

# Clearinghouse Rule 96-147

## CERTIFICATE

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

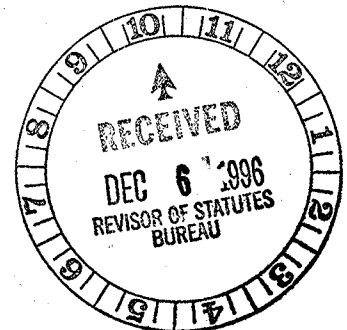
I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **driver license issuance**, was duly approved and adopted by this Department on December 5, 1996.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

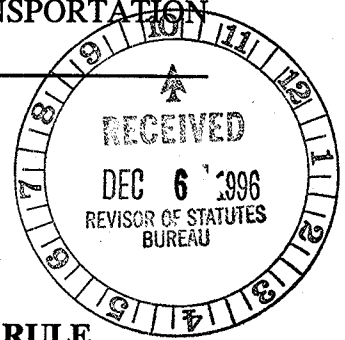


IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 5 day of **December**, 1996.

*Charles H. Thompson*  
\_\_\_\_\_  
CHARLES H. THOMPSON  
Secretary



The Wisconsin Department of Transportation adopts an order to repeal TRANS 102.15(4)(b)2, 3 and 5; renumber TRANS 102.15(4)(b)1, 4, 6 and 7, and 102.19(title), (1) and (2); renumber and amend TRANS 102.15(4)(b)(intro.); amend TRANS 102.15(3)(a)5, 6 and 11, (4)(a)(intro.), (a)2, 4 to 8, 13 and 19, (5)(a)(intro.) and 102.20(4)(c); and create TRANS 102.14(1)(e), 102.15(3)(a)14 to 18, (4)(intro.), (a)20 and (b), 102.17(2)(c) and 102.19(title) and (1), relating to driver license issuance.

**ORDER ADOPTING RULE****Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** ss. 343.02(1), 343.055(5), 343.06(3) and 343.14, Stats.

**STATUTES INTERPRETED:** ss. 343.055 and 343.14, Stats.

**General Summary of Rule.** The purpose of this rule making is threefold: to clarify when the commercial motor vehicle sanctions associated with "excessive speeding" apply to farm service CDL applicants; to permit the Division of Motor Vehicles (DMV) to issue training permits up to 60 days before a student begins behind the wheel training; and to permit additional alternative documents to be used as proof of identification for purposes of obtaining a driver license as suggested by the American Association of Motor Vehicle Administrators.

Under the Commercial Motor Vehicle Safety Act, accompanying federal regulations, and s. 343.315(2)(f)1., drivers who are convicted of as exceeding the posted speed limit *in a commercial motor vehicle* by 15 or more miles per hour are disqualified. Under the federal farm service CDL waiver, drivers who exceed posted limits by 15 or more miles per hour in any class of vehicle are not permitted to obtain seasonal farm service CDLs for a period of 2 years. There has been some confusion regarding the speed at which the "excessive speeding" sanctions apply because for many years the uniform traffic deposit schedule has provided different monetary fines and DOT has assessed more demerit points to drivers who exceeded the speed limit by more than 20 miles per hour. Trans 101.02(1)(j). The amendment to s. Trans 102.20(2)(c) clarifies that the 15 mile per hour standard is used in determining farm service CDL eligibility.

Currently the applicant's signature is required on the application for an operator's license or identification card. The Division of Motor Vehicles is having operational difficulties with members of fringe groups who sign their driver licenses with false names or add "reservations of rights," allegations that the license is obtained under duress, or other extraneous information on the license signature line. DMV's experience with these groups has been that the members

tend to provide required information as requested only when some provision of law leaves no possible room for ambiguity. This rule making specifies precisely that signatures must be in the format first name, middle initial or name, last name. The purpose of the rule making is to attempt to provide counter personnel with a tool to speed up the handling of driver license applications by these people.

Documents that will be accepted by the Department as proof of name, date and place of birth, and identity are expanded and updated. The new documents are recommended in the Uniform Identification Practices materials prepared by the American Association of Motor Vehicle Administrator's Driver Licensing and Control Uniform Identification Working Group, September, 1995.

