

sin license when the person presents the previous license and the department is unable to immediately issue a renewal operator's license to the person for one of the following reasons:

(a) The department, pursuant to s. 343.16 (6), Stats., requires testing or an examination prior to renewal including, but not limited to, medical, eye, or mental examinations or evaluations of drug or alcohol dependency and the testing cannot be completed prior to the expiration of the existing license; or

(b) The department's license production system temporarily prevents production of an operator's license.

(2) **TEMPORARY DRIVER RECEIPT.** The department may issue a class D or M temporary driver receipt and validate it for driving:

(a) When a person is eligible for a temporary driver receipt under s. Trans 102.15 (6); or

(b) When a person applying for renewal of a license is unable to present the person's previous Wisconsin license and the department is not able to immediately issue an operator's license for any of the reasons stated in sub. (2) (a) or (b).

(3) **DURATION.** A temporary operator's license or driver receipt may be valid for not longer than 60 days from the date issued, unless otherwise canceled, revoked or suspended. The date issued shall be shown on the face of a temporary license or driver receipt.

Note: Form MV3501, temporary operator's license, form MV3432, receipt, form MV3392 data card instruction permit/receipt.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1) (intro.) and (2) (intro.), Register, November, 1994, No. 467, eff. 12-1-94.

Trans 102.18 Identification card and issuance period. (1) Original and reinstatement identification cards expire 4 years from the identified person's next birthday.

(2) Renewal identification cards expire:

(a) Four years from the identified person's next birthday when the renewal application is made prior to the expiration date of the latest identification card on file for that person;

(b) Three years from the identified person's next birthday when the renewal application is made after the expiration date of the latest identification card on file for that person.

(3) No person may renew an identification card more than one year prior to the expiration date of the identification card.

Note: See s. 343.50 (5) and (6), Stats.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 102.19 Moped and motor bicycle instruction permits. (1) In order to be issued a moped and motor bicycle instruction permit, a person must pass a knowledge test established by the department.

Note: See s. 343.07 (1), Stats.

(2) A person holding a moped or motor bicycle instruction permit, or regular instruction permit endorsed for moped and motor bicycle operation may operate a moped or motor bicycle only during daylight hours and may not carry passengers.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 102.20 Farm service CDLs. (1) Purpose. The purpose of this section is to administratively interpret s. 343.055 (1) (f), Stats., consistent with those federal department of transportation regulations at 57 Fed. Reg. 13650 (April 17, 1992).

Note: Federal CDL regulations make no provision for limited license privileges or license waivers for drivers described in those classes described in s. 343.055 (1) (e) and (g), Stats. Pursuant to s. 343.055 (4), Stats., drivers in those categories are required to hold CDLs. Drivers licensed under this section are subject to all laws and regulations pertaining to commercial motor vehicle drivers and CDL holders.

(2) DEFINITIONS. In this section:

(a) "Agri-chemical business" means a business that sells and delivers fertilizer, pesticides or other chemical compounds to farmers.

(b) "CDL" means a commercial driver license.

(c) "Convicted" or "conviction" has the meaning set forth in s. 340.01 (9r), Stats., and includes convictions under state law, convictions under local ordinances in conformity with state law, convictions under a law of federally recognized American Indian tribe or band in this state in conformity with state law, or convictions under the law of another jurisdiction which prohibits conduct similar to that prohibited under state law even if that jurisdiction's law is not in conformity with state law.

(d) "Custom harvester" means a business which is engaged solely in the provision of for hire harvesting services to farmers or engaged in canning, freezing or processing the crops being harvested.

Note: The licenses of temporary seasonal employes of custom harvester employers are limited to permit only transportation related to the harvesting of crops. See s. Trans 102.20 (8) (fm). A driver in this category may, for example, haul harvesting equipment to and from the fields where the harvest is conducted, and may haul harvested crops from the fields where harvested to a storage facility or food processing plant. Subsequent transportation of the harvested crops, however, such as to haul harvested crops from storage facilities to processing plants or to haul processed crops to market, are not permitted under a Farm Service CDL.

(e) "Farm retail outlet" means a business engaged in the retail sale and delivery of farm supplies to farmers.

(f) "Farm service CDL" means a restricted commercial driver license issued pursuant to this section.

(g) "Farm service industry" means a farm retail outlet, a custom harvester, a livestock feeder or an agri-chemical business.

(h) "Farmer" has the meaning set forth in s. 340.01 (18) (b), Stats.

