

*nivities, war bond purchases, contributions to the American Red Cross, a community fund or other similar charity, or any indebtedness to his employer.*

Approved July 6, 1945.

No. 97, A.]

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### CHAPTER 417.

AN ACT to repeal 20.051 (4) and 85.08 (13) (b) and (18) (f); to amend 20.051 (1) and 85.08 (6) (e), (9), (10), (11), (12) (a) and (d), (20) (c), (23) (a), (24) (a), (25) (Introductory paragraph), (27m), (28) and (35) (d); to repeal and recreate 85.08 (6) (j) and (17) (b); and to create 85.08 (3a), (25) (f) and (35) (h), 85.09 (5) (c) of the statutes, relating to motor vehicle operator's licenses.

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

SECTION 1. 20.051 (1) of the statutes is amended to read:  
20.051 (1) *On July 1, 1945, \$966,450 and annually, beginning July 1, \* \* \* 1946, \$841,300 for the performance of its duties under chapters 85, 110 and 194.*

SECTION 2. 20.051 (4) of the statutes is repealed.

SECTION 3. 85.08 (13) (b) and (18) (f) of the statutes are repealed.

SECTION 4. 85.08 (6) (e), (9), (10), (11), (12) (a) and (d), (20) (c), (23) (a), (24) (a), (25) (Introductory paragraph), (27m), (28) and (35) (d) of the statutes are amended to read:

85.08 (6) (e) To any person who has previously been adjudged insane or an idiot, imbecile, \* \* \* 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;

(9) (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 *motorcycle, motor scooter, commercial motor truck, motor bus or 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 \* \* \* 18 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.

(10) Any person who signed the application of a person under the age of \* \* \* 18 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) The commissioner upon receipt of satisfactory evidence of the death of the persons who signed the application of a

person under the age of \* \* \* 18 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) (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. \* \* \*

(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. *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.*

(20) (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 filed by the department so that the complete operator's record is available for the \* \* \* 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 may be accumulative beyond the period for which a license is granted but the commissioner of the motor vehicle department, in exercising the power of suspension granted him under subsection (27m), shall consider only those reports and records entered during the 4-year period immediately preceding the exercise of such power of suspension.

(23) (a) The commissioner shall suspend or revoke the license of any resident of this state *or if such resident has not been issued a license, the commissioner shall suspend or revoke the privilege of such resident to secure a license* 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.

(24) (a) Whenever any person is convicted of any offense for which this section makes mandatory the revocation \* \* \* by the department of a license or the privilege to secure a license, 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.

(25) (Introductory paragraph) 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 operator's license and the motor vehicle registration plates, registration certificate, registration plate inserts and windshield registration stickers of such operator upon receiving the record of such operator's conviction of any of the following offenses when such conviction has become final:

(27m) 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 \* \* \* after 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) 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 reexamination of the license. *No law enforcement officer or other witness produced by the person who has requested a hearing to testify on his behalf shall be paid a witness fee by the department; nor shall any law enforcement officer called to appear for the department be paid any witness fee by the department.* 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).

(35) (d) To fail or refuse to surrender to the department upon its lawful demand any operator's license which has been suspended, revoked \* \* \*, canceled or obtained by fraudulent representations in his application for the same;

SECTION 5. 85.08 (6) (j) and (17) (b) of the statutes are repealed and recreated to read:

85.08 (6) (j) To any person subject to epileptic seizures.

(17) (b) 1. Beginning September 1, 1945, all validly outstanding licenses shall be renewed in such number and at such times as may be deemed advisable by the motor vehicle department in order to gain a uniform rate of renewal of driver's licenses. Licenses so renewed shall be valid for a period of 4 years from the date of issue of such renewal license. It shall be the duty of the motor vehicle department to mail to the last-known address of a licensee at least 30 days prior to the expiration of his renewal license notice of the date upon which such license must be renewed.

2. The expiration of all validly outstanding licenses on September 1, 1945, is extended until declared to expire and to be renewable by the motor vehicle department.

3. Any person who holds a valid driver's license and who is unable to make a renewal application within the period declared by the motor vehicle department due to his serving with any branch of the armed services shall be permitted to apply for a

renewal operator's license at any time within 6 months from date of his discharge from such services. Such person shall be issued a renewal license at the regular fee of 25 cents.

SECTION 6. 85.08 (3a) (25) (f) and (35) (h) of the statutes are created to read:

85.08 (3a) SCHOOL BUS OPERATOR'S LICENSE. No person shall operate a school bus without having first applied for and received a school bus operator's license. The department shall not issue a school bus operator's license to any person who is less than 21 years of age or who does not hold a valid operator's license issued under the provisions of this section.

(25) (f) Operating a motor vehicle while driving privileges are suspended or revoked or operating a motor vehicle when proof of financial responsibility is required without furnishing such proof.

(35) (h) To reproduce by any means whatever a copy of an operator's license.

SECTION 7. 85.09 (5) (c) of the statutes is created to read:

85.09 (5) (c) If it shall be established, to the satisfaction of the commissioner, that any person, whose driving privileges have been suspended or revoked, was operating at the time of the offense or accident resulting in such suspension or revocation a motor vehicle owned by the operator's employer or by a member of the operator's immediate family or household, and there was not, at the time of such offense or accident or subsequent thereto up to the date of the application for reinstatement, any motor vehicle registered in this state in the name of such operator, the person in whose name such motor vehicle is registered may give proof of financial responsibility as required by this section. This proof may be accepted by the department and the operator whose driving privileges have been suspended or revoked may be relieved of the necessity of furnishing such proof on his own behalf. There may then be issued a reinstated operator's license which will permit such reinstated operator to operate only such vehicles as are owned by the operator's employer or by members of the operator's immediate family or household and for which proof of financial responsibility has been furnished to the commissioner.

Approved July 6, 1945.