(b) Such proof may be the bond of a surety company licensed to do business in this state, approved by the motor vehicle department, or cash or certified check.

(11) MONEY OR SECURITIES DEPOSITED AS PROOF OF FINANCIAL RESPONSIBILITY. A person may give proof of financial responsibility by delivery to the commissioner of a receipt of the treasurer of this state showing the deposit with such treasurer of money in an amount of securities approved by such treasurer and of a value in a total amount as would be required for coverage in a motor vehicle liability policy furnished by the person giving such proof under this section. Such securities shall be of a type which may legally be purchased by savings banks or trust funds.

(12) SALE OF VEHICLE AFTER SUSPENSION OF REGISTRATION. This section shall not prevent the owner of a vehicle, the registration of which has been suspended hereunder, from effecting a bona fide sale of such vehicle to another person whose rights or privileges are not suspended nor prevent the registration of such vehicle by such transferee, and further it is provided that the commissioner is authorized to require such person to submit proof that such sale is in good faith and was not made for the purpose of evading the requirements of this section.

(13) PERSON HAVING GIVEN PROOF MAY SUBSTITUTE OTHER PROOF. The commissioner shall cancel any bond or cancel any certificate of insurance, or the commissioner shall direct and the state treasurer shall return any money or securities to the person entitled thereto, upon the substitution and acceptance of other adequate proof of financial responsibility as required by this section.

(14) IF PROOF FAILS COMMISSIONER MAY REQUIRE OTHER PROOF. (a) Whenever any evidence of proof of ability to respond in damages filed by any person under the provisions of this section no longer fulfills the purpose of this section, the commissioner shall require other evidence of ability to respond in damage as required by this section, and

shall suspend the license, certificates of registration and registration plates of such person pending the furnishing of such proof.

(b) The commissioner is authorized to take possession of any license, registration card, or registration plate upon the suspension thereof under the provisions of this section or to direct any peace officer to take possession thereof and to return the same to the office of the commissioner.

(15) **WHEN COMMISSIONER MAY RELEASE PROOF.** The commissioner shall upon request cancel any bond or cancel any certificate of insurance, or the commissioner shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this section as proof of financial responsibility, or waive the requirements of filing proof of financial responsibility in any of the following events:

(a) At any time after one year in the case of a suspended license, and at any time after 2 years in the case the license was revoked, from the date such proof was required when during such period preceding the request of the person on whose behalf such proof was filed, has not been convicted of any offense for which the penalty is suspension or revocation of his license.

(b) In the event of the death of the person on whose behalf such proof was filed, or the permanent incapacity of such person to operate a motor vehicle.

(c) In the event the person on whose behalf financial responsibility was filed surrenders his license, certificates of registration, and registration plates to the commissioner.

(d) Whenever a person applies for a license or the reinstatement of a license or the registration of a vehicle within 2 years in the case of a revoked license and one year in the case of a suspended license after the date of termination of such revocation or suspension, such granting or reinstatement of a license or registration shall be refused unless such applicant shall establish and maintain proof of financial responsibility for the remainder of the period for which such filing is required.

(16) **OPERATING WITHOUT GIVING PROOF WHEN PROOF REQUIRED.** Any person whose license or registration card or other privilege to operate a motor vehicle has been suspended or revoked and restoration thereof or issuance of

a new license or registration is contingent upon the furnishing of proof of financial responsibility and who during such suspension or revocation or in the absence of full authorization from the commissioner operates any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway except as permitted hereunder shall be punished by imprisonment for not less than 2 days nor more than 6 months and there shall be imposed in addition thereto a fine of not less than \$50.

(17) **FORGING OR WITHOUT AUTHORITY SIGNING EVIDENCE OF ABILITY TO RESPOND IN DAMAGES.** Any person who forges or without authority signs any evidence of ability to respond in damages as required by the commissioner in the administration of this section shall be punished by imprisonment for not more than 90 days or by fine of not less than \$100 nor more than \$1,000 or by both such fine and imprisonment.

(18) **OTHER PENALTIES.** Any person who violates any provision of this section for which another penalty is not prescribed shall be punished by imprisonment for not more than 90 days or by a fine of not less than \$100 nor more than \$1,000 or by both such fine and imprisonment.

