



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 347**

September 27, 2013 – Offered by Representative WEATHERSTON.

- 1 **AN ACT to amend** 343.06 (1) (c), 343.16 (1) (a) and 343.16 (2) (cm) of the statutes;
2 **relating to:** motorcycle operator’s licenses and rider courses.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, applicants for a motor vehicle operator’s license are required to successfully complete a knowledge test and an on-the-road driving skills test. Also under current law, the Department of Transportation (DOT) must waive the driving skills test for a person applying for authorization to operate motorcycles if the person has successfully completed a basic rider course approved by DOT. This substitute amendment requires DOT to waive the motorcycle driving skills test for an applicant who has successfully completed a rider course approved by the Wisconsin DOT Motorcycle Safety Program.

Also under current law, DOT may not require a person applying for authorization to operate motorcycles who has successfully completed a basic rider course approved by DOT to hold an instruction permit prior to the issuance of a license authorizing the operation of motorcycles. Under this substitute amendment, DOT may not require a person who is applying for authorization to operate motorcycles and who has successfully completed a rider course approved by the Wisconsin DOT Motorcycle Safety Program to hold an instruction permit prior to the issuance of a license authorizing the operation of motorcycles.

Under current law, DOT generally may not issue a license authorizing the operation of motorcycles to a person under the age of 18 unless the person has

completed a basic rider course approved by DOT. Under this substitute amendment, DOT may not issue such a license unless the person has completed a basic rider course approved by the Wisconsin DOT Motorcycle Safety Program.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 343.06 (1) (c) of the statutes is amended to read:

2 343.06 (1) (c) To any person under age 18 unless the person is enrolled in a
3 school program or high school equivalency program and is not a habitual truant as
4 defined in s. 118.16 (1) (a), has graduated from high school or been granted a
5 declaration of high school graduation equivalency, or is enrolled in a home-based
6 private educational program, as defined in s. 115.001 (3g), and has satisfactorily
7 completed a course in driver education in public schools approved by the department
8 of public instruction, or in technical colleges approved by the technical college system
9 board, or in nonpublic and private schools or tribal schools, as defined in s. 115.001
10 (15m), that meet the minimum standards set by the department of public
11 instruction, or has satisfactorily completed a substantially equivalent course in
12 driver training approved by the department and given by a school licensed by the
13 department under s. 343.61, or has satisfactorily completed a substantially
14 equivalent course in driver education or training approved by another state and has
15 attained the age of 16, except as provided in s. 343.07 (1g). The department shall not
16 issue a license to any person under the age of 18 authorizing the operation of “Class
17 M” vehicles unless the person has successfully completed a basic rider course
18 approved by the department Wisconsin department of transportation motorcycle
19 safety program. The department may, by rule, exempt certain persons from the basic
20 rider course requirement of this paragraph. Applicants for a license under s. 343.08

1 or 343.135 are exempt from the driver education, basic rider or driver training course
2 requirement. The secretary shall prescribe rules for licensing of schools and
3 instructors to qualify under this paragraph. The driver education course shall be
4 made available to every eligible student in the state. Except as provided under s.
5 343.16 (1) (bm) and (c) and (2) (cm) to (e), no operator's license may be issued unless
6 a driver's examination has been administered by the department.

7 **SECTION 2.** 343.16 (1) (a) of the statutes is amended to read:

8 343.16 (1) (a) *General.* Except when examination by a 3rd-party tester is
9 permitted under pars. (b) to (c), the department shall examine every applicant for an
10 operator's license, including applicants for license renewal as provided in sub. (3),
11 and every applicant for authorization to operate a vehicle class or type for which the
12 applicant does not hold currently valid authorization, other than an instruction
13 permit. Except as provided in sub. (2) (cm) and (e), the examinations of applicants
14 for licenses authorizing operation of "Class A", "Class B", "Class C", "Class D" or
15 "Class M" vehicles shall include both a knowledge test and an actual demonstration
16 in the form of a driving skills test of the applicant's ability to exercise ordinary and
17 reasonable control in the operation of a representative vehicle. The department shall
18 not administer a driving skills test to a person applying for authorization to operate
19 "Class M" vehicles who has failed 2 previous such skills tests unless the person has
20 successfully completed a rider course approved by the department. The department
21 may, by rule, exempt certain persons from the rider course requirement of this
22 paragraph. The department may not require a person who is applying for
23 authorization to operate "Class M" vehicles and who has successfully completed a
24 basic rider course approved by the department Wisconsin department of
25 transportation motorcycle safety program to hold an instruction permit under s.

1 343.07 (4) prior to the department's issuance of a license authorizing the operation
2 of "Class M" vehicles. The department may not require a person applying for
3 authorization to operate "Class M" vehicles who holds an instruction permit under
4 s. 343.07 (4) to hold it for a minimum period of time before administering a driving
5 skills test. The driving skills of applicants for endorsements authorizing the
6 operation of commercial motor vehicles equipped with air brakes, the transportation
7 of passengers in commercial motor vehicles or the operation of school buses, as
8 provided in s. 343.04 (2) (b), (d) or (e), shall also be tested by an actual demonstration
9 of driving skills. The department may endorse an applicant's commercial driver
10 license for transporting hazardous materials requiring placarding or any quantity
11 of a material listed as a select agent or toxin under 42 CFR 73, subject to s. 343.125,
12 or for the operation of tank vehicles or vehicles towing double or triple trailers, as
13 described in s. 343.04 (2) (a), (c) or (f), based on successful completion of a knowledge
14 test. In administering the knowledge test, the department shall attempt to
15 accommodate any special needs of the applicant. Except as may be required by the
16 department for an "H" or "S" endorsement, the knowledge test is not intended to be
17 a test for literacy or English language proficiency. This paragraph does not prohibit
18 the department from requiring an applicant to correctly read and understand
19 highway signs.

20 **SECTION 3.** 343.16 (2) (cm) of the statutes is amended to read:

21 343.16 (2) (cm) *Motorcycle waiver.* The department shall waive the driving
22 skills test of a person applying for authorization to operate "Class M" vehicles if the
23 applicant has successfully completed a basic rider course approved by the
24 department Wisconsin department of transportation motorcycle safety program.

25 (END)