

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Note: Chapter MVD 11 as it existed on September 30, 1972 was repealed, and a new chapter MVD 11 was created effective October 1, 1972; chapter MVD 11 as it existed on June 30, 1981 was renumbered to be chapter Trans 101 effective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) The words and phrases defined in ss. 340.01 and 343.01, Stats., have the same meaning in this chapter.

History: Cr. Register, June, 1981, No. 306, eff. 7-1-81; r. and recr. (2), Register, December, 1990, No. 420, eff. 1-1-91.

Trans 101.02 Point schedule. Pursuant to s. 343.32 (2), Stats., the department has established a demerit point system to identify habitually reckless or negligent operators or those who have repeatedly violated traffic laws. The following scale lists violations according to the number of demerit points assessed, with higher point values being assessed for more severe offenses:

(1) SIX DEMERIT POINT VIOLATIONS. The department shall assess 6 demerit points for any of the following violations:

- (a) Failure to perform duty after accident under s. 346.67 or 346.68, Stats.
- (b) Fleeing or attempting to elude an officer.
- (c) Operating after license is revoked or suspended.
- (d) Operating commercial motor vehicle while disqualified.
- (e) Operating commercial vehicle with alcohol concentration of 0.04 or more but less than 0.1 and causing injury.
- (f) Operating while intoxicated and causing injury.
- (g) Operating while under influence of intoxicant or controlled substance.
- (h) Racing on public highway or engaging in a contest of speed or endurance.
- (i) Reckless driving.
- (j) Speeding 20 miles per hour or more in excess of lawful or posted speed.
- (k) Violation of occupational license restrictions.

(2) FOUR DEMERIT POINT VIOLATIONS. The department shall assess 4 demerit points for any of the following violations:

- (a) Deviating from lane of traffic.
- (b) Driving on wrong side of highway.
- (c) Driving too fast for conditions.
- (d) Failure to have vehicle under control.
- (e) Failure by operator to stop for school bus when red lights are flashing.
- (f) Failure to yield right of way or failure to yield right of way to emergency vehicle.
- (g) Imprudent speed.
- (h) Inattentive driving.
- (i) Speeding more than 10 miles per hour but less than 20 miles per hour in excess of lawful or posted speed.
- (j) Unnecessary acceleration.

(3) THREE DEMERIT POINT VIOLATIONS. The department shall assess 3 demerit points for any of the following violations:

- (a) Arterial sign violation.
- (b) Driving against traffic or driving the wrong way on one way street.
- (c) Failure to dim lamps or lights.
- (d) Failure to give appropriate signal.
- (e) Failure to obey traffic sign or signal.
- (f) Following vehicle too closely.
- (g) Illegal turn.
- (h) Improper brakes.
- (i) Improper or unlit or missing lamps or lights, including clearance lamps, spotlamps, head lamps, brake lamps, tail lamps and signal lamps, but not including use of cycle headlamps during daylight hours or registration plate lamps.
- (j) Operating with multiple licenses.
- (k) Operating without having obtained an operator's license, without a proper license endorsement, without proper license classification for the vehicle being operated, or with a license which has expired, and including the following:

1. Operating a commercial motor vehicle without having obtained a commercial driver license.
2. Operating a school bus without having obtained a school bus endorsement.
3. Operating a Type 1 motorcycle without a license authorizing the operation of class "M" vehicles.
 - (L) Passing illegally.
 - (m) Possession of intoxicating beverage while operating or being on duty time with respect to a commercial motor vehicle.
 - (n) Speeding 10 miles per hour or less in excess of lawful or posted speed.
 - (o) Unlawful commercial motor vehicle license or endorsement.
 - (p) Violation of license restriction.

(4) TWO DEMERIT POINT VIOLATIONS. The department shall assess 2 demerit points for any of the following violations:

- (a) Defective speedometer.
- (b) Obstructed view or control, including illegally tinted windows.
- (c) Obstructing traffic, or driving excessively slowly.
- (d) Parking on highway in traffic lane.
- (e) All other moving traffic convictions except as provided in sub. (5).

