

CR 82-56

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C E R T I F I C A T E

STATE OF WISCONSIN)
) ss
DEPARTMENT OF TRANSPORTATION)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Owen Ayres, Secretary of the Wisconsin Department of Transportation and custodian of the official records of the department, do hereby certify that the annexed rule TRANS 102, relating to Photo Operator's License and Identification Card, was duly approved and adopted by this department in accordance with s. 227.026(1), Stats.

I further certify that the annexed copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation in the City of Madison, Wisconsin, this 29th day of July, 1982.

Owen Ayres
Owen Ayres, P.E.
Secretary

10-1-82



State of Wisconsin \ DEPARTMENT OF TRANSPORTATION



OFFICE OF THE SECRETARY
Room 120B Hill Farms State Office Bldg.
4802 Sheboygan Avenue
Madison, Wisconsin 53702
Telephone 266-1113

The Honorable Fred A. Risser
President, Wisconsin State Senate
Room 235 South, State Capitol
Madison, WI 53702

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AUG 3 1982

Revisor of Statutes
Bureau

The Honorable Edward G. Jackamonis
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
Madison, WI 53702

RE: CR 82-56, an Order to Create TRANS 102, Wisconsin Administrative Code, Relating to Photo Operator's License and Identification Card

Gentlemen:

The above-referenced rule is in final draft form and is submitted to you for reference to the appropriate standing committees. I have also enclosed a "Notice of Standing Committee Waiver of Authority" for the convenience of the committee chairpersons.

Sincerely,

Marvin Schaeffer
for
Owen Ayres, P.E.
Secretary

MAH:lmb

CC: Gary L. Poulson
Assistant Revisor of Statutes





State of Wisconsin \ DEPARTMENT OF TRANSPORTATION



OFFICE OF THE SECRETARY
Room 120B Hill Farms State Office Bldg.
4802 Sheboygan Avenue
Madison, Wisconsin 53702
Telephone 266-1113

Secretary Owen Ayres
Attention: Maureen Hlavacek, Division of Motor Vehicles
Wisconsin Department of Transportation
P.O. Box 7911
Madison, WI 53707

Dear Secretary Ayres:

NOTICE OF STANDING COMMITTEE
WAIVER OF AUTHORITY

CLEARING HOUSE RULE NO. 82-56

RULE NO. TRANS 102

RELATING TO: Photo Operator's License and Identification Card

Pursuant to sec. 227.018(4)(c), Stats., notice is given that
this legislative standing committee has reviewed the proposed
rule and grants permission to promulgate the rule as proposed
prior to the expiration date of the committee review period.

Very truly yours,

CHAIRPERSON

Assembly Committee _____ Date _____

Senate Committee _____ Date _____



OFFICE OF THE SECRETARY

In the matter of the Proposed	.	
Creation of Chapter TRANS 102,	.	PROPOSED ORDER
<u>Wis. Admin. Code</u> , Relating to	.	ADOPTING RULE
Photo Operator's License and	.	
Identification Card.	.	

CLEARING HOUSE RULE 82-56

A copy of the proposed rule may be obtained upon request from the Wisconsin Department of Transportation, Division of Motor Vehicles, P.O. Box 7911, Room 255, Hill Farms State Office Building, 4802 Sheboygan Avenue, Madison, Wisconsin 53707. Telephone: (608) 266-2233.

Analysis by the Department of Transportation

This proposal creates chapter TRANS 102 to establish by rule the department's policies and procedures relating to the new program for a centrally issued photo operator's license or identification card. Chapter 306, Laws of 1979, mandated this program by revising, amending, or creating ss.343.14, 343.17, 343.19, 343.20, 343.21, 343.22 and 343.50, Stats., to restructure the procedures for issuance of an operator's license or identification card so that it will contain a photograph of the applicant. Statutory interpretations and policies included in the rule are:

1. Trans 102.03 provides that certain applicants renewing their operator's license, who require a vision examination under s. 343.16(1)(a)2., Stats., and issuance of a license with a photograph as prescribed in s.343.14(3), Stats., may be exempted from the photograph requirement. Provisions are included for issuance of an operator's license without a photograph when having one taken would be impossible or a great hardship. Those applicants stationed outside the state in military service, applicants temporarily out of the state on a job assignment, a student, or persons on a vacation out of state who require a photo renewal or duplicate photo operator's license, and are not able to return to Wisconsin to make application, shall not require a photograph taken to obtain the license. Applicants who qualify for photograph exemption, as prescribed in s. Trans 102.03(1)(b) for religious belief, are also exempt from having a photograph on the operator's license. The requirements for a religious exemption are similar to those in other states.

2. Trans 102.04 contains the design and specifications of a one part, two-sided operator's license or identification card and describes data placement.

3. Trans 102.05 describes the dimensions and general design of the complete document. The size prescribed will allow for convenient insertion in the normal size credit card enclosures found in most wallets or carriers.

4. Trans 102.06 provides that instruction permits shall continue to be issued without a photograph. Section 343.17(2), Stats., allows the department the option of issuing the instruction permit with a photograph. It is impractical to require a photo at this time because of the additional costs and personnel that would be necessary to handle the workload, and instruction permits are issued only for 6 month periods.

5. Trans 102.07 shows the markings for license types and identification cards to readily distinguish one from another.

6. Trans 102.08 prescribes how the photo and non-photo license will be issued and their period of validity.

7. Trans 102.09 provides that a retake photograph, without cost to the applicant, will be taken when the photograph that was taken is not clear, complete, or has been damaged or destroyed in processing as described in this chapter. A rephoto with the same fee as required for duplicate in s. 343.21(1)(f), Stats., to cover costs, will be available for persons who prefer another photo but do not meet the requirements for a no fee retake as prescribed in this chapter.

8. Trans 102.10 prescribes the requirements for obtaining a full facial image photograph.

9. Trans 102.11 prescribes license fees and rephoto fee.

10. Trans 102.12 provides that the first four years of operation, from the beginning effective date of issuance of the license with photograph, will be the photo license transition period. The following chart indicates how the approximately 3,000,000 total licensed drivers in the State of Wisconsin will receive their renewal operator's licenses with photograph over a four year period.

