



# Highway Safety Plan

**Scott Walker**

GOVERNOR OF WISCONSIN

**Dave Ross**

GOVERNOR'S REPRESENTATIVE FOR HIGHWAY SAFETY

SECRETARY, WISCONSIN DEPARTMENT OF TRANSPORTATION

**David Pabst**

HIGHWAY SAFETY COORDINATOR

Property Damage

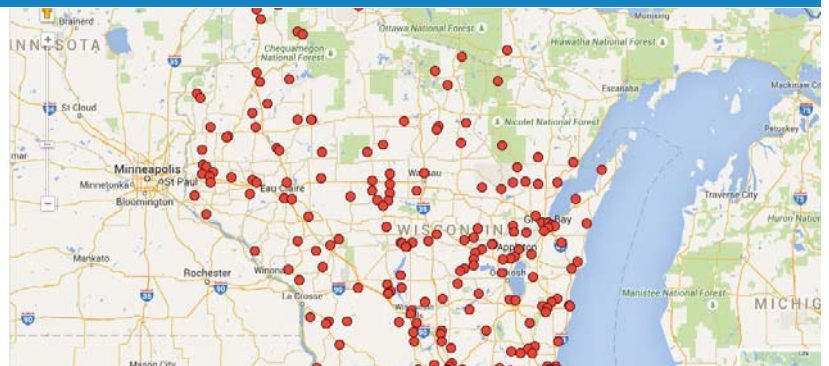
There were 298 crashes meeting the following criteria.

Countries: - ALL  
 Begin Date: 01/01/2015  
 End Date: 12/31/2015  
 Crash Severity Filters: - K  
 Checked Flags: NONE

Check ALL | UnCheck ALL | Zoom To Selected

Sort By: Accident Date | Display: Points

Location	FATAL(K)
W Medina Rd AT Ridge Rd MEDINA (T), DANE County 01/02/2015	1
INTERSTATE 94 MILWAUKEE County 01/05/2015	2
6TH ST MENASHA (C), WINNEBAGO County 01/06/2015	3



STATE OF WISCONSIN  
 FFY 2018





# State of Wisconsin Federal Fiscal Year 2018 Highway Safety Plan

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# Highway Safety Plan

SECTION I



STATE OF  
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## Mission Statement

Our mission is simple: zero fatalities on Wisconsin's roadways.

Our transportation system is essential to society's continuing prosperity and an inescapable component to everyday life in Wisconsin; as a society we should not accept casualties as a foregone consequence of that system. Wisconsin citizens and state policymakers work toward achieving zero fatalities and incapacitating injuries on our roadways. Our belief is that any death is one too many, and we work toward saving as many lives as possible using the resources available.

## Executive Summary

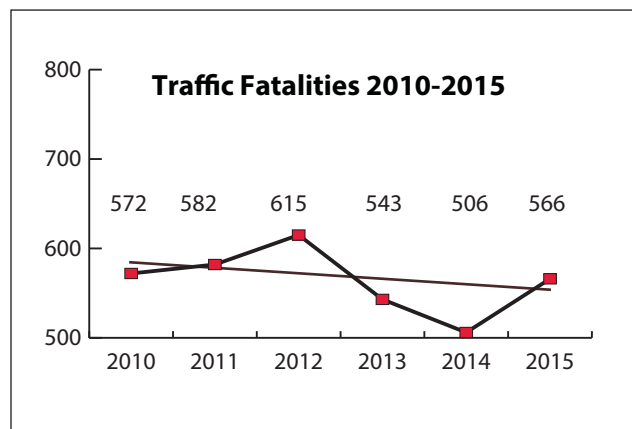
The Bureau of Transportation Safety (BOTS) coordinates a statewide behavioral highway safety program using federal funds given back to the state through the National Highway Traffic Safety Administration (NHTSA), state funds, and other resources. Funds are primarily used to change system users' behaviors by enforcing traffic laws, increasing drivers' perception of the risk of being ticketed for non-compliance, increasing public awareness of the dangers of high-risk behavior, and informing system users of the best way to avoid or reduce the severity of a crash.

Through analysis and targeting, BOTS works to provide leadership, innovation, and program support



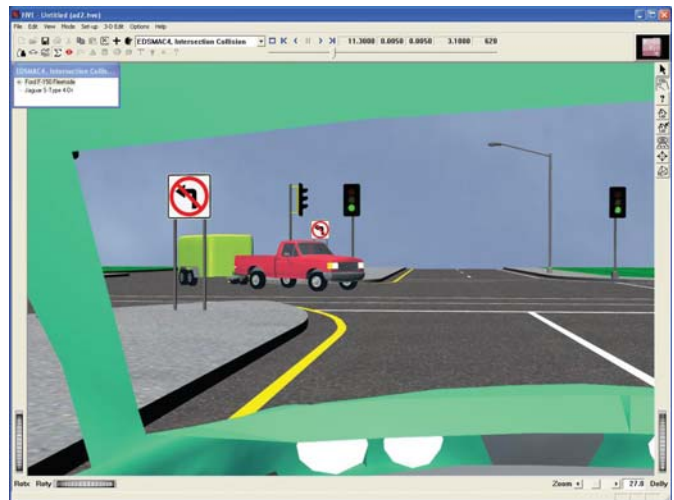
in partnership with state, county, and community traffic safety leaders, professionals, and organizations.

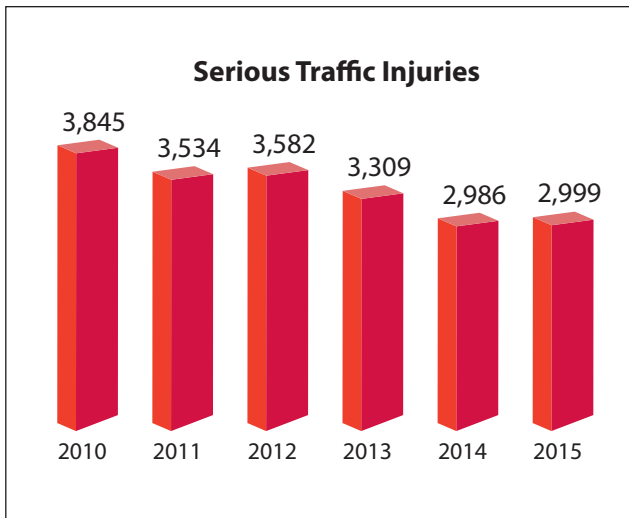
Figure 1 uses Fatality Analysis Reporting System (FARS) fatality data, which NHTSA has published. Though not obvious from figure 1, the number of traffic fatalities has trended downwards over the previous seven years. 2015 saw an increase from the prior year to 566 and rose above the 5-year (2010-2014) moving average of 564. There were 588 fatalities on Wisconsin roads in 2016 according to preliminary figures from the state's own crash data files.



