

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.

(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.

(4m) "DMV customer service center" means those locations within the state authorized by the department to provide driver licensing services, vehicle registration services, or both.

(4p) "Duplicate" means a product issued by the department to replace a previously issued product and that expires on the same date as the previously issued product. If the product is an operator's license, it shall not be considered a duplicate if any vehicle class or endorsement on the issued operator's license differs from those appearing on the previously issued operator's license.

Note: See ss. Trans 102.03 (3) (b) and (7) (c), and s. 343.265 (2), Stats.

(4s) "Extension card" means a document issued by the department that extends an operator's license beyond the expiration date stated on the license.

(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) "Material change" means any change to a person's information, other than a change of address to a person's principal residence, that can be used to distinguish a person's identity, alone, or when combined with other identifying information, including:

- (a) Name.
- (b) Operator's license or identification card number.
- (c) Social security number.
- (d) Biometric record.

(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 name, middle name, and last name as they appear on identity documents provided by a product applicant. "Name" includes generational suffixes, but does not include other name suffixes, nicknames, titles of respect, or additional information of any type.

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

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

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

(7p) "Product" means an identification card or receipt; or an operator's license, including a driving receipt, instruction permit, occupational license, a license extended by an extension card, or

other authorization to operate a motor vehicle, issued by the department. "Product" does not include an extension card.

(7r) "REAL ID compliant product" means a product that meets the requirements of the federal REAL ID Act of 2005, as amended, and that is issued in compliance with all federal regulations and requirements.

(7v) "REAL ID noncompliant product" means a product that is not a REAL ID compliant product.

Note: See s. 343.03 (3r), Stats.

(8) "Reinstate" means one of the following:

(a) The process of issuing an operator's license to a person following a withdrawal of the person's operating privilege or operator's license by cancellation, suspension, revocation, or disqualification.

(b) The process of issuing an identification card to a person who previously had an identification card canceled.

(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.

(10g) "Resident" means an adult whose one home and customary and principal residence in the United States, to which the person has the intention of returning whenever they are absent, is in this state. "Resident" includes a child under 18 years of age if the child meets the requirements for resident status set forth in s. 343.01 (2) (g), Stats.

(10r) "Social security number" means the complete social security number assigned to a person by the U.S. social security administration. "Social security number" does not include a partial social security number.

(11) "Verify" means department procedure to ensure that a document submitted in support of an application for a product is genuine and has not been altered in order to determine that any identity data contained in the document is valid and relates to the product applicant. "Verify" includes checking the validity of data contained in documents presented in support of an application for a product.

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; CR 23-042: r. (4), am. (4p), cr. (4s), r. and recr. (6), renum. (6n) to (4m) and am., am. (6r) (a), (7) (a), (b), (7m), cr. (7p), (7r), (7v), renum. (8) to (8) (intro.) and am., r. (10), cr. (10g), (10r), (11) Register April 2025 No. 832, eff. 5-1-25.

Trans 102.025 Document condition, authenticity, and verification.

(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.

(1e) VALID AND UNEXPIRED DOCUMENTS. All documents required to be produced under this chapter must be valid and unexpired, unless exempted by another provision in this chapter.

(1m) REAL ID COMPLIANT ATTESTATION REQUIRED. The application for a REAL ID compliant product shall contain the

following attestation by the product applicant: "I declare under penalty of perjury that information on this application is true and correct and that I am a resident of Wisconsin." An application may not be accepted by the department which lacks the affirmation, the signature of the applicant, or the date the applicant signed the application.

Note: Product applications, Form MV3001, 3001s, 3004 and 3004s, contain this affirmation.

(1s) VERIFICATION. (a) The department shall verify the applicant's social security number and the minimum number of documents needed for issuance of any product under s. Trans 102.15.

(b) The department shall verify the social security number and documents presented in support of a REAL ID compliant product application in a manner required by 6 CFR 37.13.

(c) The department may refuse to issue a product to an applicant if a social security number or any document presented in support of an application for a product cannot be verified.

(2) SUSPECT DOCUMENT. The department may decline to accept any document presented as part of an application for an operator's license, identification card, vehicle title, or vehicle registration if it has any reason to doubt 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 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 applicant 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 applicant who presented them shall be returned to the applicant, except as provided in sub. (3). A document may be retained for investigation and be considered unacceptable if any of the following apply:

(a) The document includes a photograph and the applicant presenting the document is not readily recognizable from the photograph.

(b) The document includes a photograph that matches or resembles a photograph in the department's records, or another database or system the department uses for identity verification, that is assigned to another person.

(c) Any facts lead the department to question the authenticity of the document or accuracy of the data in the document.

(3) CONFISCATION OF DOCUMENT. (a) Employees or agents of the department may take possession and investigate the authenticity of any document submitted as proof of the applicant's name and date of birth, identity, residency, or any other fact sought to be proven to the department and may provide those documents 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.
6. Signatures, photographs, or other identifiers on the document appear to not match one or more other signatures, photographs, or other identifiers of the applicant known to the department.

(b) In the event the department confiscates a document and determines that it is genuine and relates to the person who pre-

sented 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; CR 23-042: am. (title), cr. (1e), (1m), (1s), renum. (2) to (2) (intro.) and am., cr. (2) (a) to (c), am. (3) (a) (intro.), cr. (3) (a) 6. Register April 2025 No. 832, eff. 5-1-25.

Trans 102.03 Photograph requirements. (1) Except as provided in this section, the department may not issue an operator's license or identification card unless the applicant appears in person at a DMV customer service center and is photographed. An applicant whose seriously held religious convictions do not allow the applicant to be photographed may qualify for an exemption to this subsection by completing, signing, and dating a statement on a form provided by the department, certifying that the applicant objects to being photographed due to a sincerely held religious conviction.

(2) (a) *Full facial image required.* All photographs for products issued under this chapter shall include a full facial image of the applicant. The photograph shall show the entire face from the crown of the head to the base of the chin and from ear to ear. Photographs not meeting the requirements of this section may not be used on a product. The department may cancel a product if the department has reason to believe the product was erroneously issued with a photograph taken that does not meet the requirements of this paragraph. The department shall assess the fee for obtaining a duplicate license for any applicant whose photograph must be retaken because of an intentional violation of the requirements of this subsection.

(b) *Head coverings.* 1. Head coverings may not be worn in a photograph except as provided in subds. 2. and 3. If a head covering is worn by the applicant pursuant to subd. 2. or 3., the covering shall be pushed from the forehead and sides until a full facial image is shown as required by par. (a).

2. An applicant who has sincerely held religious convictions that require the applicant to wear a head covering for any photograph may wear the head covering in a photograph for products issued under this chapter.

3. An applicant suffering from a medical condition or treatment that results in hair loss may be permitted to wear a scarf or hat in a photograph for products issued under this chapter.

(c) *Hair.* Hair, whether natural or artificial, shall be pushed back from the face for the photograph until a full facial image is shown as required by par. (a).