TRANSITION CHART FOR FOUR YEAR RENEWAL PHOTO LICENSE

Effective beginning Date of Issuance for Renewal Photo Licenses January 1, 1983

<u>Four Year Photo Renewal License</u> (With Vision Test Required)			<u>Two Year Non-Photo Renewal License</u> (Without Vision Test Required)		
<u>Birthdate</u> <u>Renewal in:</u>	<u>No.</u> <u>Issued</u>	<u>Expires on</u> <u>Birthdate in:</u>	<u>Birthdate</u> <u>Renewal in:</u>	<u>No.</u> <u>Issued</u>	<u>Expires on</u> <u>Birthdate in:</u>
1983	750,000	1987	1983	750,000	1985
					The above two-year license applicants will receive their four-year photo renewal license in 1985.
1984	750,000	1988	1984	-0-	-
1985	750,000	1989	1985	-0-	-
1986	750,000	1990	1986	-0-	-

Non-Photo Four Year Renewal License
(With Vision Test Required)

<u>Birthdate</u> <u>Renewal in:</u>	<u>No.</u> <u>Issued</u>	<u>Expires on</u> <u>Birthdate in:</u>
1982	750,000	1986
		The above 1982 four year non-photo renewal applicants will receive their four-year photo renewal license in 1986.

11. Trans 102.13 describes the special provisions for the photograph procedure.

FISCAL ESTIMATE

See attached fiscal estimate.

AUTHORITY FOR RULE

Secs. 110.06(1) and 227.014, Stats.

FORMS

NEW FORMS

1. MVD 3392 Data Card - A motor vehicle form used for the data to be photographed for an operator's license or identification card. One half of this form shall also be used for retake photo notifications, receipts, cycle instruction permits, and regular instruction permits.
2. MVD 3390 Examination Worksheet - A motor vehicle form used to record driver test results.
3. MVD 3391 Application Batch Report - A motor vehicle form used to identify and sequence groups of applications sent to the department's central office from the driver licensing stations.
4. MVD 3393 Pocket Envelope - A specially constructed motor vehicle envelope used to mail the finished photo operator's license or identification card to the applicant from the department's central office.
5. MVD 3394 Renewal Informational Insert - A motor vehicle form mailed with the operator's license or identification card renewal notice providing instructions for obtaining the photo document.

REVISED FORMS

1. MVD 3001 Application - A motor vehicle form provided by the Department and used for application for an operator's license.

2. MVD 3166 License Form - A motor vehicle form used for licensing those persons who do not receive a photo license.

3. MVD 3166A Special Restrictions Attachment - A motor vehicle form used to attach lengthy restriction information to an operator's license.

4. MVD 3006 Renewal License Notice - A motor vehicle form used by the department to notify licensed drivers that a renewal is due.

5. MVD 3006B Identification Card Renewal Notice - A form used by the department to notify persons holding identification cards that a renewal is due.

FORMS ELIMINATED

1. MVD 3166B Identification Card - A paper form presently used for the identification card issued to applicants by the department.

2. MVD 3147 Cycle Instruction Permit - A form presently used by the department that is attached to the operator's license to permit cycle operation.

Forms will be available from the department without charge by writing to the Division of Motor Vehicles, P.O. Box 7917, Madison, WI 53707. Of the above forms, those listed below are forms that are used or prepared by the department and are not available to the public when they are blank, or not in the issued format: MVD 3392, MVD 3390, MVD 3166, MVD 3166A, MVD 3166B, and MVD 3147.

Pursuant to authority vested in the Department of Transportation by ss. 110.06, 227.014, 343.14, 343.17 and 343.20, Stats., the Department proposes to adopt rules interpreting ss. 343.14, 343.17, 343.19, 343.20, 343.21, 343.22 and 343.50, stats., as follows:

RULE TEXT

SECTION 1. Chapter TRANS 102 of the Wisconsin Administrative Code is adopted to read:

CHAPTER TRANS 102

PHOTO OPERATOR'S LICENSE AND IDENTIFICATION CARD

TRANS 102.01	Purpose and Scope
TRANS 102.02	Definitions
TRANS 102.03	Photograph Exemptions
TRANS 102.04	Design of Photo License and Identification Card
TRANS 102.05	Dimensions and General Design of Operator's License and Identification Card
TRANS 102.06	Instruction Permit Issuance
TRANS 102.07	Operator's License or Identification Card Marking
TRANS 102.08	Expiration of Operator's License
TRANS 102.09	Photograph Retake and Rephoto Specifications
TRANS 102.10	Special Photo Requirements
TRANS 102.11	Fees
TRANS 102.12	Transitional Period
TRANS 102.13	Special Provisions

TRANS 102.01 PURPOSE AND SCOPE. (1) As authorized by ss. 110.06, 227.014, 343.14, 343.17 and 343.20, Stats., the purpose of this chapter is to administratively interpret ss. 343.14, 343.17, 343.19, 343.20, 343.21, 343.22 and 343.50, Stats., relating to issuance of a photo operator's license and identification card.

(2) This chapter pertains to any person applying for a Wisconsin original, renewal, or duplicate operator's license or identification card, except for persons applying for licenses issued under ss. 343.08, 343.10, 343.12, 343.125 and 343.126, Stats.

NOTE: Forms used in administering this rule are MVD-3392 data card, MVD-3390 examination worksheet, MVD-3393 pocket envelope, MVD-3394 renewal information insert, MVD-3001 application, MVD-3166 license form, MVD-3166A special restriction attachment, MVD-3006 renewal license notice, and MVD-3006B identification card renewal notice.

TRANS 102.02 DEFINITIONS. As used in this chapter:

(1) "Centrally issued" means the finished licenses or identification cards mailed from the central office in Madison.

(2) "Laminated license or identification card" means the photo license or photo identification card of the applicant and application data, sealed within plastic and fused to the surface of the document.

(3) "License type" means the distinguishing notation on the operator's license to readily identify one license from another.

(4) "Operator's license" means a document which authorizes a person to drive or have actual physical control of a motor vehicle.

(5) "Rephoto" means a replacement photograph with fee as prescribed in s. TRANS 102.09(3).

(6) "Retake" means another photograph without fee taken when the previous photograph is not clear, complete, or becomes lost or damaged in processing as prescribed in s. TRANS 102.09(1).