(5) ZERO DEMERIT POINT VIOLATIONS. The department shall not assess demerit points for any of the following violations:

- (a) Child safety restraint violation.
- (b) Failure to fasten seat belt.
- (c) Failure to report an accident under s. 346.69 or 346.70, Stats.
- (d) Failure to transfer certificate of title.
- (e) Failure to wear mandatory protective headgear while operating a Type 1 motorcycle.

- (f) Falsified accident report.
- (g) Falsified application for operator's license, identification card or motor vehicle title or registration.
- (gm) Immobilization device tampering.
- (h) Improper license plates.
- (i) Improper muffler.
- (im) Interlock device tampering.
- (j) Intoxicant in vehicle carrying underage person.
- (k) License not in operator's immediate possession.
- (L) Littering on highway.
- (m) No motorcycle headlamps during daylight hours or no registration plate lamps.
- (n) Open intoxicant in vehicle.
- (o) Operating a Type 1 motorcycle with handlebars that exceed the legal height limit.
- (p) Operating a Type 1 motorcycle with rear passenger pegs that are at an illegal height.
- (q) Operating a commercial motor vehicle or being on duty time with respect to a commercial motor vehicle while having any measured alcohol concentration above 0.0 but less than 0.04 or within 4 hours of having consumed or having been under the influence of an intoxicating beverage, regardless of its alcohol content.
- (r) Operating a commercial motor vehicle with an alcohol concentration of 0.04 or more but less than 0.1 and not causing injury.
- (s) Operating illegally with studded tires.
- (sm) Parking on a highway but off the roadway.
- (t) Permitting unauthorized person to operate.
- (u) Refusal to submit to breath or chemical test for intoxication.
- (v) Under age 19, operating motor vehicle with any measured alcohol content.
- (w) Unnecessary blowing or sounding of horn.
- (wm) Unnecessary noise or loud radio audible from a distance of 75 feet or more.
- (x) Unregistered vehicle.
- (y) Violation of size, weight or load restriction.

(6) 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.

(7) 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) to (5), except as provided in sub. (8) (a).

(8) (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) to (4) increased by 2 points on the second and all subsequent convictions.

Note: Commercial driver licenses are never issued on a probationary basis. s. 343.085 (2) (b), Stats.

(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.

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

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. (15) (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; am. (20) and (26), Register, March, 1990, No. 411, eff. 4-1-90, r. and recr. (intro.) to (22), renum. (23) to be (6) to (9) and am. (7) and (8) (a), r. (27), Register, December, 1990, No. 420, eff. 1-1-91; reprinted to restore dropped copy in (2) (f), Register, June, 1991, No. 426; reprinted to correct printing errors, Register, October, 1991, No. 430; am. (3) (k), cr. (5) (gm), (im), (sm) and (wm), Register, March, 1994, No. 459, eff. 4-1-94.

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) The department shall suspend or revoke the operating privilege of any person whose driving record shows that 12 points in 12 months from the date of violation have been accumulated. Any person who has had the operating privilege suspended or revoked under ch. 343, except s. 343.30 (6) or 343.345, Stats., shall have the operating privilege revoked. In all other cases the operating privilege shall be suspended.

(2) The department shall suspend for 2 months the operating privilege of any person convicted of violating s. 343.16 (7) (b), Stats.

(3) 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

(4) The effective date of departmental revocations or suspensions under this chapter shall be determined as follows:

(a) If the license has not been surrendered for a previous action, the effective date shall be the date the order was mailed.

(b) If an unexpired revoked or suspended license has been surrendered for a previous action, the effective date shall be the date of the license surrender, or the date of conviction causing the new revocation or suspension, whichever is later.

(c) If a valid license has been surrendered, the effective date shall be the date of the first subsequent revocation or suspension, or the date of conviction causing the new revocation or suspension, whichever is later. If there has been no subsequent withdrawal after the surrender of a valid license, the effective date shall be the date the order was mailed.

(d) Revocations under the provisions of another jurisdiction for an offense therein which, if committed in this state, would have required revocation of the person's operating privilege under s. 343.32 (1), Stats., shall be effective from the date of the conviction.

(5) Revocations under the provisions of s. 343.32 (1) (b) or (c), Stats., shall be effective for 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.