(d) *Obstructions.* Nothing shall obscure the applicant's face, head, iris, or pupils.

(e) *Shadows.* Nothing shall be permitted which results in a shadow upon the face in a photograph. Lighting shall be evenly distributed on the face.

(f) *Eyes.* 1. The iris and pupil of the eye shall be clearly visible. The applicant may choose whether the photograph be taken with or without vision correcting glasses. Sunglasses may not be worn except as provided in subd. 2. Light sensitive glasses that do not adjust sufficiently to clearly show the applicant's eyes and eye color shall be removed.

2. An applicant suffering from a medical condition, physical disability, or disfigurement affecting the applicant's eyes, and who usually wear eyeglasses to obscure their eyes for cosmetic reasons, may be permitted to obscure their eyes with sunglasses or an eye patch.

(g) *Clothing.* Except as permitted in par. (f) 1., any clothing or device obscuring any part of an applicant's face shall be removed.

(h) *Appliances.* Any appliance or prosthesis normally used by

an applicant with a permanent facial or dental disfigurement may be worn for the photograph and shall be included in the full facial image.

(i) *Expression.* The applicant shall look into the camera with both eyes open and a relaxed facial expression.

(3) Except as provided in this subsection, product photographs must have been taken within 8 years of the date of product issuance.

(a) *Duplicate and renewal products.* A person who obtains a duplicate or renewal product online is exempt from the requirement of using a photograph taken within 8 years of the date of product issuance if the department has a photograph of the person on file that is not more than 16 years old, and the department's computer system will accommodate processing the application online.

(b) *Online product issuance.* A person who obtains an identification card online is exempt from the requirement of using a photograph taken within 8 years of the date of product issuance if the department has a photograph of the person on file that will not be more than 16 years old when the product is expected to expire.

(c) *Persons in military service.* A person in military service or foreign service stationed outside this state who applies to renew a driver license is exempt from the requirement of using a photograph taken within 8 years of the date of product issuance if the department has a photograph of the person on file that is not more than 16 years old.

Note: See s. 343.20 (3), Stats., 6 CFR 37.25 (a).

(d) *Non-expiring ID cards.* A person who applies for a replacement identification card without appearing at a DMV service center to be photographed, who claims an identification card that was issued to the person pursuant to s. 343.50 (5) (d), Stats., that does not expire is lost, stolen, or damaged is exempt from using a photograph taken within of the date of product issuance. A replacement identification card issued by the department pursuant to this paragraph shall include the latest photograph of the person in the department's records.

(4) The department may issue a REAL ID noncompliant product to a prisoner held in a correctional facility in this state using a photograph taken by the Wisconsin department of corrections that meets the standards in sub. (1) and is taken in compliance with an agreement between the department and the Wisconsin department of corrections.

(5) A person whose sincerely held religious beliefs do not permit the person to be viewed by members of the opposite sex may request that their photograph be taken outside the presence of persons of the opposite sex. The department may require the person appear at a time before or after normal DMV service center business hours. Arrangements shall be made at least 7 days prior to the date the photograph is to be taken. The department may require the person to travel to a DMV service center where the department has staff and facilities at which the request may be fulfilled.

(6) Subsection (2) shall be interpreted and applied in a manner consistent with federal requirements for the issuance of federal REAL ID compliant documents even if an applicant applies for a REAL ID noncompliant product. The department adopts standards set forth in 6 CFR. 37.17 (e) and ISO/IEC 19794-5:2005(E) Information Technology – Biometric Data Interchange Formats – Part 5: Face Image Data for use in driver license processing.

Note: As required by s. 227.21 (2), Stats., the Wisconsin attorney general approved adoption of these standards on May 29, 2025. Copies of these standards are on file with the department and the legislative reference bureau and may be reviewed at those locations. Copies may be obtained from <http://webstore.ansi.org/>, or by contacting ANSI, 25 West 43rd Street, 4th Floor, New York, New York 10036. They are also available online at the International Organization for Standardization

and International Electrotechnical Commission at www.iso.org and https://webstore.iec.ch/preview/info_isoiec19794-5%7Bed1.0%7Den.pdf, respectively.

(7) (a) As determined by the department, a product photograph shall be retaken if the photograph of the applicant is indistinguishable, unclear, or incomplete, shows a temporary disfigurement that no longer exists, or does not meet the requirements of this section, or if the department's copy of the photograph of the applicant becomes lost or damaged.

(b) An applicant whose photograph meets the retake specifications described under par. (a) shall be required to have the product photograph retaken by the department before a product will be issued.

(c) Any person not satisfied with the photograph after receipt of a product 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 par. (a) or (b), the department shall issue a replacement card upon proper application without charge. If the photograph meets the department's standard for inclusion on a product, the person shall apply for a duplicate product, and pay any fee required under s. 343.21 (1) (L) and (n) or 343.50 (6) and (7), Stats.

(d) An applicant shall be notified by the department when a photograph needs to be retaken. Failure to comply within 30 days of notification shall result in the cancellation of the operator's license.

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; CR 23-042: r. and recr. (1) to (6), r. (7) (title), renum. (7) (a) to (d) from Trans 102.09 (1) to (3), (5) and am. Register April 2025 No. 832, eff. 5-1-25; correction in (1), (2) (a), (b) 1., (g), (7) (a), (c) made under s. 35.17, Stats., Register April 2025 No. 832.

Trans 102.04 Product design. (1) A product shall include all the information specified in ss. 343.17 (3) and 343.50 (3), Stats. Additionally, a product shall do all of the following:

(a) Consist of one part with 2 sides, except as otherwise prescribed in s. 343.17 (4m), Stats.

(b) Include any legend required by s. 343.03 (3) or (3m), Stats., or s. 343.50 (3) (a), Stats., and the following descriptive legends, if applicable:

1. Duplicate products shall be marked "duplicate" or an abbreviation thereof.

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

(c) Contain any other information the department considers appropriate for security or identification purposes.

(2) Receipts and extension cards that the department issues are not subject to sub. (1).

(3) Any REAL ID noncompliant identification card or Class D or M license issued by the department based upon extraordinary proof of name, date of birth, or U.S. citizenship under s. 343.165 (8) (a), Stats., 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 product is not intended to be accepted by any federal agency for federal identification or any other official purpose.

(4) A REAL ID compliant product shall include at least three levels of integrated security features that provide resistance to a person's attempt to do any of the following:

(a) Counterfeit, alter, simulate, or reproduce a genuine document.

(b) Alter, delete, modify, mask, or tamper with data concerning the original or lawful card holder.

(c) Substitute or alter the original or lawful card holder's photograph or signature, or both, by any means.

(d) Create a fraudulent document using components from legitimate operator's licenses or identification cards.

(5) Products shall include, on the side opposite the photograph for any REAL ID compliant product, or anywhere on any other type of product, machine readable technology meeting or exceeding the minimum requirements of 6 CFR 37.19.

(6) Products shall identify Wisconsin as the state of issuance.

