

Chapter Trans 129

MOTORCYCLE RIDER COURSES

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Trans 129.01 Purpose and scope. As authorized by ss. 85.16 (1), 227.11, 343.06 (1) (c), 343.07 (4) (b), and 343.16 (1) (a), Stats., the purpose of this chapter is to establish the department's administrative interpretation of s. 343.16 (2) (cm), Stats., relating to the waiver of the motorcycle skills test, and ss. 343.06 (1) (c), 343.07 (4) (b) and 343.16 (1) (a), Stats., relating to required attendance of motorcycle rider courses and motorcycle instruction permit issuance.

History: Cr. Register, May, 1992, No. 437, eff. 6-1-92; am. Register, March, 1994, No. 459, eff. 4-1-94.

Trans 129.02 Definitions. (1) The words and phrases defined in ss. 340.01 and 343.01, Stats., have the same meaning in this chapter unless a different definition is specifically provided.

(2) In this chapter:

(a) "Basic rider course" means a beginning course in motorcycle safety meeting the requirements of s. Trans 129.035 (1) that is conducted in the state of Wisconsin or within 50 miles of the state boundaries and that has been approved by the department.

(b) "Experienced rider course" means an advanced course in motorcycle safety meeting the requirements of s. Trans 129.035 (2) that is conducted in the state of Wisconsin or within 50 miles of the state boundaries and that has been approved by the department.

(c) "Skills test" means a driving test of a person's ability to operate class "M" vehicles.

History: Cr. Register, May, 1992, No. 437, eff. 6-1-92; renum to be (1), cr. (2), Register, March, 1994, No. 459, eff. 4-1-94.

Trans 129.03 Requirements for certification. (1) **SKILLS TEST WAIVER.** A school or organization seeking authorization to participate in the waiver of skills test program shall complete and file an application with the department. To be authorized to certify students for a motorcycle skills test waiver, a school or organization shall:

(a) Offer a basic rider course.

(b) Require students to be present for all sessions of the course.

(c) File an activity report at least annually, no later than December 31 of each year. The report shall include the names of all students registered for courses during the report period and contain all of the following:

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1. Each student's full name.

2. Each student's social security number unless the student certifies his or her seriously-held religious conviction as a basis for not providing a social security number.

Note: Form MV 3415, Request for Religious Conviction Exemption may be obtained from any motor vehicle service center.

3. Course completion date.

4. The reason why any student did not complete the course.

5. Each student's skills test waiver number.

(2) **DEMERIT POINT REDUCTION.** A school or organization seeking authorization to participate in the demerit point reduction program shall complete and file an application with the department. To be authorized to certify students for a motorcycle demerit point reduction, a school or organization shall:

(a) Offer a basic rider course or experienced rider course, or both.

(b) Require students to be present for all sessions of the course.

(c) File an activity report for the preceding year, no later than January 31 of each year. The report shall include the names of all students registered for courses during the report period and contain all of the following:

1. Each student's full name.

2. Each student's social security number unless the student certifies his or her seriously-held religious conviction as a basis for not providing a social security number.

Note: Form MV 3415, Request for Religious Conviction Exemption may be obtained from any motor vehicle service center.

3. Course completion date.

4. The reason why any student did not complete the course.

(3) The authorization assigned by the department shall be valid for a period of 3 years from date of issuance unless cancelled. The department will provide applications for renewal of authorization 60 days prior to expiration of authorization.

History: Cr. Register, May, 1992, No. 437, eff. 6-1-92; r. (1), renum. (intro.), (2) to (4) to be (1), (1) (b), (c) and (3) and am. (1) (intro.) and (c) 2., cr. (1) (a) and (2), Register, March, 1994, No. 459, eff. 4-1-94.

Trans 129.035 Rider course requirements. (1) BASIC RIDER COURSE REQUIREMENTS. A basic rider course shall meet all of the following criteria:

(a) The course shall consist of at least 15 hours of instruction which includes both classroom and range instruction. At least 50% of the total hours of instruction shall consist of range instruction.

(b) The course shall be conducted on at least 3 separate days.

(c) All 15 hours of instruction shall be completed within a 60-day time period.

(d) No more than 8 hours of instruction in a single day.

