

## Chapter Trans 101

## POINT VALUES FOR TRAFFIC VIOLATIONS AND REVOCATIONS AND SUSPENSIONS

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Note: Chapter MVD 11 as it existed on September 30, 1972 was repealed, and a new chapter MVD 11 was created effective October 1, 1972; chapter MVD 11 as it existed on June 30, 1981 was renumbered to be chapter Trans 101 effective July 1, 1981.

**Trans 101.01 Purpose and definitions.** (1) The purpose of this chapter is to administratively interpret those portions of chs. 343 to 349, Stats., relating to establishing a traffic violation demerit point system and revocation and suspension of a person's operating privilege.

(2) "Department" means the Wisconsin department of transportation.

History: Cr. Register, June, 1981, No. 306, eff. 7-1-81.

**Trans 101.02 Point schedule.** (s. 343.32 (2), Stats.) The scale of demerit points is listed according to the the type of traffic conviction (violation). This demerit point system is used to identify habitually reckless or negligent operators who have repeatedly violated state or local traffic laws for the purpose of suspending or revoking operating privileges.

Type of Violation	Point Value
(1) Arterial sign, traffic control signal, officer's signal or any other traffic control sign violation .....	3
(2) Blocking traffic, obstructing traffic, slow moving vehicle.....	2
(3) Fleeing or attempting to elude an officer.....	6
(4) Driving the wrong way on one way street .....	3
(5) Following vehicle too closely.....	3
(6) Driving on wrong side of highway or driving on wrong side of street.....	4
(7) Failure to give appropriate signal.....	3
(8) Operating while under influence of intoxicant or controlled substance.....	6
(9) Failure to perform duty after accident (any violation of s. 346.67 or 346.68, Stats.) .....	6
(10) Failure to yield right of way or failure to yield right of way to emergency vehicle .....	4
(11) Driving with improper brakes, or improper lights (includes clearance lights, without lights, spot light, head lights, taillights-signal lights) (does not include cycle headlamps during daylight hours or registration plate lamps) .....	3

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(11a) Defective speedometer, as required by s. 343.32 (2) (bm) 2., Stats..... 2

(12) Failure to dim lights..... 3

(13) Making a prohibited turn or illegal turn..... 3

(14) Inattentive driving..... 4

(15) Operating without having obtained an operator's license or with a license which has expired..... 3

    (a) Operating cycle without endorsement..... 3

    (b) Operating school bus without having obtained school bus operator's license..... 3

    (c) Operating as a chauffeur without having obtained a chauffeur license..... 3

    (d) Violation of license restriction..... 3

    (e) Operating after license is revoked or suspended ... 6

    (f) Violation of occupational license restrictions..... 6

(16) Parking on highway in traffic lane..... 2

(17) (a) Illegal passing..... 3

    (b) Failure to stop for a school bus when red lights are flashing, s. 346.48 (1), Stats..... 4

    (c) Deviating from a traffic lane..... 4

(18) Reckless driving..... 6

(19) Racing on public highway or engaging in a contest of speed or endurance..... 6

(20) Speeding Convictions Within a Three-Year Period

	1st	2nd	3rd	4th	5th or Subsequent
(a) 10 mph or less in excess of lawful or posted speed	3	4	5	6	7
(b) More than 10 mph but less than 20 mph in excess of lawful or posted speed	4	6	8	10	12
(c) 20 mph or more in excess of lawful or posted speed	6	8	10	12	14

	Point Value
(21) Too fast for conditions, imprudent speed, failure to have vehicle under control, or unnecessary acceleration.....	4
(22) All other moving traffic convictions.....	2
Except no points are assessed for the following:	
(a) Failure to pay public service permit fee.	
(b) Operating in excess of authority granted by public service commission.	
(c) Failure to register vehicle.	
(d) Improper license plates.	
(e) Overload on license or overload on axle.	
(f) Failure to transfer certificate of title.	
(g) Unnecessary blowing of horn.	
(h) Improper muffler.	
(i) Violation of boulevard ordinance.	
(j) Operating illegally with studded tires.	
(k) Failure to wear mandatory protective headgear while operating a motor driven cycle.	

- (l) Operating a motor driven cycle with handlebars that exceed the legal height limit.
- (m) Operating a motor driven cycle with rear passenger pegs that are at an illegal height.
- (n) Failure to report an accident under s. 346.69 or 346.70, Stats.
- (o) Operating a motor vehicle without a valid operator's license in immediate possession, as required by s. 343.32 (2) (bm), Stats.

(23) The point schedule in this section also covers similar ordinance violations and similar violations of department administrative rules even though the language of the ordinance or rule may vary.

(24) When restriction, suspension, or revocation of operating privileges is ordered by a court under s. 343.30, Stats., the point value charged against the record of the offender shall be in strict accordance with the charge for which conviction is made as described in subs. (1) through (22), except as provided in sub. (25) (a).