TRANS 102.03 PHOTOGRAPH EXEMPTIONS. (1) As provided by s. 343.14(3), Stats., a license without photograph shall be issued when:

(a) A Wisconsin resident is out of state and is not able to return for a renewal or duplicate for one of the following reasons:

1. The person is stationed outside the state in the military service, or
2. Is attending school in another state, or
3. Is working out of state on a job assignment, or
4. A person out of state on vacation.

(b) The person's religion does not allow a photograph to be taken. To qualify for the exemption, the following shall be furnished to the department.

1. A certified or notarized statement by a member of the clergy of his or her religion verifying the applicant is a member of the congregation and that photographing is prohibited by the religion, and

2. A copy of the certificate of tax exempt status from the Internal Revenue Service for that congregation.

(2) Within 30 days of return to Wisconsin, the applicant who has received the photograph exemption license as prescribed in sub. (1) (a), shall apply for a license containing a photograph, and pay the fee required in s. 343.21(1)(f), Stats., for a duplicate license.

TRANS 102.04 DESIGN OF PHOTO LICENSE AND IDENTIFICATION CARD.

(1) The operator's license and identification card shall be a one part document.

(2) The document shall consist of two sides and contain information to conform with s. 343.17, Stats. (a) The front side shall:

1. Contain the applicant's photograph on the left side of the card.
2. Provide a space for restriction code numbers.
3. Be marked to show license type, if a license, and marked identification card only, if an identification card.

4. Not require a photograph when issued to applicants who qualify for photograph exemptions as provided for in s. TRANS 102.03. The words "valid without photograph" shall appear in the space normally used for the photograph.

(b) The back side shall:

1. Provide space for numerical restriction codes.
2. Contain a restriction attachment form when the restrictions are lengthy and cannot be provided for by a restriction code number.
3. Provide a space for the organ donor sticker.

Note: Forms MVD 3166A special restriction attachment and photograph of MVD-3392 data card.

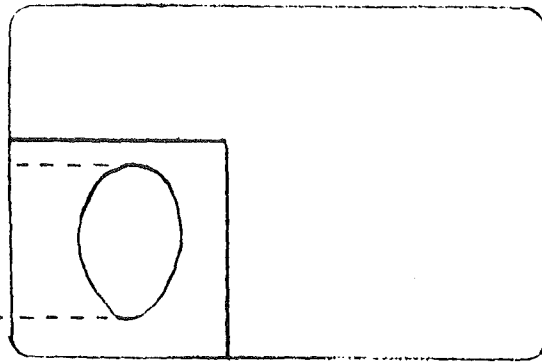
TRANS 102.05 DIMENSIONS AND GENERAL DESIGN OF OPERATOR'S LICENSE AND IDENTIFICATION CARD. The dimension and general design of the operator's license and identification card are shown in figures 1 - 2 - 3 - 4 following.

FIGURE 1

Minimum Photo Dimensions

FROM TOP OF HEAD
TO CHIN, MIN. 3/4"

3/4"



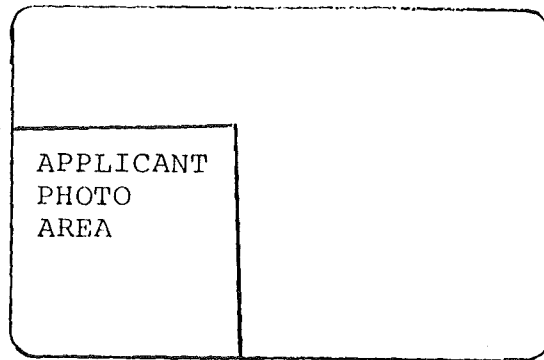
2 3/4"

1 3/4"

OVERALL
SIZE OF
PHOTO LICENSE OR
IDENTIFICATION CARD
IS 2 3/4" WIDE
X 1 3/4" HIGH

APPLICANT
PHOTO AREA
MIN. 1 1/8" WIDE
X 1 1/8" HIGH

1 1/8"

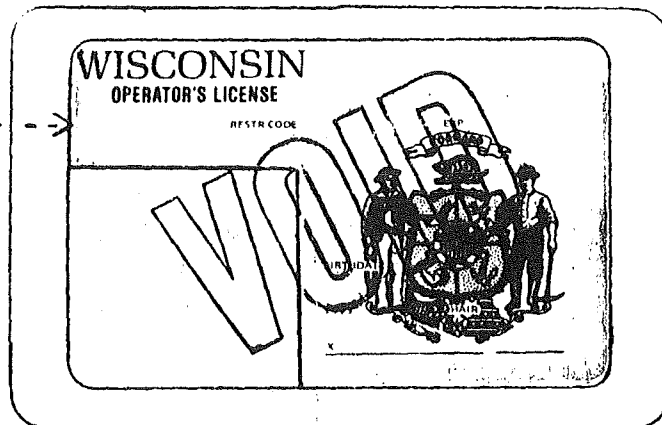


1 1/8"

OPERATOR'S LICENSE
RESTR. CODE

(or the words
Ident. Card only)

3 3/8"



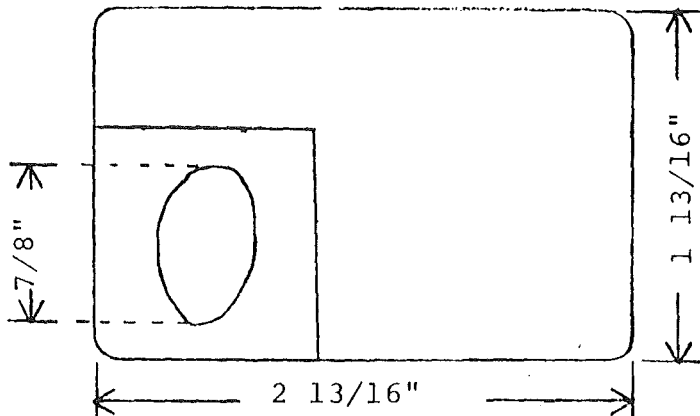
2 1/8"