**Figure 1: Traffic Fatality Analysis Reporting System (FARS)**

**Goal C1:** To decrease traffic fatalities 5 percent each year from the 2010-2014 five-year rolling average to 509 by December 31, 2017.

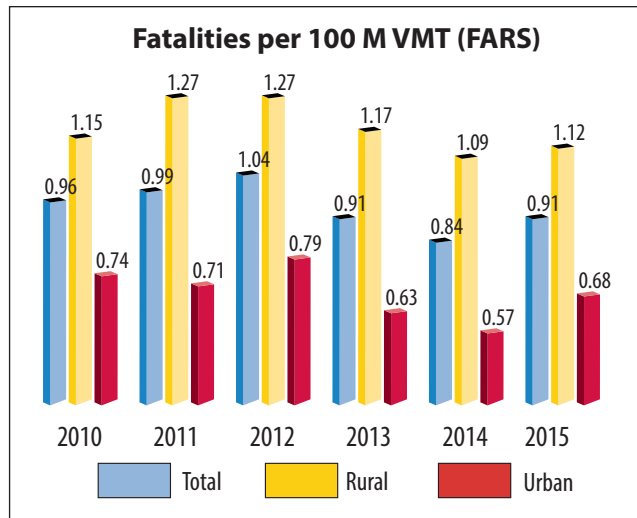




**Figure 2: Serious Traffic Injuries (State Crash Data)**

As figure 2 indicates, serious injury crashes have steadily decreased since 2010. 2015 saw 2,999 serious injuries, which was a 13% reduction from the 5-year average of 3,451. There were 3,039 serious injuries in 2016 according to preliminary figures from Wisconsin’s state crash data files.

Wisconsin achieved the national goal of one fatality per 100 million Vehicle Miles Traveled (VMT) in 2009, two years ahead of the national target date. As figure 3 indicates, Wisconsin was slightly above the goal in 2012, but 2014 produced a significant drop to our lowest level at 0.84 fatalities per 100 million VMT. FARS fatality data and finalized VMT data for 2016 are not yet available.



**Figure 3: Fatalities per 100M VMT (FARS)**

The lead state agency for any grant type is the Wisconsin Department of Transportation. Match for maintenance of effort is achieved using the following table. See appendix 5B for additional information regarding maintenance of effort.

- 405b Division of State Patrol (DSP) traffic enforcement
- 405c Division of Motor Vehicles (DMV) Traffic and Criminal Software (TraCS) staff, a BOTS safety data analyst, DSP Mobile Architecture for Communications Handling (MACH) and TraCS support, and MACH MiFi hardware expenditures
- 405d DSP traffic enforcement and safe-ride grant program alternative transportation funds



**Figure 4 provides the performance measures and goal statements developed by the GHSA and NHTSA.**

MEASURE	2012	2013	2014	2015	2016	2012 2016 AVG	2018 TARGET <small>(2012-2016 Avg with 5% reduction, 2% for measures C1 and C3a)</small>
C1. Traffic Fatalities (FARS)	615	543	506	566	607	567.4	556.1
C1. To decrease traffic fatalities 2 percent from the 2012-2016 calendar year rolling average of 567.4 to 556 by December 31, 2018.							
C2. Serious Traffic Injuries (State Crash Data Files)	3,582	3,309	2,986	2,999	3,039	3,183.0	3,023.9
C2. To decrease serious traffic injuries 5 percent from the 2012-2016 calendar year rolling average of 3,183 to 3,024 by December 31, 2018.							
C3a. Fatalities/VMT (FARS)	1.04	0.91	0.84	0.91	0.98	0.936	0.917
C3a. To decrease total fatalities/VMT, by 2 percent from the 2012-2016 calendar year rolling average of 0.936 to 0.917 by December 31, 2018.							
C3b. Rural Fatalities/VMT (FARS)	1.27	1.17	1.09	1.12	1.26	1.182	1.123
C3b. To decrease rural fatalities/VMT, by 5 percent from the 2012-2016 calendar year rolling average of 1.182 to 1.123 by December 31, 2018.							
C3c. Urban Fatalities/VMT (FARS)	0.79	0.63	0.57	0.68	0.64	0.662	0.629
C3c. To decrease urban fatalities/VMT, by 5 percent from the 2012-2016 calendar year rolling average of 0.662 to 0.629 by December 31, 2018.							
C4. Unrestrained Passenger Vehicle Occupant Fatalities (FARS)	201	186	161	167	182	179	170
C4. To decrease unrestrained passenger vehicle occupant fatalities in all seating positions 5 percent from the 2012-2016 calendar year rolling average of 179 to 170 by December 31, 2018.							
C5. Alcohol Impaired Driving Fatalities (FARS)	202	177	165	189	105	168	159
C5. To decrease alcohol impaired driving fatalities 5 percent from the 2012-2016 calendar year rolling average of 168 to 159 by December 31, 2018.							
C6. Speeding Related Fatalities (FARS)	209	178	168	167	187	182	173
C6. To decrease speeding-related fatalities 5 percent from the 2012-2016 calendar year rolling average of 182 to 173 by December 31, 2018.							
C7. Motorcyclist Fatalities	117	85	73	81	85	88	84
C7. To decrease motorcyclist fatalities 5 percent from the 2012-2016 calendar year rolling average of 88 to 84 by December 31, 2018.							
C8. Un-helmeted Motorcyclist Fatalities (FARS)	87	62	51	65	72	67	64
C8. To decrease un-helmeted motorcyclist fatalities 5 percent from the 2012-2016 calendar year rolling average of 67 to 64 by December 31, 2018.							
C9. Drivers Age 20 or Younger Involved in Fatal Crashes (FARS)	81	58	67	77	78	72	69
C9. To decrease drivers age 20 or younger involved in fatal crashes 5 percent from the 2012-2016 calendar year rolling average of 72 to 69 by December 31, 2018.							
C10. Pedestrian Fatalities (FARS)	45	37	45	57	52	47	45
C10. To reduce pedestrian fatalities 5 percent from the 2012-2016 calendar year rolling average of 47 to 45 by December 31, 2016.							
C11. Bicyclist Fatalities (FARS)	11	10	4	15	11	10	10
C11. To reduce bicyclist fatalities 5 percent from the 2012-2016 calendar year rolling average of 10 to 10 by December 31, 2018.							
B1. Seat Belt Use Rate (Observed Seat Belt Use Survey)	79.9%	82.4%	84.7%	85.8%	88.4%	84.2%	88.4%
A1. Number of seat belt citations issued during grant-funded enforcement activities (FFY 2016)						21,341	
A2. Number of impaired-driving arrests made during grant-funded enforcement activities (FFY 2016)						2,072	
A3. Number of speeding citations issued during grant-funded enforcement activities (FFY 2016)						22,468	

2016 data for outcome measures C1-C11 are preliminary and are indicated in red.



