

## Chapter Trans 129

### MOTORCYCLE LICENSING AND COURSES

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**Note:** Chapter Trans 129 is repealed and a new ch. Trans 129 is created, Register, January, 1998, No. 505, effective February 1, 1998.

**Trans 129.01 Purpose and scope.** The purpose of this chapter, as authorized by ss. 85.16 (1), 85.30, 227.11, 343.06 (1) (c), 343.07 (4) (b) and 343.16 (1) (a), Stats., is as follows:

(1) To establish the department's administrative interpretation of s. 343.16 (2) (cm), Stats., relating to the waiver of the motorcycle skills test.

(2) To establish the department's administrative interpretation with regard to motorcycle instruction schools.

(3) To establish the department's administrative interpretation of ss. 343.06 (1) (c), 343.07 (4) (b) and 343.16 (1) (a), Stats., relating to required attendance of motorcycle rider courses and motorcycle instruction permit issuance.

(4) To implement the Type 1 motorcycle, moped and motor bicycle safety program under s. 85.30, Stats.

**History:** Cr. Register, January, 1998, No. 505, eff. 2-1-98; CR 07-084: am. (intro.) and (2) Register February 2008 No. 626, eff. 3-1-08.

**Trans 129.02 Definitions.** (1) 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.

(2) In this chapter:

(a) "Basic rider course" means a beginning course in motorcycle safety provided by a motorcycle instruction school that meets the requirements of s. Trans 129.09 (1) and has been approved by the department.

(b) "Driver record" means the abstract of convictions and other information related to a driver maintained by the department in its computer database.

(c) "Experienced rider course" means an advanced course in motorcycle safety provided by a motorcycle instruction school that meets the requirements of s. Trans 129.09 (2) and has been approved by the department.

(d) "Motorcycle instruction school" means a commercial school that provides training on the operation of Type 1 motorcycles.

(e) "Skills test" means an examination of a person's ability to exercise ordinary and reasonable control in the operation of a Type 1 motorcycle.

**History:** Cr. Register, January, 1998, No. 505, eff. 2-1-98; CR 07-084: am. (1) and (2) (d) Register February 2008 No. 626, eff. 3-1-08.

**Trans 129.03 Student requirements for waiver.**

(1) As a requirement for a waiver of skills test under s. 343.16 (2) (cm), Stats., a person shall meet all of the following requirements:

(a) Hold a valid motorcycle instruction permit.

(b) Provide proof that the person has completed a basic rider course. The proof may be in the form of a waiver authorization form meeting the requirements of s. Trans 129.13 or other proof from another jurisdiction showing the person is entitled to a waiver under s. Trans 129.07. The waiver shall be valid for one year from the date of rider course completion. The waiver validity period may be extended for a person serving in the military and unable to apply for a license within the one-year period. Waivers shall be original documents.

(2) A person who takes and fails a motorcycle skills test after completing a basic rider education course is not eligible for the motorcycle skills test waiver.

**Note:** A driver who has demonstrated incompetence despite having attended a basic rider course will not be licensed. This provision is adopted to avoid issuing a license to a known incompetent driver and then requiring an examination for cause under s. 343.16 (6), Stats.

**History:** Cr. Register, January, 1998, No. 505, eff. 2-1-98; CR 07-084: am. (1) Register February 2008 No. 626, eff. 3-1-08.

**Trans 129.04 Rider course exemptions.** A person is not required to complete a basic rider course prior to obtaining an operator's license authorizing the operation of Type 1 motorcycles if the person holds an operator's license, other than an instruction permit, that is valid or that is not expired by more than 4 years from another jurisdiction that authorizes the operation of a Type 1 motorcycle, or the person does not reside within 50 highway miles, by the most direct route, of a basic rider course site.

**Note:** Sections 343.06 (1) (c), 343.07 (4) (b) and 343.16 (1) (a), Stats., permit the Department to exempt certain people from the requirement of taking a rider course. This section exempts persons who have a valid motorcycle license from another jurisdiction or who live more than 50 miles from a facility that offers rider courses.