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(e) At a minimum, instruction shall be provided in 6 maneuvers, including the following:

1. Straight line riding.
2. Turning.
3. Shifting.
4. Straight line braking.
5. Braking in a curve.
6. Evasive maneuvers.

(f) Class size may not exceed 30 students in the classroom or 15 students on the range. The department may make approval of a course contingent on range class sizes of less than 15 students if the physical layout of the range could not safely accommodate a 15 student class or if the physical layout of the range would not be conducive to the education of a group as large as 15 students.

(g) A written test and a skills test, which shall be given prior approval by the department, shall be conducted at the end of the course.

(2) EXPERIENCED RIDER COURSE REQUIREMENTS. An experienced rider course shall meet all of the following criteria:

(a) The course shall consist of at least 8 hours of instruction which includes both classroom and range instruction. At least 40% of the total hours of instruction shall consist of range instruction.

(b) All 8 hours of instruction shall be completed within a 30-day time period.

(c) No more than 9 hours of instruction in a single day.

(d) At a minimum, instruction shall be provided in all of the following maneuvers:

1. Straight line braking.
2. Braking on a curve.
3. Cornering.
4. Swerving techniques.

(e) Class size may not exceed 24 students in the classroom or 12 students on the range. The department may make approval of a course contingent on range class sizes of less than 12 students if the physical layout of the range could not safely accommodate a 12 student class or if the physical layout of the range would not be conducive to the education of a group as large as 12 students.

(f) A written test and a skills test, which shall be given prior approval by the department, shall be conducted at the end of the course.

History: Cr. Register, March, 1994, No. 459, eff. 4-1-94.

Trans 129.04 Requirements for instructors. (1) Instructors seeking authorization to participate in the waiver of skills test program shall complete an application.

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(2) To be authorized to instruct students in courses for motorcycle skills test waiver, the instructor shall:

(a) Have completed a department-approved instructor preparation course in this state or a substantially similar course approved by another jurisdiction.

(b) Be approved by the department.

(c) Teach a minimum of 3 courses within each 3-year authorization period.

(d) Attend a minimum of one department instructor in-service program within each 3-year authorization period.

(3) To be authorized to instruct students in basic rider education courses for the motorcycle skills test waiver, the instructor shall maintain a satisfactory driving record. A person's driving record shall not be considered satisfactory in this subsection if that person:

(a) Has accumulated more than 6 demerit points under s. 343.32 (2), Stats., during a one-year period, as specified in this paragraph and sub. (4). The one-year period under this paragraph shall commence from the date of the first violation which contributed to the accumulation of more than 6 demerit points.

(b) Has been involved in 2 or more accidents in a one-year period where the accident report indicates that such person may have been causally negligent.

(c) Has had his or her operator's license revoked, suspended or cancelled for a traffic violation other than a parking violation, at any time during the past 4 years.

(4) (a) If an applicant for an authorization under this section accumulates more than 6 demerit points in a one-year period as provided in sub. (3) (a) in the year preceding application, the department shall deny the instructor's application 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 the instructor authorized under this section accumulates more than 6 demerit points in a one-year period as provided under sub. (3) (a), the department shall cancel the instructor's authorization for a period of one year. The period of cancellation shall commence on 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.

(c) An applicant for authorization under this section, or an instructor currently authorized under this section, may utilize demerit point reduction pursuant to s. Trans 101.07. If sufficient point reduction to bring the demerit point total below 7 points is thereby achieved, the applicant or instructor may reapply for authorization immediately.

(5) Instructors authorized to participate in the waiver of skills test program shall be assigned an authorization number by the department.

(6) The authorization assigned by the department shall be valid for a period of 3 years from date of issuance unless cancelled.

(7) The department shall provide applications for the renewal of authorization 60 days prior to the expiration of authorization.

History: Cr. Register, May, 1992, No. 437, eff. 6-1-92.

Trans 129.05 Course evaluation. Evaluation of basic rider education courses shall be completed by the department and shall include one or more of the following:

(1) At least biennially, an on-site inspection by a chief instructor authorized by the department of all aspects of every basic rider education course.

(2) At least annually, limited monitoring of every basic rider education course by authorized department personnel to determine compliance with s. Trans 129.06 (1) (a), (b) and (g).

(3) A review of the pass/fail ratio, including reasons for student non-completion of the course.

History: Cr. Register, May, 1992, No. 437, eff. 6-1-92.

Trans 129.06 Cancellation of department approval. (1) Authorization of schools or instructors to certify students for motorcycle skill test waiver shall be cancelled for any of the following reasons:

(a) False or misleading advertising.

