

CHAPTER 110

MOTOR VEHICLES

110.015	Facsimile signature	110.08	State operator's license examiner system
110.06	Rules and regulations; school bus certificate of compliance	110.20	Department additional powers to provide structures, facilities and permanent improvements.
110.065	Traffic academy	110.99	Council on traffic law enforcement
110.07	Traffic officers; powers and duties.		
110.075	Random motor vehicle inspection		

110.015 Facsimile signature. The secretary and division administrators of the department of transportation, through their authorized employes, may execute or affix their signature, by facsimile signature with a stamp, reproduction print or other similar process to all licenses, notices, orders, administrative letters, contracts, permits, offers to purchase, appraisals, certifications of records, service of legal papers or process on the administrators, and other legal instruments under the statutes which the secretary and division administrators are authorized or required to administer.

110.06 Rules and regulations; school bus certificate of compliance. (1) The administrator of the division of motor vehicles may make such reasonable and uniform orders, rules and regulations not inconsistent with law as he may deem necessary to the discharge of the powers, duties and functions vested in such division. He may also prescribe forms for applications, notices and reports required by law to be made to the division or which may be deemed necessary to the efficient discharge of all such powers, duties and functions.

(2) The administrator of the division of motor vehicles shall adopt and enforce such rules as he deems necessary in the interests of safety to cover the design, construction, inspection and operation of school busses.

(3) (a) Any person intending to purchase a motor vehicle to be used as a school bus shall prior to purchase give the seller notice in writing of the intended use.

(b) The seller shall then obtain a certificate of compliance with the conditions prescribed by the school bus regulations from the division of motor vehicles, which certificate shall be carried upon the vehicle at all times. Paragraph (a) shall not preclude a licensed motor vehicle dealer from securing a certificate of approval at any time.

(c) The seller of any such vehicle who fails to obtain a certificate of compliance prior to sale shall be liable to the purchaser for all repairs and

improvements required by the school bus regulations for a period of 9 months after sale and shall be fined \$50 for the 1st offense and \$100 for the 2nd and each subsequent offense.

(d) This section shall not apply to any school bus for which a certificate of compliance has been issued by the division of motor vehicles and which carries a certificate not more than one year old nor to any school bus having a passenger carrying capacity of fewer than 10 persons, including the operator. Passenger carrying capacity shall be determined by dividing the total seating space measured in inches by 20.

(4) Violations of those orders, determinations and rules pertaining to chs. 115 to 118, 120, 121 and 341 to 349 shall be punished as provided by s. 341.04 (3) and those pertaining to ch. 194 as provided by s. 194.17.

(5) The orders and determinations, rules and regulations made by the administrator shall be subject to review in the manner provided in ch. 227.

110.065 Traffic academy. The administrator of the division of motor vehicles may establish and operate an academy for the training of state, county and local traffic patrol officers and other related personnel and make rules and regulations for the conduct thereof. The administrator shall establish and periodically revise a reasonable scale of tuition charges. The tuition for personnel other than employes of the division of motor vehicles shall be paid by their respective departments or governing bodies and shall be deposited in the highway fund. The administrator shall consult appropriate state, county and local authorities concerning the establishment and operation of the academy and the determination of tuition charges. State agencies shall cooperate with the administrator in providing information and instructional services for the academy.

110.07 Traffic officers; powers and duties. (1) The administrator of the division of motor vehicles shall employ not to exceed 375

traffic officers, 18 of whom shall be employed as inspectors to implement the random motor vehicle inspection provisions of s. 110.075. Such traffic officers, in addition to the director of the bureau of enforcement of the division of motor vehicles, shall constitute the state traffic patrol, to enforce and assist in the administration of chs. 110, 194, 218 and 341 to 349, and ch. 350 where applicable to highways, or orders or rules issued pursuant thereto. Such traffic officers shall have the powers of sheriff in enforcing the above chapters and orders or rules issued pursuant thereto. Such traffic officers shall have authority to enter any place where vehicles subject to chs. 110, 194, 218 and 341 to 350 are stored or parked at any time to examine such vehicles, or to stop such vehicles while en route at any time upon the public highways to examine the same and make arrests for all violations thereof. All municipal justices, judges, district attorneys and law enforcement officers shall assist in enforcing chs. 110, 194, 218 and 341 to 350, and orders or rules issued pursuant thereto, and law enforcement officers shall report to the division of motor vehicles all arrests and disposition of court cases involving the aforementioned statutes.