**History:** Cr. Register, January, 1998, No. 505, eff. 2-1-98.

**Trans 129.05 Motorcycle instruction permits.** The department may issue an instruction permit authorizing the operation of Type 1 motorcycles to a person who is required to complete a basic rider course by s. 343.06 (1) (c), 343.07 (4) (b) or 343.16 (1) (a), Stats., if the person meets all of the following criteria:

(1) The person has passed all examinations required under s. Trans 104.03 for issuance of a class "M" permit under s. 343.07, Stats.

(2) The person is enrolled in a basic rider course or is exempt from the requirement of attending a basic rider course under s. Trans 129.04.

**Note:** Section Trans 104.03 details the knowledge exam requirements for driver licenses.

**History:** Cr. Register, January, 1998, No. 505, eff. 2-1-98.

**Trans 129.06 Counting instruction permits and skills tests.** (1) INSTRUCTION PERMITS. The department shall determine whether a person is eligible for issuance of an instruction permit under s. 343.07 (4) (b), Stats., based upon the latest 5

years of the person's driver record.

(2) **SKILLS TESTS.** The department shall determine whether a person is ineligible for a skills tests because of repeated motorcycle skills test failures based upon the latest 5 years of the person's driver record.

**History:** Cr. Register, January, 1998, No. 505, eff. 2-1-98.

**Trans 129.07 Motorcycle rider courses approved by another jurisdiction, U.S. governmental agency or military branch.** (1) Successful completion of a motorcycle rider course approved by another jurisdiction, a U.S. governmental agency, or a branch of the military that meets the minimum requirements of s. Trans 129.09 (1) (a) and (d) may be approved by the department for the purpose of waiving skills tests or course attendance requirements under ss. 343.06 (1) (c), 343.07 (4) (b), 343.16 (1) (a), or 343.16 (2) (cm), Stats.

(2) To qualify for a waiver under sub. (1), a person shall meet all of the following:

(a) The person shall present documentation satisfactory to the department that the person successfully completed a motorcycle rider course offered by another jurisdiction, a U.S. government agency, or a military branch.

(b) The person shall provide evidence that the course met the requirements of s. Trans 129.09 (1) (a) and (d).

(c) The person may not have failed a motorcycle skills test subsequent to completion of the course.

**History:** Cr. Register, January, 1998, No. 505, eff. 2-1-98.

**Trans 129.08 Requirements for certification.** (1) **SKILLS TEST WAIVER.** A school or organization seeking authorization to participate in the waiver of skills test program shall complete and submit an application to the department. To be authorized to certify students for a motorcycle skills test waiver, a school or organization shall do all of the following:

(a) Hold any license required.

(b) Offer a basic rider course.

(c) Require students to be present for all sessions of the course.

(d) File an activity report at least annually, no later than December 31 of each year. The report shall contain all of the following:

1. Each student's full name.
2. Each student's driver license number, date of birth, address and phone number.
3. Course completion date.
4. The reason why any student did not complete the course.
5. Each student's skills test waiver number or other identifying number as determined by the department.
6. The instructor's name, DOT assigned instructor number, and Motorcycle Safety Foundation instructor number.
7. The motorcycle instruction school's license number.

**Note:** Grant recipients must file reports within 30 days of class completion rather than only at year end. See s. Trans 129.15 (6).

(2) **DEMERIT POINT REDUCTION.** A school or organization seeking authorization to participate in the demerit point reduction program shall complete and file an application with the department. To be authorized to certify students for a motorcycle demerit point reduction, a school or organization shall:

(a) Hold any license required under s. 343.61 (1), Stats.

(b) Offer a basic rider course or experienced rider course, or both.

(c) Require students to be present for all sessions of the course.

(3) **AUTHORIZATION EXPIRATION.** The authorization assigned by the department shall be valid until cancelled.

**History:** Cr. Register, January, 1998, No. 505, eff. 2-1-98; CR 04-132: am. (1) (d) 2. Register April 2005 No. 592, eff. 5-1-05; CR 07-084: am. (1) (a) Register February 2008 No. 626, eff. 3-1-08.