OVERALL SIZE
OF SEALED
PHOTO LICENSE OR
IDENTIFICATION CARD
IN LAMINATE IS
3 3/8" WIDE
X 2 1/8" HIGH

FIGURE 2

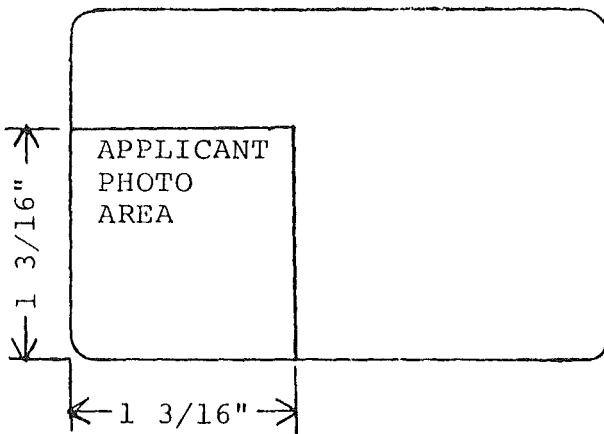
Maximum Photo Dimensions

FROM TOP OF HEAD
TO CHIN MAX. 7/8"



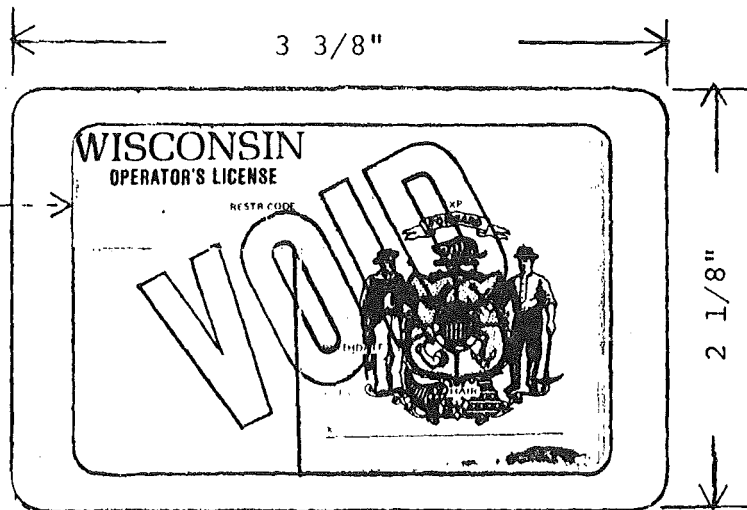
OVERALL SIZE
OF PHOTO LICENSE OR
IDENTIFICATION CARD
IS 2 13/16" WIDE
X 1 13/16" HIGH

APPLICANT PHOTO
AREA MAX. 1 3/16"
WIDE X 1 3/16" HIGH



OPERATOR'S LICENSE
RESTR. CODE --->

(or the words
Ident. Card only)



OVERALL SIZE
OF SEALED
PHOTO LICENSE OR
IDENTIFICATION CAR
IN LAMINATE IS
3 3/8" WIDE
X 2 1/8" HIGH

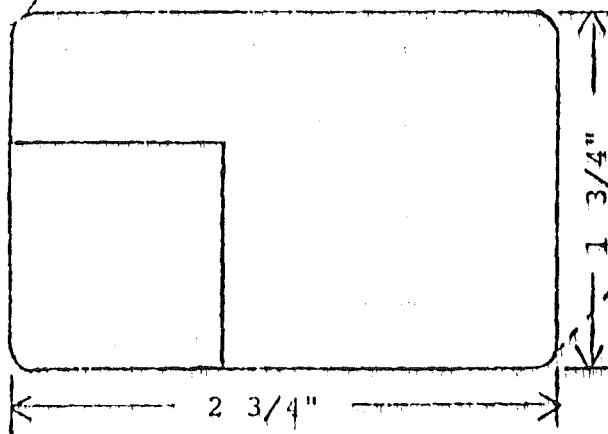
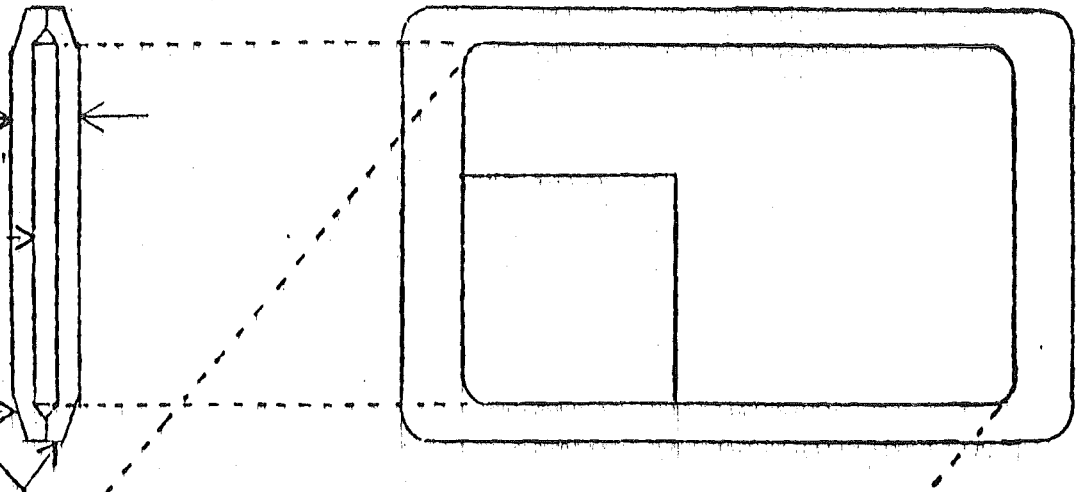
FIGURE 3
Laminate Specifications

ENLARGED END
VIEW

TOTAL
THICKNESS .030"