(7) A REAL ID compliant product shall include a U.S. department of homeland security approved security marking to reflect the product's level of compliance in accordance with 6 CFR 37.17 (n).

(8) REAL ID compliant products shall be printed in the format required by 6 CFR 37.17 (m).

(9) The department may issue apparent products to state or federal law enforcement agencies to assist in crime investigations. Apparent products issued pursuant to this subsection are not subject to the requirements of this chapter.

(10) Products issued to federal judges may list their courthouse address on the product in lieu of their personal address if requested by the judge.

(11) Products issued to a person protected from disclosure of information under the safe at home program under s. 165.68, Stats., may list the Wisconsin department of justice safe at home post office address in lieu of the person's physical address.

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; correction in (2) made under s. 35.17, Stats., Register April 2017 No. 736; correction in (1) (a) made under s. 13.92 (4) (b) 7., Stats., Register December 2018 No. 756; CR 23-042: r. and recr. Register April 2025 No. 832, eff. 5-1-25.

Trans 102.07 National driver registry and commercial driver license information system.

(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) The department may not issue a product until the department receives driver record information from the commercial driver license information system, the national driver registry, and the state pointer exchange system.

Note: See s. 343.03 (5), Stats.

(3) Except as provided in pars. (a) to (d), the department may not issue a commercial driver license to an applicant whose operating privilege is suspended, cancelled, revoked, or disqualified under the law of another jurisdiction or the U.S.

(a) If the applicant's operating privilege is disqualified in another jurisdiction, the department may only issue the applicant a commercial driver license if the disqualification period has expired and the applicant qualifies for issuance of a commercial driver license in the other jurisdiction.

(b) If the applicant's commercial operating privilege is disqualified by the U.S., and not by any other jurisdiction, the department may only issue the applicant a commercial driver license if the disqualification has expired and the applicant qualifies for issuance of a commercial driver license in this state.

(c) If the applicant's operating privilege is suspended or revoked in another jurisdiction, the department may only issue the applicant a commercial driver license if the applicant reinstates their operating privilege in the other jurisdiction.

(d) If the applicant's operating privilege is cancelled in another jurisdiction, the department may only issue the applicant a commercial driver license if the applicant qualifies for issuance of a commercial driver license in the other jurisdiction.

Note: See s. 343.06 (2), Stats., 49 CFR 383.52 (d), 49 CFR 384.210, and 49 CFR 384.214, and 49 USC 31311 (a) (10) (A).

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; CR 23-042: am. (title), r. (intro.), r. and recr. (2), (3) Register April 2025 No. 832, eff. 5-1-25.

Trans 102.11 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 CLASS. 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) NO FEE IDENTIFICATION. The department shall not charge a fee for issuing or reissuing an identification card for purposes of voting under s. 343.165 (8) (g) or 343.50 (5) (a) 3., Stats., or for an identification card issued under s. 343.50, Stats., if the requirements of s. 343.50 (5) (a) 2. are met.

(3) REPLACEMENT OF DEFECTIVE PRODUCTS. The department shall reissue a product without fee if the product is inaccurate because of a department error or if the card on which it was produced is defective.

(4) CHANGE IN RESTRICTIONS. The department shall not charge a fee for operator's license issuance due to the addition or removal of a license restriction, except for removing a K or L restriction.

(5) REMOVAL OF ENDORSEMENT. A person who is issued a new operator's license to remove an endorsement shall pay the fees specified in s. 343.21 (1) (L) and (n), Stats.

(6) DUPLICATE LICENSES. A person who obtains a duplicate license shall pay the fees specified in s. 343.21(1) (L) and (n), Stats.

Note: See s. 343.21 for all operator's license 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; CR 23-042: am. (title), (1) (title), r. and recr. (2), cr. (3) to (6) Register April 2025 No. 832, eff. 5-1-25; correction in (2), (6) made under s. 35.17, Stats., Register April 2025 No. 832.

Trans 102.14 Issuance. (1) The department may not issue a product if any of the following apply:

(a) The computer system or equipment is not functioning in a manner that will allow the department to produce the product.

(b) Further verification of eligibility is necessary to comply with requirements for issuance of the product under ch. 343, Stats., or this chapter.

(c) There are administrative reasons for not issuing the product immediately, for purposes including, but not limited to, conducting a study or establishing a control group.

(d) The applicant does not provide a sample signature for reproduction on the product in the format first name, middle initial or name, last name; or in the format first name, last name. An applicant may not include in a signature any information other than the applicant's name.

Note: See s. 990.01 (38), Stats., for applicants who are unable to write.

(e) The applicant possesses products issued in another jurisdiction and does not surrender the products.

(f) The applicant is issued a Class D or M 60-day extension card under sub. (7). This prohibition shall not apply once the reason for denying an operator's license and issuing an extension under sub. (7) (a) is satisfied.

(g) The department is unable to verify any of the information required under ch. 343, Stats., or this chapter.

(h) The department determines the application contains inaccurate or false information.

(i) The department determines the applicant is ineligible for the product under ch. 343, Stats., or this chapter.

(2) The department may not issue an identification card without charge for voting purposes to any person who is not a U.S. citizen or who is not at least 17 years of age. The department may not determine whether a person is otherwise eligible to vote.

(3) The department may issue a temporary product if the person is eligible under s. Trans 102.15 (2) (d) or (8) or s. 343.50 (1) (c) 1., Stats. The temporary product shall be valid until the permanent product is delivered by mail or the person is determined to be ineligible for the product.

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

(4) (a) Temporary residents. 1. A product issued to a person who is neither a citizen nor a permanent resident of the United States may not expire later than the last date the person is eligible to remain in the United States.

2. The department shall issue a product with an expiration date as determined by s. Trans 102.03 (3) to a person who is neither a citizen nor a permanent resident of the United States and whose last date of eligibility to remain in the United States is undetermined.

3. A product issued to a person whose proof of legal presence is specified in s. 343.14 (2) (es) 4. to 7., Stats., and whose term of stay in the United States is undefined shall expire one year after issuance or renewal.

4. Nationals from the Federated States of Micronesia, Palau, or the Marshall Islands may be issued a product valid for one year if the department verifies the person's passport and arrival-departure record card as proof of identity. If a national from one of these countries presents an employment authorization document defining a specific period of employment eligibility in the United States, any product issued to them shall be for that defined period

and shall not exceed the maximum duration of that product under state law.

(b) *Renewal of temporary resident products.* No product may be renewed to a person no longer eligible to remain in the United States.

(5) (a) *Temporary visitors.* A product, other than a commercial driver license, issued to a person who establishes proof of residence under sub. (4) and whose legal status in the United States is not permanent, shall be labeled “limited term.”

(b) *Non-domiciled persons.* A commercial driver license issued to a person who establishes proof of residence under sub. (4), is not a citizen of Mexico or Canada, and whose proof of legal status in the United States does not prove a right to remain permanently in the United States shall be labeled “non-domiciled.”

Note: Citizens of Mexico and Canada must obtain commercial driver licenses from their home country under 49 CFR 383.23 (b) (1), footnote 1.