**Trans 129.09 Rider course requirements.** (1) **BASIC RIDER COURSE REQUIREMENTS.** A basic rider course shall meet all of the following criteria:

(a) The course shall consist of at least 15 hours of instruction which includes both classroom and range instruction. At least 50% of the total hours of instruction shall consist of range instruction.

(b) All instruction shall be completed within a 90-day time period.

(c) There shall be no more than 8 hours of instruction in a single day.

(d) At a minimum, instruction shall be provided in 6 maneuvers, including the following:

1. Straight line riding.
2. Turning.
3. Shifting.
4. Straight line braking.
5. Braking in a curve.
6. Evasive maneuvers.

(e) The course shall include instruction on the hazards posed by farm machinery and animals on highways and instruction in safely dealing with such hazards.

**Note:** Section 343.71 (5), Stats., requires this of commercial schools. Section 115.28 (11), Stats., requires similar training be given by non-commercial schools.

(f) Class size may not exceed 24 students in the classroom or 12 students on the range.

(g) A knowledge test and a skills test, which shall be given prior approval by the department, shall be conducted prior to the end of the course.

(2) **EXPERIENCED RIDER COURSE REQUIREMENTS.** An experienced rider course shall meet all of the following criteria:

(a) The course shall consist of at least 5 hours of instruction which includes both class discussion and range training. At least 50% of the total hours of instruction shall consist of range training.

(b) All instruction shall be completed within a 30-day time period.

(c) There shall be no more than 9 hours of instruction in a single day.

(d) At a minimum, instruction shall be provided in all of the following maneuvers:

1. Straight line braking.
2. Braking on a curve.
3. Cornering.
4. Swerving techniques.

(e) Class size may not exceed 24 students in the classroom or 12 students on the range.

(f) A skills test, which shall be given prior approval by the department, shall be conducted prior to the end of the course.

**History:** Cr. Register, January, 1998, No. 505, eff. 2-1-98; CR 04-132: am. (1) (b) and (2) (a) Register April 2005 No. 592, eff. 5-1-05; CR 07-084: am. (1) (f) and (2) (e), r. (3) Register February 2008 No. 626, eff. 3-1-08.

**Trans 129.10 Requirements for instructors.** (1) **APPLICATION.** Instructors seeking authorization to participate in the waiver of skills test program shall complete and submit an application to the department on the department's form.

**Note:** Application forms can be obtained from and should be submitted to the Department of Transportation, Transportation Safety Programs, P. O. Box 7920, Room 551, Madison, WI 53707-7920. You may also access the form at <http://www.dot.wisconsin.gov/forms/docs/mv3574.doc>.

(2) **WAIVER ELIGIBILITY CRITERIA.** An instructor may not be authorized to grant waivers of skills tests unless the instructor meets all of the following criteria:

(a) The instructor has completed a department-approved instructor preparation course in this state or a substantially similar course approved by another jurisdiction, U.S. governmental agency, or a branch of the military.

(c) The instructor shall teach 3 range and 3 classroom courses during an authorization period.

(d) The instructor shall attend a minimum of one department–conducted or pre–approved instructor in–service program during each authorization period. At least 70 percent of the agenda shall be curriculum oriented.

(e) The instructor shall successfully complete all knowledge tests and all skill tests and other evaluations required for instructor certification.

**(3) INSTRUCTOR DRIVER RECORD REQUIREMENTS.** To be authorized to instruct students in rider education courses for the motorcycle skills test waiver or point reduction purposes, the instructor shall maintain a satisfactory driving record. A person's driving record may not be considered satisfactory under this subsection if that person:

(a) Has accumulated more than 6 demerit points under s. 343.32 (2), Stats., during a one–year period, as specified in this paragraph and sub. (4). The one–year period, under this paragraph, shall commence from the date of the first violation which contributed to the accumulation of more than 6 demerit points.

(b) Has been involved in 2 or more accidents in the preceding year and the accident report indicates that the person may have been causally negligent.

(c) Has had his or her operator's license revoked or suspended for a traffic violation other than a parking violation, failure to pay a forfeiture or other debt of any type, at any time during the preceding year.