The five key performance measures defined by the Federal Highway Administration (FHWA) for use in states' Strategic Highway Safety Plans (SHSPs) are:

- Number of fatalities
- Fatality rate
- Number of serious injuries
- Serious injury rate
- Number of non-motorized fatalities and serious injuries

These first three measures are included in the prior matrix as part of the agreed upon performance measures by the GHSA and NHTSA. We are including the last two in this plan to reflect our commitment to the state's SHSP.

**WisDOT Leadership**



Dave Ross,  
Governor's  
Representative for  
Highway Safety  
Secretary,  
Wisconsin DOT



Superintendent  
J. D. Lind,  
Wisconsin  
State Patrol

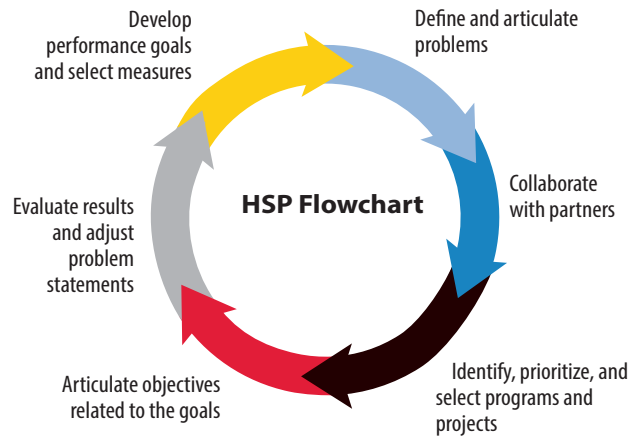


David Pabst,  
Highway Safety  
Coordinator

MEASURE	2012	2013	2014	2015	2016	2012-2016 Avg.	2018 Target
Serious Injury Rate	<b>6.06</b>	<b>5.56</b>	<b>4.97</b>	<b>4.83</b>	<b>4.88</b>	<b>5.260</b>	<b>4.997</b>
To decrease the serious injury rate by 5% from the 2012-2016 calendar year rolling average of 5.260 to 4.997 by 2018.							
Number of non-motorized fatalities and serious injuries	<b>3,644</b>	<b>3,364</b>	<b>3,035</b>	<b>3,074</b>	<b>3,102</b>	<b>3,243.8</b>	<b>3,081.6</b>
To decrease the number of non-motorized fatalities and serious injuries by 5% from the 2012-2016 calendar year rolling average of 3,243.8 to 3,081.6 by 2018.							

**Highway Safety Planning Process**

The highway safety planning process is circular and continuous. At any one time during the year, the Bureau of Transportation Safety may be working on previous, current, and upcoming fiscal year plans. The SHSP serves as the principal planning document, and the HSP is developed to maximize integration and utilization of data analysis resources, fully represent driver behavior issues and strategies, and utilize any statewide safety committees to obtain input from state and local traffic safety partners. BOTS shall ensure that the goals and objectives contained in the SHSP are considered in the annual development of the HSP and incorporated to the fullest extent possible. BOTS shall review the SHSP and HSP to identify any gaps in addressing driver behavior issues and eliminate any redundancy for the maximum use of resources. The data source used by BOTS in identifying its highway safety problems is primarily the state's crash database, which is managed by BOTS. Other data sources include crash data from NHTSA's Fatality Analysis Reporting System (FARS). Wisconsin's highway safety planning process includes all of the components of 23 C.F.R. 1300.11(a), which are:



- (1) Description of the data sources and processes used by the State to identify its highway safety problems, describe its highway safety performance measures, establish its performance targets, and develop and select evidence-based countermeasure strategies and projects to address its problems and achieve its performance targets;



- (2) Identification of the participants in the processes (e.g., highway safety committees, program stakeholders, community and constituent groups);
- (3) Description and analysis of the State's overall highway safety problems as identified through an analysis of data, including but not limited to fatality, injury, enforcement, and judicial data, to be used as a basis for setting performance targets and developing countermeasure strategies.
- (4) Discussion of the methods for project selection (e.g., constituent outreach, public meetings, solicitation of proposals);
- (5) List of information and data sources consulted; and
- (6) Description of the outcomes from the coordination of the HSP, data collection, and information systems with the State SHSP.

## Highway Safety Planning Timeline

### November to December

Prepare the prior year's Annual Report. This document is the companion report to the same year's Highway Safety Plan. The report provides NHTSA and the public with a summary of how funds were actually spent in that fiscal year.

### January and Continuing

Wisconsin is unique in that we have a law (s. 83.013, Wis. Stat.) that requires all 72 of its counties to have a Traffic Safety Commission. The law further defines who is supposed to participate at the quarterly meetings. A commission is required to include: the chief county traffic law enforcement officer, the county highway safety coordinator, the county highway commissioner, a DOT engineer from the regional office, the Regional Program Manager from BOTS, a State Patrol Trooper, as well as one representative from each of the education, medicine, and legal professions. We recognize what a fantastic opportunity this requirement gives us to reach out and solicit ideas and input into our planning process, and we utilize this opportunity. In addition,

each State Program Manager (SPM) obtains formal and informal recommendations, resources, and information from traditional and non-traditional partners and stakeholders, including public health, emergency medical services, enforcement and adjudication, not-for-profit organizations, businesses, and community coalitions. This activity continues throughout the year (see Appendix 3: Safety: Partners, Committees, and Organizations). During the first quarter of each year, BOTS program analysts and managers review the prior year's data and study the effectiveness of the prior year's projects. They also perform literature reviews and review best practices from other states.

