

Chapter Trans 102

OPERATOR'S LICENSES AND IDENTIFICATION CARDS

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Trans 102.01 Purpose and scope. (1) As authorized by ss. 85.16 (1), 110.06, 227.11, 343.05, 343.06, 343.14, 343.15, 343.17 and 343.20, Stats., the purpose of this chapter is to administratively interpret ss. 341.08 (2) (a) and (am), 342.06 (1) (a), 343.02, 343.03, 343.05, 343.06, 343.07, 343.08, 343.10, 343.11, 343.12, 343.135, 343.14, 343.16, 343.17, 343.18, 343.19, 343.20, 343.21, 343.22, 343.25, 343.265 and 343.50, Stats., relating to issuance of operator's licenses, identification cards, and vehicle title and registration.

(2) This chapter pertains to any person applying for a Wisconsin original, reissue, reinstatement, renewal, or duplicate operator's license or identification card, and vehicle title or registration.

Note: Forms used in administering this rule are MV3004 identification card application, MV3001 license application, MV3006 renewal license notice, and MV3007 identification card renewal notice, MV3415 religious conviction exemption request, MV3002 certification of name and date of birth, MV3125 additional information for operator license application, MV3452 foreign language document translation certification, MV3432 receipt and MV3501 temporary operator's license, MV3682 Wisconsin DMV digitized driver license and identification signature card, MV 3686 driver license extension card/sticker, MV 3685 Wisconsin driver license extension application, MV 3687 driver license extension application return envelope, and MV 3278 driver license renewal window envelope.

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82; am. Register, January, 1984, No. 337, eff. 2-1-84; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1987, No. 384; am. Register, December, 1990, No. 420, eff. 1-1-91; am. (1), Register, November, 1994, No. 467, eff. 12-1-94; CR 02-131: am. Register April 2003 No. 568, eff. 5-1-03.

Trans 102.02 Definitions. The words and phrases defined in ss. 340.01 and 343.01, Stats., have the same meaning in this chapter unless a different definition is specifically provided. In this chapter:

(1) "Administrator" means the administrator of the division of motor vehicles of the department.

(2) "AKA record" means an entry on a driver file which shows that the person currently uses or previously used an alias or a fictitious name. A person with a former name entry, resulting from a lawful change of name, does not have an AKA record.

(3) "Backup system" is the system used by the department to produce an acceptable operator's license or identification card when the computerized processing system is inoperative.

(4) "Centrally issued," when used with a reference to an operator's license or identification card, means those finished licenses or identification cards that are mailed from the central office in Madison.

(4g) "Driver file" means a person's driving record as kept by the department containing the driver record and maintained in accordance with s. 343.23, Stats., or the substantially identical record maintained for each person holding an identification card. An "existing driver file" is a driver file that has not been purged.

(4p) "Duplicate" means a license or identification card issued for a fee to replace one which has been lost, damaged or destroyed, or to replace one which is no longer accurate because of a change

of the licensed person's operating authority, name or address, or at the person's request to have a photograph retaken.

Note: See ss. Trans 102.09 (3) and 102.03 (2), and s. 343.265 (2), Stats.

(5) "Issuance period" means the period of time for which an operator's license or identification card is issued.

(5m) "Juvenile restricted license" means a license issued pursuant to s. 343.08, Stats.

(6) "License examiner" or "examiner" means an employee or agent of the department duly authorized by the administrator to process operator's license applications and other duties, regardless of the agent or employee's job title.

(6n) "Motor vehicle services center" means those locations within the state authorized by the department to provide driver licensing services, vehicle registration services, or both.

(6r) "Name" as used in ss. 341.08 (2) (a) and (am) and 342.06 (1) (a), Stats., or "full name" as used in s. 343.14 (2) (a), Stats., means any of the following:

(a) In the case of an individual, the entire first and last name and middle initial, if any.

(b) In the case of any entity other than an individual, the entire name of the entity.

(7) "Original" when used to describe a license or identification card means the first Wisconsin license or identification card of that type issued to a person. The term also includes:

(a) A license or identification card issued to a person who previously held a license or identification card but who does not have an existing driver file; or

(b) A license or identification card issued to a person whose license or identification card has been canceled or revoked.

(7m) "Photograph" or "photo" means a printed image created by use of a photographic or digital camera process.

(8) "Reinstate" means the process of issuing a license to a person following a withdrawal of the person's operating privilege or license by cancellation, suspension, revocation, or disqualification. The term also includes the process of issuing an identification card to a person who previously had an identification card canceled or revoked.

(9) "Reissue" means the process of issuing a license or identification card because of any of the following:

(a) A change in license restrictions.

(b) Department errors or defects in the license such as an unrecognizable photograph.

(c) A change of address processed under s. 343.22 (2m), Stats.

Note: Refer to s. 343.21 (1) (h), Stats., regarding fees for changes in commercial driver license restrictions.

(10) "Special restrictions card" means a card prepared by the department and issued to a person when non-encoded or lengthy restrictions to a license are necessary.

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82; am. Register, January, 1984, No. 337, eff. 2-1-84; am. intro. and (3), r. (7) to (10), renum. (1) and (2)

to be (2) and (10) and am., cr. (1), (4g), (4p), (5m), (6m), (6n), (7) to (9), Register, December, 1990, No. 420, eff. 1-1-91; r. (6), renum. (6m) to be (6), am. (9) (intro.), (a) and (b), Register, December, 1999, No. 528, eff. 1-1-00; CR 02-131: cr. (6r) Register April 2003 No. 568, eff. 5-1-03; CR 04-100: cr. (7m) Register June 2005 No. 594, eff. 7-1-05.

Trans 102.025 Document condition and authenticity. (1) GENERAL DOCUMENT CONDITIONS. All documents offered by persons applying for licenses or identification cards issued by the department shall be original documents, unless otherwise expressly allowed. Certified copies of government documents shall bear an original certification and the seal of the appropriate agency, or otherwise exhibit evidence to the satisfaction of the department that the document is an authentic, accurate and unaltered copy of the original government document. Mutilated, altered or uncertified photocopies of documents are not acceptable.

(2) SUSPECT DOCUMENT. The department may decline to accept any document required to be presented as part of an application for an operator's license or identification card if it has any reason to suspect the authenticity of the document, the identity of the person named in the document, the identity of the applicant, that the residency information provided by the applicant is inaccurate, or for any of the reasons specified in sub. (3). In such a case, the department may retain the document and investigate its authenticity, provide the document to local, state or federal authorities, require additional documentation from the individual to establish the fact that the document was offered to prove, or any combination of these actions. Documents determined to be genuine and to identify the person who presented them shall be returned to the person, except as provided in sub. (3). Documents containing photographs of the holder may be rejected if the person is not readily recognizable from the photograph. Documents bearing signatures or reproductions of signatures of the holder may be rejected if the signature or reproduced signature does not clearly match all other signatures provided by the presenter as part of the application or on file with the department. Documents containing other data will not be accepted if any facts lead the department to question the authenticity of the document or accuracy of the data.

Note: This provision permits the Department to reject documentation or photos, but does not create a duty to inspect all DOT files when processing each application.

(3) CONFISCATION OF DOCUMENT. (a) Employees or agents of the department may take possession of any document submitted as proof of the person's name and date of birth, identity, residency or any other fact sought to be proven to the department and may turn those documents over to local, state or federal authorities in any of the following circumstances:

1. The document is or appears to be counterfeit.
2. The applicant presents documents related to another individual under the guise that the applicant is the other individual.
3. The document appears not to be or is not a genuine document.
4. The document appears to have been altered.
5. Law enforcement has requested the department confiscate documents presented by a specific person.

(b) In the event the department confiscates a document and determines that it is genuine and relates to the person who presented it, the department shall return the document to the person, unless the department has provided it to other local, state or federal authorities.

Note: Section 343.14 (5), Stats., makes it a crime to present false information in connection with an application for a driver license or ID card.

History: CR 04-100: cr., renum. (1) from Trans 102.15 (7) and am. Register June 2005 No. 594, eff. 7-1-05.