**(4) CANCELLATION OF INSTRUCTOR AUTHORIZATION.** (a) If an applicant for an authorization under this section accumulates more than 6 demerit points in a one–year period as provided in sub. (3) (a) in the year preceding application, the department shall deny the instructor's application until one year elapses from the date of the most recent violation that resulted in the person's accumulation of more than 6 demerit points.

(b) If an instructor authorized under this section accumulates more than 6 demerit points in a one–year period as provided under sub. (3) (a), the department shall cancel the instructor's authorization for a period of one year. The period of cancellation shall commence on the date that the department receives notice of the most recent conviction that resulted in the person's accumulation of more than 6 demerit points.

(c) An applicant for authorization under this section, or an instructor currently authorized under this section, may utilize demerit point reduction pursuant to s. Trans 101.07. If sufficient point reduction to bring the demerit point total below 7 points is thereby achieved, the applicant or instructor may reapply for authorization immediately. A rider course is not acceptable for demerit point reduction.

**(5) INSTRUCTOR AUTHORIZATION.** (a) All authorized instructors shall be assigned an authorization number by the department.

(b) The authorization assigned by the department shall be valid through December 31 of the third year following the date of issuance, unless cancelled.

(c) The department shall evaluate each instructor's qualifications under this section at least once every 3 years and shall cancel the authorization of any instructor who does not meet the qualification requirements. The authorization assigned by the department shall be valid for a period of 3 years from date of issuance unless cancelled.

**History:** Cr. Register, January, 1998, No. 505, eff. 2–1–98; CR 07–084; am. (1), (2) (c), (d) and (4) (c), r. (2) (b), cr. (2) (e) Register February 2008 No. 626, eff. 3–1–08.

**Trans 129.11 Course evaluation.** (1) Evaluation of basic rider education courses may include any of the following:

(a) An on–site inspection of the basic rider course program by a Wisconsin motorcycle program chief instructor or other personnel authorized by the department.

(b) A review of the ratio of passing to failing students, including reasons any students did not complete the course.

(2) An on–site evaluation may not be conducted by a person who teaches at that site.

(3) On–site evaluation reports shall be submitted to the department within 10 days of the evaluation.

**History:** Cr. Register, January, 1998, No. 505, eff. 2–1–98; CR 07–084; renum. to be (1), cr. (2) and (3) Register February 2008 No. 626, eff. 3–1–08.

**Trans 129.12 Cancellation or denial of department approval.** (1) Authorization of schools or instructors to certify students for motorcycle skill test waiver shall be cancelled and may not be renewed for any of the following reasons:

(a) False or misleading advertising.

(b) Fraud.

(c) Failure to meet standards set in this chapter.

(d) Failure to follow department–approved curriculum.

(e) Unsafe training facility.

(f) Unsafe motorcycles.

(g) Guaranteeing the issuance of a license upon completion of the course.

(h) The institution at which the program is offered closes or goes out of business.

(i) Failure to permit or cooperate with audits, inspections or reviews conducted under s. Trans 129.11 or 129.15 (5).

(j) The motorcycle instructor does not hold a license required by s. 343.62, Stats.

(2) A school or instructor may be reauthorized after cancellation or nonrenewal when all the following conditions have been met:

(a) Any period of cancellation as set by the department has been completed and any revoked or suspended instruction school or instructor license is reinstated.

(b) The school or instructor submits an application for reauthorization.

(c) The department is satisfied that the conditions which led to the cancellation have been corrected or no longer exist.

(3) A person adversely affected by a cancellation or refusal to renew an authorization made under sub. (1) (a) to (i) may request a hearing before the department to review the cancellation. A request for hearing shall be made in writing and shall be filed with the department within 30 days of the date of the notice of cancellation or notice that the person's authorization may not be renewed. If the department receives a request for hearing which satisfies the requirements of this subsection, the department shall conduct a prompt informal hearing within 15 days after receiving the request. If the matter is not resolved after an informal hearing is completed, the person adversely affected by the cancellation may request a full evidentiary hearing before the department, pursuant to ch. 227, Stats. A request for hearing shall be in writing and shall be filed with the department within 30 days after the completion of the informal hearing. A request for an informal or a full evidentiary hearing does not stay the effect of a cancellation or nonrenewal, unless the cancellation or nonrenewal is expressly stayed in writing by the department.