(25) (a) The demerit points charged against the record of any person who holds a probationary license on the date of the conviction or any unlicensed person who would be issued a probationary license if proper application were made and all other requirements for license were met, shall have the demerit point value shown for the convictions set forth in subs. (1) through (22) increased by 2 points on the second and all subsequent convictions. Demerit points accumulated while operating as a chauffeur by the holder of a probationary license shall be increased by 2 points against the probationary license, but shall not be increased by 2 points when applied against the chauffeur license.

(b) Any person whose operating privilege has been revoked or canceled while unlicensed or while licensed under a probationary license shall be issued a reinstated probationary license for the same period as an original probationary license.

(26) In determining the accumulated demerit points against an operator within 12 months, 24 months, or 36 months, the department shall use the date each violation was committed as the basis for the determination.

(27) Point values assessed under sub. (20) for violations occurring on or after July 1, 1980 are based on conviction date, regardless of the date notice of the conviction is received by the department. Any point value which has been assessed will be adjusted to reflect receipt by the department of an earlier conviction.

**History:** Cr. Register, September, 1972, No. 201, eff. 10-1-72; am. (20), Register, April, 1977, No. 256, eff. 5-1-77; emerg. r. and recr. (19) (intro.), (a) and (b), renum. (19) (c) to be (19m), cr. (19) (c) and (26), eff. 7-1-80; r. and recr. (19) (intro.), (a) and (b), renum. (19) (c) to be (19m), cr. (19) (c) and (26), Register, November, 1980, No. 299, eff. 12-1-80; renum. from MVD 11.03 and renum. (1) to (26) to be (1) to (27) and am., cr. (16) (a) to (d), Register, June, 1981, No. 306, eff. 7-1-81; cr. (11a) and (22) (c), Register, April, 1982, No. 316, eff. 5-1-82; emerg. cr. (15) (e) and (f), eff. 5-1-82; cr. (15) (e) and (f), Register, November, 1982, No. 323, eff. 12-1-82.

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**Trans 101.03 Warnings.** The department may notify any operator of the point value charged against the record when the record shows 6 or more points to have been accumulated in a 12-month period.

**History:** Cr. Register, September, 1972, No. 201, eff. 10-1-72; renum. from MVD 11.04 and am., Register, June, 1981, No. 306, eff. 7-1-81.

**Trans 101.04 Suspension or revocation of license.** (1) Demerit points accumulated when a person is not operating as a chauffeur shall not be counted against the chauffeur license unless specifically required by law, but demerit points accumulated by a person when operating as a chauffeur, or when the law requires assignment of points against the chauffeur license, shall be counted against both the chauffeur license and all other operator's licenses.

(2) The department shall suspend or revoke the operating privileges of any person whose driving record shows that 12 points in 12 months, 18 points in 24 months or 24 points in 36 months from the date of violation have been accumulated. Any person who has not had the operating privilege suspended or revoked under ch. 343, except s. 343.30 (6) or 343.345, Stats., shall have the operating privilege suspended. In all other cases the operating privilege shall be revoked.

(3) The department shall revoke, or suspend if sub. (2) applies, the chauffeur license of any person, whose driving record shows an accumulation of 12 points in 12 months or 18 points in 24 months or 24 points in 36 months for offenses committed while operating as a chauffeur, or when the law requires assignment of points against the chauffeur's license.

(4) The following demerit point accumulations, calculated from the date of violation, shall result in the following revocation or suspension periods:

Demerit Points Accumulated in a 12-month Period	Length of Revocation or Suspension
12 to 16 points	2 months
17 to 22 points	4 months
23 to 30 points	6 months
More than 30 points	1 year

  

Demerit Points Accumulated in a 24-month Period	Length of Revocation or Suspension
18 to 22 points	2 months
23 to 28 points	4 months
29 to 36 points	6 months
More than 36 points	1 year

  

Demerit Points Accumulated in a 36-month Period	Length of Revocation or Suspension
24 to 28 points	2 months
29 to 36 points	4 months
37 to 44 points	6 months
More than 44 points	1 year

(5) The effective date of all departmental suspensions or revocations under this rule shall be the date the order was mailed, except if the person is currently under suspension or revocation, the effective date shall be the date the license was surrendered for the previous action, or the date of the conviction causing the new suspension or revocation, whichever is later.

(6) Revocations under the provisions of s. 343.32 (1) (b), Stats., shall be for a period of 6 months. If a person was convicted of a traffic violation that was a cause of an accident that resulted in the death of another, there shall be a revocation for a period of 6 months under the provisions of s. 343.32 (1) (a), Stats.

(7) Any court ordered revocation or suspension for the same violation shall supersede a revocation or suspension under this section, except that the minimum length of any revocation or suspension shall be 2 months.

**History:** Cr. Register, September, 1972, No. 201, eff. 10-1-72; emerg. cr. (4) to (6), eff. 11-18-80; cr. (4) to (7), Register, March, 1981, No. 303, eff. 4-1-81; emerg. am. (2) and (3), eff. 5-7-81; renum. from 1AVD 11.05 and am. (1) to (3), Register, June, 1981, No. 306, eff. 7-1-81.