Trans 102.03 Photograph exemptions. (1) Except as provided in this section, no license or identification card, including duplicates, shall be issued unless the person appears in person at a motor vehicle service center and is photographed.

Note: See s. 343.14 (3), Stats.

(2) A license may be issued without a photograph or with a prior photograph on file with the department to any of the following:

(a) A Wisconsin resident who is out of state and is not able to return to Wisconsin for a renewal or duplicate license.

Note: See s. 343.14 (3), Stats., and sub. (3).

(b) A Wisconsin resident who has seriously held religious convictions that do not allow the resident to be photographed. To qualify for this exemption, the person shall complete, sign and date a statement, on a form provided by the department, certifying that the person objects to being photographed due to a seriously held religious conviction.

(c) A Wisconsin resident who requests a photograph exemption on the grounds that a photograph would not accurately reflect the person's appearance because of the person's temporary disfigurement, and the department finds that an exemption should be granted. In cases where an exemption is granted, the person shall apply for a duplicate operator's license with photograph when the reason for the exemption no longer exists.

Note: The fee for a duplicate license may be found in s. 343.21 (1) (L), Stats. Wisconsin law does not permit the department to issue an ID without a photograph.

(2m) The department may waive the requirement that a person appear at a motor vehicle service center if the department has entered into an agreement with the department of corrections under which that agency will accept application materials or take photographs for the department, the person is an inmate at a department of corrections facility, and the department receives all required photographs or application materials for the person from the department of corrections.

(3) A person who is issued a license without a photograph under sub. (2) (a) may be excused from the requirement of appearing in person at a motor vehicle service center at the time the duplicate or renewal license is issued. Within 30 days of return to Wisconsin, the person shall appear at a motor vehicle service center and obtain a license containing a photograph.

Note: See s. 343.21, Stats., for fees on duplicate licenses. Form MV3415 religious conviction exemption request is provided upon request at a department motor vehicle services center or from Wisconsin Department of Transportation, Bureau of Driver Services, License Issuance Unit, P.O. Box 7918, Madison, Wisconsin 53707.

(4) No photograph shall be required for temporary licenses or driving receipts.

Note: Authority for this provision may be found at s. 343.14 (3), Stats. See s. 343.07, Stats., regarding instruction permits, and ss. 343.17 (5), 343.10, 343.11, 343.16 (6) (b), 343.305, Stats., and s. Trans. 102.17 regarding temporary licenses or driving receipts.

(5) A photograph may be required for instruction permits.

(6) The department may issue a license to a person without requiring that person's appearance if the department is able to produce a photograph from its records.

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82; am. (1) (b), Register, January, 1984, No. 337, eff. 2-1-84; renum. (1) and (2) to be (2) and (3) and am., cr. (1), (2) (c), (4) to (6), Register, December, 1990, No. 420, eff. 1-1-91; am. (2) and (3), Register, December, 1999, No. 528, eff. 1-1-00; CR 04-100: cr. (2m), Register June 2005 No. 594, eff. 7-1-05.

Trans 102.04 Design of operator's license and identification card. (1) Operator's licenses and identification cards:

(a) Shall consist of one part with 2 sides, except as otherwise prescribed in ss. 343.10 (7) (d) and 343.17 (4), Stats.

(b) Shall include the following descriptive legends:

1. Duplicate licenses and identification cards shall be marked "duplicate" or an abbreviation thereof.

2. Juvenile restricted licenses shall be marked "juvenile restricted" or an abbreviation thereof.

(c) Shall contain such further information as the department considers appropriate for security or identification purposes.

(2) Any identification card issued based upon extraordinary proof of name, date of birth or U.S. citizenship under Trans 102.15 (5m) shall, in addition to any other legend or label, be marked in a manner consistent with requirements under applicable federal

law and regulations to indicate that the identification card is issued in accordance with P.L. 109-13, section 202 (d) (11), and is not intended to be accepted by any federal agency for federal identification or any other official purpose.

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82; r. and recr. Register, December, 1990, No. 420, eff. 1-1-91; CR 14-061: renum. 102.04 (intro.) to 102.04 (1), cr. (2) Register May 2015 No. 713, eff. 6-1-15.

Trans 102.07 National driver registry and commercial driver license registration system. Information system record inquiries for issuance of commercial driver licenses required by s. 343.03 (5), Stats., shall be made as follows:

(1) The department shall make inquiries of the commercial driver license information system and the national driver registry to determine licensing eligibility before issuing a license.

(2) When the information systems described in sub. (1) are inoperative, the person's class D or M license may be processed based on the information certified by the person on the license application and any Wisconsin driver record available except that licenses may not be issued prior to a record check for the following persons:

(a) A person who is obtaining his or her first regular driver license.

(b) A person who is licensed in another state and is seeking to obtain a regular Wisconsin license.

Note: The department's intent was to substitute jurisdiction for state in par. (b).

(3) Subsequent to the issuance of a license under sub. (2), when the information system is again operative, the driver record inquiry will be made. If the inquiry shows that the person's record is unacceptable, the department may cancel, revoke or suspend the license issued under sub. (2).

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82; r. and recr. Register, December, 1990, No. 420, eff. 1-1-91; am. (2), Register, November, 1994, No. 467, eff. 12-1-94; am. (2), Register, December, 1999, No. 528, eff. 1-1-00.

Trans 102.09 Photograph specifications. (1) As determined by the department, a license or identification card photograph shall be retaken if the photograph of the person is indistinguishable, unclear, incomplete, or becomes lost or damaged.

(2) Persons who fall into the retake specifications described under sub. (1) shall be required to have the license photograph retaken by the department before an operator's license or identification card will be issued.

(3) Any person not satisfied with the photograph after receipt of a license or identification card may request to have the photograph retaken. If the photograph is indistinguishable, unclear or incomplete to the extent that the department demands another photograph of the person be taken under sub. (1), the person shall apply for a duplicate license or identification card, surrender the existing license or identification card and pay the fee required in s. 343.21 (1) (L), Stats.

(4) When an application for an operator's license or an identification card is made, the date the photograph is taken shall be at the discretion of the department.

(5) Persons shall be notified by the department when a photograph needs to be retaken or when a subsequent change of license restrictions or endorsements requires license reissuance or a duplicate license. Failure to comply within 30 days of notification shall result in the cancellation of the operator's license.

(6) Persons requiring a duplicate operator's license or identification card shall return to the department for duplicate application and new photograph, unless the person's appearance at the department is not required under s. Trans 102.03 (2) (a) or (6).

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82; (4) to (6) renum. from Trans 102.13 (1) to (3) and am., am. (1) to (3), Register, December, 1990, No. 420, eff. 1-1-91; correction made in (3) under s. 13.93 (2m) (b) 7., Stats., Register, December, 1990, No. 420; am. (1) and (3), Register, December, 1999, No. 528, eff. 1-1-00.

Trans 102.10 Special photo requirements. To provide for a full facial image, the following shall be required:

(1) Except as provided in sub. (2), hats, caps, or other head coverings may not be worn by the applicant when the photograph is taken.

(2) If a turban or similar head covering is worn by the applicant due to religious belief, the covering shall be pushed from the forehead until a full facial image is shown.

(3) A photograph shall be taken with or without glasses, at the applicant's preference. Sunglasses shall be removed. Light sensitive glasses that do not adjust sufficiently to clearly show the eyes shall also be removed.

(4) Hair shall be brushed away from the eye area for the photograph.

(5) Any clothing or device obscuring all or part of a person's face shall be removed when being photographed to show a full facial image, except that any appliances or prosthesis normally used by a person with a permanent facial or dental disfigurement need not be removed.

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82; cr. (5), Register, December, 1990, No. 420, eff. 1-1-91.

Trans 102.11 Prorated fees. To maintain the existing license renewal cycle when upgrading a valid license, the department shall prorate the statutory fees under s. 343.21 (1) (a), (b) and (d), Stats., required to be paid to the department to upgrade a license.

(1) **UPGRADED LICENSE.** If a license is upgraded by adding class A, B, C, D or M privileges to an existing operator's license, the following apply to determine the applicable fee under s. 343.21 (1) (a), (b) or (d), Stats.:

(a) When 365 days or more remain on the existing license, the license holder shall pay the prorated fee for the upgraded license determined by the department as follows:

1. Multiply the number of days remaining on the existing license from the date of application by the statutory fee and divide by 2920. The number of days include the day of expiration, but not the day of application.