(c) *Law enforcement.* Products issued to law enforcement for confidential investigative purposes may contain fictitious information.

Note: Records related to such products shall not be open to public inspection under s. 19.35, Stats.

(d) *Character set used for names.* Names transcribed on a product shall be limited to the English alphabet, without diacritical marks. Apostrophes and hyphens may be used in a name. In the event other symbols are used as part of a name, the department may phoneticize the name or transcribe it in a manner that matches the applicant’s social security card or other identity documents.

(6) (a) *Proof of driver training.* The department shall not issue a license to a person under 18 years of age unless one of the following is provided:

1. Proof that the person successfully completed a driver education or training course which meets the requirements of s. 343.06 (1) (c), Stats. The training school may provide the proof electronically.
2. Proof that the person successfully completed an approved driver education course in another jurisdiction.
3. Proof that the person is exempt from driver education requirements under s. 343.08 or 343.135, Stats.

(b) *Proof of sponsorship.* The department shall not issue an operator’s license to a person under 18 years of age unless satisfactory proof of adult sponsorship for that person, that meets the requirements of s. 343.15, Stats., and s. Trans 102.21, is filed with the department.

(7) (a) Upon application for renewal of a driver license, the department may issue one extension of an operator’s license authorizing operation of “Class D” or “M” vehicles, or both, for a period not to exceed 60 days in any of the following scenarios:

1. The department requires an examination for renewal of a license.
2. The applicant requests issuance of a REAL ID compliant operator’s license but lacks all necessary documentary evidence and requests additional time to obtain that documentary evidence.
3. The department is unable to confirm an applicant’s claim of veteran status with the department of veteran affairs, and the applicant requests additional time to obtain verification from the department of veteran affairs or a county veterans service officer.

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

4. DMV service center staff is unable to issue a product at the time of the application because of computer system problems, problems at the facility, war, or acts of God.

(b) This subsection only permits extension of regular or probationary operator’s licenses and does not apply to commercial

driver licenses, temporary licenses, driving receipts, or any temporary product.

(8) (a) A person may renew a product online, except as provided in pars. (b) and (c). A new photograph is required at least once every 16 years, and a product may not be renewed online if a new photo is required.

(b) A person must appear in person at a DMV customer service center to renew a product if the person’s application indicates a material change is made to any data, other than an address, retained in the department’s records or on any product that has been issued to the driver. In-person appearance is required to have any of the following data on the product or in the department’s files changed:

1. The person’s name.
2. The person’s birthdate or place of birth.
3. The person’s social security number.
4. The person’s sex, height, weight, eye color, or hair color.
5. The person’s driver license or identification card number.
6. The vehicle class the person is authorized to operate.
7. A license endorsement.
8. Biometric data.

(c) In-person appearance is required to renew a commercial driver license, or any license bearing an H or S endorsement. The renewal may not be completed online.

Note: 49 CFR 384.227 requires a photograph be taken for every CDL renewal. That necessitates appearance at a DMV customer service center.

(d) Notwithstanding par. (b), the department may renew a class D or M license for military personnel or a member of the foreign service without requiring the applicant to appear at a DMV customer service center if the person is exempt from the requirement to provide a photo under s. Trans 102.03 (3) (d).

Note: See s. 343.20 (3), Stats., 6 CFR 37.25 (b).

(e) The department shall verify a person’s legal presence in the United States collected under s. Trans 102.15 (4) and social security number when renewing a REAL ID compliant product.

(f) Subject to par. (e), the department may renew a REAL ID compliant product without verifying a person’s identification information if the following applies:

1. The department previously verified an applicant’s information and documents, recorded the date of verification, and kept copies of the application document.

Note: See s. 343.165 (4) (a), Stats., 6 CFR 37.25 (a) (2).

(g) The department may require any person who has previously provided satisfactory proof of U.S. citizenship to provide proof of citizenship or legal presence in the United States when renewing or reissuing a REAL ID noncompliant product issued before January 1, 2013. The department shall require any person who has not provided satisfactory proof of U.S. citizenship for a REAL ID noncompliant product issued before January 1, 2013, to provide proof of the person’s legal permanent resident or conditional resident status of the United States, or legal presence in the United States as specified in s. Trans 102.15 (4) when renewing or reissuing a REAL ID noncompliant product. The department shall require all applicants to provide a social security number or the proof specified in s. 343.14 (2) (br), Stats., when renewing or reissuing a REAL ID noncompliant product issued before January 1, 2013.

(9) The department may issue a license online without requiring a person to appear at a DMV customer service center to a person who holds an instruction permit or a regular license, and who is exempt from any driving test requirement to obtain a regular license or class added to an existing license, except a commercial driver license. The license produced shall use the last photograph the department has on file for the person.

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; CR 23-042: r. and recr. Register April 2025 No. 832, eff. 5-1-25.

Trans 102.145 Requirement to obtain driver license in Wisconsin. (1) A person, unless exempt by s. 343.05 (4), Stats., establishing residency in this state and who holds an operator's license issued in another jurisdiction must obtain a Wisconsin operator's license within 60 days of establishing residency unless the person holds a commercial driver license in another U.S. jurisdiction, in which case the person must obtain a commercial driver license issued by the department within 30 days of establishing Wisconsin residency.

Note: Commercial drivers are required to transfer their CDL within 30 days of moving between states by federal law. 49 CFR 383.71 (c), 384.212 (b). Persons moving from Canada, Mexico, U.S. territories, or other countries are subject to the 60-day rule under sub. (1).

(2) No person is required to have resided in Wisconsin for a minimum amount of time to be eligible for a Wisconsin product.

History: CR 23-042: cr. Register April 2025 No. 832, eff. 5-1-25.

Trans 102.15 Identification requirements for products.

(1) (a) The department may not issue a product to a person who does not meet any of the conformance level requirements of this section, except as provided in s. 343.165 (8) (a), (b), or (h), Stats.

(b) In this section, "unavailable" does not include a document that an applicant has forgotten to bring with them when applying for a driver license or identification card, nor does it include a lost or destroyed document if a replacement original or a certified copy of the document is available to the person upon proper request.

(2) (a) REAL ID compliant products shall be marked with a star or other symbol recognized by the department of homeland security. A REAL ID compliant product may only be issued if all of the following documentation is submitted and verified in conformance with federal law:

1. One or more facial images meeting the requirements of s. Trans 102.03 (2).
2. Proof of identity meeting the requirements of sub. (3) (a).
3. Proof of date of birth document from the list in sub. (4) (a).
4. Proof of social security number meeting the requirements of sub. (6) (a) or alternative proof for temporary U.S. residents meeting the requirements of sub. (5) (b).
5. Proof of residence and domicile meeting the requirements of sub. (5) (a).
6. Proof of legal name change meeting the requirements of sub. (3) (c) 1., if the person's name differs from the name established under subd. 2.
7. Evidence of legal presence in the United States meeting the requirements of sub. (4) (a) or (b).