(2) The traffic officers employed pursuant to the provisions of this section shall constitute a state traffic patrol to assist local enforcement officers wherever possible in the regulation of traffic and the prevention of accidents upon the public highways. No state traffic officer shall be used in or take part in any dispute or controversy between employer or employe concerning wages, hours, labor or working conditions; nor shall any such traffic officer be required to serve civil processes.

(2m) In addition to the primary powers granted by subs. (1) and (2), any officer of the state traffic patrol who is in uniform and on duty may arrest without warrant any person who commits a misdemeanor or a felony on the highway in his presence, or who is transporting a stolen motor vehicle or who is fleeing from the scene of a crime or from other law enforcement officers and deliver him to the sheriff or police chief in the jurisdiction where the arrest is made. A state traffic officer making an arrest pursuant to this subsection shall at all times be available as a witness for the state.

(3) The administrator of the division of motor vehicles may employ inspectors who shall not wear the uniform of the state patrol, whose duties shall be to enforce and assist in administering chs. 110, 194, 218, 340 to 345 and 347 to 349. Such inspectors, in the performance of these duties, shall have the powers and authority of state traffic officers. For the purpose of death, disability and retirement coverage, such inspectors

shall be subject to ss. 66.191 and 66.90 to 66.918 as is the state traffic patrol. The administrator may clothe and equip inspectors as the interest of public safety and their duties require.

Note: Sub. (3) is printed as amended by Chapter 500, laws of 1969. Other amendments by Chaps. 158, 336 and 392, laws of 1969, are not shown. See the printing rule stated in the Preface, section 6 (c).

110.075 Random motor vehicle inspection. (1) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which is not in conformity with the requirements of this section.

(2) When directed by any traffic officer, the operator of any motor vehicle shall stop and submit such motor vehicle to an inspection and such tests as are necessary to determine whether it meets the requirements of this section, or that its equipment is not in proper adjustment or repair, or in violation of the equipment provisions of ch. 347. Such inspection shall be made with respect to the brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust system, windshield wipers, tires, and other items of equipment designated by the administrator of the division of motor vehicles.

(3) Upon determining that a motor vehicle is in conformity with sub. (2), the inspecting team shall issue to the operator an official inspection sticker which shall be in such form as the administrator prescribes. The official inspection sticker issued following a random or voluntary inspection shall exempt the inspected vehicle from random vehicle inspection for a period of one year.

(4) The administrator may, upon application and payment of a \$100 annual fee for each inspection location, issue a permit designating the state, any political subdivision thereof, or any person as a self-inspector provided such applicant meets requirements which the administrator shall establish for self-inspectors as to equipment, space and personnel and provided said applicant operates a minimum of 10 motor vehicles and can satisfy the administrator that such inspections will be properly conducted. Self-inspectors shall inspect only those vehicles owned or leased and operated by them as a fleet. Self-inspectors shall be subject to all provisions of this section and rules and regulations adopted pursuant thereto.

(5) Each permit issued to a self-inspector shall specify the locations at which inspections will be conducted. No such permit shall be assigned or transferred or used at any location other than therein designated, and every such permit shall be posted in a conspicuous place at the location designated.

(6) When any motor vehicle is found to be unsafe for operation, the inspecting team may order it removed from the highway and not operated, except for purposes of removal and repair, until it has been repaired pursuant to a repair order as provided in sub. (7).