2. Round the resulting quotient to the nearest whole dollar amount. The license upgraded for this fee shall expire on the expiration date of the existing license or on the date that the person's legal presence in the United States is no longer authorized, whichever occurs sooner.

(b) When more than 90 but less than 365 days remain on the existing license, the license holder may do either of the following:

1. Pay the prorated fee as determined under par. (a). The license upgraded for this fee shall expire on the expiration date of the existing license or on the date that the person's legal presence in the United States is no longer authorized, whichever occurs sooner.

2. Pay the prorated fee as determined under par. (a) and the statutory fee. The license upgraded for this fee shall expire 8 years from the expiration date of the existing license or on the date that the person's legal presence in the United States is no longer authorized, whichever occurs sooner.

(c) When 90 days or less remain on the existing license, the license holder shall pay the prorated fee as determined under par. (a) and the statutory fee. The license upgraded for this fee shall expire 8 years from the expiration date of the existing license or on the date that the person's legal presence in the United States is no longer authorized, whichever occurs sooner.

(2) **MANUAL CALCULATION.** Notwithstanding sub. (1) (a), if the automated processing system is not available, the prorated fee shall be determined by the department by multiplying the number of months remaining on the existing license from the date of application by the statutory fee and dividing by 96. The number of months include the month of expiration, but not the month of

application. The resulting quotient is rounded to the nearest whole dollar amount.

Note: See s. 343.20 (1) (a), Stats., regarding the department's authority to prorate fees.

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82; r. and recr. Register, December, 1990, No. 420, eff. 1-1-91; cr. (intro.), r. and recr. (1) and (2), r. (3), Register, September, 1992, No. 441, eff. 10-1-92; am. (1) (a) 1., (b) 2., (c) and (2), Register, December, 1999, No. 528, eff. 1-1-00; CR 06-082: am. (1) (a) 2., (b) 1. and 2. and (c) Register December 2006 No. 612, eff. 4-1-07.

Trans 102.14 Issuance. (1) The department shall issue operator's licenses and identification cards to eligible Wisconsin residents upon completion of application processing and payment of required fees, unless:

(b) The computer system is down and a backup system must be used to produce the photo operator's license or photo identification card.

(c) Further verification of eligibility is necessary to comply with licensing qualifications in ch. 343, Stats., or the department determines that the person is ineligible for licensing under ch. 343, Stats.

(d) There are administrative reasons for not issuing the operator's license or identification card immediately, for purposes including, but not limited to, conducting a study or establishing a control group.

(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.

(1g) The Department may not issue an identification card without charge for voting purposes to any person who is not a U.S. citizen or is not age 17 or older. The Department may not determine whether a person is otherwise eligible to vote.

(1m) The department may mail any license issued under sub. (1) to the person rather than issue it directly at a motor vehicle service center in any of the following circumstances:

(a) The person has not been previously licensed in Wisconsin.

(b) The person has not been previously licensed in another jurisdiction.

(c) The department has discovered a pattern of falsified license applications and the person's application or the circumstances surrounding that application resemble that pattern.

(d) For the convenience of the license applicant.

(e) If the department produces driver license documents at a central facility rather than producing them at motor vehicle service centers.

(f) If the department does not issue a license to the person immediately for one of the reasons set forth in sub. (1) (b) to (d).

(2) A Wisconsin resident may be issued an operator's license or an identification card if the person surrenders all operator licenses and identification cards issued to the person by other jurisdictions, and the person is otherwise eligible to be issued an operator's license or identification card under Wisconsin law.

(3) (a) A person may not be required to have resided in Wisconsin for any minimum amount of time in order to be eligible for a Wisconsin operator's license.

(b) 1. A person whose legal presence or authorized stay in this country is a period of 12 months or less and ends not more than 6 months after he or she applies for an operator's license is not a resident of this state within the meaning of s. 343.01 (2) (g), Stats.

2. A person whose legal presence or authorized stay in this country is a period of 6 months or less and ends not more than 3 months after he or she applies for an identification card is not a resident of this state within the meaning of s. 343.01 (2) (g), Stats.

(4) Persons who establish Wisconsin residency and who are not exempt from Wisconsin licensing requirements under s.

343.05 (4), Stats., shall apply for a Wisconsin operator's license as follows:

(a) Within 30 days of establishing Wisconsin residency if the person holds a commercial driver license from another jurisdiction or Mexico and seeks a Wisconsin commercial driver license.

Note: Commercial drivers are required to transfer their CDL within 30 days of moving between states by federal law. 49 CFR 383.71 (b).

(b) Within 60 days of establishing Wisconsin residency in situations not described in par. (a).

Note: See s. 343.01 (2) (g), Stats., regarding establishing residency for driver license purposes.

(5) No license will be issued to a person under the age of 18 unless the person provides satisfactory proof that the person has successfully completed a driver education or training course which meets the requirements of s. 343.06 (1) (c), Stats., an approved driver education course of another jurisdiction, or the person is exempt from those requirements under s. 343.08 or 343.135, Stats.

(6) A license shall be reissued without fee if it is defective or inaccurate because of a department error.

History: Emerg. cr. eff. 3-14-83; cr. Register, January, 1984, No. 337, eff. 2-1-84; renum. (intro.) to (4) to be (1) (intro.) to (d) and am. (1) (intro.) and (a), cr. (2) to (5), Register, December, 1990, No. 420, eff. 1-1-91; reprinted to restore dropped copy in (4), Register, September, 1991, No. 429; cr. (1) (e), Register, January, 1997, No. 493, eff. 2-1-97; r. (1) (a), am. (1) (b) and (c), cr. (6), Register, December, 1999, No. 528, eff. 1-1-00; CR 04-099: am. (1), cr. (1m) Register March 2005 No. 591, eff. 4-1-05; CR 05-109: am. (4) Register April 2006 No. 604, eff. 5-1-06; CR 06-128: renum. (3) to be (3) (a), cr. (3) (b) Register April 2007 No. 616, eff. 5-1-07; **CR 14-061: cr. (1g) Register May 2015 No. 713, eff. 6-1-15.**

Trans 102.15 Proof of identification. (1) "UNAVAILABLE" DEFINED. In this section, "unavailable" does not include documents which persons have forgotten to bring with them when applying for a license or identification card, or a lost or destroyed document if a replacement original or a certified copy of the document is available to those persons upon proper request.

(2) REQUIREMENTS. (a) Satisfactory proof of date of birth, as specified under sub. (3) and satisfactory proof of identity as specified under sub. (4) shall be submitted by a person applying for an original Wisconsin operator's license or identification card.

(b) Satisfactory proof of identity as specified under sub. (4) shall be submitted by a person applying for a renewal, reissue, reinstatement or duplicate of a Wisconsin operator's license or identification card.

(bm) 1. Any person applying for an original Wisconsin operator's license or identification card shall submit satisfactory proof of citizenship, legal permanent resident or conditional resident status of the United States, or legal presence in the United States, as specified under sub. (3m).

2. The department may require any person applying for a reissue, reinstatement, renewal or duplicate operator's license or identification card to provide satisfactory proof of citizenship, legal permanent resident or conditional resident status of the United States as specified under sub. (3m) to determine the person's eligibility for the operator's license or identification card.

(c) Except as provided in sub. (5m), a person shall provide proof of the person's name and date of birth under sub. (3), of the person's identity under sub. (4), and of the person's residency under sub. (4m), upon the first application for an original, renewal, reinstatement or duplicate operator's license or identification card following:

1. Any action which results in the department creating an AKA record in the person's driver file;

2. Cancellation of the person's license or identification card for altering a license or identification card, or cancellation for making a fraudulent or falsified application for a license or identification card, or cancellation for violation of s. 343.25 (1), (4), (5) or (6), Stats.;

3. Suspension of the person's license under s. 343.34 (2), Stats.;

4. Revocation or suspension of the person's operating privilege under s. 343.31 (2r), Stats.;

5. Revocation of the person's operating privilege under s. 343.32 (1s), Stats.;

6. Revocation or suspension of an instructor's license pursuant to s. 343.67 (4), Stats.; or

Note: Section 343.67 (4), Stats., was repealed by 2005 Wis. Act 397.