**Note:** Persons affected by sub. (1) (j) are afforded due process by a pre–license revocation hearing under s. 343.69, Stats.

**History:** Cr. Register, January, 1998, No. 505, eff. 2–1–98; CR 07–084; am. (1) (j) Register February 2008 No. 626, eff. 3–1–08.

**Trans 129.13 Waiver authorization form.** (1) Waiver authorization shall be on a form approved by the department. The form may contain space for any of the following information:

(a) Student's full name.

(b) Student's date of birth.

(d) Student's operator's license number.

(e) Student's sex.

(f) Date of completion of course.

- (g) Student's skills test waiver number or other identifying number as determined by the department.
- (h) Instructor's authorization number.
- (i) Authorization number for the instruction site.
- (j) Instructor's signature.

**(2)** A waiver form shall be completed by the authorized instructor upon the student's successful completion of a basic rider education course.

**History:** Cr. Register, January, 1998, No. 505, eff. 2-1-98; CR 04-132: r. (1) (c), r. and recr. (1) (e) Register April 2005 No. 592, eff. 5-1-05.

**Trans 129.14 Priorities.** The department shall administer the program to support the following activities in the order of priority indicated:

- (1)** Motorcycle riding courses.
- (2)** Public awareness program.
- (3)** Safety education.
- (4)** Improved testing.

**History:** Cr. Register, January, 1998, No. 505, eff. 2-1-98.

**Trans 129.15 Motorcycle riding course grants.**

**(1) APPLICATION AND CONTRACT.** Upon application and approval, the department shall enter into grant contracts with applicants for the reimbursement of expenses incurred in conducting motorcycle riding courses.

**Note:** Application and grant contract forms are available from the Department of Transportation, Bureau of Transportation Safety, P.O. Box 7936, Madison, Wisconsin 53707.

**(2) GENERAL GRANT POLICIES.** (a) The department in considering grant applications shall attempt to avoid or minimize the offering of duplicate courses by applicants in the same geographic area where demand for courses has not exceeded the student capacity of existing course providers.

- (b) In allocating funds, the department may:
  - 1. Give priority to training instructors.
  - 2. Attempt to encourage courses in all areas of the state.
  - 3. Avoid a concentration of grants in any one geographic area.
  - 4. Give priority to funding basic rider courses over experienced rider courses.
  - 5. Give priority to creating new programs over expanding existing programs.
  - 6. Give priority to innovative or pilot programs.

(c) The department may award a grant or provide funding under this chapter to a Wisconsin technical college district, a school district, a unit of state, county, or municipal government, or any other person or legal entity that provides motorcycle education courses that does all of the following:

- 1. Meets the requirements of s. Trans 129.09 (1) or (2).
- 2. Has facilities available to them, such as a standard range or a range that may be modified to acceptable standards and an adequately equipped classroom.
- 3. Has adequate motorcycles appropriately equipped for training purposes available.
- 4. Has enough authorized instructors available to teach proposed classes.
- 5. Has adequate financial resources to initiate a program and meet program expenses, except for government institutions.
- 6. Has maintained a permanent address for a period of 3 years, except for government institutions.

**(3) COURSE REQUIREMENTS.** To be eligible for reimbursement, an applicant shall provide rider courses that meet all of the following minimum requirements:

- (a) The course is open to the general public.
- (b) The course meets the curriculum requirements of this chapter.
- (c) The applicant has authority to use the course site by agreement, lease or ownership.

(d) The course instructor has been authorized to provide rider training by the department under s. Trans 129.09.

(e) The applicant has adequate audio-visual equipment available to teach the course.

(f) The range is properly laid out and painted.

**(4) REIMBURSEMENT.** (a) Reimbursement under this section may not exceed either of the following:

- 1. 70% of the actual course cost.
- 2. An amount equal to actual course cost less the amount students are required to pay.

(b) For purposes of this subsection, "actual course cost" means allowable costs under Office of Management and Budget Circular No. A-87, Cost Principals for State, Local and Indian Tribal Governments, dated May 4, 1995.