(b) 1. An application for an "H" endorsement shall include all of the information required under par. (a), statements required under 49 CFR 1572.9, and all of the following:

- a. If the applicant is a lawful permanent resident, the applicant's alien registration number and alien registration card or other acceptable proof issued by the U.S. government.
 - b. The applicant's social security number.
2. Upon receiving a completed application for an "H" endorsement, the department shall immediately forward the appli-

cation to the U.S. transportation security administration. The department shall also inform the applicant that the applicant has a right to obtain a copy of the applicant's criminal history record by submitting a written request for that record to the U.S. transportation security administration.

3. The department may not issue or renew a product containing an "H" endorsement for a person unless it has received notice from the U.S. transportation security administration that the applicant does not pose a security threat warranting denial of an "H" endorsement or that the applicant has received a waiver under 49 CFR 1515.7 and 1572.5 (d).

4. If the U.S. transportation security administration notifies the department that a person poses a security threat according to the standards for a security threat assessment under 49 CFR 1572.5, and the U.S. transportation security administration issues an initial determination and threat assessment and immediate revocation, the department shall cancel the person's license and remove the "H" endorsement from any subsequent license issued to the person. An "H" endorsement may be granted after removal upon reversal of the U.S. transportation security administration's determination and verification of eligibility for the endorsement.

Note: See s. 343.125 (4) (d), Stats., 49 CFR 1572.13.

(c) A REAL ID noncompliant product may not be marked with the star or other symbol recognized by the U.S. department of homeland security as indicating a REAL ID compliant product and shall include a legend indicating that the product is not valid for federal REAL ID purposes. A REAL ID noncompliant product shall be issued to an applicant who does not provide all documentation necessary for issuance of a REAL ID compliant product under par. (a), but who provides each of the following proofs to establish the person's identity as a Wisconsin resident:

1. One or more facial images meeting the specifications of s. Trans 102.03 (2).
2. Proof of identity meeting the requirements of sub. (3) (a) or (b) or (7).
3. Proof of date of birth document from the list in sub. (4) (a) or (b).
4. Proof of social security number meeting the requirements of sub. (6) (a), (b), or (c) or alternative proof for temporary U.S. residents meeting the requirements of sub. (6) (b) or (c).
5. Proof of residence and domicile meeting the requirements of sub. (5) (a) or (b).
6. Proof of legal name change meeting the requirements of sub. (3) (c) 1. or 2., if the person's name differs from the name established under subd. 2. when establishing proof of identity.
7. Evidence of lawful legal presence in the United States meeting the requirements of sub. (4) (a), (b), or (d).

(d) A REAL ID compliant product or a REAL ID noncompliant product may be issued as a receipt, temporary product, or probationary product if temporary or probationary issuance is required by law.

Note: See s. 343.03 (3) (f) and (3m), Stats.

(e) A person applying for a renewal, reissuance, reinstatement, or duplicate of a REAL ID noncompliant product shall submit satisfactory proof of identity as specified under sub. (3) (b).

(f) 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. (4).

2. The department may require a person applying for a reissuance, 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, or legal presence in the United States to determine the person's eligibility for the operator's license or identification card.

(g) A person shall provide proof of identity under sub. (3), legal presence under sub. (4), and residency under sub. (5), upon the first application for an original, renewal, reinstatement, or duplicate operator's license or identification card after any of the following have occurred:

1. An 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, 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 operator'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. Conviction for a violation of s. 343.14 (5), 343.16 (7) (a) or (b), 343.19 (2), 343.43 (1), 343.50 (4) or (12), or 345.17, Stats.
7. The department has confiscated a document from the person for any of the reasons set forth in s. Trans 102.025.

(h) A person shall not be required to provide the proof described in par. (a) 1. to 6. or (c) 1. to 6. if the person is applying without a personal appearance to reinstate a suspended license, revoked license, or identification card; renew a license subject to s. Trans 102.03 (2) and (5); or obtain a duplicate license or identification card, and all of the following are true:

1. The department possesses records of an acceptable photograph and facsimile signature for the person.
2. The person's name as shown on the license is unchanged.
3. The person is a Wisconsin resident.

(3) (a) The department may accept any of the following as proof of identity to support issuance of a REAL ID compliant product:

1. A U.S. passport.
2. Any of the following certified proofs of birth:
 - a. 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.
 - b. For a person born in another state or the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands, a certified copy of the person's birth certificate or the equivalent document from the office or agency of the respective jurisdiction that is charged with issuance of official certificates of birth.
 - c. A consular report of birth abroad issued by the U.S. department of state, Form FS-240, DS-1350 or FS-545.
3. A permanent resident card (Form I-551) issued by the U.S. department of homeland security or the U.S. immigration and naturalization service.
4. An employment authorization document issued by the U.S. department of homeland security, Form I-766 or I-688B.
5. A foreign passport with a valid, unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States.
6. A certificate of naturalization issued by the U.S. department of homeland security, Form N-550 or Form N-570.
7. A certificate of citizenship, Form N-560 or Form N-561, issued by the U.S. department of homeland security.

8. A REAL ID driver license or identification card issued in compliance with 6 CFR part 37.

9. Such other documents as the U.S. department of homeland security may designate by notice published in the federal register pursuant to 6 CFR 37.11 (c) (1) (x).

Note: 6 CFR 37.11 (c)

(b) Any one of the following may be accepted as proof of identity to support issuance of a REAL ID noncompliant product:

1. Any document that is acceptable as proof of identity under par. (a).
2. Unless a passport is required under this chapter, the department shall accept a U.S. passport that is expired for no more than 5 years for purposes of meeting this requirement.
3. A Wisconsin REAL ID noncompliant operator's license bearing a photograph of the person.
4. A Wisconsin REAL ID noncompliant identification card issued under s. 343.50, Stats., bearing a photograph of the person, other than an identification card issued under s. 343.165 (8), Stats.
5. A federal I-94 "parole edition" or "refugees version" arrival-departure record, together with a certification, on the department's form, 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 the agency's letterhead, supporting the person's application for a Wisconsin identification 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 identification card or driver license after the person's identification has been confirmed by the U.S. citizenship and immigration services.
6. A federal temporary resident card or employment authorization card, Form I-688, I-688A, I-688B, or I-766.
7. An American Indian 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.
8. An adoption, divorce, or name or sex change court order under seal 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.
9. An armed forces of the United States common access card or DD Form 2 identification card issued to military personnel.
10. A department of homeland security/transportation security administration transportation worker identification credential.
11. A driver license or identification card issued by another jurisdiction except the Dominion of Canada, or a Province thereof, that bears a photo of the applicant or the applicant's full name and date of birth.
12. Military discharge papers, including a certified copy of federal form DD-214.
13. A U.S. government and military-dependent identification card.

(c) An applicant may be identified by a name other than that appearing on a document presented under par. (a) or (b) if the person has changed their legal name. The department shall retain a copy of any document establishing a name change or variation.