(19) **INTERPRETATION; SHORT TITLE; OTHER PROCESS; CONSTITUTIONALITY.** (a) This section shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

(b) This section may be cited as the "Uniform Motor Vehicle Safety Responsibility Act."

(c) This section shall not be construed to prevent the plaintiff in any action from relying for security upon the other processes provided by law.

(d) If any part or parts of this section shall be held unconstitutional such unconstitutionality shall not affect the validity of the remaining part of this section. The legislature declares that it would have passed the remaining parts of this section if it had known that such part or parts thereof would be declared unconstitutional.

SECTION 4. Subsections (40), (41) and (42) of section 85.10 of the statutes are created to read:

(85.10) (40) PERSON. Every natural person, firm, co-partnership, association or corporation.

(41) COMMISSIONER. The motor vehicle commissioner of this state.

(42) DEPARTMENT. The motor vehicle department of this state acting directly or through its duly authorized officer or agents.

SECTION 5. Section 85.137 of the statutes is created to read:

85.137 CERTAIN RIGHTS SAVED. The repeal of section 85.08 of the statutes of 1939 repealed by this act shall not remit, defeat or impair any civil or criminal liability for offenses committed, penalties or forfeitures incurred or rights of action accrued under such section before the repeal thereof, whether or not in course of prosecution or action at the time of such repeal; but all such offenses, penalties, forfeitures and rights of action created by or founded on such sections, liability wherefor shall have been incurred before the time of such repeal thereof, shall be preserved and remain in force notwithstanding such repeal. And criminal prosecutions and actions at law or in equity founded upon such repealed sections, whether instituted before or after the repeal thereof, shall not be defeated or impaired by such repeal but shall, notwithstanding such repeal, proceed to judgment in the same manner and to the like purpose and effect as if such repealed sections continued in full force to the time of final judgment thereon. For the purpose of this section the provisions of subsection (19) of section 85.08 of the statutes of 1939 repealed by this act continue to apply to bonds, proofs of insurance and money and collateral filed, furnished or deposited pursuant to section 85.08 of the statutes of 1939 repealed by this act.

SECTION 6. Paragraph (c) of subsection (1) of section 85.141 of the statutes is repealed.

SECTION 7. Subsection (3) of section 85.81 of the statutes is amended to read:

(85.81) (3) Any person, who, while operating any vehicle in a drunken condition, or in a reckless, wilful or wanton disregard of the rights or safety of others, shall inflict injury upon any person, shall be guilty of criminal negligence, and

upon conviction shall be punished by imprisonment in the county or municipal jail for not less than * * * 30 days nor more than one year. * * *

SECTION 8. Subsections (2) and (3) of section 85.91 of the statutes are amended to read:

(85.91) (2) Any person violating any of the provisions of section 85.14, subsections (1), (2) and (3) of section 85.15, subsections (3) to (7) and (9), (10) and (11) of section 85.16, subsection (7) of section 85.18, subsections (1), (5) and (9) of section 85.19, sections 85.20, 85.24, 85.29, 85.30 and 85.32, subsection (3) of section 85.34, sections 85.36 to 85.38, subsection (3) of section 85.39, subsections (6) to (13), * * * of section 85.40, subsection (2) of section 85.41, sections 85.45, 85.47, 85.48, 85.49, 85.51, 85.52, 85.54 to 85.60 and 85.62 and subsection (1) of section 85.67 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed * * * \$25 for the first offense and for the second or each subsequent conviction within one year thereafter, by a fine not to exceed * * * \$100 or by imprisonment in the county or municipal jail for not more than * * * 30 days or by both such fine and imprisonment. * * *

(3) Any person violating any of the provisions of sections 85.13, 85.135, subsection (1) of section 85.14 and subsections (1) to (5) of section 85.40, 85.81 and 85.83 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished in addition to any other penalty provided by law, by a fine not to exceed \$100 or by imprisonment in the county or municipal jail for not more than 6 months, or by both such fine and imprisonment. * * * For the second or each subsequent conviction within one year thereafter such person shall be punished by a fine not to exceed \$200 or by such imprisonment not to exceed one year, or by both such fine and imprisonment * * *.

SECTION 9. This act shall take effect September 1, 1941.

Approved June 3, 1941.