7. Conviction for violation of ss. 343.14 (5), 343.16 (7) (a) or (b), 343.19 (2), 343.43 (1), 343.50 (4) or (12) or 345.17, Stats.

8. The department has confiscated a document from the person for any of the reasons set forth in s. Trans 102.025.

(3) PROOF OF NAME AND DATE OF BIRTH. (a) One of the following is satisfactory proof of a person's name and date of birth:

1. For a person born in Wisconsin, a copy of the person's Wisconsin birth certificate issued and certified in accordance with s. 69.21, Stats.;

2. For a person born in another jurisdiction, other than a province of the Dominion of Canada, a certified copy of his or her birth certificate or the equivalent document from that other jurisdiction or a certificate of birth abroad issued by the U.S. department of state (federal form FS-545 or DS-1350);

3. A US passport;

4. A valid, unexpired passport issued by a foreign country with federal I-551 resident alien registration receipt card or federal I-94 arrival and departure record that bears a photograph of the person and identifies the person's first and last names, and the person's day, month and year of birth;

5. A Wisconsin operator's license bearing a photograph of the person;

6. A Wisconsin identification card issued under s. 343.50, Stats., bearing a photograph of the person, other than an identification card issued under sub. (5m) (b);

7. A federal I-551 "permanent resident alien registration receipt card";

8. A federal I-94 "parole edition" or "refugees version" arrival-departure record, together with a certification, on the department's form, by the person, of the person's name and date of birth, a copy of a U.S. department of state refugee data center reception and placement program assurance form and a letter from the person's sponsoring agency on its letterhead, supporting the person's application for a Wisconsin ID card or driver license and confirming the person's identification. Applicants who are unable to provide a reception and placement program assurance form may be issued a Wisconsin ID card or driver license, but only after their identification has been confirmed by the U.S. citizenship and immigration services;

9. A U.S. certificate of naturalization;

10. A certificate of U.S. citizenship;

11. A federal temporary resident card or employment authorization card, I-688, I-688A, I-688B, and I-766;

15. A Native American identification card meeting all of the following requirements:

a. Issued by a federally recognized tribe or a band of a federally recognized tribe.

b. Issued in Wisconsin.

c. Includes a photograph and signature or reproduction of a signature of the person.

d. Has been approved by the secretary for use as identification.

Note: The following have been approved as of November 1, 2004: Red Cliff Band of Lake Superior Chippewas issued on or after October 1, 2003; St. Croix Band of Lake Superior Chippewa Indians; the Menominee Indian Tribe of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians; Bad River Band of Lake Superior Chippewa Indians; Ho-Chunk Nation; Forest County Potawatomi; Sokaogan Chippewa Community Mole Lake Band issued on or after October 1, 2003; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin issued on or after October 18, 2004.

17. A court order under seal related to the adoption or divorce of the individual or to a name or gender change that includes the person's current full legal name, date of birth and in the case of a name change or divorce order, the person's prior name;

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 common access card or DD Form 2 identification card issued to military personnel;

21. Department of homeland security/transportation security administration transportation worker identification credential.

(am) Except as provided in Trans 102.15 (5m) (b) 3., neither a hospital birth certificate, a notification of birth registration nor baptismal certificate is satisfactory proof of a person's name and date of birth.

(d) The administrator shall approve a name change requested by a person who cannot provide documentation under par. (a) 17. of a lawful change of name if the person provides proof of identity specified in sub. (4) in the new name, and the administrator receives from the federal social security administration evidence or confirmation of the name change.

(3m) PROOF OF CITIZENSHIP, LEGAL PERMANENT RESIDENT STATUS, CONDITIONAL RESIDENT STATUS OR LEGAL PRESENCE. (a) One of the following is satisfactory proof of a person's citizenship, legal permanent resident status, conditional resident status or legal presence in the United States:

1. U.S. state or local government issued certificate of birth.

2. Valid U.S. passport.

3. Valid foreign passport with appropriate immigration documents, which shall include or be accompanied by federal form I-94, arrival and departure record.

Note: The appropriate immigration documents determine legal presence, not the passport itself.

4. Certificate of U.S. citizenship (federal form N-560).

5. U.S. Certificate of naturalization (federal form N-550).

6. Valid department of homeland security/U.S. citizenship and immigration services federal form I-551, resident alien registration receipt card, issued since 1997.

7. Valid department of homeland security/U.S. citizenship and immigration services federal form I-688, temporary resident identification card.

8. Valid department of homeland security/U.S. citizenship and immigration services federal form I-688B or I-766, employment authorization document.

9. Valid department of homeland security/U.S. citizenship and immigration services federal form I-571, refugee travel document.

10. Department of homeland security/U.S. citizenship and immigration services federal form I-797, notice of action.

11. Department of homeland security/transportation security administration transportation worker identification credential.

12. U.S. department of state reception and placement program assurance form (refugee version), which shall include or be accompanied by federal form I-94, arrival and departure record.

13. Documentary proof specified in s. 343.14 (2) (es), Stats., that is approved by the appropriate federal authority.

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

(a) A supporting document identifying the person by name and bearing the person's signature, a reproduction of the person's signature, or a photograph of the person. Acceptable supporting documents include:

2. A valid operator's license, including a license from another jurisdiction, except a province of the Dominion of Canada, bearing a photograph of the person;

Note: Temporary driving receipts from other jurisdictions are not acceptable. "Another jurisdiction" is defined at s. 340.01 (41m), Stats.

3. Military discharge papers (including certified copy of federal form DD-214);

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

5. A valid photo identification card issued by Wisconsin or another jurisdiction, except a province of the Dominion of Canada, bearing a photograph of the person;

11. A marriage certificate or certified copy of judgment of divorce;

Note: A testament to the marriage document does not satisfy this requirement.

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

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

23. Any document permitted under sub. (3) (a), if it bears a photograph of the person and was not used as proof of name and date of birth.

Note: This permits a person to use two separate documents under sub. (3) (a) to satisfy the requirements of subs. (3) and (4).

24. Department of homeland security/transportation security administration transportation worker identification credential.

(c) A person applying without a personal appearance to restate a suspended or revoked license or identification card or to renew a license subject to s. Trans 102.03 (2) and (5) or obtain a duplicate license or identification card, if all of the following apply:

1. The department is able to produce an acceptable photograph and facsimile signature for the individual from its digital image computer records.

2. The person's name as shown on the license is unchanged.

3. The person is a Wisconsin resident.

(4m) PROOF OF RESIDENCY. The department may request additional documents to establish proof of residency for persons 18 years of age or over if proofs of name and date of birth or identity are those described in sub. (3) (a) 5., 6. or (4) (c), or do not include a current acceptable Wisconsin residence street address. A document listing a post office box or commercial receiving agency as the mailing address is not acceptable proof of residency. Any of the following are satisfactory proof of residency:

(b) A utility bill for water, gas, electric or land line phone service at least 30 days old.

(c) A paycheck or stub with the customer's name and address, and the employer's name and address. The employer's telephone number may be requested for verification.

(d) An account statement at least 30 days old from a Wisconsin financial institution.

(f) Mortgage documents for a residential real property located in Wisconsin.

(5) PROOF OF SOCIAL SECURITY NUMBER. (a) Each person who applies for an operator's license or ID card is required to provide his or her social security number, except that Class D and M license applicants may be issued licenses without social security numbers 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, may delay issuance of a license if verification cannot be completed at the time of application, or may cancel a license if verification is requested after license issuance and the person does not provide verification. 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:

1. A duplicate social security number is found on the department's driver files and assigned to another person;

2. The social security number provided on the person's current application does not match the number provided by the person on a previous application that is recorded on the person's driver file;

3. The social security number being submitted does not match the format of social security numbers issued by the federal social security administration.

4. The department is advised by the federal social security administration, internal revenue service, department of revenue, department of workforce development, or other state, federal or local government agency that the social security number provided by the person is suspected to not belong to the applicant, to have been used by multiple persons, or to have been assigned to a person other than the applicant.