(b) Fraud.

(c) Failure to meet standards set in this chapter.

(d) Failure to follow department-approved curriculum.

(e) Unsafe training facility.

(f) Unsafe motorcycles.

(g) Guaranteeing the issuance of a license upon completion of the course.

(2) A school or instructor may be reauthorized after cancellation when all the following conditions have been met:

(a) Any period of cancellation as set by the department has been completed.

(b) A school or instructor submits an application for reauthorization.

(c) The department is satisfied that the conditions which led to the cancellation have been corrected or no longer exist.

(3) A person adversely affected by a cancellation made under sub. (1) may request a hearing before the department to review the cancellation. A request for hearing shall be made in writing and shall be filed with the department within 30 days after receiving a notice of cancellation. If the department receives a request for hearing which satisfies the requirements of this subsection, the department shall conduct a prompt informal hearing within 15 days after receiving the request. If the matter is not resolved after an informal hearing is completed, the person adversely affected by the cancellation may request a full evidentiary hearing before the department, pursuant to ch. 227, Stats. A request for hearing shall be in writing and shall be filed with the department within 30 days after the

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completion of the informal hearing. A request for an informal or a full evidentiary hearing does not stay the effect of a cancellation, unless a cancellation is expressly stayed in writing by the department.

History: Cr. Register, May, 1992, No. 437, eff. 6-1-92.

Trans 129.07 Waiver authorization form. (1) Waiver authorization shall be on a form provided by the department. The form shall contain all of the following:

- (a) Student's full name.
- (b) Student's date of birth.
- (c) Student's social security number.
- (d) Student's operator's license number.
- (e) A physical description of the student.
- (f) Date of completion of course.
- (g) Student's skills test waiver number.
- (h) Instructor's waiver authorization number.
- (i) Instructor's signature.

(2) A waiver form shall be completed by the authorized instructor upon successful completion of a basic rider education course.

(3) A waiver authorization expires one year from the date of completion of the basic rider education course.

History: Cr. Register, May, 1992, No. 437, eff. 6-1-92; am. (2), Register, March, 1994, No. 459, eff. 4-1-94.

Trans 129.08 Student requirements. (1) As a requirement of participating in a basic rider education course, a student shall hold one of the following:

- (a) A valid operator's license.
- (b) A valid instruction permit.

(2) As a requirement for a waiver of skills test, an applicant shall have held a motorcycle instruction permit for at least 7 days immediately preceding application for waiver.

(3) A person who attempts the motorcycle skills test after completing a basic rider education course shall not be eligible for the motorcycle skills test waiver.

History: Cr. Register, May, 1992, No. 437, eff. 6-1-92.

Trans 129.09 Persons less than 18 years old. A person less than 18 years old who has not failed 2 or more skills tests is not required to complete a basic rider course prior to obtaining an operator's license authorizing the operation of class "M" vehicles, other than an instruction permit, if the person meets any of the following criteria:

(1) The person holds a valid license from another jurisdiction that authorizes the operation of class "M" vehicles.

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(2) The person does not reside within 50 miles of a basic rider course site.

(3) The person was born on or before December 31, 1977.

History: Cr. Register, May, 1992, No. 437, eff. 6-1-92; r. and recr. Register, March, 1994, No. 459, eff. 4-1-94.

Trans 129.10 Motorcycle instruction permits. The department may issue an instruction permit authorizing the operation of class "M" vehicles to a person who is required to complete a basic rider course by s. 343.06 (1) (c), 343.07 (4) (b) or 343.16 (1) (a), Stats., if the person meets all of the following criteria:

(1) The person has passed all examinations required under s. Trans 104.03.

(2) The person is enrolled in a basic rider course or is exempt from the requirement of attending a basic rider course under s. Trans 129.09.

History: Cr. Register, March, 1994, No. 459, eff. 4-1-94.

Trans 129.11 Interim provisions on counting instruction permits and skills tests. (1) From January 1, 1994 to December 31, 1994, the department may issue instruction permits authorizing the operation of class "M" vehicles regardless of the number of permits the person has previously held.

(2) For purposes of counting prior skills tests under s. 343.16 (1) (a), Stats., from January 1, 1994 to December 31, 1994, the department shall consider only skills tests administered on or after January 1, 1994.

History: Cr. Register, March, 1994, No. 459, eff. 4-1-94.