SEALED
PHOTO LICENSE
OR IDENTIFI-
CATION CARD

.010" LAMINATE
ON BOTH SIDES



ROUNDED CORNERS ON LAMINATE

OVERALL
SIZE OF
DOCUMENT
3 3/8" WIDE
X 2 1/8" HIGH

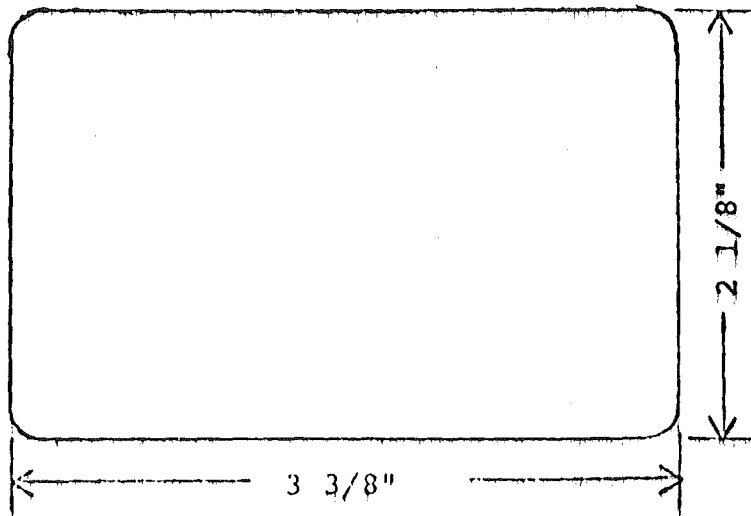



FIGURE 4

BACKSIDE LAMINATE IMPRINTING

OPERATOR'S LICENSE LAMINATE IMPRINTING (BACK)

RESTRICTION CODE		
1. Corrective glasses or contact lenses	7. Proof of financial responsibility	
2. Hoisting aid on vehicle equipped with outside rear view mirror	8. Additional restrictions, Attachment Card required	
3. Automatic transmission	9. Complete hand controls	
4. Automatic turn signals	10. Left outside mirror	
5. Daylight driving only	11. Right outside mirror	13. Buses not painted school bus colors
	12. Adequate seat adjustment	14. Under 10,000 lbs

ANATOMICAL GIFT STATEMENT - Upon my death I wish to donate:

Only the following organ or parts _____ Specify the organ(s) or part(s)

Any needed organ or parts My body for anatomical study if needed

Signed _____ Witness _____

Parents must sign if licensee is a minor _____ Witness _____

Physician should immediately contact one of the following transplant centers
 Madison - (608) 262-2122 Milwaukee - (414) 257-5543 Eyes, (414) 257-5405

TO CANCEL THIS GIFT CROSS OUT THE GIFT STATEMENT Body or
TO AMEND GIFT APPLY FOR A DUPLICATE LICENSE Organs

IDENTIFICATION CARD LAMINATE IMPRINTING (BACK)

ANATOMICAL GIFT STATEMENT - Upon my death I wish to donate:

Only the following organ or parts _____ Specify the organ(s) or part(s)

Any needed organ or parts My body for anatomical study if needed

Signed _____

Witness _____ Witness _____

Parents must sign if applicant is a minor _____

Physician should immediately contact one of the following transplant centers
 Madison - (608) 262-2122 Milwaukee - (414) 257-5543 Eyes, (414) 257-5405 Body or Organs

TO CANCEL THIS GIFT CROSS OUT THE GIFT STATEMENT
TO AMEND GIFT APPLY FOR A DUPLICATE IDENTIFICATION CARD

(The back laminate will be made of a material that will accept written information without rubbing off)

TRANS 102.06 INSTRUCTION PERMIT ISSUANCE. Instruction permits issued under s. 343.07, Stats., shall be issued without a photograph. This provision is adopted pursuant to s. 343.17(2), Stats.

Note: Form MVD-3392 data card.

TRANS 102.07 OPERATOR'S LICENSE OR IDENTIFICATION CARD MARKING. As provided in ss. 343.17(2) and 343.50(3), Stats., each type of license, or an identification card, shall be marked to be readily distinguished from the others.

(1) For a regular license the document shall be marked operator's license "regular".

(2) For a probationary license the document shall be marked operator's license "probationary".

(3) For a special restricted license the document shall be marked operator's license "special restricted".

(4) For an identification card the document shall be marked "identification card only".

Note: Forms MVD-3392 data card and MVD-3166A special restriction attachment.

TRANS 102.08 EXPIRATION OF OPERATOR'S LICENSE. (1) As provided in s. 343.20(1), Stats., an original operator's license may be issued for any period of a fraction of a year in excess of the ordinary effective period of such license. The fee is established in s. 343.21(1)(b), Stats. All original licenses and reinstated licenses with photograph issued under this chapter shall expire two years from the applicant's next birthday as provided in s. 343.20(1), Stats.

(2) As provided in s. 343.20(1), Stats., renewal photograph or the photograph exemption operator's license as prescribed in s. TRANS 102.03, shall

expire four years after the date of expiration of the previous license. The fee is established in s. 343.21(1)(c), Stats.

(3) Non-photograph renewal licenses issued under this chapter shall expire in the transition period prescribed in s. TRANS 102.12(3).

Note: Forms MVD-3392 data card and MVD-3166 license form.

TRANS 102.09 PHOTOGRAPH RETAKE AND REPHOTO SPECIFICATIONS. (1) As determined by the department, a no fee photograph retake shall be made when the photograph of the applicant is indistinguishable, unclear, incomplete, or becomes lost or damaged in the film and card processing procedure.

(2) Applicants who fall into the retake specifications described under sub. (1) shall be required to have a retake photograph taken by the department before their operator's license or identification card can be issued.

(3) Any applicant not satisfied with the photograph after receipt of a license or identification card may request a rephoto. If the photograph does not meet the retake requirements in sub. (1), the applicant shall make application and pay the fee for a duplicate.

Note: Forms MVD-3001 application and MVD-3392 data card.

TRANS 102.10 SPECIAL PHOTO REQUIREMENTS. To provide for a full facial image, the following shall be required:

(1) Except as provided in sub. (2), hats, caps, or other head coverings may not be worn by the applicant when the photograph is taken.

(2) If a turban or similar head covering is worn by the applicant due to religious belief, the covering shall be pushed from the forehead until a full facial image is shown.

(3) A photograph shall be taken with or without glasses, at the applicant's preference. Sunglasses shall be removed. Light sensitive glasses that do not adjust sufficiently to clearly show the eyes shall also be removed.

(4) Hair shall be brushed away from the eye area for the photograph.

TRANS 102.11 FEES. (1) The fee for an original regular, probationary, or special restricted operator's license with photograph shall be the fee prescribed in s. 343.21(1)(b), Stats.