(b) The department may issue a special number, in lieu of the social security number, to identify an applicant if the person's seriously held religious convictions do not allow them to provide a social security number to the department. A person who objects to providing a social security number due to a religious conviction, shall complete, sign, and date a statement detailing and explaining the religious objection on forms provided by the department. The department may conduct a review in Madison to determine whether the conviction detailed in the application is a seriously held religious belief of the applicant. The applicant may be required to appear at the review or to interview with a department investigator.

Note: See s. 343.14 (2) (b), (bm) and (br), Stats. Form MV3415 Religious conviction exemption request.

(bm) The department shall issue a special number, in lieu of the social security number, to identify the person if the applicant does not have a social security number and submits a statement made or subscribed under oath or affirmation that the applicant does not have a social security number in the form prescribed by the department of workforce development.

Note: See s. 343.14 (2) (br), Stats.

(c) The department may issue a special number, in lieu of the social security number, to identify the person when the person has not been issued a social security number or the person's social security number is not available, and the person is being issued an original instruction permit and does not have an existing driver file in Wisconsin. The person is required to provide his or her social security number on any subsequent application following the original issuance of the instruction permit.

(5m) EXTRAORDINARY PROOF OF NAME, DATE OF BIRTH, OR U.S. CITIZENSHIP. (a) Except as provided in par. (b), if a person is unable to provide documentation under sub. (3) (a), and the documents are unavailable to the person, the person may make a written petition to the administrator for an exception to the requirements of sub. (3) (a). The application shall include proof of identity required by sub. (4) and:

1. A certification of the person's name, date of birth and current residence street address on the department's form;

2. An explanation of the circumstances by which the person is unable to provide any of the documents described in sub. (3) (a); and

3. Whatever documentation is available which states the person's name and date of birth.

(b) 1. If a person requests an identification card without charge for the purposes of voting and the person's proof of name and date of birth under sub. (3) or of proof of citizenship under sub. (3m) is unavailable, the person may make a written petition to the administrator for an exception to the requirement for which proof is unavailable. The petition shall include the person's statement under oath or affirmation: that the person is unable to provide documentation under sub. (3) or proof of citizenship under sub. (3m); that the documents are unavailable to the person; and of his or her name, date of birth, place of birth, and such other birth record information requested by the Department, or the person's alien or U.S. citizenship and immigration service number or U.S. citizenship certificate number.

2. Upon receiving a petition that meets the requirements under subd. 1, the administrator shall provide the person's birth

record information to the Department of health services, for the sole purpose of verification by the Department of health services of the person's birth certificate information or the equivalent document from another jurisdiction, other than a province of the Dominion of Canada, or to a federal agency for the sole purpose of verifying the person's certificate of birth abroad issued by the U.S. Department of state, or of verifying the person's alien or U.S. citizenship and immigration service number or U.S. citizenship certificate number. The Department of transportation may not complete processing of the application prior to receiving verification under this subdivision, except as provided in subd. 3.

3. If the Department does not receive verification under subd. 2., the Department shall notify the person of that failure to verify. The Department may thereafter issue an identification card to the person only if the Department receives verification under subd. 2., if the person provides proof required under sub. (3) or (3m), or if the Department receives other secondary documentation that is extraordinary proof and deemed acceptable to the administrator to prove name, date of birth or U.S. citizenship, which may include the following:

- a. Baptismal certificate.
- b. Hospital birth certificate.
- c. Delayed birth certificate.
- d. Census record.
- e. Early school record.
- f. Family Bible record.
- g. Doctor's record of post-natal care.
- h. Other documentation deemed acceptable to the administrator, within his or her reasonable discretion.

4. Notwithstanding Trans 102.15 (1), in this paragraph "unavailable" means that the applicant does not have the document and would be required to pay a government agency to obtain it.

(c) The administrator may delegate to the administrator's subordinates the authority to accept or reject such extraordinary proof of name, date of birth, or citizenship under this subsection.

Note: Form MV3002 certification of name and date of birth.

(e) The denial of a petition under par. (b) is subject to judicial review in the manner provided in ch. 227 for the review of administrative decisions.

(6) TEMPORARY DRIVER RECEIPT. The Department may issue a temporary driver receipt for operation of class D or M vehicles to a person who is temporarily unable to meet the identification requirements of sub. (3). The temporary driver receipt shall state the date of issue, shall be clearly marked "NOT VALID FOR IDENTIFICATION," and shall be validated for the operation of a vehicle for a stated period of up to 60 days from the date issued. The person may complete his or her license application within this period by presenting proof of the person's name and date of birth in accordance with sub. (3) (a). For good cause shown, the Department may renew the driving receipt once for an additional period of no more than 60 days. This subsection does not prohibit a person from proceeding under sub. (5m) (a). This subsection applies only to persons who meet all of the following:

(a) Were previously licensed in another jurisdiction who surrender to the department the driver's license issued by the other jurisdiction.

(b) Are unable to immediately provide proof of name and date of birth in accordance with sub. (3) (a), but state that they will be able to do so.

(c) Submit an otherwise complete and acceptable application, including the proof of identity required by sub. (4) and social security number required by sub. (5).

Note: Form MV3432, Receipt.

Note: Section 343.11 (1), Stats., prohibits issuance of temporary driving receipts in situations where a CDL is required. A temporary driving receipt may be used by drivers who are exempt from CDL requirements under s. 343.055, Stats.

(7) ADDITIONAL DOCUMENTATION. The department may require additional documentation or proof of identity beyond the minimum requirements of this section from an applicant if the department has been notified that the person is or may be a victim of identity theft.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84; emerg. am. eff. 6-24-86; r and recr. Register, December, 1990, No. 420, eff. 1-1-91; am. (6) (intro.), Register, January, 1993, No. 445, eff. 2-1-93; am. (3) (a) 5., 6., 11., (4) (a) (intro.), 2., 4. to 8., 13., 19., (5) (a) (intro.), cr. (3) (a) 14. to 18., (4) (intro.), (a) 20., (b), renum. (4) (b) (intro.), 1., 4., 6. and 7. to be (4) (c) (intro.), 1. to 4. and am. (4) (c) (intro.), r. (4) (b) 2., 3., 5., Register, January, 1997, No. 493, eff. 2-1-97; am. (2) (a), (c) (intro.), 7., (3) (a) (intro.), 8., 16., (3) (b) 1., 3., (c) and (4) (a) 1., (4) (b) 2., (6) (intro.) and (b), cr. (3) (a) 19., (4) (a) 21, Register, December, 1999, No. 528, eff. 1-1-00; emerg. am. (3) (a) 8., eff. 12-21-01; CR 02-005; am. (3) (a) 8. Register May 2002 No. 557, eff. 6-1-02; corrections in (2) (c) 4. and 5. made under s. 13.93 (2m) (b) 7., Stats., Register May 2002 No. 557; CR 04-100; am. (2) (c) (intro.), (3) (a) 2., 4. to 8., 11. and 15. to 19., (3) (b) 1., (4) (a) (intro.) 2., 5. to 7., 12., 18., 19 and 21, (5) (a) to (c), cr. (2) (c) 8., (3) (a) 20., (4) (a) 22. and 23., (c) 5. and (4m), (5) (a) 4. and (bm), r. (3) (a) 12. to 14. and (4) (a) 8. to 10., 15., 17. and 20., r. and recr. (4) (b) and (c) 2., renum. (7) to be s. Trans 102.025 (1), Register June 2005 No. 594, eff. 7-1-05; CR 05-109; am. (6) (intro.) Register April 2006 No. 604, eff. 5-1-06; CR 06-082; cr. (2) (bm) and (3m) Register December 2006 No. 612, eff. 4-1-07; CR 06-128; am. (3) (a) 2., 4., (4) (a) 2. and 5., r. (3) (a) 16., 19., 20., (4) (a) 1., 6., 7., 12., 14., 18., 19., 21. and 22., (b), (c) (intro.), 1., 3. to 5., (4m) (a), (e) and (8), cr. (3) (a) 21., (4) (a) 24. and (4m) (f), renum. (4) (c) 2. to be (4) (c) and am. (4) (c) (intro.) Register April 2007 No. 616, eff. 5-1-07; correction in (3m) (a) made under s. 13.92 (4) (b) 7., Stats., Register February 2013 No. 686; **CR 14-061: am. (2) (c), renum. (3) (a) 2. (Note) to (3) (am) and am., am. (3) (a) 6., renum. (3) (b) to (5m) (a) and am. (5m) (a) (intro.) and 2., renum. (3) (c) to (5m) (c) and am., cr. (3) (d), (5m) (title), (b), (e), am. (6) (intro.) Register May 2015 No. 713, eff. 6-1-15.**

Trans 102.16 Operator's license and license endorsement issuance periods.