(6) (a) A court ordered revocation for the same violation shall supersede a revocation or suspension under this section.

(b) A court ordered suspension for the same violation shall supersede a suspension under this section, except that the following shall apply:

1. The person's point accumulation may not exceed 15 in a one-year period.

2. The minimum length of 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 MVD 11.05 and am. (1) to (3), Register, June, 1981, No. 306, eff. 7-1-81; am. (2) to (4), Register, March, 1990, No. 411, eff. 4-1-90, am. (1) to (3), r. and recr. (5), renum. (7) to be (7) (a) and am., cr. (7) (b), Register, December, 1990, No. 420, eff. 1-1-91; reprinted to correct printing errors, Register, October, 1991, No. 430; r. (1), renum. (2), (4) to (7) to be (1), (3) to (6) and am. (5), r. and recr. (3), cr. (4) (d), Register, March, 1994, No. 459, eff. 5-1-94.

Trans 101.05 Determination of point value at reinstatement. (1) The department, upon issuing a reinstated operator's license or upon return of a license which has been suspended, shall reduce the accumulated point value to 6 points. If at the time of reinstatement or suspension termination, the demerit point value in the immediately preceding 12 month period is less than 6, the lesser point value shall be carried forward in the record. Revocations and suspensions under chs. 48, 161, 344, 345 and 800, Stats., and ss. 343.30 (1g) (d), 343.30 (6), 343.305 (10), 343.32 (1m) (b) and 343.345, Stats., shall not qualify for point reduction under this section.

(2) 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; am. (1) and (2), Register, March, 1990, No. 411, eff. 4-1-90; r. and recr. (1), r. (2), renum. (3) to be (2), Register, December, 1990, No. 420, eff. 1-1-91; reprinted to correct printing errors, Register, October, 1991, No. 430; am. (1), Register, March, 1994, No. 459, eff. 4-1-94.

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 (5), Stats., and the requirements of this section, a person's point record shall be reduced by 3 points or the number of points accumulated up to 3, upon satisfactory completion of one of the following courses approved, in advance, by the department:

- (a) A course of instruction at a traffic safety school;
- (b) A course of instruction in defensive driving or similar course; or,
- (c) Driver improvement counseling conducted under the program authorized by s. 110.08, Stats.
- (d) A motorcycle rider course offered under s. Trans 129.03 provided that the person has not had a prior point reduction resulting from attending a motorcycle rider course.

Note: See ch. Trans 106 concerning authorization, approval and administration of traffic safety schools and defensive driving courses.

(2) The certified instructor of the traffic safety, motorcycle rider or defensive driving course or the driver improvement analyst of the driver improvement counseling program shall furnish to the department a certification of completion of an approved course. A separate certification shall be provided to the department for

each individual in the course. The certification shall be on the form prescribed by the department and must be made within 30 days of satisfactory completion of the course in order to qualify for point reduction. A copy of the completed certification form shall be furnished to the student, another copy sent to the court or assessment agency, if the student was assigned to the school, and one copy shall be retained by the school. The department may approve the use of a reproduction of this form, at the request of a school, including computerized versions.

Note: The multipart form MV-3304, course completion certificate, is available by mail upon request. Each form produces an original and 3 copies. Send requests to DOT Document Sales, P.O. Box 7713, Madison, Wisconsin 53707-7713.

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

(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) 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.

(7) 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, such person may be given a point reduction as provided in this chapter if otherwise entitled to it.

(8) No reduction in points under this section shall be permitted when a person accumulates sufficient demerit points to require suspension or revocation under this chapter.

(9) Demerit point reductions under this section shall apply only to demerit points based on convictions dated before the date of course completion. Demerit point reductions under this section resulting from attending a motorcycle rider course shall apply only to demerit points from convictions for offenses which were committed by the driver while operating a class "M" vehicle. Demerit points for convictions on or after the date of course completion shall be added to any current demerit point value.

(10) The person seeking the point reduction under this section shall be responsible for any and all fees charged for the course.