(i) "Livestock feeder" means a business that is licensed as an approved veal lot under s. ATCP 11.13 or an approved feed lot under s. ATCP 11.14.

(j) "Seasonal employment" means a period of employment that does not exceed 180 days per year.

(k) "Seasonal period" means a continuous time period for which a farm service CDL permits limited operation of commercial motor vehicles.

(3) **ELIGIBILITY.** The department may issue a farm service CDL to any person who meets all of the following requirements:

- (a) Is employed in seasonal employment with a farm service industry.
- (b) Has held a class D operator's license, other than an instruction permit for at least the one-year period preceding the date of application.
- (c) Meets the driver record requirements of sub. (4).
- (d) Has passed the test required under sub. (7).
- (e) Does not hold a CDL.
- (f) Meets the medical standards requirements of s. 343.065, Stats., and ch. Trans 112.
- (g) Is at least 18 years of age.

(4) **DRIVER RECORD REQUIREMENTS.** The department may not issue or renew a farm service CDL to any person who at any time during the 2-year period preceding the date of application:

(a) Held more than one operator's license at one time, except that for purposes of this subdivision, a school bus or chauffeur's license issued under s. 343.12 or 343.125, 1987 Stats., shall be counted with a regular license as a single license.

(b) Had any driver license or operating privilege, in Wisconsin or any other jurisdiction, revoked, suspended or canceled as a result of a moving violation. Failure to pay a forfeiture resulting from a non-traffic offense is not a moving violation for purposes of this paragraph.

(c) Was convicted of any one violation listed as a disqualifying offense or serious traffic violation under s. 343.315 (2) (a), (e), (f) or (g), Stats., regardless of whether the person was operating a commercial motor vehicle at the time of the offense.

(d) Was convicted of a violation of a law relating to motor vehicle traffic control arising in connection with any traffic accident, except a parking or safety belt violation.

(e) Was at fault in any motor vehicle accident.

(f) Was convicted of a violation of a law arising out of the person's operating a vehicle type not authorized under a farm service CDL, violating a restriction of a farm service CDL, transporting hazardous materials not permitted under a farm service CDL, or operating a commercial motor vehicle outside the seasonal period provided for on a farm service CDL.

(5) **DISQUALIFICATION.** The department shall revoke, suspend, cancel or disqualify the farm service CDL privilege of any person who is disqualified under s. 343.315, Stats.

(6) **APPLICATION.** (a) An application for a farm service CDL shall be made on forms provided by the department and shall include all requested information.

(b) An original or renewal application for farm service CDL shall include all of the following:

1. A standard driver license application form.
2. A certification of the driver's eligibility for the license.
3. The required fee.
4. Specification of the seasonal period for which the applicant seeks farm service CDL operating privileges.

Note: Driver License Application and renewal forms (MV3001 and MV3005) and Driver Certification forms (MV3586) may be obtained at any Division of Motor Vehicle Services Center or from the Wisconsin Department of Transportation, Bureau of Driver Services, License Issuance Unit, P.O. Box 7918, Madison, WI 53707-7918.

(7) TESTING. (a) The department may not issue a farm service CDL to any person who has not passed the required knowledge test.

Note: See ss. 343.16 (1) (a) and 343.16 (2) (intro.), Stats.

(b) The department shall waive CDL skills tests for applicants seeking farm service CDLs except under circumstances where the department would require one or more examinations under s. 343.16 (5) or (6), Stats.

(8) RESTRICTIONS. All farm service CDLs shall be subject to the following restrictions:

(a) The license may not permit operation of class A motor vehicles as defined in s. 343.04 (1) (a), Stats.

(b) The license may not permit transporting hazardous materials except liquid fertilizer in vehicles or implements of husbandry with total capacities of 3000 gallons or less, solid fertilizers that are not transported with any organic substance, or 1000 gallons or less of diesel fuel, but no combination of these materials.

(c) The license may not permit operation of a school bus or of a passenger carrying vehicle, as defined in s. 343.04 (2) (d), Stats.

(d) The license shall permit operation only of commercial motor vehicles owned, leased or rented by the driver's farm service industry employer.

(e) The license may not permit operation of commercial motor vehicles outside the period of seasonal employment.

(f) The license may not permit the operation of commercial motor vehicles beyond 150 miles of the driver's place of employment or, in the case of custom harvester employes, 150 miles of the farm being served by the custom harvester business.

(fm) The license may not permit operation by a custom harvester unless related to the harvesting of crops.

(g) The license may not permit operation in interstate commerce unless the driver meets the requirements of s. 343.06 (3), Stats.