**Trans 101.05 Determination of point value at reinstatement.** (1) The department, upon issuing a reinstated operator's license, shall reduce the accumulated point value to 6 points. If at the time of such reinstatement the demerit point value in the immediately preceding 12 month period is less than 6, then the lesser point value shall be carried forward in the record. Revocations and reinstatements under s. 343.305 (9) (b), ch. 48 or 344, Stats., do not qualify for a point reduction.

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(2) The department, upon return of a license which has been suspended, except under chs. 48, 344, 345, Stats., and ss. 343.16 (2) (a), 343.30 (1q) (d), 343.30 (6), 343.305 (9) (d) and 343.345, Stats., shall reduce the accumulated point value to 6 points. If at the time of return the demerit point value in the immediately preceding 12 month period is less than 6, then the lesser point value shall be carried forward in the record.

(3) Demerit point reductions under this section shall apply only to demerit points based on convictions dated before the reinstatement or suspension termination date. Demerit points for convictions dated on or after the date of reinstatement or suspension termination date shall be added to the demerit point value on the date of reinstatement.

**History:** Cr. Register, September, 1972, No. 201, eff. 10-1-72; renum. from MVD 11.06 and am. (1) and (2), cr. (3), Register, June, 1981, No. 306, eff. 7-1-81; emerg. am. (1) and (2), eff. 5-1-82; am. (1) and (2), Register, November, 1982, No. 323, eff. 12-1-82.

**Trans 101.06 Reduction of point value for clear driving record.**

(1) For the first full year of operation without a traffic violation the total accumulated point value charged against an operator shall be reduced by one-third.

(2) For the second full year of operation without a traffic violation the remaining total accumulated point value charged against an operator shall be reduced by one-half.

(3) For the third full year of operation without a traffic violation the remaining accumulated point value charged against an operator shall be withdrawn.

**History:** Cr. Register, September, 1972, No. 201, eff. 10-1-72; renum. from MVD 11.07, Register, June, 1981, No. 306, eff. 7-1-81.

**Trans 101.07 Reduction of point value for attendance at driver improvement counseling, traffic safety school or defensive driving courses.** (1) In accordance with the authority in s. 343.32 (6), Stats., a person's point record shall be reduced by 3 points or the number of points accumulated up to 3, if acceptable certification is furnished to the department that a course of instruction at a traffic safety school as authorized, approved and administered under s. 345.60, Stats., or a course of instruction in defensive driving, which course has been approved in advance by the department, has been satisfactorily completed, or if a driver improvement course conducted by the department has been satisfactorily completed. The certification must be filed with the department within 30 days of completion of the course to qualify for point reduction. Definitions of such schools and courses are established in Wis. Adm. Code, s. MVD 23.02 (1), (4), (5) and (6). The person seeking the reduction shall be responsible for any and all fees charged for the course.

(2) The certification of completion of an approved course shall be provided to the department on an individual person basis. The department will prescribe the information necessary to be supplied from an approved school or supply the necessary forms to complete the certification for administering this program.

(3) Each person is limited to only one point reduction under this section in a 5-year period.

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(4) Prior to reaching the 6-point level, a person may voluntarily select and take an approved course, specified in sub. (1) to obtain the necessary certification for point reduction without notification from the department.

(5) In those instances where the person attends an approved course and is otherwise entitled to point reduction and the person's record has less than 3 points, the person's record will be reduced by the record point value. No credit will be applied toward future point assessments nor shall the opportunity be given to have the point record reduced again within a 5 year period.

(6) No reduction in points will be permitted when attendance at a school has been ordered by a court in lieu of revocation following conviction of operating while intoxicated.

(7) When a person has accumulated 6 to 11 points in 12 months, the department may notify a person by first class mail to the last known address that there is an opportunity to attend a course on a voluntary basis, advising the person may seek the assistance of the department for assignment to an approved course if enrollment is desired.

(8) Persons who have accumulated less than the demerit points required for suspension or revocation on their record under the point system may be processed as provided by department rule for counseling and re-examination of drivers. Upon receipt of certification of satisfactory completion of one of the department approved courses, provided in s. MVD 23.02 (1), (4), (5) or (6), such person may be given a point reduction as provided in this chapter if otherwise entitled to it.

(9) No reductions in points under this section will be permitted when a person accumulates sufficient demerit points to require suspension or revocation under this chapter.

(10) Demerit point reductions under this section shall apply only to demerit points based on convictions dated before the date of the course completion. Demerit points for convictions on or after the date of course completion shall be added to any current demerit point value.

**History:** Cr. Register, September, 1972, No. 201, eff. 10-1-72; renum. from MVD 11.08 and am. (1) to (9), cr. (10), Register, June, 1981, No. 306, eff. 7-1-81.