Another valuable committee is the Wisconsin DOT's Traffic Safety Council. This is a multi-disciplinary group that meets on the first Thursday of each month. Representatives from FHWA, FMCSA, BOTS, the Division of Motor Vehicles, the Division of Transportation Investment Management, the Division of Transportation System Development, WisDOT executive offices, and the University of Wisconsin-Madison serve on the committee. This group is responsible for authoring the Wisconsin Strategic Highway Safety Plan (SHSP) required by USDOT for federal Highway Safety Improvement Plan (HSIP) funds.

As an offshoot of Wisconsin's Traffic Safety Council and in compliance with the FAST Act, a Statewide Impaired Driving Task Force was chartered. This Task Force has accomplished a lot. The group assembled a broad variety of stakeholders, developed a formal charter, approved the Statewide Impaired Driving Plan by agreeing to work on five signature items going forward, helped Wisconsin to qualify for federal funding, assisted with the development of the federally required SHSP, and began work on signature items. Similar work groups have been established for other key safety initiatives included in Wisconsin's SHSP.

### January to June

After the end of a calendar year, preliminary crash data are evaluated. Analysts may prepare preliminary reports of the previous year's fatality trends. After finalized data are available, the most recent ten years of crash data are used to determine the magnitude of the problem posed by each crash type and to develop trend lines. Goals are set using five-year rolling averages. In addition, conviction, medical, demographic, survey, program effectiveness, and other relevant data are analyzed and used as appropriate to generate rates, identify disproportionate representation of subgroups and trends for each program area. BOTS identifies, describes, and

analyzes the state's overall highway safety problems through an analysis of the data it maintains or has access to, as authorized to BOTS by the Governor's Representative for Highway Safety in 23 C.F.R. 1300.4(b)(4), including but not limited to fatality, injury, enforcement, and judicial data. BOTS uses this data as a basis for setting performance targets and developing countermeasure strategies. BOTS utilizes the data to generate targeting lists for enforcement grants. Grantees for the coming FFY are notified of their eligibility and the Regional Program Managers assist grantees with identifying their agency capacity (see Appendix 4: Law Enforcement Grant Targeting).

### April to June

Evaluate the nature and magnitude of each type of state-level and program area problem and each target location or group; establish the effectiveness of proposed program activities in addressing the problem; and determine the availability of resources to be applied to the problem and availability of data and information to be used to determine progress toward goals. Where applicable, continuing activities that are determined to have been effective are funded at progressively decreasing federal share. Recommendations from state program assessments are integrated into program objectives and funded activities. Each program expert brings information from the processes described above to a committee of the Bureau of Transportation Safety to be included in the upcoming year's HSP. At the project level; high risk target populations, jurisdictions and behaviors are identified as in the following example: all alcohol and speed-related crash data from the three previous years for every jurisdiction in Wisconsin are analyzed, from those involving property damage, through all ranges of injuries, and those that resulted in death. These data are scientifically weighted, following established statistical protocol.

The annual HSP is coordinated with state and national strategic plans and related operational plans and guidelines, and especially with the WisDOT Strategic Highway Safety Plan. The ten items of highest priority in the Department's 2017-20 Strategic Highway Safety Plan are listed below (HSP-related goals bolded):

1. **Improve Safety Culture, Safety Data, Safety Technology**
2. **Reduce Driver Distraction/Improve Driver Alertness**
3. **Reduce Alcohol & Drug-Impaired Driving**



4. **Reduce the Incidence and Severity of Motorcycle Crashes**
5. **Improve Driver Performance (Teens, Older, Competent)**
6. **Improve Non Motorist Safety**
7. **Improve Safety of Intersections**
8. **Increase Occupant Protection**
9. **Curb Aggressive Driving/ Reduce Speed-Related Crashes**
10. Reduce Lane Departure Crashes

Failure to be ranked in the high priority highway safety issue areas for the 2017-2020 HSP does not mean the topic is unimportant nor does it mean WisDOT will discontinue planned or on-going initiatives that have yielded results. Initiatives such as making large truck travel safer, **enhance EMS to increase survivability**, reduce vehicle-train crashes, improve incident management, **improve work zone safety, safe travel in bad weather**, and reduce deer/other animal crashes will still be pursued.

Discussion for Wisconsin's 2017-2020 SHSP began this year. Priorities have been set as part of that process, and they are similar to the priorities in our current plan. As with prior plans, performance measures will be reviewed and adjusted as participants see fit.

### Ongoing

Feedback from NHTSA management reviews, including traffic records strategic plans and other reviews of programs areas, are reviewed and incorporated into the planning process as well. Priority is given to the NHTSA Administrator's Motor Vehicle and Highway Safety Priorities, as well as overlapping FHWA and FMCSA safety priorities and goals. The latest version of NHTSA's Countermeasures That Work is used as part of project development.

### End of June

Internal approval of the plan is received and the HSP is submitted to NHTSA.

## State-Level Problem Identification

The process of identifying problems is integral to the planning process. Information used in identifying problems includes WisDOT state crash, conviction, vehicle, roadway, traffic and survey data, BOTS program effectiveness studies, demographic and other census data, emergency department, hospital discharge and death data from the state Department of Health Services, national surveys, and other relevant data. These data are used, as appropriate, in trend, factor, disproportion and other analyses of each program area.

The ID process is identified under the justification sections of each program plan. In the individual program areas, further program need and justification is identified. Several program areas include plans for enforcement activities. It should be noted that law enforcement grants require individual grantees to set performance measures that take into account all contacts (citations, warning, and stops with no action) with the motoring public. Overall, BOTS attempts to fund the programs that will have the biggest impact on traffic fatalities.

## PERFORMANCE REPORT

MEASURE	2017 GOAL	1/3 OF GOAL	JAN.-APR. 2017 (PRELIMINARY STATE DATA)
B1. Safety Belt Use Rate	89.3%*		
C1. Traffic Fatalities	509	170	153
C2. Serious Traffic Injuries	3,115	1,038	792
C3a. Fatalities/VMT‡	0.86	0.29	0.25
C3b. Rural Fatalities/VMT‡	1.07	0.36	0.29
C3c. Urban Fatalities/VMT‡	0.62	0.21	0.20
C4. Unrestrained Passenger Vehicle Occupant Fatalities	165	55	51
C5. Alcohol Related Fatalities	170	57	43
C6. Speeding Related Fatalities	172	57	56
C7. Motorcyclist Fatalities	84	28	5
C8. Unhelmeted Motorcyclist Fatalities	65	22	2
C9. Drivers Age 20 or Younger Involved in Fatal Crashes	69	23	22
C10. Pedestrian Fatalities	43	14	21
C11. Bicyclist Fatalities	8	3	0

‡For performance measures with a VMT component, estimates of vehicle miles traveled are only provided on an annual basis, not a monthly basis. An update on these performance measures is not technically possible. The most recent preliminary annual estimates for VMT are from 2016, and so preliminary 2017 fatality numbers are using the 2016 VMT estimates. Wisconsin is below its target to meet its 2017 goals for reducing traffic fatalities in general. 152 of the 153 preliminary traffic fatalities for the first four months of 2017 have preliminarily been coded as urban or rural.