(2) The fee for the renewal of a license with a photograph shall be the fee prescribed in s. 343.21(1)(c), Stats.

(3) The fee for renewal operator's license issued without photograph as prescribed in s. TRANS 102.12(3), shall be the fee as established in s.343.20(1m), Stats.

(4) The fee for the rephoto as described in s. TRANS 102.09(3) shall be the fee prescribed in s. 343.21(1)(f), Stats., for a duplicate.

TRANS 102.12 TRANSITION PERIOD. Transition period means the first four years of operation under the photo license system from beginning effective date of this chapter. Issuance of both photograph and non-photograph renewal operator's licenses to phase in the operation shall take place in the first year.

(1) As provided for in ss. 343.14(3) and 343.20(1), Stats., all renewal operator's licenses with photograph, or the photograph exemption as prescribed in s. TRANS 102.03, shall be issued to be valid for four years after the expiration date of the previous license.

(2) Applicants who require the vision examination for renewal, as prescribed in s. 343.16(1)(a)2., Stats., shall receive the operator's license

described in sub. (1). One-half of renewal licenses issued under this chapter for the first year of the transition period shall be the photo license.

(3) As provided in s. 343.14(4), Stats., the renewal operator's license without photograph shall be issued to those applicants who are not required to take the examination prescribed in s. 343.16(1)(a)2., Stats. The two year license without photograph shall be issued for the purpose of gaining a uniform rate of renewals and shall be discontinued after the first year of the transition period.

Note: Forms MVD-3392 data card, MVD-3166 license form and MVD-3394 renewal information insert.

TRANS 102.13 SPECIAL PROVISIONS.

1. When an application for a photo operator's license is made by an applicant, the date the photograph is taken shall be at the discretion of the department.
2. Persons shall be notified by the department when a retake photograph is necessary for those reasons described in s. TRANS 102.09(1). Failure to comply within 30 days of notification shall result in the cancellation of the operator's license.
3. There shall be no negative film file maintained. Persons requiring a duplicate photo operator's license or identification card shall return to the department for duplicate application and new photograph.

Note: Form MVD-3392 data card.

(End of Text)

The rules contained in this order shall take effect upon publication as provided in s. 227.026(1), (intro.) Stats.

Signed at Madison, Wisconsin
this 24 day of May, 1982.

Marvin J. Schaffer
Owen Ayres, Secretary *for*
Wisconsin Department of Transportation

FISCAL ESTIMATE

1981 Session

AD-MBA-23 (Rev. 11/80)

LRB or Bill No./Adm. Rule No.

TRANS 102

Amendment No. if Applicable

- ORIGINAL
- UPDATED
- CORRECTED
- SUPPLEMENTAL

Subject

Photograph Operators License and Identification Card

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

- Increase Costs - May Be Possible to Absorb Within Agency's Budget
- Decrease Costs
- Yes
- No

Local: No local government costs

- 1. Increase Costs
 - Permissive
 - Mandatory
- 2. Decrease Costs
 - Permissive
 - Mandatory

- 3. Increase Revenues
 - Permissive
 - Mandatory
- 4. Decrease Revenues
 - Permissive
 - Mandatory

5. Types of Local Governmental Units Affected:
- Towns
 - Villages
 - Cities
 - Counties
 - Others _____

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG
- SEG-S

Affected Ch. 20 Appropriations

20.395(5)(cq)

Assumptions Used in Arriving at Fiscal Estimate

Conclusion:

The proposed rule has no fiscal effect independent of the fiscal effect of the statute upon which it is based, Chapter 306, Laws of 1979. The one-time development cost of the photograph operator license and identification card is estimated to be \$982,000. Of this, \$685,800 represents additional costs while the remainder is associated with permanent positions which were reassigned from their normal duties to the system design project. Additional operating costs incurred during the 1981-83 biennium are estimated to be about \$554,300. Increased revenue in the 1981-83 biennium as a result of fee changes effective January 1, 1982, is estimated to be about \$1,647,400. Additional annualized operating expenditures are expected to be about \$1,058,000 and annualized revenue is expected to increase by approximately \$1,527,000. All expenditures are based on 1982 dollars without inflation. Revenue is estimated on the basis of the fee increases effective January 1, 1982.

Basis for Conclusion:

1. The effective date for the issue of a one-part two-sided photograph operator license and identification card is January 1, 1983. The photograph requirement will be phased through three calendar years. The first annualized fiscal year will be 1985. The phase approach will accommodate the change to a four year license renewal cycle which is contained in Chapter 306, Laws of 1979. Additional operating costs include the salary and fringe benefits of eleven additional positions authorized in the 1981-83 biennial budget, increased travel expenses associated with those positions, additional materials and supplies and contractual services as required by the photograph card system, increased data processing costs, and the unit costs of the photograph card. For the purpose of this estimate

Long-Range Fiscal Implications

Agency

Department of Transportation

Authorized Signature/Telephone No.

Bruce M. Baker
Bruce M. Baker, 6-2481

Date

2/24/82

it is assumed that the unit cost of the vendor provided photograph license and identification card will be \$.50. Actual unit cost will be determined through competitive bid. Postage savings associated with the change from a two year license renewal cycle to a four year cycle are not included in this estimate.

2. One-time development costs consists of the salary and fringe benefits of the project design team, permanent property, training, site preparation, data processing programming, etc.

FISCAL ESTIMATE WORKSHEET

1981 Session

Detailed Estimate of Annual Fiscal Effect
AD-MBA-22 (Rev. 11/80)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
TRANS 102

Amendment No.

Subject

Photograph Operators License and Identification Card

I. One-time Costs or Revenue Fluctuations for State and/or Local Government (do not include in annualized fiscal effect):

Design team salaries, capital equipment, computer programming, etc. = \$982,000

II. Annualized Costs: Note: Treat fiscal costs like a "checkbook": increased costs reduce available funds (-); decreased costs increase available funds (+).