(1) ORIGINAL, REINSTATED AND PROBATIONARY LICENSES. Reinstated licenses, probationary licenses, and original licenses other than instruction permits and license endorsements shall expire 2 years from the licensed person's next birthday, or on the date that the person's legal presence in the United States is no longer authorized, whichever occurs sooner. If the expiration date of a person's probationary license is the date the person's legal presence in the United States is no longer authorized, and the person's legal presence is extended, the department may reissue the probationary license with an expiration date of the latest date determined under this section at the time of initial issuance or the date that the person's legal presence in the United States is no longer authorized, whichever occurs sooner. The department may not, as a consequence of expiration dates based on the person's legal presence in the United States, require any person to possess a probationary license beyond the latest date determined under this section at the time of initial issuance.

Note: See s. 343.20 (1) (a), Stats.

(2) EYESIGHT TESTS. The eyesight test shall be given to each person who applies for renewal of a 2, 4 or 8 year license at the time application is made.

Note: See s. 343.16 (3) (a), Stats.

(3) RENEWED REGULAR, COMMERCIAL DRIVER AND MOTORCYCLE ONLY LICENSES. Regular, commercial and motorcycle only licenses shall expire 8 years from the expiration date of the license being renewed if the license is renewed prior to its expiration, or 7 years from the person's next birthday in all other circumstances, except as otherwise provided in this section.

(3m) LICENSE EXTENSIONS. A regular license issued by the department may be extended by the department for 4 years from the expiration date of the license if the department has selected the license for 4 year extension rather than renewal in order to balance the number of licenses that will expire in future years. The department may not extend an expiration date under this subsection beyond the date that the person's presence in the United States is legally authorized. The department may consider a person's driving history in deciding whether to extend the person's license. Vision examinations may not be required for extensions.

Note: Section 343.20 (1) (f), Stats., provides that this extension program sunsets on December 31, 2001.

(4) LICENSE RENEWAL. No person may renew:

(a) An operator's license more than one year prior to the expiration date of the license.

(b) A probationary license or special restricted license more than 90 days prior to the expiration date of the license.

(5) **NEW STATE RESIDENTS.** Original operator's licenses issued under s. 343.20 (1) (e), Stats., shall expire 3 years after the licensed person's next birthday or on the date that the person's legal presence in the United States is no longer authorized or on the following date, whichever occurs sooner.

Note: Section 343.20, Stats., provides for licensing of qualified drivers previously licensed in other jurisdictions.

(6) **SPECIAL RESTRICTED LICENSES.** Special restricted license renewals expire on the date that the person's legal presence in the United States is no longer authorized or on the following date, whichever occurs sooner:

(7) **ENDORSEMENTS EXPIRE WITH LICENSES.** All endorsements on an operator's license shall expire on the same date the operator's license expires or is withdrawn.

(8) **EXPIRATION DATE DOES NOT CHANGE WITH CHANGES IN AUTHORITY.** The expiration date of a valid license document shall remain the same when subsequent upgrades to classifications or endorsements are applied to the license, except that if the date that the person's legal presence in the United States is no longer authorized occurs sooner, the expiration date shall become the date that the person's legal presence in the United States is no longer authorized.

Note: Expiration of restricted licenses is provided for in s. 343.08 (2) (a), Stats.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84; r. and recr. Register, December, 1990, No. 420, eff. 1-1-91; am. (3) (b), Register, September, 1992, No. 441, eff. 10-1-92; am. (2), (5), r. and recr. (3), cr. (3m), Register, December, 1999, No. 528, eff. 1-1-00; CR 06-082: am. (1) (3m), (5), (6) and (8) Register December 2006 No. 612, eff. 4-1-07.

Trans 102.17 Temporary operator's license or driver receipt. (1) **TEMPORARY OPERATOR'S LICENSE.** The department may issue a class D or M temporary operator's license and attach it to a person's previous Wisconsin license when the person presents the previous license and the department is unable to immediately issue a renewal operator's license to the person for one of the following reasons:

(a) The department, pursuant to s. 343.16 (6), Stats., requires testing or an examination prior to renewal including, but not limited to, medical, eye, or mental examinations or evaluations of drug or alcohol dependency and the testing cannot be completed prior to the expiration of the existing license; or

(b) The department's license production system temporarily prevents production of an operator's license.

(2) **TEMPORARY DRIVER RECEIPT.** The department may issue a class D or M temporary driver receipt and validate it for driving:

(a) When a person is eligible for a temporary driver receipt under s. Trans 102.15 (6); or

(b) When a person applying for renewal of a license is unable to present the person's previous Wisconsin license and the department is not able to immediately issue an operator's license for any of the reasons stated in sub. (2) (a) or (b).

(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.

(3) **DURATION.** A temporary operator's license or driver receipt may be valid for not longer than 60 days from the date issued, unless otherwise canceled, revoked or suspended. The date issued shall be shown on the face of a temporary license or driver receipt.

Note: Form MV3501, temporary operator's license, form MV3432, receipt, form MV3392 data card instruction permit/receipt.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1) (intro.) and (2) (intro.), Register, November, 1994, No. 467, eff. 12-1-94; cr. (2) (c), Register, January, 1997, No. 493, eff. 2-1-97.

Trans 102.18 Identification card and issuance period. (1) Original and reinstatement identification cards expire 4 years from the identified person's next birthday, or on the

date that the person's legal presence in the United States is no longer authorized, whichever occurs sooner.

(2) **Renewal identification cards** expire on the date that the person's legal presence in the United States is no longer authorized or on the following date, whichever occurs sooner:

(a) Four years from the identified person's next birthday when the renewal application is made prior to the expiration date of the latest identification card on file for that person;

(b) Three years from the identified person's next birthday when the renewal application is made after the expiration date of the latest identification card on file for that person.

(3) **No person may renew an identification card more than one year prior to the expiration date of the identification card.**

Note: See s. 343.50 (5) and (6), Stats.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; CR 06-082: am. (1) and (2) Register December 2006 No. 612, eff. 4-1-07.

Trans 102.19 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.

(2) **MOPED AND MOTOR BICYCLE INSTRUCTION PERMITS.** (a) In order to be issued a moped and motor bicycle instruction permit, a person must pass a knowledge test established by the department.

(b) A person holding a moped or motor bicycle instruction permit, or regular instruction permit endorsed for moped and motor bicycle operation may operate a moped or motor bicycle only during daylight hours and may not carry passengers.

Note: See s. 343.07, Stats.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; renum. (1) and (2) to be (2) (a) and (b), cr. (1), Register, January, 1997, No. 493, eff. 2-1-97.

Trans 102.20 Farm service CDLs. (1) **PURPOSE.** The purpose of this section is to adopt a seasonal farm service waiver for CMV drivers consistent with those federal department of transportation regulations at 49 CFR 383.3(f).

(2) **DEFINITIONS.** In this section:

(a) "Agri-chemical business" means a business that sells and delivers fertilizer, pesticides or other chemical compounds to farmers.

(b) "CDL" means a commercial driver license.

(c) "Convicted" or "conviction" has the meaning set forth in s. 340.01 (9r), Stats., and includes convictions under state law, convictions under local ordinances in conformity with state law, convictions under a law of federally recognized American Indian tribe or band in this state in conformity with state law, or convictions under the law of another jurisdiction which prohibits conduct similar to that prohibited under state law even if that jurisdiction's law is not in conformity with state law.