\*The seat belt survey is only conducted once per year in the summer. In 2016, the safety belt use rate was

88.4%, which is higher than the safety belt use rate of 85.8% in 2015. Wisconsin is making progress toward its 2017 goal.

Based on initial partial-year data, Wisconsin's performance lags behind its 2017 goal for reducing pedestrian fatalities. Wisconsin is updating this HSP to meet this performance target by increasing the number of pedestrian safety training workshops it provides, doubling the funding for training law enforcement personnel in the Wisconsin Pedestrian and Bicycle Law Enforcement Training Course, and exploring options to create pedestrian safety zones, a countermeasure that works on page 8-30 of the eighth edition.

# Highway Safety Plan



STATE OF  
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# Planning and Administration



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WISCONSIN  
FFY 2018



## PLANNING AND ADMINISTRATION

The management of the Bureau of Transportation Safety and the planning of activities are executed using both state and federal funds. Federal funds cover salaries and benefits of the Grants Management Supervisor, the Policy and Program Supervisor, two FTE Operations Program Associates, 0.5 FTE Office Associate, and 0.5 FTE Office Operations Associate. Funds also cover out of state travel and training for each of these staff members.

State money for this program covers the salary and fringe of the Director, the Section Chief, and two full-time analysts.

Responsibilities of the staff that are categorized as Planning and Administration are to do the following and will thereby have a positive impact on the traffic safety of Wisconsin:

- Prioritize the state's most significant highway safety challenges.
- Apply for all federal funding and writing the state's Highway Safety Plan.
- Act as representative for the State of Wisconsin as the Highway Safety Coordinator.
- Participate on committees and task forces.
- Target for effective law enforcement grants.
- Promote highway safety in Wisconsin.
- Develop internal controls, monitoring policies, and analysis.
- Ensure grant shells have proper contract language.
- Manage the process of grant reimbursement requests from grant partners, as well as reimbursement requests to the federal government.
- Organize and host the Governor's Conference on Highway Safety.
- Report on results of funding to NHTSA.
- Prepare report of grants subject to the Federal Funding Accountability and Transparency Act.

### **Performance Measure: On-time submission of the Highway Safety Plan and the Annual Report:**

2012-2016 Submissions: 80% of the years had on-time submissions.

2018 target: 100% on-time submission.

Expenditures for planning and administration are specifically allowed under 402 and as such are effective as a countermeasure strategy.

<b>PLANNING AND ADMINISTRATION—BUDGET SUMMARY</b>			
<b>Fund</b>	<b>Account</b>	<b>2018 Planned</b>	<b>2016 Expenditures</b>
402	2018-10-01-PA	\$320,000	\$283,565.15
State 562	2018-19-01	\$530,000	\$443,912
<b>Program Total</b>		<b>\$850,000</b>	<b>\$727,477.15</b>



# Occupant Protection Program



STATE OF  
WISCONSIN  
FFY 2018



## PROGRAM JUSTIFICATION, PERFORMANCE GOALS AND MEASURES

### Justification



This section serves as Wisconsin's occupant protection program plan as required under the FAST Act.

In 2000 (base year), Wisconsin's observed statewide seat belt use was very low at 65.4%. 1,148 people were ejected or partially ejected in crashes and 40.5% of crash victims who were not belted were either killed or incapacitated.

In 2016, observed average statewide seat belt use was 88.4%. While higher than 16 years ago, it is still trailing the national average of 90% (90% national usage rate). The 11.6% of our population that does not buckle up accounts for almost 48% of our vehicle occupant fatalities. This low usage rate means that Wisconsin is required

to meet more criteria in order to be eligible to receive funding. The first criterion which we meet is that we have a primary enforcement law for all seating positions. Legal citation: 2009 Wisconsin Act 28, s. 347.48(2m), Wis. Stat. See appendix supplement OP-4, pages 14-15: Chapter 347 Equipment of Vehicles.

An additional criterion Wisconsin meets is enforcement for two high-risk populations. For seat belt enforcement grants, 50% of enforcement must be conducted during hours of darkness. Additionally, counties with a high number of pickup truck registrations are targeted specifically for seat belt enforcement funding. More details can be found in Appendix 4: Law Enforcement Grant Targeting Methodology, in the discussion on how grants are targeted.

See performance measure B1 and C4 in the introduction for performance measures and goals for this program.

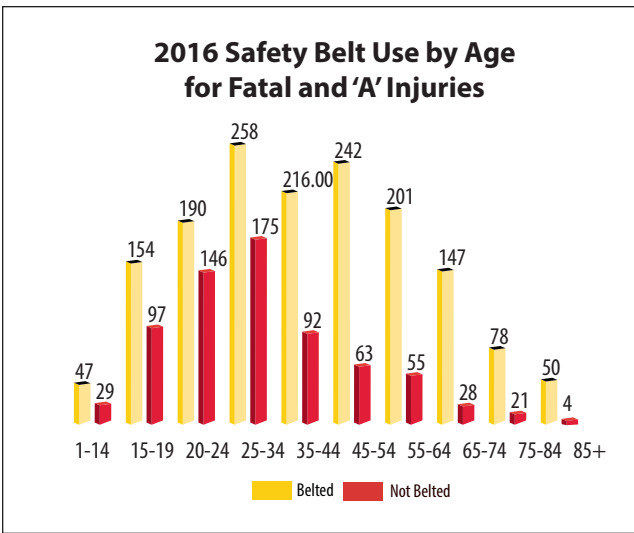
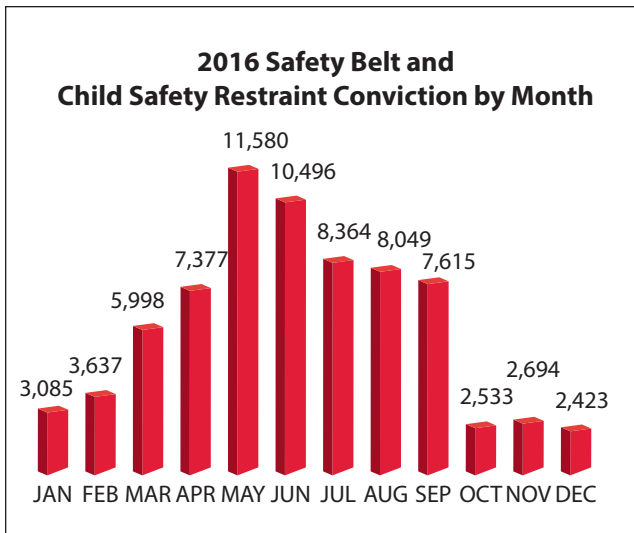
Wisconsin law enforcement agencies sustain their enforcement of seat belt and child restraint laws throughout the year. The safety belt and child safety restraint conviction by month graph on the next page reveals that this is a sustained, yearlong effort.