**Note:** The intent of this section is that courses be funded 70% by state money and 30% by student fees to encourage student commitment. OMB Circular No. A-87 was published in the Federal Register for May 17, 1995, (Volume 60, Number 95) Pages 26483-26507. Copies may be obtained from the State Law Library Reference Department, P.O. Box 7881, Madison, WI 53707-7881, (800) 322-9755 or (608) 267-9696. The library does charge for photocopying. Copies are also on file with the Attorney General's office and the Legislative Reference Bureau.

**(5) AUDITS.** The grant recipient shall be required to keep accurate records of the use of grant money, curricula, names of instructors and students, attendance, and the names of students who successfully complete a course for 5 years. The department may periodically audit these records.

**(6) REPORTING REQUIREMENT.** To be eligible for funding under a grant, the grant recipient shall file the report required under s. Trans 129.08 (1) (d) within 30 days of course completion.

**(7) INSTRUCTORS.** (a) If necessary to ensure the existence of a sufficient number of trained instructors, the department may contract with qualified chief instructors to provide instructor training.

(b) If there is a need for instructors, the department may reimburse the training costs of approved persons. Reimbursement may cover tuition, course material, meals, lodging and any pre-approved additional expenses. The department may reimburse 50% of these costs after successful completion of the training, and may reimburse the remaining 50% after the newly trained instructor has taught an entire riding course. If costs are less than \$100 in claimed expenses, the entire amount may be paid after the newly trained instructor has taught an entire riding course.

**History:** Cr. Register, January, 1998, No. 505, eff. 2-1-98; CR 07-084: am. (2) (intro.) Register February 2008 No. 626, eff. 3-1-08.

**Trans 129.16 Public awareness programs.** The department shall aid other organizations in the promotion of Type 1 motorcycle safety by furnishing them with educational and informational materials for display and distribution. The department may contract with certified instructors to provide services and programs related to public awareness of Type 1 motorcycle safety.

**History:** Cr. Register, January, 1998, No. 505, eff. 2-1-98.

**Trans 129.17 Safety education.** The department may conduct public workshops, rallies and programs to cover Type 1 motorcycle, moped and motor bicycle safety-related topics such as alcohol and drug abuse, the use of proper personal protective gear, proper licensing, and improved driving techniques.

**History:** Cr. Register, January, 1998, No. 505, eff. 2-1-98.

**Trans 129.18 Improved testing.** The department may allocate funds to improve the testing of applicants for Type 1 motorcycle, moped and motor bicycle endorsements or licenses. The amount allocated may be made available to the division of motor vehicles to use for training or the purchasing of equipment.

**History:** Cr. Register, January, 1998, No. 505, eff. 2-1-98.

**Trans 129.19 Motorcycle instruction school licensing.** **(1)** A person providing training on the operation of Type 1 motorcycles for compensation shall be licensed.

(2) An application shall be on the form provided by the department.

**Note:** Application forms can be obtained from and should be submitted to the Department of Transportation, Transportation Safety Programs, P. O. Box 7936, Room 551, Madison, WI 53707-7936.

**History:** CR 07-084: cr. Register February 2008 No. 626, eff. 3-1-08.

**Trans 129.20 Fitness for rider education school or instructor license.** (1) For the purpose of determining the fitness of a person to hold a rider education school or instructor license, the department shall consider all relevant arrests and convictions and make such further examinations and checks as it determines are necessary.

(2) The department may not issue or renew a rider education school or instructor license to any person who, during the person's lifetime, was convicted of any of the following state laws; any local ordinance in conformity with any of the following state laws; or any federal law or law of a federally recognized American Indian tribe or band in this state or law of another jurisdiction that would be a violation of any of the following state laws if the person had committed the offense in this state and been convicted of the offense under the laws of this state:

Statute	Description
940.01	1 <sup>st</sup> degree intentional homicide
940.03	Felony murder
940.05	2 <sup>nd</sup> degree intentional homicide
940.22(2)	Sexual exploitation by a therapist
940.225 (1) to (3)	Sexual assault
940.305	Taking hostages
940.31	Kidnapping
941.32	Administering dangerous or stupefying drug
944.06	Incest
944.34	Keeping a place of prostitution
946.01	Treason
946.02	Sabotage
946.03	Sedition
948.02 (1) and (2)	Sexual assault of a child
948.025	Engaging in repeated acts of sexual assault of the same child
948.03 (2)	Physical abuse of a child
948.04 (1)	Causing mental harm to a child
948.05	Sexual exploitation of a child
948.055	Causing a child to view or listen to sexual activity
948.06	Incest with a child
948.07	Child enticement
948.075	Use of computer to facilitate a child sex crime
948.08	Soliciting a child for prostitution
948.095	Sexual assault of a student age 16 or older by a school instructional staff person or a person who works or volunteers with children
948.10	Exposing genitals or pubic area to child
948.11 (2) (a) or (am)	Exposing a child to harmful material or harmful descriptions or narrations
948.12	Possession of child pornography
948.13 (2)	Child sex offender working with children

(3) The department may not issue or renew a rider education school or instructor license to any person who, within the past 10 years immediately preceding the date of application, was convicted of any of the following state laws; any local ordinance in conformity with any of the following state laws; or any federal law or law of a federally recognized American Indian tribe or band in this state or law of another jurisdiction that would be a violation of any of the following state laws if the person had committed the offense in this state and been convicted of the offense under the laws of this state:

Statute	Description
940.02	1 <sup>st</sup> degree reckless homicide
940.06	2 <sup>nd</sup> degree reckless homicide
940.09	Homicide by intoxicated use of vehicle or firearm
941.21	Disarming a peace officer
943.201	Unauthorized use of an individual's personal identifying information or documents
943.32	Robbery
944.17	Sexual gratification
944.30	Prostitution
944.31	Patronizing prostitutes
944.32	Soliciting prostitutes
944.33	Pandering
948.09	Sexual intercourse with a child age 16 or older
948.20	Abandonment of a child
948.23	Concealing death of a child (at birth)
948.30	Abduction of another's child, constructive custody
961.41 (1) (a) to (1) (j)	Manufacture, distribution or delivery of drugs
961.41 (1m) (a) to (j)	Possession with intent to manufacture, distribute or deliver drugs
961.41 (4) (am)	Distribution or delivery or attempt to deliver or distribute an imitation controlled substance
961.42 (1)	Keep or maintain any place for drug use, manufacture, keeping or delivering
961.455	Using a child for illegal drug distribution or manufacturing
961.46	Distribution of controlled substances to persons under age 18

(4) The department may not issue or renew a rider education school or instructor license to any person who, within the past 5 years immediately preceding the date of application, was convicted of any of the following state laws; any local ordinance in conformity with any of the following state laws; or any federal law or law of a federally recognized American Indian tribe or band in this state or law of another jurisdiction that would be a violation of any of the following state laws if the person had committed the offense in this state and been convicted of the offense under the laws of this state:

Statute	Description
940.10	Homicide by negligent operation of a vehicle
940.19 (2), (4), (5) or (6)	Battery, substantial battery or aggravated battery
940.195	Battery to a pregnant woman or unborn child
940.21	Mayhem
940.23	Reckless injury
940.25(1)	Injury by intoxicated use of a vehicle
940.285	Abuse of vulnerable adults
940.295	Abuse and neglect of patients and residents
941.26	Possession of machine guns and other weapons
941.28	Possession of short-barreled shotgun or rifle
941.29	Possession of firearm by felon
941.295	Possession of electric weapon
941.296	Use or possession of a handgun and an armor-piercing bullet during crime
941.298	Firearm silencer
941.30	Recklessly endangering safety
941.31	Possession of explosives
941.325	Placing foreign objects in edibles
941.327	Tampering with household products
941.38	Criminal gang member solicitation and contact
943.02	Arson of buildings, damage of property by explosives
943.03	Arson of property other than buildings
943.04	Arson with intent to defraud
943.06	Molotov cocktails
943.10	Burglary
943.28	Loan sharking
943.30	Threats to injure or accuse of crime
943.38 (1) or (2)	Forgery
944.15	Public fornication
944.20	Lewd and lascivious behavior
944.21	Obscene material or performance
944.23	Making lewd, obscene or indecent drawings
944.25	Sending obscene or sexually explicit electronic messages
946.415	Failure to comply with officer's attempt to take person into custody
946.43	Assaults by prisoners
946.44	Assisting or permitting escape
946.47	Harboring or aiding felons
946.48	Kidnapped or missing persons; false information
946.60	Destruction of documents subject to subpoena
946.65	Obstructing justice

