

State of Wisconsin
Department of Transportation
STATEMENT OF SCOPE

Rule No.: Chapter Trans 129

Relating to: Motorcycle Licensing and Courses

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The Wisconsin Department of Transportation (WisDOT) proposes to amend chapter Trans 129 Wisconsin Administrative Code to clarify existing rules by removing or replacing obsolete language, correcting errors, updating terminology and providing greater specificity in areas of the rule text that require updating, additions, deletions, and or clarification of language. The proposed rule modifications will not substantially change the manner in which the WisDOT manages the Wisconsin Motorcycle Safety Program, but will address key issues relating to definitions, language, and terminology, rider education course parameters and evaluation standards, RiderCoach (instructor) requirements including licensing and renewal periods as well as professional and instructional standards and professional development guidelines, rider education training site certification parameters and expiration, cancellation or denial of department approval, updating of the state's grant process for funded training sites which includes grant parameters and reimbursement parameters as well as the auditing process and prioritization of grant dollars, updating the insurance and bond requirements for commercial rider education schools, and updating of the rider education waiver form program and the establishment of time limitations applied to pre-March 1, 2008, waivers of the DMV MIT test.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

A substantial revision of this rule is proposed. Substantive changes would include:

- clarification and revision of definitions throughout
- creation of time limit for waivers
- clarification of waiver process to accommodate electronic submittal
- creation of expiration period for waiver authorization
- creation of more flexible course parameters
- modification of waiver eligibility requirements
- modification of instructor requirements to be consistent with other Trans rules
- modification of renewal periods
- clarification of grounds and process for cancellation of instruction school and instructor authorization
- updating of required elements of waiver form
- clarification of general grant policies and funding availability
- creation of a schedule for assessing points for school and instructor violations

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Wisconsin Administrative Code ch. Trans 129 relating to Motorcycle Licensing and Courses, serves as the department's interpretation of the following Wisconsin Statutes:

s. 85.30 Type 1 motorcycle, moped and motor bicycle safety program. The department shall develop and administer a Type 1 motorcycle, moped and motor bicycle safety program. The program shall include operational skills training, safety education and public awareness and such other elements as the department deems desirable. The safety education program for Type 1 motorcycles shall include instruction as to the proper eye protection to be worn during hours of darkness. The department may make grants under this program for establishment of courses which further the aims of this program. The department shall adopt rules to implement this section.

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

s. 343.06 (1)(c) Persons not to be licensed. The department shall not issue a license to any person under the age of 18 authorizing the operation of "Class M" vehicles unless the person has successfully completed a basic rider course approved by the Wisconsin department of transportation motorcycle safety program. The department may, by rule, exempt certain persons from the basic rider course requirement of this paragraph. Applicants for a license under s. 343.08 or 343.135 are exempt from the driver education, basic rider or driver training course requirement. The secretary shall prescribe rules for licensing of schools and instructors to qualify under this paragraph.

s. 343.07 (4)(b) Instruction permits. The permit for Type 1 motorcycle operation shall be valid for 6 months. The department shall issue no more than 3 permits for Type 1 motorcycle operation to a person unless the person has successfully completed a rider course approved by the department. The department may, by rule, exempt certain persons from the rider course requirement of this paragraph.

s. 343.16 (1)(a) Examination of applicants; reexamination of licensed persons. The department shall examine every applicant for an operator's license... The department may, by rule, exempt certain persons from the rider course requirement of this paragraph. The department may not require a person who is applying for authorization to operate "Class M" vehicles and who has successfully completed a rider course approved by the Wisconsin department of transportation motorcycle safety program to hold an instruction permit under s. 343.07 (4) prior to the department's issuance of a license authorizing the operation of "Class M" vehicles.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The department estimates it will take approximately 500 hours, or 0.25 FTE staff, to modify this rule. That includes time required for investigation and analysis, rule drafting, preparing related documents, coordinating advisory committee meetings, holding public hearings and communicating with affected persons and groups. The department will use existing staff to develop this rule. The department commenced work on this rulemaking pursuant to a July 23, 2015 statement of scope. The statement of scope for that rulemaking expired and the intent of this process is to complete drafting begun under that prior statement of scope.

6. List with description of all entities that may be affected by the proposed rule:

This rule will impact: department staff within the Motorcycle Safety Program and the Driver Training and Records Unit; driver instructor schools and instructors; and motorcycle operators seeking training and the associated skills test waiver.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed changes are not expected to have any impact on small businesses.

9. Contact Person:

Sarah Langlois Buzzell
Motorcycle Safety Program Manager
Division of State Patrol
State of Wisconsin Department of Transportation
4822 Madison Yards Way, 9th floor South
Madison, WI 53705
Phone: (608) 709-0080
Email: DOTAdminRules@dot.wi.gov