



2005 ASSEMBLY BILL 963

January 31, 2006 - Introduced by Representatives ALBERS, TOWNSEND, KREIBICH, KAUFERT, SHERIDAN and KRAWCZYK, cosponsored by Senator ROESSLER. Referred to Committee on Transportation.

1 **AN ACT to amend** 343.07 (1) (intro.), 343.085 (1) (a) and 343.23 (2) (a) (intro.);
2 **and to create** 118.125 (2) (j) 4. and 118.16 (6m) of the statutes; **relating to:**
3 instruction permits and probationary licenses issued by the Department of
4 Transportation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) may issue an instruction permit to a person who is at least 15 years and 6 months of age, who has passed a knowledge test, who, if under 18 years of age, has enrolled in an approved driver education and training course, and who, except for age or lack of training in the operation of a motor vehicle, is qualified to obtain an operator's license. The permit remains valid for 12 months unless cancelled by DOT. The permit authorizes the person to operate most motor vehicles (excluding commercial motor vehicles, school buses, and Type 1 motorcycles), subject to certain restrictions.

Under current law, a probationary license is, with certain exceptions, issued to all applicants who qualify for an original driver's license and remains in effect for two years from the date of the licensee's next birthday. During the first nine months following issuance of a probationary license, a probationary licensee who is under 18 years of age is subject, with limited exceptions, to certain restrictions on the operation of "Class D" vehicles (automobiles and most other motor vehicles).

Under current law, DOT may not issue a license to any person under age 18 unless the person is enrolled in a school program or high school equivalency program and is not a habitual truant, has graduated from high school or been granted a

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declaration of high school graduation equivalency or is enrolled in a home-based private educational program.

Also under current law, DOT must cancel a license when the person holding the license falls into one of the classes of persons to whom the law prohibits issuance of a license.

The bill clarifies current law that a person under age 18 must be enrolled in a school program or high school equivalency program and not be a habitual truant, or have graduated from high school or been granted a declaration of high school graduation equivalency or be enrolled in a home-based private educational program, in order to obtain an instruction permit or probationary license, and requires DOT to cancel a probationary license when DOT receives notice that the person no longer satisfies these requirements.

The bill directs each school board to provide DOT with the name, address, and dates of attendance of each former pupil who is under the age of 18 and a dropout (defined as a child who has ceased to attend school, has not graduated from high school, and does not have an acceptable excuse), for the purpose of cancelling the person's probationary license. If the person has been issued, or applied for, a license or permit, DOT must keep this notice in the person's operator's record on file with DOT.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 118.125 (2) (j) 4. of the statutes is created to read:

2 118.125 (2) (j) 4. The name, address, and dates of attendance of a former pupil
3 who is under the age of 18 and a dropout, as defined in s. 118.153 (1) (b), may be
4 disclosed under s. 118.16 (6m) without meeting the requirements of subd. 1.

5 **SECTION 2.** 118.16 (6m) of the statutes is created to read:

6 118.16 (6m) The school board shall provide the department of transportation
7 with the name, address, and dates of attendance of each former pupil who is under
8 the age of 18 and a dropout, as defined in s. 118.153 (1) (b), for the purpose of
9 canceling the person's probationary license under s. 343.085 (1) (a).

10 **SECTION 3.** 343.07 (1) (intro.) of the statutes is amended to read:

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1 343.07 (1) REGULAR PERMIT; ISSUANCE, RESTRICTIONS. (intro.) Upon application
2 therefor by a person at least 15 years and 6 months of age who, except for age or lack
3 of training in the operation of a motor vehicle, is qualified to obtain an operator's
4 license, including satisfaction of the school enrollment, completion, or equivalency
5 requirement under s. 343.06 (1) (c), and has passed such knowledge test as the
6 department may require, the department may issue a regular instruction permit.
7 If the application is made by a male who is at least 18 years of age but less than 26
8 years of age, the application shall include the information required under s. 343.14
9 (2) (em). The permit entitles the permittee to operate a motor vehicle, except a
10 commercial motor vehicle, school bus, or Type 1 motorcycle, a motor bicycle, or a
11 moped, upon the highways, subject to the following restrictions:

12 **SECTION 4.** 343.085 (1) (a) of the statutes is amended to read:

13 343.085 (1) (a) Except as provided in par. (b) and sub. (2), and subject to s.
14 343.06 (1) (c), the department shall issue a probationary license to all applicants for
15 an original license. The probationary license shall remain in effect as provided in s.
16 343.20 (1) (a), except that the department shall cancel, under s. 343.25 (4), any
17 probationary license of a person under age 18 when the department receives notice
18 that the person is no longer enrolled in school and the person has not attained a high
19 school diploma, high school equivalency diploma, or certificate of general
20 educational development, as provided under s. 343.06 (1) (c).

21 **SECTION 5.** 343.23 (2) (a) (intro.) of the statutes, as affected by 2003 Wisconsin
22 Act 280, is amended to read:

23 343.23 (2) (a) (intro.) The department shall maintain a file for each licensee or
24 other person containing the application for license, permit or endorsement, a record
25 of reports or abstract of convictions, any notice received from the federal

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1 transportation security administration concerning the person's eligibility for an "H"
2 endorsement specified in s. 343.17 (3) (d) 1m., any notice received from a school board
3 provided under s. 118.16 (6m) for a person who has applied for a license or permit,
4 the status of the person's authorization to operate different vehicle groups, a record
5 of any out-of-service orders issued under s. 343.305 (7) (b) or (9) (am), a record of the
6 date on which any background investigation specified in s. 343.12 (6) (a) or (d) was
7 completed, and a record of any reportable accident in which the person has been
8 involved, including specification of any type of license and endorsements issued
9 under this chapter under which the person was operating at the time of the accident
10 and an indication whether or not the accident occurred in the course of any of the
11 following:

12 (END)