(h) The license may not grant farm service CDL privileges for more than 180 days in any calendar year.

(9) **NO OCCUPATIONAL LICENSE.** The department may not issue an occupational license granting farm service CDL privileges.

(10) **SEASONAL PERIOD APPLICATION AND DRIVER RECORD VERIFICATION.** (a) Except when a license is due for renewal, at least once each calendar year in which an applicant seeks farm service CDL privileges, the person shall apply to the department for a farm service CDL restriction card designating the person's next seasonal period.

Note: Form MV3587, Application for New Farm service CDL Seasonal Period may be obtained at any Division of Motor Vehicle Services Center or from the Wisconsin Department of Transportation, Bureau of Driver Services, License Issuance Unit, P.O. Box 7918, Madison, WI 53707-7918.

(b) The department shall confirm the driver's continued eligibility for the farm service CDL before each seasonal period and, if the driver is eligible for the license under sub. (3), shall issue a restriction card to the driver.

(c) No person may have more than 2 seasonal periods in a calendar year.

Note: See sub. (13) (c) regarding the fee for changing a seasonal period.

(11) **LICENSE FORM.** A farm service CDL shall be subject to the restrictions set forth on a restriction card.

(12) **EXPIRATION.** Farm service CDL privileges shall expire on the same date as the holder's operator's license.

Note: See s. Trans 102.16.

(13) **FEES.** (a) The fee for the farm service CDL shall be \$32.00 or the prorated amount due under s. Trans 102.10.

(b) There shall be no fee for annually issuing a seasonal period restriction card.

(c) The fee for changing the seasonal period after a person has specified a seasonal period in a given calendar year shall be the fee for obtaining a duplicate license under s. 343.21 (1) (L), Stats.

Note: Section 343.21 (1) (d), Stats. prescribes the fee for CDLs. Section 343.21 (1) (L), Stats., currently provides that the fee for a duplicate license shall be \$4.

History: Cr. Register, January, 1993, No. 445, eff. 2-1-93; am. (2) (d), (j), (8) (b), (h) and (10) (a), cr. (8) (fm), Register, December, 1993, No. 456, eff. 1-1-94; correction in (2) (i) made under s. 13.93 (2m) (b) 7, Stats., Register, December, 1993, No. 456.

Trans 102.21 Sponsorship of persons under 18 years of age. (1) DEFINITIONS. In this section:

(a) "Adult" means a person who is 18 years of age or older.

(b) "Foster parent" means a person licensed to operate a foster home or treatment foster home under s. 48.62, Stats.

(c) "Guardian" means the person named by the court having the duty and authority of guardianship.

(d) "Minor" means a person less than 18 years of age.

(e) "Parent" means either a biological parent, a husband who has consented to the artificial insemination of his wife under s. 891.40, Stats., or a parent by adoption. If the child is a nonmarital child who is not

adopted or whose parents do not subsequently intermarry under s. 767.60, Stats., "parent" includes a person adjudged in a judicial proceeding to be the biological father. "Parent" does not include any person whose parental rights have been terminated.

(f) "Stepparent" means a person who is married to the minor's biological or adoptive parent and is not a biological or adoptive parent of the minor.

Note: The definitions used in pars. (c) and (e) are intended to parallel those in s. 48.02, Stats.

(2) **ADULT SPONSORS.** The following adults may sponsor a minor's application for Wisconsin operator's license:

(a) The minor's parent, stepparent or guardian.

(b) The minor's spouse.

(c) The minor's grandparent, brother, sister, aunt, uncle or foster parent if the minor does not reside with any of the persons identified in par. (a).

(d) The person with whom a foreign exchange student resides if the foreign exchange student is from outside the United States and is not residing with any of the persons identified in par. (a).

(3) **POWERS OF ATTORNEY.** An adult holding a valid power of attorney may execute the sponsorship form for a minor on behalf of a sponsor.

Note: The department has a form Durable Power of Attorney, Driver License Sponsorship for Minor that is designed to be used for this purpose, form MV 3627. The form can be obtained from the Division of Motor Vehicles, Bureau of Driver Services, P.O. Box 7920, Madison, WI 53707-7920, telephone (608) 266-2237 or at any motor vehicle services station.

(4) **PROOF OF IDENTITY.** A sponsor or attorney-in-fact of a sponsor shall provide proof of identity satisfying the requirements of s. Trans 102.15 (4) when a department representative acts as the witness to a sponsor's or attorney-in-fact's signature.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94.