Annualized Costs	Annualized fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
Salaries and Fringes	\$ - 193,100	\$ +
Staff Support Costs	- 314,900	+
Other State Costs	- 550,000	+
Local Assistance	-	+
Aids to Individuals or Organizations	-	+
TOTAL State Costs by Category	\$ - 1,058,000	\$ +
B. State Costs by Source of Funds		
GPR	\$ -	\$ +
FED	-	+
PRO/PRS	-	+
SEG/SEG-S	- 1,058,000	+
C. FTE Position Changes		
	Increased Pos. + (11.0)	Decreased Pos. - ()
III. State Revenues - Complete this only when proposal will increase or decrease state revenues, such as taxes, license fees, etc.		
GPR Taxes	\$ -	\$ +
GPR Earned	-	+
FED	-	+
PRO/PRS	-	+
SEG/SEG-S	-	+ 1,527,000
TOTAL State Revenues	\$ -	\$ + 1,527,000

Net Annualized Fiscal Impact on State & Local Funds

State	Annual Increases	Annual Decreases	Local	Annual Increases	Annual Decreases
Total Costs	\$ - 1,058,000	\$ +	Total Costs	\$ -	\$ +
Total Revenues	+ 1,527,000	-	Total Revenues	+	-
NET Impact on State Funds	\$ (+) 469,000	or (-)	NET Impact on Local Funds	\$ (+)	or (-) None

Agency

Department of Transportation

Authorized Signature/Telephone No.

Bruce M. Baker
Bruce M. Baker, 6-2481

Date

2/24/82

WISCONSIN LEGISLATIVE COUNCIL

LCRC
FORM 2

RULES CLEARINGHOUSE

RONALD SKLANSKY
DIRECTOR
(Phone 266-1946)



ROOM 147 NORTH, STATE CAPITOL
MADISON, WI 53702
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BONNIE REESE
EXECUTIVE SECRETARY

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.029, STATS., AS CREATED BY CH. 34, LAWS OF 1979. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 82-56

AN ORDER to create ch. Trans 102, relating to photo operator's license and identification card.

Submitted by DEPARTMENT OF TRANSPORTATION.

3- 5-82. Received by Legislative Council.

3-30-82. Report sent to Agency.

RNS:CM:kja;las

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

(Pursuant to s. 227.029, Stats.)

1. REVIEW OF STATUTORY AUTHORITY [s. 227.029 (2) (a)]
 - a. Rules appear to be within the agency's statutory authority
 - b. Rules appear to be unsupported by statutory authority, either in whole or in part
 - c. Comment attached yes no

2. REVIEW OF RULES FOR FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.029 (2) (c)]
 - a. Rules satisfactory
 - b. Rules unsatisfactory
 - c. Comment attached yes no

3. REVIEW OF RULES FOR CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.029 (2) (d)]
 - a. Conflict or duplication not noted
 - b. Conflict or duplication noted
 - c. Comment attached yes no

4. REVIEW OF RULES FOR ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.029 (2) (e)]
 - a. References appear to be adequate
 - b. References appear to be inadequate
 - c. Comment attached yes no

5. REVIEW OF LANGUAGE OF RULES FOR CLARITY, GRAMMAR, PUNCTUATION AND PLAINNESS [s. 227.029 (2) (f)]
 - a. Rules satisfactory
 - b. Rules unsatisfactory
 - c. Comment attached yes no

6. REVIEW OF RULES FOR POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.029 (2) (g)]
 - a. No problems noted
 - b. Problems noted
 - c. Comment attached yes no

WISCONSIN LEGISLATIVE COUNCIL

RULES CLEARINGHOUSE

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BONNIE REESE
EXECUTIVE SECRETARY

March 30, 1982

CLEARINGHOUSE RULE 82-56

COMMENTS

[NOTE: All citations to "Manual" in the comments below are to the manual entitled Administrative Rule Procedures, prepared by the Revisor of Statutes Bureau and the Legislative Council, dated March 1981.]

4. Adequacy of References to Related Statutes, Rules and Forms

The statement of statutory authority in the "pursuant to" clause should include a reference to s. 227.014, Stats.

5. Clarity, Grammar, Punctuation and Plainness

a. In s. Trans 102.02, the following changes should be made:

(1) In sub. (1), "are" should be deleted;

(2) In sub. (2), "is" should be deleted; and

(3) In sub. (6), "is" preceding "taken" should be deleted.

b. Section Trans 102.03 (1) (a) should be redrafted. Students are not usually thought of as being "stationed" outside the state. Moreover, as currently drafted, the provision regarding students is ambiguous in relation to "temporarily."

c. It is not clear whether s. Trans 102.03 (1) (b) would apply to a religious group without a "church" or a "minister or elder" (e.g., Jewish, Moslem). It seems clearer to use either "congregation" or "religion" instead of "church" and "member of the clergy" instead of "minister or elder."

d. Section Trans 102.04 (2) (b) 1 would read more easily if "with numbers" were deleted and "numerical" were inserted preceding "restriction."

SECTION III
PROCEDURAL ANALYSIS REQUIRED BY S.227.018(3), STATS.

(A) Statement of Need

Chapter 306, Laws of 1979, published May 16, 1980, and as amended by Chapter 20, Laws of 1981, published July 30, 1981, requires the department to issue a photo operator's license and identification card beginning January 1, 1983. As required by ss.343.17(4) and 343.50, Stats., the department must promulgate by rule the design and specifications of the license and identification card. The department's policies, procedures, and interpretation of the statutory provisions for the photo operator's license and identification card program are included in this rule.

(B) Findings of Fact

Upon passage of the photo license law, a department study team was appointed to review the various methods employed by other states that presently issue a photo operator's license, evaluate the alternatives, and make a recommendation for a Wisconsin system.

Three photo license delivery systems were studied. Present and future applications were considered, to take advantage of any long term or future benefits that may be derived from the system chosen since a great deal of computer system programming and preparation is required for any of the choices.

Considerations were:

1. Photos would be taken at all 152 driver license exam sites.
2. The driver identification number (a 14 digit number) would be continued as a unique identification security device, as a part of the system.
3. Licenses produced at any location would have the same print.
4. Photo equipment and supplies will be provided by a vendor, i.e. the state will contract for the photo equipment and supplies, on a cost per unit (photo license or identification card) basis.
5. A driver record status check is a prerequisite of license issue.