The department shall maintain a record of both the recorded name and the name on the source documents in a manner conforming to 6 CFR.37.31. The following may be considered as evidence of a legal name change:

1. Original or certified copies of documents issued by a court, governmental body, or other entity. Adoption documents, name change documents, or sex-change-related documents may be accepted. An abstract of criminal or civil convictions may not be accepted.

2. Evidence that the person has used the name in a manner that qualifies the name as being legally changed under the common law of Wisconsin, including evidence of the person's prior name, changed name, the length of time the person has consistently and continuously used the changed name, an affirmation that the person no longer uses the prior name, and an affirmation that the person did not change their name for a dishonest or fraudulent purpose or to the injure another person.

Note: See, *State v. Hansford*, 219 Wis. 2d 226, 580 N.W.2d 171 (1998); 35 Wis. Op. Atty. Gen. 178, 179 (1946). This process may be used to overcome an error on a supporting document, such as a spelling error or incorrect name, to enable an applicant to receive an identification card in their legally correct name.

(4) (a) Any of the following shall be considered valid proof of legal presence in the United States for purposes of obtaining a REAL ID compliant product, provided the person has also provided proof of identity meeting the requirements of sub. (3) (a):

1. Any of the following certified proofs of birth:

a. 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.

b. For a person born in another state or the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands, a certified copy of the person's birth certificate or the equivalent document from the office or agency of the respective jurisdiction that is charged with issuance of official certificates of birth.

2. A U.S. passport.

3. A certificate of citizenship, Form N-560 or N-561, issued by the U.S. department of homeland security.

4. A certificate of naturalization issued by the U.S. department of homeland security, Form N-550 or Form N-570.

5. A consular report of birth abroad issued by the U.S. department of state, Form FS-240, DS-1350 or FS-545.

6. A permanent resident card Form I-551, issued by the U.S. department of homeland security or the U.S. immigration and naturalization service.

(b) Any of the following shall be considered valid proof of legal presence in the United States for purposes of obtaining a REAL ID compliant product, provided the person has also provided proof of identity meeting the requirements of sub. (3) (a) and documentation demonstrating lawful status issued by the U.S. department of homeland security or other federal agency:

1. A foreign passport with approved Form I-94 and authenticated visa.

2. An employment authorization document.

3. A REAL ID compliant product issued in compliance with 6 CFR 37.

Note: See, 6 CFR 37.11 (g).

(c) All applicants for a REAL ID noncompliant product that includes a hazardous materials endorsement, including persons who have met the requirements of par. (a), shall submit documentary proof to the department, in one or more of the following forms, that the applicant is a U.S. citizen or that the applicant's permanent presence in the United States is authorized under federal law:

1. A U.S. passport.

2. For a person born in another state or the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands, a certified copy of the person's birth certificate or the equivalent document from the office or agency of the respective jurisdiction that is charged with issuance of official certificates of birth.

3. A consular report of birth abroad issued by the U.S. department of state.

4. A certificate of naturalization issued by the U.S. department of homeland security.

5. A certificate of U.S. citizenship issued by the U.S. department of homeland security.

6. A permanent resident card and the applicant's alien registration number issued by the U.S. citizenship and immigration services or U.S. immigration and naturalization service.

Note: See ss. 343.125 (2) (a) and 343.14 (2g), Stats., and 49 CFR 383.71 (b) (8) and (Table 1).

(d) An applicant for a REAL ID noncompliant product shall provide valid documentary proof that the individual is a U.S. citizen or national or an alien lawfully admitted for permanent or temporary residence in the United States and the applicant's alien registration number. Any documents described under par. (a) or (c), or any of the following, shall be considered valid proof of legal presence in the United States for purposes of obtaining a REAL ID noncompliant product:

1. Proof of conditional permanent resident status in the United States and the person's alien registration number.

2. A nonimmigrant visa or nonimmigrant visa status for entry into the United States.

3. An approved application for asylum in the United States or other official documentation showing that the applicant has entered the United States in refugee status.

4. A pending application for asylum in the United States.

5. A pending or approved application for temporary protected status in the United States.

6. Approved deferred action status.

7. A pending application for adjustment of status to that of an alien lawfully admitted in the United States for permanent residence or conditional permanent resident status.

8. A I-766, employment authorization document.

9. A U.S. department of homeland security/U.S. citizenship and immigration services refugee travel document, including Form I-512T.

10. A U.S. department of homeland security/U.S. citizenship and immigration services Form I-797, notice of action.

11. A U.S. department of state reception and placement program assurance form, accompanied by Form I-94.

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

(e) The department shall not accept a hospital birth certificate, notification of birth registration, or baptismal certificate as proof of a person's name and date of birth.

(5) (a) The department shall require two forms of proof that a person's principal residence is in Wisconsin and the address of that residence prior to issuing a REAL ID compliant product. Neither proof may list a post office box or commercial receiving agency as the address, except as provided in par. (c). Each proof of the person's principal residence shall include the person's name and physical street address. Original documents shall be required unless copies or printouts of electronic documents are specifically allowed. Unless otherwise listed, proof of residence documents shall be no more than one year old. Any of the following shall be considered proof of residence:

1. A Wisconsin driver license that is not expired by more than 8 years.

2. A Wisconsin identification card that is not expired by more than 8 years.

3. A utility bill addressed to the applicant for water, gas, electric, cable TV, internet service, or telephone service, including bundled services. Printouts of electronic documents are acceptable.

4. An applicant's paycheck, paystub, payroll statement, or earning statement that includes the employer's name and address. Printouts of electronic documents are acceptable.

5. An account statement for an account held by and addressed to the applicant from a bank, credit union, savings and loan, financial institution, or brokerage house. Printouts of electronic documents are acceptable.

6. A deed, title document for a mobile home, mortgage, or a rental or lease agreement that includes the landlord's name and phone number. A rental or lease agreement of any age is acceptable during the initial rental or lease term. Renewal or extension of a rental or lease agreement that is more than one year old may not be considered under this subdivision. Photocopies are acceptable.

7. Current homeowner's, renter's, or motor vehicle insurance policy, or proof of insurance or billing statement dated within one year of the application.

8. Government-issued correspondence or product issued to the applicant that is not described in another subdivision of this paragraph, that was issued by a federal, state, county, or municipal agency within the one-year period preceding the application, except Quest or Forward cards. Certified copies are acceptable.

9. A valid Wisconsin hunting license or concealed carry permit issued to the applicant.

10. Department of corrections documentation, such as letters from probation or parole agents to the applicant on official letterhead.

11. A certified school record or transcript.

12. College enrollment documentation or U.S. department of homeland security Form DS 2019, certificate of eligibility for exchange visitor (J-1).

13. An unexpired photo identification card issued to the applicant by a Wisconsin accredited university, college, or technical college.

14. An employee photo identification card issued to the applicant by the applicant's current employer.

15. A letter from a homeless shelter or a social service organization providing services for homeless individuals. The letter must identify the individual, include the physical address of the location designated as the person's residence, be on the organization or shelter letterhead or stationery, and be signed by a person affiliated with the organization or shelter.