The rule making also proposes to permit out-of-state drivers with driver licenses from their home states to provide any reliable evidence of their place of birth to DMV rather than requiring a certified copy of birth certificate or passport. DMV has never tracked the place of birth information it is required to collect under s. 343.06(1)(j). Because the birth certificate is less reliable identification than an out-of-state driver license, and requiring immigrants to the state to obtain birth certificates creates an administrative burden for the driver (to obtain the license) and for DMV (to have to explain the requirement to the driver and make arrangements to process the person when he/she obtains the certificate), the Division is proposing to accept any reliable evidence of place of birth rather than requiring the certified birth certificate.

After having several incidents in which people misrepresented their identity to the Department using only a license renewal notice as identification, the Department is repealing the exceptions which permitted people holding renewal notices from being required to provide other forms of ID. People reinstating or renewing a license will now need to provide some sort of photo ID, such as their expired license or a student ID.

Finally, this rule making would change the Department's longstanding practice of not issuing an instruction permit to a driver until 30 days prior to the time the student begins behind the wheel training. The rule would permit issuance up to 60 days prior to the start of behind the wheel training. The Division believes changing its practice will reduce some administrative burdens to the Division and license applicants.

**Fiscal Effect.** The rule making will have no material fiscal effect on the Department, but will reduce some administrative burdens on the Division of Motor Vehicles.

**Final Regulatory Flexibility Analysis.** The rule making will have no effect on small businesses.

**Preparation and Copies of Rule.** Preparation of this rule was done by the Division of Motor Vehicles. Copies of the rule may be obtained upon request, without cost, by writing to Karen Schwartz, Department of Transportation, Bureau of Driver Services, Room 301, P. O. Box 7920, Madison, WI 53707-7920, or by calling (608) 266-0054. Hearing-impaired individuals may contact the Department using TDD (608) 266-0396. Alternate formats of the rule will be provided to individuals at their request.

## TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 343.02(1), 343.055(5), 343.06(3) and 343.14, Stats., the department of transportation hereby proposes an order to amend a rule interpreting ss. 343.055 and 343.14, Stats., relating to driver license issuance.

**SECTION 1.** Trans 102.14(1)(e) is created to read:

Trans 102.14(1)(e) The person does not provide the department with the information required under sub. (2) or does not provide a sample signature for reproduction on the operator's license in the format first name, middle initial or name, last name. A person may not include in a signature a disclaimer of any type or any information other than the person's name.

**SECTION 2.** Trans 102.15(3)(a)5, 6 and 11 are amended to read:

Trans 102.15(3)(a)5. A Wisconsin operator's license bearing a an identifiable photograph of the person;

6. A Wisconsin identification card issued under s. 343.50, Stats., bearing a an identifiable photograph of the person;

11. A federal I-688—"temporary resident card" or I-688A—"employment authorization card";

**SECTION 3.** Trans 102.15(3)(a)14 to 18 are created to read:

Trans 102.15(3)(a)14. A northern marina card;

15. An American Indian card;

**NOTE:** Neither tribal issued cards nor U.S. Department of Indian Affairs issued cards are acceptable.

16. An operator's license or identification card of another jurisdiction that is valid or expired 4 years or less, bearing an identifiable photograph and signature, or reproduction of the

signature, of the person, together with some other reliable evidence of the person's place of birth.

17. A court order with full name, date of birth and court seal.

**NOTE:** Examples include, but are not limited to, adoption document, name change document, or gender document. This does not include abstract of criminal or civil conviction.

18. An armed forces of the United States identification card issued to military personnel.

**SECTION 4.** Trans 102.15(4)(intro.) is created to read:

Trans 102.15(4) **PROOF OF IDENTITY.** (intro.) One of the following is satisfactory proof of identity:

**SECTION 5.** Trans 102.15(4)(a)(intro.), (a)2, 4 to 8, 13 and 19 are amended to read:

Trans 102.15(4)(a)(intro.) ~~One~~ A supporting document identifying the person by name and bearing the person's signature, a reproduction of the person's signature, or an identifiable photograph of the person ~~is sufficient proof of the identity of the person~~. Acceptable supporting documents include:

(a)2. ~~A chauffeur, school bus or~~ An operator's license, including an out-of-state license bearing a photograph of the person;

4. A U.S. government, and military ~~and~~ dependent identification card;

5. A state-issued photo identification card;

6. An employe photo identification card;

7. A student photo identification card;

8. A U.S. merchants service photo identification card;

13. A social security card issued by the social security administration.

**NOTE:** Metal or other duplicate Social Security Cards are not acceptable.

19. A medicaid card-;

**SECTION 6.** Trans 102.15(4)(a)20 is created to read:

Trans 102.15(4)(a)20. A Canadian social insurance card.