(d) "Custom harvester" means a business which is engaged solely in the provision of for hire harvesting services to farmers or engaged in canning, freezing or processing the crops being harvested.

Note: The licenses of temporary seasonal employees of custom harvester employers are limited to permit only transportation related to the harvesting of crops. See s. Trans 102.20 (8) (fm). A driver in this category may, for example, haul harvesting equipment to and from the fields where the harvest is conducted, and may haul harvested crops from the fields where harvested to a storage facility or food processing plant. Subsequent transportation of the harvested crops, however, such as to haul harvested crops from storage facilities to processing plants or to haul processed crops to market, are not permitted under a Farm Service CDL.

(e) "Farm retail outlet" means a business engaged in the retail sale and delivery of farm supplies to farmers.

(f) "Farm service CDL" means a restricted commercial driver license issued pursuant to this section.

(g) "Farm service industry" means a farm retail outlet, a custom harvester, a livestock feeder or an agri-chemical business.

(h) "Farmer" has the meaning set forth in s. 340.01 (18) (b), Stats.

(i) "Livestock feeder" means a business that is licensed as an approved feed lot under s. ATCP 11.14.

Note: Section ATCP 11.14 was repealed eff. 10-1-06.

(j) "Seasonal employment" means a period of employment that does not exceed 180 days per year.

(k) "Seasonal period" means a continuous time period for which a farm service CDL permits limited operation of commercial motor vehicles.

(3) ELIGIBILITY. The department may issue a farm service CDL to any person who meets all of the following requirements:

(a) Is employed in seasonal employment with a farm service industry.

(b) Has held a class D operator's license, other than an instruction permit for at least the one-year period preceding the date of application.

(c) Meets the driver record requirements of sub. (4).

(d) Has passed the test required under sub. (7).

(e) Does not hold a CDL.

(f) Meets the medical standards requirements of s. 343.065, Stats., and ch. Trans 112.

(g) Is at least 18 years of age.

(4) DRIVER RECORD REQUIREMENTS. The department may not issue or renew a farm service CDL to any person who at any time during the 2-year period preceding the date of application:

(a) Held more than one operator's license at one time, except that for purposes of this subdivision, a school bus or chauffeur's license issued under s. 343.12 or 343.125, 1987 Stats., shall be counted with a regular license as a single license.

(b) Had any driver license or operating privilege, in Wisconsin or any other jurisdiction, revoked, suspended or canceled as a result of a moving violation. Failure to pay a forfeiture resulting from a non-traffic offense is not a moving violation for purposes of this paragraph.

(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.

(d) Was convicted of a violation of a law relating to motor vehicle traffic control arising in connection with any traffic accident, except a parking or safety belt violation.

(e) Was at fault in any motor vehicle accident.

(f) Was convicted of a violation of a law arising out of the person's operating a vehicle type not authorized under a farm service CDL, violating a restriction of a farm service CDL, transporting hazardous materials not permitted under a farm service CDL, or operating a commercial motor vehicle outside the seasonal period provided for on a farm service CDL.

(5) DISQUALIFICATION. The department shall revoke, suspend, cancel or disqualify the farm service CDL privilege of any person who is disqualified under s. 343.315, Stats.

(6) APPLICATION. (a) An application for a farm service CDL shall be made on forms provided by the department and shall include all requested information.

(b) An original or renewal application for farm service CDL shall include all of the following:

1. A standard driver license application form.

2. A certification of the driver's eligibility for the license.

3. The required fee.

4. Specification of the seasonal period for which the applicant seeks farm service CDL operating privileges.

Note: Driver License Application and renewal forms (MV3001 and MV3005) and Driver Certification forms (MV3586) may be obtained at any Division of Motor Vehicle Services Center or from the Wisconsin Department of Transportation,

Bureau of Driver Services, License Issuance Unit, P.O. Box 7918, Madison, WI 53707-7918.

(7) TESTING. (a) The department may not issue a farm service CDL to any person who has not passed the required knowledge test.

Note: See ss. 343.16 (1) (a) and 343.16 (2), Stats.

(b) The department shall waive CDL skills tests for applicants seeking farm service CDLs except under circumstances where the department would require one or more examinations under s. 343.16 (5) or (6), Stats.

(8) RESTRICTIONS. All farm service CDLs shall be subject to the following restrictions:

(a) The license may not permit operation of class A motor vehicles as defined in s. 343.04 (1) (a), Stats.

(b) The license may not permit transporting hazardous materials except liquid fertilizer in vehicles or implements of husbandry with total capacities of 3000 gallons or less, solid fertilizers that are not transported with any organic substance, or 1000 gallons or less of diesel fuel, but no combination of these materials.

(c) The license may not permit operation of a school bus or of a passenger carrying vehicle, as defined in s. 343.04 (2) (d), Stats.

(d) The license shall permit operation only of commercial motor vehicles owned, leased or rented by the driver's farm service industry employer.

(e) The license may not permit operation of commercial motor vehicles outside the period of seasonal employment.

(f) The license may not permit the operation of commercial motor vehicles beyond 150 miles of the place of business or farm being served.

(fm) The license may not permit operation by a custom harvester unless related to the harvesting of crops.

(g) The license may not permit operation in interstate commerce unless the driver meets the requirements of s. 343.06 (3), Stats.

(h) The license may not grant farm service CDL privileges for more than 180 days in any calendar year.

(9) NO OCCUPATIONAL LICENSE. The department may not issue an occupational license granting farm service CDL privileges.

(10) SEASONAL PERIOD APPLICATION AND DRIVER RECORD VERIFICATION. (a) Except when a license is due for renewal, at least once each calendar year in which an applicant seeks farm service CDL privileges, the person shall apply to the department for a farm service CDL replacement license designating the person's next seasonal period.

Note: Form MV3587, Application for New Farm service CDL Seasonal Period may be obtained at any Division of Motor Vehicle Services Center or from the Wisconsin Department of Transportation, Bureau of Driver Services, License Issuance Unit, P.O. Box 7918, Madison, WI 53707-7918.

(b) The department shall confirm the driver's continued eligibility for the farm service CDL before each seasonal period and, if the driver is eligible for the license under sub. (3), shall issue a replacement farm service CDL to the driver. If a replacement license is issued by mail and the driver fails to return the license document it replaces to the department, the department may cancel the replacement license.

(c) No person may have more than 2 seasonal periods in a calendar year.

Note: See sub. (13) (c) regarding the fee for changing a seasonal period.

(11) LICENSE FORM. A farm service CDL shall be subject to the restrictions set forth on the license.

(12) EXPIRATION. Farm service CDL privileges shall expire on the same date as the holder's operator's license.

Note: See s. Trans 102.16.

(13) FEES. (a) The fee for the farm service CDL shall be the fee established in s. 343.21 (1) (d), Stats., or the prorated amount due under s. Trans 102.10.

Note: The fee for a CDL under s. 343.21 (1) (d), Stats., is currently \$64.

(c) The fee for changing the seasonal period on a farm service CDL after a person has specified a seasonal period in a given cal-

endar year shall be the fee for obtaining a duplicate license under s. 343.21 (1) (L), Stats.

Note: Section 343.21 (1) (d), Stats. prescribes the fee for CDLs. Section 343.21 (1) (L), Stats., currently provides that the fee for a duplicate license shall be \$4.

History: Cr. Register, January, 1993, No. 445, eff. 2-1-93; am. (2) (d), (j), (8) (b), (h) and (10) (a), cr. (8) (fm), Register, December, 1993, No. 456, eff. 1-1-94; correction in (2) (i) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1993, No. 456; am. (4) (c), Register, January, 1997, No. 493, eff. 2-1-97; am. (10) (a), (b), (11), (13) (a) and (c), r. (13) (b), Register, December, 1999, No. 528, eff. 1-1-00; am. (2) (i), Register, August, 2000, No. 536, eff. 9-1-00; CR 06-064: am. (1) and (8) (f) Register September 2006 No. 609, eff. 10-1-06.