(7) When any motor vehicle is not in compliance with sub. (2) a repair order may be issued, in such form and containing such information as the administrator prescribes, to the owner or driver of the motor vehicle. The owner or driver shall thereupon obtain such repairs as are required.

(8) Inspections performed by the state under this section shall be performed by inspection teams composed of one traffic officer and 2 motor vehicle inspectors. Eighteen inspection teams shall be maintained full time to implement the random motor vehicle inspection provided by this section. Not less than 2 inspection teams shall be assigned to each state patrol district.

(9) This section shall only apply to vehicles subject to registration under ch. 341, but the following are exempt from the inspection required by this section:

(a) A motor vehicle bearing a valid certificate of inspection issued by another state.

(b) A vehicle operating under a certificate or permit issued by the interstate commerce commission, or subject to and operating under the safety rules and regulations of the U.S. department of transportation.

(10) The administrator shall provide for a voluntary vehicle inspection program which shall be conducted by the same state personnel trained to conduct random inspections under this section, and shall establish procedures to implement such program.

(11) The administrator shall set standards and promulgate rules to establish a plan of inspection to implement the random and voluntary inspection program provided by this section, and he shall submit such standards and rules, and any subsequent changes therein, to the assembly and senate committees on highways acting jointly for their approval.

(11m) The administrator shall establish in 2 areas of the state, so as to obtain experience in both essentially urban and rural localities, a pilot project providing for a voluntary vehicle inspection program under which the inspections will be performed by private parties designated by him as official inspection stations. So far as possible, the requirements of this section applicable to the random inspection program shall apply to the pilot project under this subsection. The administrator shall prepare a plan to implement this subsection which, before being put into operation, shall be submitted to the assembly and

senate committees on highways acting jointly for their approval. The committees shall approve the plan, with any modifications they deem necessary, within 30 days of its receipt. If the committees do not approve the plan with or without modifications within such time period, the administrator shall submit the plan to the joint committee on legislative organization for its approval. The plan shall go into operation no later than July 1, 1968. The administrator shall periodically report to such committees on the operation of the pilot project.

(12) Any person producing, manufacturing or using an inspection sticker or causing the same to be done to subvert the provisions of this section shall be fined not less than \$100 nor more than \$500 or imprisoned not more than 6 months or both. Any persons otherwise violating this section or rules issued pursuant thereto, unless otherwise provided by statute, shall be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both.

110.08 State operator's license examiner system.

(1) The division of motor vehicles shall employ a sufficient number of operator's license examiners. One of the persons so employed shall be the chief examiner. He shall have general supervisory powers over the other examiners and shall be responsible for training them and for assigning and coordinating their activities. One person per district shall be an intermediate supervising examiner. The division may contract for specialists in driver's license examining to augment the division training program for examiners.

(2) After July 1, 1957, all examinations for operator's licenses and permits shall be given by state examiners.

(3) The director of the driver control division shall employ state examiners, driver improvement personnel and clerical personnel at local examining centers, under the classified service.

(4) The division shall employ, train and assign sufficient driver improvement personnel to carry out an intensive driver improvement program including the reexamination and personal interview of problem drivers.

110.20 Department, additional powers to provide structures, facilities and permanent improvements.

(1) As used in this section unless the context requires otherwise:

(a) The term "existing building" in relation to any conveyance, lease or sublease made under sub. (2) means all administrative buildings, all maintenance and communications shops, all storage facilities and garages and such other buildings, structures, facilities and permanent improvements as in the judgment of the adminis-

trator are needed or useful for the purposes of the division and all equipment therefor and all improvements and additions thereto which were erected, constructed or installed prior to the making of such conveyance, lease or sublease.

(b) The term "new building" in relation to any conveyance, lease or sublease made under sub. (2) means all administrative buildings, all maintenance and communications shops, all storage facilities and garages and such other buildings, structures, facilities and permanent improvements as in the judgment of the administrator are needed or useful for the purposes of the division and all equipment therefor and all improvements and additions thereto which are erected, constructed or installed after the making of such conveyance, lease or sublease.