**SECTION 7.** Trans 102.15(4)(b)(intro.) is renumbered 102.15(4)(c)(intro.) and amended to read:

Trans 102.15(4)(c)(intro.) As an alternative to par. (a) or (b), the department may accept the following as satisfactory proof of identity for purposes of this subsection:

**SECTION 8.** Trans 102.15(4)(b)1 is renumbered 102.15(4)(c)1.

**SECTION 9.** Trans 102.15(4)(b)2 and 3 are repealed.

**SECTION 10.** Trans 102.15(4)(b)4 is renumbered 102.15(4)(c)2.

**SECTION 11.** Trans 102.15(4)(b)5 is repealed.

**SECTION 12.** Trans 102.15(4)(b)6 and 7 are renumbered 102.15(4)(c)3 and 4, respectively.

**SECTION 13.** Trans 102.15(4)(b) is created to read:

Trans 102.15(4)(b) Any of the following supporting documents identifying the person by name:

1. A certified school record or transcript.
2. A vehicle title.

**NOTE:** Proof of registration is not sufficient.

3. A prison release document.
4. An affidavit from a physician who testifies as to the person's identity and to have known the person for more than 2 years, together with copies of the physician's medical chart for the person.

**SECTION 14.** Trans 102.15(5)(a)(intro.) is amended to read:

Trans 102.15(5) PROOF OF SOCIAL SECURITY NUMBER. (a) Each person who applies for an operator's license ~~or identification card~~ is required to provide his or her social security number, except as provided in pars. (b) and (c). The department may verify the number with the federal social security administration prior to acceptance for issuance of an operator's license or identification card. The original social security card or other documentation satisfactory to the department to prove the person's social security number shall be presented to the examiner for verification of the number, when any of the following apply:

**SECTION 15.** Trans 102.17(2)(c) is created to read:

Trans 102.17(2)(c) If the person has previously held a motorcycle instruction permit, that instruction permit is expired, and the person seeks authorization to operate a motorcycle solely for the purpose of completing a motorcycle driver exam.

**SECTION 16.** Trans 102.19(title), (1) and (2) are renumbered 102.19(2)(title), (a) and (b), respectively.

**SECTION 17.** Trans 102.19(title) and (1) are created to read:

**Trans 102.19(title) INSTRUCTION PERMITS.** (1) CLASS D INSTRUCTION PERMITS. An instruction permit for class D privileges may not be issued to a person less than 18 years of age who is enrolled in a behind the wheel driver education course more than 60 days prior to the beginning of the practice driving phase of that driver education course.

**SECTION 18.** Trans 102.20(4)(c) is amended to read:

Trans 102.20(4)(c) Was convicted of speeding in excess of 15 miles per hour over the applicable speed limit or 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.

**(END OF RULE TEXT)**

**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 5 day of December, 1996.

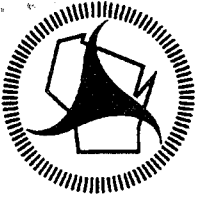


CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation





## Wisconsin Department of Transportation

Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

December 6, 1996

Mr. Gary Poulson  
Deputy Revisor of Statutes  
131 West Wilson Street, Suite 800  
Madison, Wisconsin 53703


RE: **CLEARINGHOUSE RULE 96-147**

In the Matter of the Adoption of **TRANS 102**, Wisconsin Administrative Code,  
relating to **driver license issuance**.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 96-147**, an administrative rule relating to the above-mentioned matter.

Sincerely,

  
Julie A. Johnson  
Paralegal

Enclosures

cc: Ann Agnew  
Dorothy Kapke  
Jim McDonnell  
Roger Cross  
Karen Schwartz  
Wes Geringer