16. For a person 26 years or younger, a Wisconsin driver license or identification card for a parent or guardian of the applicant, provided the parent or guardian's address on their proof and on department records matches the address provided for the applicant.

17. For a federal judge who requests a product listing the judge's courthouse address under s. Trans 102.04 (10), official federal government identification that verifies the judge's name and status as a federal judge. The judge shall also provide the courthouse address to be used on the product in lieu of the judge's residence address. This identification may be required for each renewal or reissuance of the product if the courthouse address will be used on the renewed or reissued product.

18. For a person enrolled in the state address confidentiality program under s. 165.68, Stats., a copy of the person's safe at home program card.

(b) Any person applying for a REAL ID noncompliant product must provide proof of residence meeting the requirements of par. (a).

(c) The department shall maintain a list of locations where the U.S. postal service will not deliver U.S. mail to a residence address. A person residing in such a location shall provide the person's official U.S. postal service station P.O. box address for delivery of the product.

(d) If a person's product is returned to the department by the U.S. postal service, the department shall consider the mailing address provided in the person's application to be incorrect, in which case the department may do one of the following:

1. Remail the product to that same address. This option may not be exercised more than one time to a given address. If the U.S. postal service returns a product a second time, the address provided in the application shall be considered invalid and the application must be processed in accordance with subd. 2.

2. If the product is an original product, the department shall cancel and destroy the product and require resubmission of proofs of residence in accordance with par. (a). If the product is a duplicate or renewal product, the department shall hold the product for 30 days, then cancel and destroy the product if the applicant does not contact the department to obtain the product.

(6) (a) The department shall collect a REAL ID compliant product applicant's social security number and verify the social security number with the U.S. social security administration prior to issuance of any product. Nonresidents of the U.S. who lack work authorization and a social security number may provide alternative proof as provided in par. (b) for issuance of a REAL ID compliant product, except for a commercial driver license.

(b) An applicant for a REAL ID compliant product, except an applicant for a commercial driver license, who has no social security number, has been admitted into the United States from another country, and lacks authorization to work in the U.S., may present a foreign passport, a visa to enter the U.S. affixed in that passport, and the approved I-94 form documenting the applicant's most recent admission into the United States.

(c) A person who applies for a REAL ID noncompliant product is required to provide a social security number, unless the applicant does not have a social security number and is not eligible for a social security number and submits a statement on a form provided by the department and subscribed under oath or affirmation or witnessed by a division of motor vehicles customer service representative that the applicant does not have a social security number and is not eligible for a social security number.

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

(d) 1. The department shall verify an applicant's social security number with the U.S. social security administration or through another method approved by the U.S. department of homeland security that the social security number presented as part of a REAL ID compliant product application is registered to the applicant.

2. If the social security number is not verified under subd. 1., the department may not issue a product to the applicant, delay issuance of a product if verification cannot be completed at the time of application, or cancel a product if verification is requested after product issuance and the applicant does not provide verification. The applicant may consult with the U.S. social security administration to determine the reason for that agency's refusal to verify the applicant's social security number. Upon resolution with the U.S. social security administration, the person may resubmit an application for verification by the department without additional fees.

3. The department shall verify the legal status of an applicant

who is exempt from providing a social security number under par. (b) prior to issuing a product to the person. The department shall verify the applicant's I-94 form and any document used as proof of identity or proof of lawful admission into the United States that has been issued by the department of homeland security. If the applicant presents multiple documents issued by department of homeland security, and the department is able to verify one document, the additional documents do not need to be verified.

Note: 6 CFR 37.13 (b) (1).

4. The department may not issue a product to an applicant if the department of homeland security does not verify the applicant's legal status as provided in subd. 3. The department shall refer the applicant to the U.S. citizenship and immigration services to determine the reason for that agency's refusal to verify the applicant's legal status. Upon resolution with the U.S. citizenship and immigration service, the person may resubmit an application for a product to the department for verification without additional fees.

5. The applicant shall present the examiner the applicant's original social security card or other documentation satisfactory to the department for verification, notwithstanding other provisions in this subsection, when any of the following apply:

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

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

c. The social security number does not match the format of social security numbers issued by the U.S. social security administration.

d. The department is advised by a state, federal, or local government agency that the social security number provided by the applicant 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.

Note: See s. 343.165 (3) (c), Stats., 6 CFR 37.11 (e) (2) and 49 CFR 37.13 (b) (2).

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

(7) 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 their operator's 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 applies only to persons who meet all of the following:

(a) Were previously issued an operator's license in another jurisdiction and surrendered the operator's license to the department.

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

(c) Submit an otherwise complete and acceptable application,

including the proof of identity required by sub. (3) and social security number required by sub. (6).

Note: Form MV3432, Receipt.

(8) 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 applicant may be a victim of identity theft or if the applicant has provided documentation to the department that could not be verified.

(9) The department may verify or attempt to verify any information provided in support of an application for a product and, if it is unable to verify the information, may decline to issue the product until verifiable documentation or information is presented to support the application.

(10) (a) The department may issue a REAL ID noncompliant identification card or REAL ID noncompliant Class D or M operator's license without capturing a digital image of all documents provided by the applicant provided the conditions specified in s. 343.165 (7), Stats., are met.

(b) The department may issue a REAL ID noncompliant Class D or M operator's license or a REAL ID noncompliant identification card to a person who was issued a product by the department and identified as a U.S. citizen prior to January 1, 2013, and for whom the department has records without additional documentation required under s. 343.165 (1), Stats. This exemption does not apply if the department has any basis for suspecting the person is not the person identified in the document or if the department receives any evidence of a discrepancy in the proofs required for product issuance.

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; EmR1636: emerg. cr. (3) (c), renum. (3) (d) to (3) (d) (intro.) and 1. and am., cr. (3) (d) 2., am. (5) (a), cr. (5) (d), am. (5m) (b) 1., 2., renum. (5m) (b) 3. to (5m) (b) 3. and 3g. (intro.) and am., am. (5m) (c), cr. (6m), eff. 12-7-16; CR 16-040: cr. (3) (c), renum. from (3) (d) to (3) (d) (intro.) and 1. and am., cr. (3) (d) 2., am. (5) (a), cr. (5) (d), am. (5m) (b) 1., 2., renum. from (5m) (b) 3. to (5m) (b) 3. and 3g. (intro.) and am., am. (5m) (c), cr. (5m) (f), (g), (h), cr. (6m) Register April 2017 No. 736, eff. 5-1-17; correction in (3) (am), (6m) (a), (b) made under s. 35.17, Stats., Register April 2017 No. 736; CR 22-048: am. (3) (a) 2., 15. (intro.), (5) (d), (5m) (b) 1., 3g. h., (6m) (e) Register July 2023 No. 811, eff. 8-1-23; CR 23-042: r. and recr. Register April 2025 No. 832, eff. 5-1-25; correction in (2) (a) 6., (b) 1., 3., 4., (c) (intro.), 2., 3., 6., (g) 2., 6., (3) (a) 8., (7) (a), and, as renumbered, (10) (a) made under s. 35.17, Stats., (8) to (11) renumbered to (7) to (10) under s. 13.92 (4) (b) 1., Stats., Register April 2025 No. 832.