Trans 102.205 Copying of driver licenses. Any person, including the state or federal government, or an agency or political subdivision thereof, may make a copy of a driver license provided the copy is intended to be used for the identification of the person to whom the license has been issued and the person does not sell or transfer the copies to any third person or include the copy of the driver license photo in any electronic or paper library of images. This provision does not prohibit a lender or business from requesting and making a copy of a driver license as part of an application for credit or other business services and forwarding that copy with the application materials in the ordinary course of business when the commercial paper or business is sold or transferred.

Note: Amendments to s. 343.43 (1) (f), Stats., enacted as part of 1999 Wis. Act 9 provide the department with authority to adopt this rule with respect to driver licenses. No similar authority exists with regard to the general prohibition against copying identification cards found in s. 343.50 (12) (c), Stats. See *State v. Schwolin*, 57 Wis. 2d 764 (1973), for general guidance on the copying of identification cards.

History: Cr. Register, August, 2000, No. 536, eff. 9-1-00.

Trans 102.21 Sponsorship of persons under 18 years of age. (1) **DEFINITIONS.** In this section:

- (a) "Adult" means a person who is 18 years of age or older.
- (b) "Foster parent" means a person licensed to operate a foster home or treatment foster home under s. 48.62, Stats.
- (c) "Guardian" means the person named by the court having the duty and authority of guardianship.
- (d) "Minor" means a person less than 18 years of age.
- (e) "Parent" means either a biological parent, a husband who has consented to the artificial insemination of his wife under s. 891.40, Stats., or a parent by adoption. If the child is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, Stats., "parent" includes a person adjudged in a judicial proceeding to be the biological father. "Parent" does not include any person whose parental rights have been terminated.

(f) "Stepparent" means a person who is married to the minor's biological or adoptive parent and is not a biological or adoptive parent of the minor.

Note: The definitions used in pars. (c) and (e) are intended to parallel those in s. 48.02, Stats.

(2) **ADULT SPONSORS.** The following adults may sponsor a minor's application for Wisconsin operator's license:

- (a) The minor's parent, stepparent or guardian.
- (b) The minor's spouse.
- (c) The minor's grandparent, brother, sister, aunt, uncle or foster parent if the minor does not reside with any of the persons identified in par. (a).
- (d) The person with whom a foreign exchange student resides if the foreign exchange student is from outside the United States and is not residing with any of the persons identified in par. (a).

(3) **POWERS OF ATTORNEY.** An adult holding a valid power of attorney may execute the sponsorship form for a minor on behalf of a sponsor.

Note: The department has a form Durable Power of Attorney, Driver License Sponsorship for Minor that is designed to be used for this purpose, form MV 3627. The form can be obtained from the Division of Motor Vehicles, Bureau of Driver Services, P.O. Box 7920, Madison, WI 53707-7920, telephone (608) 266-2237 or at any motor vehicle services station.

(4) **PROOF OF IDENTITY.** A sponsor or attorney-in-fact of a sponsor shall provide proof of identity satisfying the requirements of s. Trans 102.15 (4) when a department representative acts as the witness to a sponsor's or attorney-in-fact's signature.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94.

Trans 102.23 Military, firefighting, farmer and emergency government CDL exemptions. (1) **PURPOSE.** The purpose of this section is to administratively implement the federal waiver for vehicles operated by the United States armed forces, farmers, firefighters and emergency responders, and emergency snowplow drivers for small units of local government permitted under 49 CFR 383.3(c) and (d). This section shall be interpreted and administered consistent with those regulations and in a manner that complies with federal guidelines issued pursuant to those regulations.

(2) **DEFINITIONS.** In this section:

- (a) "CDL class, endorsement or restriction" means authorization to operate class A, B or C commercial motor vehicles, any endorsement described in s. 343.17 (3) (d), Stats., or any restriction specified in ss. 343.17 (3) (d) or (e), Stats.
- (b) "Local unit of government" means a county, city, village, town, school district, county utility district, sanitary district, metropolitan sewage district, or other public body created by or pursuant to state law.

(3) **MILITARY WAIVER.** No CDL class, endorsement or restriction shall be required of or applied to a person operating a commercial motor vehicle for military purposes, including all of the following:

- (a) Active duty military personnel.
 - (b) Members of the military reserves.
 - (c) Members of the national guard on active duty, including personnel on full-time national guard duty.
 - (d) Personnel on part-time national guard training.
 - (e) National guard military technicians.
- Note:** National guard military technicians are civilians who are required to wear military uniforms. 49 CFR 383.3 (c).
- (f) Active duty U.S. Coast Guard personnel.

(4) **MILITARY WAIVER INAPPLICABLE.** Subsection (3) does not apply to U.S. reserve technicians.

(5) **FARMERS.** No CDL class, endorsement or restriction shall be required of or applied to any person operating a commercial motor vehicle for farming purposes who meets all of the following criteria:

- (a) The person is operating a farm vehicle that is being used to transport agricultural products, farm machinery, farm supplies or any combination of these goods to or from a farm.
- (b) The vehicle is owned or controlled by a farmer. For purposes of this paragraph, "farmer" means any person who operates a farm or is directly involved with the cultivation of land, crops or livestock which are owned or directly controlled by that person. Farmer includes all persons meeting the definition in s. 340.01 (18) (b), Stats. "Farmer" also includes a corporation, association, cooperative or partnership owned or controlled by farmers and engaged in the business of farming.

(c) The vehicle is operated by the farmer, the farmer's employees, or the farmer's family members. For purposes of this paragraph, "family member" means any parent, stepparent, grandparent, child, stepchild, brother, sister, stepbrother, stepsister, uncle, aunt, first cousin, nephew, niece, grandchildren, as defined in s. 990.001 (16), Stats., whether related by blood or adoption, or the spouses of any such person and any spouse or guardian of the farmer.

Note: Section 990.001 (16), Stats., includes a chart that makes the relationships described in this section easier to understand.

(d) The vehicle is used within 150 miles of the farmer's farm.

(e) The vehicle is not used in the operation of a common or contract motor carrier, as those terms are defined in s. 194.01 (1) and (2), Stats.

Note: Any shipping for payment in cash or kind is considered contract motor carrier operations. s. 194.01 (2), Stats., 49 CFR 390.5.

(6) FIREFIGHTERS AND EMERGENCY GOVERNMENT WORKERS. No CDL class, endorsement or restriction shall be required of or applied to any person operating a commercial motor vehicle necessary to the preservation of life or property or the execution of emergency government functions provided the vehicles are equipped with audible and visual signals and are not subject to normal traffic regulations when using those signals. Vehicles exempt under this subsection include all of the following:

- (a) Fire trucks.
- (b) Hook and ladder trucks.
- (c) Foam or water transport trucks.
- (d) Police SWAT team vehicles.
- (e) Ambulances.
- (f) Rescue squads.
- (g) Command post vehicles.

Note: The original federal waiver permitted operation of vehicles only in response to emergencies or in the routine performance of other duties. The federal government removed that restriction in promulgating 49 CFR 383.3(d)(2), thereby extending the waiver for other non-routine functions such as parades and vehicle repair. This rule

making adopts this extended waiver pursuant to the authority provided in s. 343.055 (5), Stats.

(7) SNOWPLOW OPERATORS. No CDL class, endorsement or restriction shall apply to a person operating a commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, salting, sanding, or applying other snow and ice treatment chemicals if all of the following apply:

(a) The person is an employee of a local unit of government with a population of 3000 or less.

(b) The person holds a valid license authorizing the operation of class "D" vehicles.

(c) The person is operating within the boundaries of the local unit of government.

(d) One of the following:

1. The properly licensed employee who ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle.

2. Additional assistance is required in plowing snow because the local unit of government has determined that a snow emergency exists.

Note: Wisconsin has not adopted restricted CDL license waivers for the pyrotechnic industry permitted at 49 CFR 383.3(g).

History: CR 04-141: cr. Register May 2005 No. 593, eff. 6-1-05; CR 06-064: (2) (b), (7) (a) to (d) (intro) and 2. renum. from Trans 102.22 (2) and (3) (a) to (d) (intro.), 2. and am. (2) (b); am. (1) and (2), cr. (5) to (7) (intro.) and (d) 1., Register September 2006 No. 609, eff. 10-1-06.