947.015	Bomb scare
948.40	Contributing to the delinquency of a minor
948.55	Leaving or storing a loaded firearm within reach or easy access of child
948.605	Possession of a firearm in school zone
961.41(1n)	Possession of piperidine
961.41(1x)	Conspiracy
961.41 (2) (a) to (d)	Counterfeit substances
961.41 (3g)	Possession of controlled substance
961.41 (3g) (f)	Possession – gamma-hydroxybutyric acid, gamma-butyrolactone, ketamine or flunitrazepam
961.43 (1) and (2)	Acquiring or obtaining possession of controlled substance by fraud or forgery – counterfeit substance or packaging
961.67	Possession or disposal of waste from manufacture of methamphetamine

(5) The department may not issue or renew a rider education school or instructor license to any person who, within the past 2 years immediately preceding the date of application, was convicted of any of the following state laws; any local ordinance in conformity with any of the following state laws; or any federal law or law of a federally recognized American Indian tribe or band in this state or law of another jurisdiction that would be a violation of any of the following state laws if the person had committed the offense in this state and been convicted of the offense under the laws of this state:

Statute	Description
Various	Any felony not listed in subs. (3) to (5)
940.12	Assisting suicide
941.01	Negligent operation of a motor vehicle
941.11	Unsafe burning of a building
941.20	Endangering safety by use of a dangerous weapon
941.37	Obstructing emergency or rescue personnel
943.07	Criminal damage to railroads

(6) Notwithstanding any conviction of a listed law or ordinance in this section, if the person convicted presents evidence satisfactory to the department that the conviction was for a misdemeanor, the department may reduce the period of disqualification.

**History:** Cr. Register, January, 1998, No. 505, eff. 2-1-98; CR 07-084: r. and recr. Register February 2008 No. 626, eff. 3-1-08.

**Trans 129.21 Insurance and bond requirements.**

(1) A commercial rider education school shall do all of the following:

(a) Hold minimum insurance of not less than \$500,000 because of bodily injury to or death of one person in any one accident and, subject to that limit for one person, to a limit of not less than \$500,000 because of bodily injury to or death of 2 or more persons in any one accident and, if the accident has resulted in injury to or destruction of property, to a limit of not less than \$50,000 because of injury to or destruction of property of others in any one accident.

(b) Adjust the insurance amounts under par. (a) every 5 years by multiplying the requirement amounts by the percentage increase of the consumer price index from January 1, 2007 to January 1 of the next fifth year [2012, 2017] and adding that amount

to the amounts in par. (a) rounded to the nearest \$10,000 increment.

(c) Maintain a standard liability insurance of not less than \$500,000.

(d) File certification of insurance with the department with the application for license.

(e) Require the insurance carrier to notify the department not less than 30 days before the policy expires or is materially changed or canceled.

(2) The school shall obtain a surety bond or provide an acceptable alternative based on size.

**School Size Based on Signed  
Completion Slips for the Prior Period**

0-300	\$20,000
301-1100	\$30,000
1101 or more	\$40,000

(3) Customer shall apply to bond company if obligations of the training contract cannot be met.

(4) A copy of the bond or evidence of acceptable alternative shall be provided to the department with the application for license.

**History:** CR 07-084: cr. Register February 2008 No. 626, eff. 3-1-08.

**Trans 129.22 Cooperative rider education testing program.** The department may enter into a cooperative driver testing agreement with a basic rider course provider to conduct knowledge tests as permitted by s. 343.16 (1) (c), Stats. A basic rider course provider may administer the knowledge and highway signs tests to students who are currently enrolled in motorcycle rider education.

**History:** CR 07-084: cr. Register February 2008 No. 626, eff. 3-1-08.