Another requirement under the FAST Act is that Wisconsin submits a seat belt plan that documents how law enforcement will participate in sustained seat belt enforcement to cover at least 70% of the state's population. This section serves as that plan. The percentage of the population targeted by enforcement programs is as follows:

Targeting Type	Population	Wisconsin Census Population	Percentage Targeted
Population of Counties Targeted Based on High Truck Ownership	1,572,401	5,775,120	27.20%
Population of Counties Targeted Not Based on High Fatality, Injury, and Crash Rates	2,747,790	5,775,120	47.58%
Total	4,320,191	5,775,120	74.80%*

\*The addition does not exactly match because of rounding.

In 2016, there were 68,509 convictions for failure to fasten seat belts, a 25% increase over 2015; there were 2,921 convictions for child restraint violations, a 3% decrease over 2015. For the period 1994-2016, individuals not wearing a seat belt were 50.9 times more likely to be ejected from their vehicle. In addition, they were 11.2 times more likely to be killed than someone wearing a shoulder and lap belt at the time of the crash. A 13.70% fatality rate equates to approximately a one in seven chance of being killed.



Seat belt usage lags with our most inexperienced drivers, those between the ages of 15 and 34



enforcement mobilization. 2016 expenditures were \$72,007.93. Expenditures for planning and administration are explicitly allowed under 402 and as such are an effective countermeasure.

### Program Management

Coordinate, plan, and manage the state Occupant Protection Program. Wage and fringe, data processing, materials and supplies, training and travel, printing and postage are included. Continue to provide leadership, training, and technical assistance to agencies, organizations, and non-profit programs interested in occupant protection education and training. Integrate occupant protection programs into community/corridor traffic safety and other injury prevention programs. Encourage communities and grantees to view occupant protection as a sustained effort rather than an occasional

**(402) 2018-20-01-OP \$80,000**

### Law Enforcement

Plan for statewide participation, voluntary, and overtime-funded enforcement for the national high-visibility “Click It or Ticket” Mobilization. The participation in Click It or Ticket is required under the FAST Act, and Wisconsin has always had outstanding participation from our partners. Increase enforcement of Wisconsin’s primary seat belt law. Fund multi-agency high-visibility enforcement task forces statewide that will be sustained year-round for occupant protection, including nighttime enforcement and pilot programs. 2016 expenditures were \$1,175,600.93 for 402 and \$702,527.36 for 405b. This project is a countermeasure that works on page 2-15 and 2-17 of the eighth edition. Enforcement of seat belt laws will lead to greater compliance with those laws.

**(402) 2018-20-05-OP \$630,000**

**(405b) 2018-25-05-M2 \$355,000\***

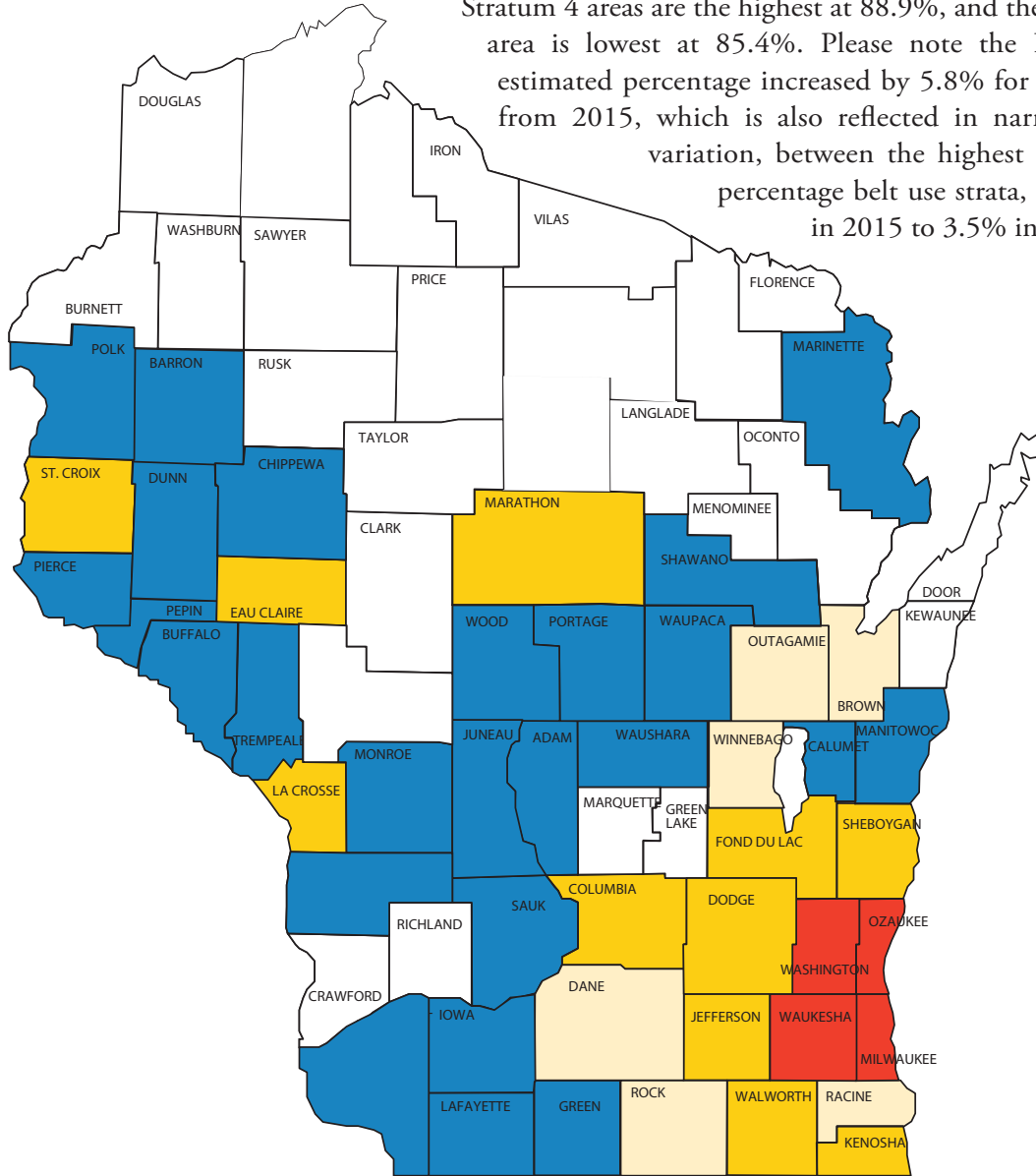
\*Should additional dollars be available, more occupant protection enforcement will occur.