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; am. (1), (2) and (8), cr. (11), Register, March, 1990, No. 411, eff. 4-1-90; r. (6), renum. (7) to (11) to be (6) to (10) an am. (8), Register, December, 1990, No. 420, eff. 1-1-91; reprinted to correct error in (8), Register, October, 1991, No. 430; cr. (1) (d), am. (2) and (9), r. (4), Register, March, 1994, No. 459, eff. 4-1-94.

The first section of the document discusses the importance of maintaining accurate records. It highlights the need for regular audits and the use of standardized reporting formats to ensure data integrity and consistency across different departments.

Furthermore, it emphasizes the role of technology in streamlining these processes. Implementing digital record-keeping systems can significantly reduce the risk of human error and improve the efficiency of data collection and analysis.

In addition, the document outlines the necessary training and support for staff members involved in record management. This includes providing clear guidelines on data entry protocols and ensuring that all personnel are up-to-date on the latest software and procedures.

The second section focuses on the challenges associated with data security. It identifies common vulnerabilities such as unauthorized access, data breaches, and loss of information, and provides strategies to mitigate these risks through robust security protocols and regular updates.

It also discusses the importance of data backup and recovery plans. Regular backups are essential to prevent data loss in the event of a disaster, and having a clear recovery process in place ensures that operations can resume as quickly as possible.

Moreover, the document addresses the issue of data privacy. It stresses the need for strict adherence to relevant regulations and the implementation of access controls to protect sensitive information from being shared or misused.

The third section explores the integration of data from various sources. It discusses how siloed data can hinder decision-making and the benefits of creating a unified data ecosystem that allows for cross-departmental collaboration and insights.

It also touches upon the importance of data quality. Poor quality data can lead to incorrect conclusions and ineffective strategies, so it is crucial to establish data quality standards and implement measures to monitor and improve the accuracy of the information.

The fourth section discusses the future of data management. It looks at emerging trends such as artificial intelligence and machine learning, which offer new ways to analyze large volumes of data and uncover hidden patterns and trends.

Finally, the document concludes with a call to action, urging organizations to take a proactive approach to data management. By investing in the right tools, training, and processes, they can harness the full potential of their data and drive sustainable growth.

The second section of the document delves into the technical aspects of data storage. It compares different storage solutions, such as cloud-based services and on-premise servers, based on factors like cost, scalability, and security. It also discusses the importance of data redundancy and disaster recovery planning.

Furthermore, it addresses the issue of data migration. Moving data from legacy systems to new platforms can be a complex task, so it provides a step-by-step guide to ensure a smooth transition with minimal data loss or downtime.

In addition, the document covers the topic of data archiving. It explains how to identify and archive data that is no longer actively used but may still be needed for legal or compliance purposes, ensuring that it remains accessible and secure over time.

The fifth section discusses the role of data in decision-making. It highlights how data-driven insights can help organizations identify market opportunities, optimize operations, and improve customer satisfaction. It also provides examples of successful data-driven strategies.

Moreover, it addresses the challenge of data visualization. Presenting complex data in a clear and concise manner is essential for effective communication. It discusses various visualization techniques, such as charts, graphs, and dashboards, and provides tips on how to design them for maximum impact.

The sixth section focuses on the importance of data governance. It defines data governance as the framework of policies, procedures, and standards that ensure the effective and efficient use of data. It discusses the key components of a data governance program, including data ownership, access control, and data quality management.

It also discusses the role of data governance in regulatory compliance. Organizations must ensure that their data handling practices align with relevant laws and regulations, such as the General Data Protection Regulation (GDPR) and the California Consumer Privacy Act (CCPA).

The seventh section discusses the importance of data ethics. It explores the ethical implications of data collection, storage, and use, and provides guidelines for organizations to ensure that they are acting responsibly and transparently. It emphasizes the need to respect individual privacy and to avoid using data in ways that could cause harm or discrimination.

The eighth section discusses the importance of data literacy. It defines data literacy as the ability to understand, interpret, and use data effectively. It discusses the benefits of data literacy for individuals and organizations and provides resources for developing data literacy skills.

Finally, the document concludes with a summary of the key points discussed. It reiterates the importance of data management and the need for a holistic approach that considers technical, organizational, and ethical aspects. It encourages organizations to embrace data as a strategic asset and to take the necessary steps to maximize its value.