

CR 90-24

CERTIFICATE

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STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, RONALD R. FIEDLER, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule relating to **licensing of driver schools and instructors** was duly approved and adopted by this Department on **July 12, 1990**.

I further certify that this 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 at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 12th day of July, 1990.

Donald W. Jorgensen, Deputy

for RONALD R. FIEDLER, P.E.
Secretary

IN THE MATTER OF a rule to *
renumber and amend s. Trans 105.03 *
(1)(a) and (2), amend s. Trans *
105.03 (Title) and create ss. Trans *
105.03(1)(a)1 and 2 and (2), and *
105.035(2) of the Wisconsin Administra- *
tive Code, relating to Licensing of *
Driver Schools and Instructors. *

ORDER ADOPTING RULE

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Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 85.16(1), 343.61 and 343.62, Stats.

STATUTES INTERPRETED: ss. 343.64 to 343.67, Stats.

General Summary of Rule. This rule relates to the determination of whether a person's driving record is satisfactory for purposes of being licensed as a driver instructor under s. 343.65 (2), Stats., and to whether a person is fit to obtain a driver school license under s. 343.64 (4), Stats. The Department of Transportation (DOT) is the agency charged with the responsibility of licensing driver schools and instructors under ss. 343.61 to 343.67, Stats.

Currently, a person is not eligible to obtain or hold an instructor's license if the person's operator's license was revoked, suspended or cancelled during the past 4 years for a traffic violation other than a parking violation, if the person was involved in 2 or more accidents in a one-year period where the accident report indicates that the person may have been causally negligent or if the person has accumulated more than 6 demerit points during any one-year period in the past 3 years.

Under this rule, the impact of accumulating more than 6 demerit points within a one-year period on a person's eligibility for a driver instructor's license would be limited to the preceding one-year period; the other factors for determining whether an applicant or licensee has a satisfactory driving record would not be affected. For an applicant, the rule would require DOT to deny licensure until one year elapses since the date of the most recent violation that resulted in the accumulation of more than 6 demerit points in a one-year period. For a licensee, the rule would require DOT to suspend an instructor's license for a one-year period, measured from the date that DOT receives notice of the most recent conviction that resulted in the person's accumulation of more than 6 demerit points in a one-year period.

The rule clarifies that the DOT in determining fitness for a driver school license will take into consideration the relevant arrests and convictions for the past 5 years. For a driver school license applicant, the 5-year period is measured from the date of application. For a person who holds a driver school license, the 5-year period is measured from the date of the person's most recent violation.

The rule also specifies that the reduction of demerit point values by attending traffic safety school does not apply to the computation of accumulated demerit points in the context of driver instructor licensing.

Final Regulatory Flexibility Analysis. These changes to the rule have no significant impact on small businesses.

Fiscal Impact. No fiscal impact is anticipated from the promulgation of these rule changes.

Contact Persons. The persons to contact for further information about this rule are Harold Thummel, (608) 266-0054 or Wesley Geringer, (608) 266-0614.

RULE TEXT

SECTION 1. Trans 105.03 (title) is amended to read:

Trans 105.03 (title) SATISFACTORY DRIVING RECORD FOR DRIVER INSTRUCTOR APPLICANT OR LICENSEE.

SECTION 2. Trans 105.03 (1)(a) is renumbered Trans 105.03(1)(a)(intro.) and amended to read:

Trans 105.03 (1)(a)(intro.) Has accumulated more than 6 demerit points under s. 343.32 (2), Stats., during ~~any a~~ a one-year period in the past 3 years, as specified in this paragraph and sub.(2).

SECTION 3. Trans 105.03 (1)(a)1 and 2 are created to read:

105.03 (1)(a)1. The one-year period under this paragraph shall be measured from the dates of the violations which resulted in the accumulation of demerit points.

2. Demerit point reduction under s. Trans 101.07 does not apply to the computation of accumulated points under this paragraph.

SECTION 4. Trans 105.03 (2) is renumbered Trans 105.035 (1) and amended to read:

Trans 105.035 (title) FITNESS FOR DRIVER SCHOOL LICENSE. (1) For the purpose of determining the fitness of a person to hold a driver school license under s. 343.64 (4), Stats., the department shall consider all relevant arrests and convictions for the past 5 years, and make such further examinations and checks as it determines are ~~deemed~~ necessary.

SECTION 5. Trans 105.03 (2) is created to read:

Trans 105.03 (2)(a) If an applicant for an instructor's license accumulates more than 6 demerit points in a one-year period as provided in sub (1)(a) in the year preceding application, the department shall deny the instructor's license until one year elapses from the date of the most recent violation that resulted in the person's accumulation of more than 6 demerit points.

(b) If a licensed instructor accumulates more than 6 demerit points in a one-year period as provided under sub. (1)(a), the department shall suspend the instructor's license for a period of one year. The period of suspension shall be measured from the date that the department receives notice of the most recent conviction that resulted in the person's accumulation of more than 6 demerit points.

SECTION 6. Trans 105.035 (2) is created to read:

Trans 105.035(2) For a driver school license applicant, the 5-year period under sub (1) shall be measured from the date of application. For a person who holds a driver school license, the 5-year period under sub.(1) shall be measured from the date of the most recent violation.

(END OF RULE TEXT)

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Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2), Stats.

Signed at Madison, Wisconsin, this 12th day of July, 1990.

for Arnold W. Janssen, Deputy
RONALD R. FIEDLER, P.E.
Secretary
Wisconsin Department of Transportation

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Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Ronald R. Fiedler, PE
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

July 12, 1990

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Mr. Gary Poulson
Assistant Revisor of Statutes
30 West Mifflin Street
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Madison, Wisconsin 53703

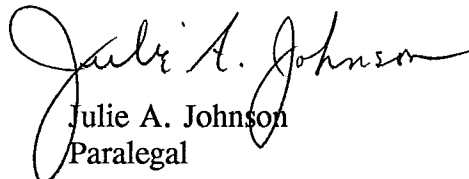
RE: CLEARINGHOUSE RULE 90-24

In the Matter of the Adoption of **TRANS 105**, Wisconsin Administrative Code, relating to Licensing of Driver Schools and Instructors

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 90-24**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,


Julie A. Johnson
Paralegal

Enclosures

cc: Tom Walker
Linda Thelke
Sandy Beaupre
Wes Geringer
Harold Thummel
Bonnie Phaneuf