# WISCONSIN SAFETY BELT SURVEY STRATA

## Belt Use by Region

Belst use varies by 3.5% across the state. The Stratum 3 and Stratum 4 areas are the highest at 88.9%, and the Stratum 2 area is lowest at 85.4%. Please note the Belt Usage estimated percentage increased by 5.8% for Stratum 1, from 2015, which is also reflected in narrowing the variation, between the highest and lowest percentage belt use strata, from 9.8% in 2015 to 3.5% in 2016.



Strata	Belt Usage 2016
Stratum 1	86.0%
Stratum 2	85.4%
Stratum 3	88.9%
Stratum 4	88.9%

- Stratum 1: Milwaukee, Ozaukee, Washington, and Waukesha Counties
- Stratum 2: Brown, Dane, Outagamie, Racine, Rock, and Winnebago Counties
- Stratum 3: Columbia, Dodge, Eau Claire, Fond du Lac, Jefferson, Kenosha, La Crosse, Marathon, Saint Croix, Sheboygan, and Walworth Counties
- Stratum 4: Adams, Barron, Calumet, Chippewa, Dunn, Grant, Green, Iowa, Juneau, Lafayette, Manitowoc, Marinette, Monroe, Oconto, Pierce, Polk, Portage, Sauk, Shawano, Vernon, Waupaca, Waushara, and Wood Counties

Source: WisDOA Demographic Services



**Mobilization Grants: Non-overtime Equipment Grants.**

This will be used to provide equipment to some of the law enforcement agencies that participate in the Click It or Ticket mobilization. The FAST Act requires states to participate in three national enforcement mobilizations. The state will participate in the Click It or Ticket national enforcement mobilization. BOTS encourages all law enforcement agencies to participate at the traffic safety commissions in each county, and some agencies that participate will sign a contract to receive equipment after participating in a national impaired driving enforcement mobilization. Not all agencies receive equipment. Equipment must be on a pre-approved list, and equipment must support traffic enforcement activities. Agencies are required to expend their own funds on paid media, a countermeasure that works on page 2-20 of the eighth edition. In 2016, \$295,000 was expended on equipment related to the Click It or Ticket national enforcement mobilization. The effect of this project will be increased awareness of seat belt law enforcement efforts. This program supports collaborative enforcement efforts.

**(402) 2018-20-06-OP                      \$300,000**



**Child Passenger Safety (CPS) Programming**

Support and administrative costs for statewide Child Passenger Safety Advisory Committee. Partnership with a contractor to be named through a state-sanctioned request for proposal to support and administer statewide



CPS Technician Training including recruitment, train, education, and retention rates that will service the level of need in the state of Wisconsin. BOTS will work with the contractor to provide additional CPS training materials to community partners and local events. CPS Training for law enforcement agencies, judges and other safety partners with community programs. Youth and senior seat belt initiatives including training opportunities for law enforcement. CPS targeting methodology is included at Supplemental Appendix OP-6. 2016 expenditures were \$162,990.76. This project is in accordance with NHTSA's Countermeasures that Work, eighth edition, 2-24. This project will lead to increased child restraint use.

**(405b) 2018-25-03-M2                      \$200,000**

This project is for grants for community programs offering child safety restraints referencing NHTSA's Countermeasures that Work, eighth edition, 2-31. This project will change the behavior of those that transport children, educating them on the benefits of child safety restraint systems. 2016 expenditures were \$136,569.66 for 402 and \$46,510.43 for 405b. BOTS plans to expand this program in 2018.

**(402) 2018-20-06-OP                      \$170,000**

**(405b) 2018-25-06-M2                      \$54,000**

Whatever Vehicle You Choose

When You're in it

**Buckle-Up**



### Senior and Aging Driving

As our driving populations continue to age, the need for additional resources, support and education is conversely growing. The State of Wisconsin is putting measures in place to provide safety training for our law enforcement partners by providing officers with an easy-to-use roadside screening tool called the Driver Orientation Screen for Cognitive Impairment (DOSCI). This training will allow officers to best assess the needs of the driver and situation that it calls upon. 2016

expenditures for this project were \$0. BOTS plans to develop this program in 2018. This project is a countermeasure that works on page 7-25 of the eighth edition, which will impact highway safety by referring some older adults for additional driver screening and assessment.

**(405b) 2018-25-03-M2**

**\$8,000**

### Data and Program Evaluation

Conduct and host an Occupant Protection Program assessment conducted by NHTSA with state and federal partners as well as subject area experts. This is a necessary function which will provide data as to areas in which improvement is needed.

**(402) 2018-20-09-OP**

**\$25,000**



Contract for CIOT Mobilization Pre/Post Observational Surveys to include April/May/June Observational Surveys. 2016 expenditures were \$143,764.51. Participation in the Click It or Ticket national enforcement mobilization is a requirement for receiving federal funds, and the survey that is conducted as a result of this project will provide us with more information on the effectiveness of this mobilization that will inform future mobilizations.

**(405b) 2018-25-09-M2**

**\$90,000**

### OCCUPANT PROTECTION—BUDGET SUMMARY

Fund/Source	ID	Amount
402	2018-20-01-OP	\$80,000
402	2018-20-05-OP	\$630,000
402	2018-20-06-OP	\$470,000
402	2018-20-09-OP	\$25,000
405b	2018-25-03-M2	\$208,000
405b	2018-25-05-M2	\$355,000
405b	2018-25-06-M2	\$54,000
405b	2018-25-09-M2	\$90,000
<b>Total</b>		<b>\$1,912,000</b>

# Impaired Driving Program

**DOES HE LOOK JOLLY TO YOU?**

**DOWNLOAD THE DRIVE SOBER APP!**

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BLOOD ALCOHOL ESTIMATOR

DESIGNATED DRIVER SELECTOR

FIND A RIDE

IMPAIRMENT GOOGLES

DAREDEVIL VIDEOS

PLUS WEATHER & A WHOLE LOT MORE!