Trans 102.16 Product and license endorsement issuance periods. (1) EXPIRATION WITH END OF LEGAL PRESENCE IN THE UNITED STATES. Notwithstanding any other provisions of this chapter, a product issued to a person who is not a U.S. citizen or national or who is not an unconditional permanent resident of the United States shall expire on the earlier of the last date the person's legal presence in the United States is authorized according to the documentation of legal presence provided by the

person as part of their application, or the expiration date of the product determined under subs. (2) to (8).

Note: See ss. 343.03 (3m), 343.20 (1m), and 343.50 (5) (c), Stats.

(2) PRODUCT EXPIRATION. (a) *Default identification card and license expiration.* Except as provided in subs. (1), (3), (4), and (6) and par. (b), a license or identification card shall expire 8 years from the person's next birthday.

(b) *Elderly identification cards.* Except as provided in sub. (1), an identification card issued to a person 65- years or older who requests a non-expiring identification card will not expire. An expiration date far into the future and beyond any currently living person's life expectancy may be used to indicate that the document has no expiration date. Any identification card issued under this paragraph shall be considered REAL ID noncompliant and may not include markings that indicate REAL ID compliance.

(c) *Foreign license reciprocity.* An operator's license issued to a foreign national pursuant to a reciprocal agreement established under s. 343.16 (1) (d), Stats., shall expire 8 years from the applicant's next birthday or the date the person's legal presence in the United States expires as determined under sub. (1), whichever is earlier.

Note: See ss. 343.085 (2) (c), 343.16 (1) (d), and 343.50 (5) (d), Stats.

(3) ORIGINAL LICENSE 2-YEAR EXPIRATION. Except as provided in sub. (1), the first operator's license issued to a person by this state under ch. 343, Stats., that is not a commercial driver license shall be a probationary license that expires 2 years from the person's next birthday, unless the person meets all of the following requirements:

(a) Has been licensed in another jurisdiction for at least 3 years.

(b) Presently holds an operator's license, other than an instruction permit, from another jurisdiction that is not expired by more than 6 months.

(c) Is at least 21 years of age.

(4) RENEWAL PRODUCT EXPIRATION. (a) A renewal product may be issued up to 364 days prior to expiration of the product and shall expire 8 years from the person's next birthday, except as provided in par. (b) and sub. (1).

(b) A renewal product issued in the 364 days after expiration of an operator's license shall expire 7 years from the person's next birthday.

(5) SPECIAL RESTRICTED LICENSES. Except as provided in sub. (1), renewed special restricted licenses expire 2 years from the applicant's next birthday.

(6) ENDORSEMENTS EXPIRE WITH LICENSES. All endorsements, except "H" endorsements, on an operator's license shall expire on the same date the operator's license expires or is suspended, revoked or disqualified. An "H" endorsement shall expire as provided in s. 343.125 (3), Stats.

Note: Federal CDL requirements demand a background check be performed on "H" endorsement holders at least once every 5 years. 49 CFR 383.141 (d).

(7) EXPIRATION DATE DOES NOT CHANGE WITH CHANGES IN AUTHORITY. Except as provided in sub. (8), the expiration date of an operator's license shall remain the same when subsequent changes to classifications or endorsements are applied to the license.

(8) EXTENSION OF LEGAL PRESENCE IN THE UNITED STATES. A person whose operator's license expired under sub. (1) earlier than it otherwise would have under subs. (2) to (5) may be issued an operator's license with an expiration date determined under subs. (1) to (5) at any time after a change in the last date through which the person's legal presence in the United States is autho-

rized, regardless of whether a change in classification or endorsements is also made.

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; CR 23-042: r. and recr. Register April 2025 No. 832, eff. 5-1-25; correction in (4), (6) made under s. 35.17, Stats., Register April 2025 No. 832; **correction in (2) (a) made under s. 35.17, Stats., Register June 2025 No. 834.**

Trans 102.19 Instruction permits. **(1) GENERAL REQUIREMENTS FOR INSTRUCTION PERMIT.** The department may issue an instruction permit to a person who meets all of the following requirements and who also meets any particular requirement imposed for a particular class of vehicle under subs. (2) and (3):

(a) The person is qualified to obtain an operator's license, except for lack of training in the operation of a motor vehicle.

(b) The person has passed a knowledge test for the class of vehicle for which an instruction permit is sought.

(2) CLASS D INSTRUCTION PERMITS FOR PERSONS UNDER 18 YEARS OF AGE. A Class D instruction permit may not be issued to a person under 18 years of age unless the person is enrolled in a behind-the-wheel driver education course and a sponsor has signed and verified the person's application in accordance with the requirements of s. Trans 102.21 and s. 343.15 (1), Stats.

(3) MOPED AND MOTOR BICYCLE INSTRUCTION PERMITS. (a) The department may not issue a moped or motor bicycle instruction permit to a person under 16 years of age.

(b) A moped or motor bicycle instruction permit, or regular instruction permit endorsed for moped and motor bicycle operation may only authorize moped or motor bicycle operation during daylight hours and prohibits the transportation of passengers.

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; CR 23-042: r. and recr. Register April 2025 No. 832, eff. 5-1-25; correction in (2) made under s. 35.17, Stats., Register April 2025 No. 832.

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 feed lot, or an agri-chemical business.

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

(i) “Feed lot” means a facility where feeder cattle are assembled for feeding prior to slaughter.

(j) “Seasonal employment” means a period of employment that does not exceed 210 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 210 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 DMV customer service 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 102.11.

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 calendar 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; 2023 Wis. Act 28: am. (2) (j), (8) (h) Register August 2023 No. 812, eff. 9-1-23; CR 23-042: am. (2) (g), r. and recr. (2) (i), am. (13) (a) Register April 2025 No. 832, eff. 5-1-25.

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) (e), Stats. See *State v. Schwoilin*, 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.

(am) "Domestic partner" means a member of a domestic partnership that has not been terminated under s. 770.12, Stats.

(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.

(am) The domestic partner of one of the minor's parents.

(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 (3) 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; CR 23-042: cr. (1) (am), (2) (am), am. (4) Register April 2025 No. 832, eff. 5-1-25.

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 commer-

cial 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.

Trans 102.24 Investigation and department review.

The department may investigate or conduct a review to determine whether any information, affirmation, or document provided as part of an application submitted under this chapter is authentic. An applicant may be required to appear at the review or to interview with a department investigator. A review may require an applicant to appear at the department’s central office in Madison. Issuance of a product may be denied, or a product that has been issued may be cancelled if the person fails to respond, meet with department investigators, or appear at any scheduled review.

History: CR 23-042: cr. Register April 2025 No. 832, eff. 5-1-25.