(c) The term "corporation" in relation to any conveyance, lease or sublease made under sub. (2) means a nonstock, nonprofit corporation organized under ch. 181 or any law amendatory thereof or supplemental thereto.

(2) In order to provide new buildings and to enable the construction and financing thereof, to refinance indebtedness hereafter created by a corporation for the purpose of providing new buildings or additions or improvements thereto which are located on land owned by or owned by the state and held for the division of motor vehicles or by a corporation or for any one or more of said purposes but for no other purpose unless authorized by law, the division has the following powers and duties:

(a) Without limitation by reason of any other provisions of the statutes, the power to sell and to convey title in fee simple to a corporation any land and any existing buildings thereon owned by or owned by the state and held for the department for such consideration and upon such terms and conditions as in the judgment of the administrator are in the public interest.

(b) The power to lease to a corporation for a term or terms not exceeding 50 years each any land and any existing buildings thereon owned by or owned by the state and held for the division upon such terms and conditions as in the judgment of the commissioner are in the public interest.

(c) The power to lease or sublease from a corporation and to make available for public use any such land and existing buildings conveyed or leased to such corporation under pars. (a) and (b) and any new buildings erected on such land or on any other land owned by such corporation, upon such terms, conditions and rentals, subject to available appropriations, as in the judgment of the administrator are in the public interest.

(d) The duty to submit the plans and specifications for all such new buildings and all conveyances, leases and subleases made under this section to the department of administration and the governor for written approval before they are finally adopted, executed and delivered.

(e) The power to pledge and assign all or any part of the revenues derived from the operation of such new buildings as security for the payment of rentals due and to become due under any lease or sublease of such new buildings under par. (c).

(f) The power to covenant and agree in any lease or sublease of such new buildings made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of such new buildings in an amount calculated to produce net rentals sufficient to pay the rentals due and to become due under such lease or sublease.

(g) The power to covenant and agree in any lease or sublease made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of existing buildings in an amount calculated to produce net rentals sufficient to pay the rentals due and to become due under such lease or sublease.

(h) The power and duty, upon receipt of notice of any assignment by a corporation of any lease or sublease made under par. (c), or of any of its rights under any such sublease, to recognize and give effect to such assignment, and to pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by such corporation.

(3) The state shall be liable for accrued rentals and for any other default under any lease or sublease made under sub. (2) (c) and may be sued therefor on contract as in other contract actions under ch. 285, except that it shall not be necessary for the lessor under any such lease or sublease or any assignee of such lessor or any person or other legal entity proceeding on behalf of such lessor to file any claim with the legislature prior to the commencement of any such action.

(4) Nothing in this section empowers the division or the administrator to incur any state debt.

(5) All powers and duties conferred upon the division pursuant to this section shall be exercised and performed by the administrator. All conveyances, leases and subleases made pursuant to this section, shall be made, executed and delivered in the name of the division and shall be signed by the administrator and sealed with the seal of the division.

(6) All laws conflicting with provisions of this section are, insofar as they conflict with this

section and no further, superseded by this section.

110.99 Council on traffic law enforcement. (1) Members of the council on traffic law enforcement shall be reimbursed for their actual and necessary expenses in the performance of their duties from the appropriation under s. 20.395 (3) (u).

Note: Sub (1) is printed as amended by Chaps 154 and 500, laws of 1969.

(2) The council shall make recommendations to the governor for better utilization of enforcement agencies, equipment and communications; shall designate the reports to be filed with it by such agencies and shall report to the governor any proposals for changes in the law which it believes will bring about a better overall enforcement effort.

(3) The council may inspect and examine the records of any enforcement agency and may call upon any enforcement officer or supervisor of any officer or group of enforcement officers for advice or information.