Of the three systems studied, the raised letter (embossed) plastic card system was eliminated because of the poor wearability of the coating on the raised data. This would present readability problems for enforcement agencies and merchants in data verification. This system also requires computer programming that could not be used for a possible future change of the photo delivery system.

It was proposed that the photo license system would be designed to accommodate both a negative film laminated or instant film laminated type photo system. Either type will provide service to the public through a central issuance system.

(C) Modifications Made as a Result of Testimony Received At The Public Hearings or Other Suggestions

The notice of hearings and proposed rule amendments was published in the Wisconsin Administrative Register of March 31, 1982. Notification and date of the rule hearing were sent out through the TYME teletype network system to all law enforcement agencies. Press releases were made available to the Madison and Milwaukee news media and notice of hearing and copies of the rule were mailed to those persons who were present for the TRANS 109 hearing on this same subject last year. At the public hearing held in Madison on April 19, 1982, six persons registered. The comments received at the public hearings and other public response are summarized below:

1. Public testimony: The photo license law, Chapter 306, Laws of 1979, requires central issuance; there does not appear to be any mention in the rule of central issuance.

Department response: Central issuance is a statutory requirement and it is not necessary to repeat this in the rule. However, Page 8, Section TRANS 102.02(1) does refer to the central issue process.

2. Public testimony: Concern was expressed about the religious photo exemption clause because an exemption for persons with religious objections was vetoed from Chapter 306, Laws of 1979, by the Governor and the veto was sustained by the legislature.

Department response: Prior to the veto of the religious exemption, a portion of Section 343.14(3), Stats., read as follows: "Citizens shall not be required to have a photograph on their licenses if they have religious or personal convictions contrary to the taking of photographs for such licenses."

The religious conviction exemption is not in conflict with the legislative history and is, in any event, required by

the First Amendment to the U.S. Constitution. In the message explaining his partial vetoes to Senate Bill 222, the Governor stated:

"This bill did not require persons to have their photographs taken for a photo driver's license if it would violate their religious or personal convictions. I vetoed this provision. Religious convictions are protected under court decisions. Personal conviction lacks definition and standards, and therefore could easily be used to undermine the intent of the bill." Senate Journal, 84th Session, p. 1880.

Thus, the veto was based on concern with the exemption for personal convictions. The religious conviction exemption in the rule is based on the court decisions referred to by the Governor. (See, for example, Wisconsin v. Yoder, 406 U.S. 205, 92 S. Ct. 1526, 32 L. Ed. 2d 15 (1972).) It is a reflection of existing law which the Governor and Legislature were aware of and clearly did not intend to change.

Prior to the veto, the language contained in that portion of Section 343.14(3), Stats., that allowed a photo exemption for religious or personal convictions would have rendered the security aspect of the photo license and identification card useless. Persons who intended to use the documents for fraudulent purposes would request the non-photo card to prevent positive identification. As a result, the department requested a veto of the words "personal convictions" from that section of Chapter 306, Laws of 1979.

In the veto process, the entire line including the religious exemption was vetoed.

A portion of Section 343.14(3), Stats., states: "The department may make provisions for issuance of a license without a photograph if the applicant is stationed outside the state in military service and in specific situations where the department deems such action appropriate."

As the department's original intent for request of the veto was to remove only the "personal convictions" clause from the law and allow the religious exemption, provision for the religious exemption has been made in TRANS 102.03(1)(b).

The rule requirements for this exemption are similar to other states that have this provision in their jurisdictions.

3. Public testimony: The Governor vetoed that portion of Section 343.14(3), Stats., in Chapter 306, Laws of 1979, that stated: "The department may not keep duplicate photographs or negatives of applicants."

Department response: The department requested a veto

of that portion so that evaluation of the various photo delivery system costs and impact on services of a negative file could be considered.

A negative file is not being proposed as part of this photo system because:

1. A negative film file adds expense and workload to the system.
2. Implementation could be delayed by persons or organizations opposed to a "mug file" being maintained by the Department.
3. A negative film file requirement would preclude competition because only one vendor can effectively provide that service in a photo license system.

For example, the State of New York began evaluation and procedure for photo license issuance in 1979. The original plans were to include a negative file to use for enforcement purposes or for issuance of duplicates. Special interest groups and others objected to the "mug file."

Some of the objections were:

Invasion of privacy.

Illegal reason or means for harrassment (big brother effect).

Reasons for use could be abused and security of file not maintained, i.e. photo file would be made available to creditors, bill collectors, etc.

That state's present plans call for a no-negative file when they implement photo license later in 1982 or early 1983. The exposed film will be kept at the photo production facility for 45 days, then destroyed. This will provide adequate time to re-run a film if the photos are defective or if a temporary production problem existed.

Wisconsin driver files are public records and are available to anyone that properly requests them as provided by law. At the present time frequent objections are made by licensed persons when their driver file information has been released. Release of a photo from a license "mug file" would bring additional objections and would likely raise the fear of invasion of privacy and harrassment as was indicated by the New York experience.

(D) List of Persons Who Appeared or Registered at the Public Hearing

Madison Public Hearing

Douglas Q. Johnson
Wisconsin Merchants Federation
Suite 710, 30 W. Mifflin
Madison, WI 53703

Jim McGinn
For Senator Van Sistine
Room 19 South, State Capitol
Madison, WI 53702

James P. Leatherman
DEK Photo Systems
1530 Progress Rd.
Ft. Wayne, IN 46825

Chris Tackett
Wisconsin Merchants Federation
30 West Mifflin
Madison, WI 53707

Jack D. Pace
DOJ
P.O. Box 7857
Madison, WI 53707

Don Behm
Milwaukee Journal
7 N. Pinckney St.
Madison, WI 53703

12/12

(E) Response to Any Legislative Council Recommendations

4. Review of Rules for Adequacy of References to Related Statutes, Rules and Forms (s. 227029(2)(e)).

Reference to s. 227.014, Stats., has been added.

5. Review of Language of Rules for Clarity, Grammar, Punctuation and Plainness (s.227.029(2)(f)).

a.

(1) Suggested change was made.

(2) Suggested change was made.

(3) Suggested change was made.

- b. Section TRANS 102.03(1)(a) has been redrafted as suggested.

c. Suggested change was made.

d. Suggested change was made.