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STATE OF  
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## JUSTIFICATION

As in years past, impaired driving continues to be a serious problem in Wisconsin.

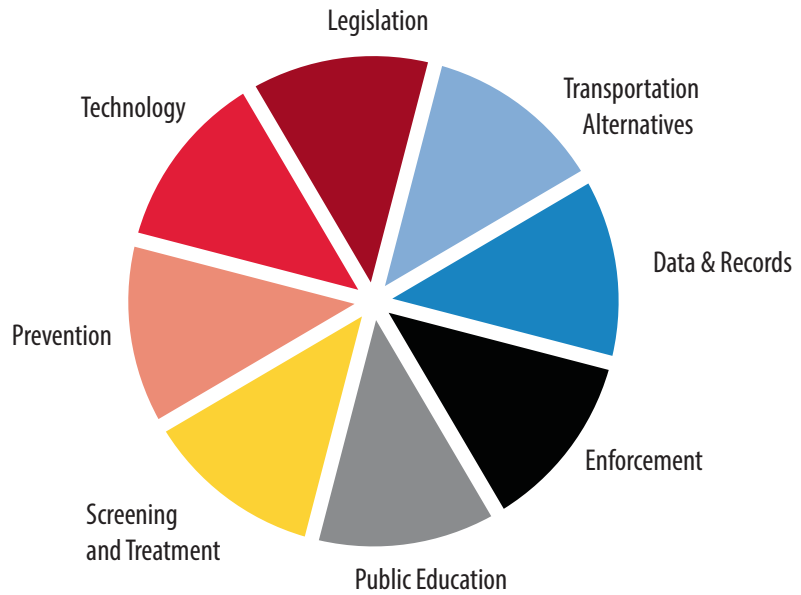
The pie chart represents WisDOT’s belief that no one solution for this problem exists and illustrates the comprehensive approach that needs to be considered in each community. The size of the pie pieces does not reflect their relative importance, which varies depending on where a community is located within the state.

Impaired driving has a high economic cost to the state, as determined using national cost estimates obtained from the National Safety Council (NSC). Applying this approach to 2016 crash statistics demonstrates the significant cost to the state. See performance measure C5 in the introduction for a performance measure and goal for this program.

In 2003 (Wisconsin’s base year), 9,007 alcohol related crashes resulted in 348 deaths (42% of all deaths) and 6,445 injuries. Wisconsin has seen an improvement—in 2016, 5,171 alcohol-related crashes resulted in 178 deaths and 2,943 injuries—but alcohol remains a factor in 30.3% of all deaths.

As the first graph on the next page illustrates, combined alcohol-related fatalities and incapacitating (‘A’) injuries have declined since 2005, with a significant decrease in fatalities each year between 2008 and 2015. In 2005, the alcohol fatality rate was 0.55 per 100M VMT compared to 0.31 per 100M VMT in 2015, a 44 percent decrease.

**Comprehensive Approach to Addressing Impaired Driving**



**Economic Loss from Traffic Crashes, 2016**

CRASH SEVERITY	TOTAL CRASHES	COST PER CRASH	TOTAL COST
Fatality (K)	178	\$1,562,000	\$278,036,000
Incapacitating (A)	500	\$91,000	\$45,500,000
Non-incapacitating (B)	1,386	\$26,000	\$36,036,000
Possible Injury (C)	1,056	\$21,700	\$22,915,200
Property Damage	5,171	\$4,300	\$22,235,300
<b>Total Economic Loss</b>			<b>\$404,722,500</b>

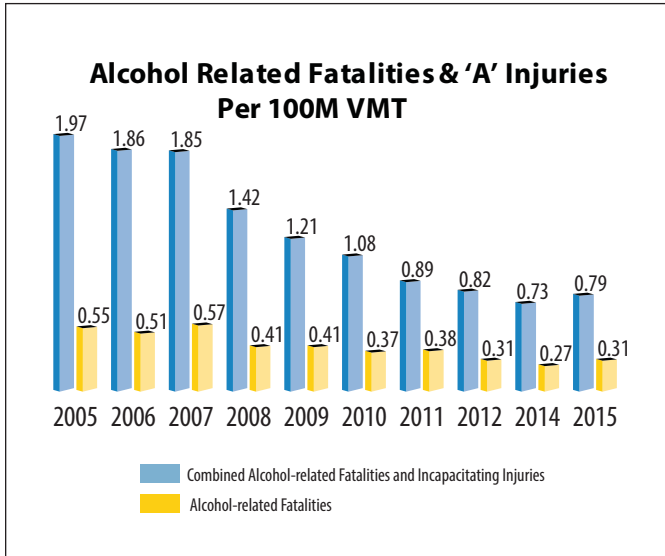
*\*Note that the injury categories are actual people injured, unlike the property damage crashes, which are events. All crashes - injury or not - have a property damage element. For a more complete explanation of items included in per occurrence estimates, visit [www.nsc.org](http://www.nsc.org)*



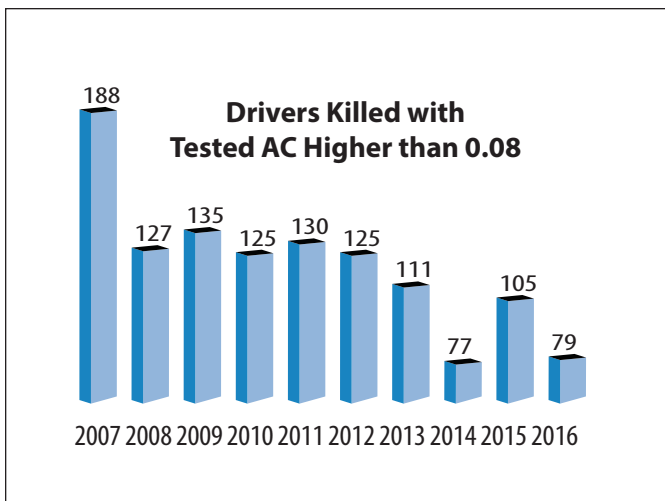




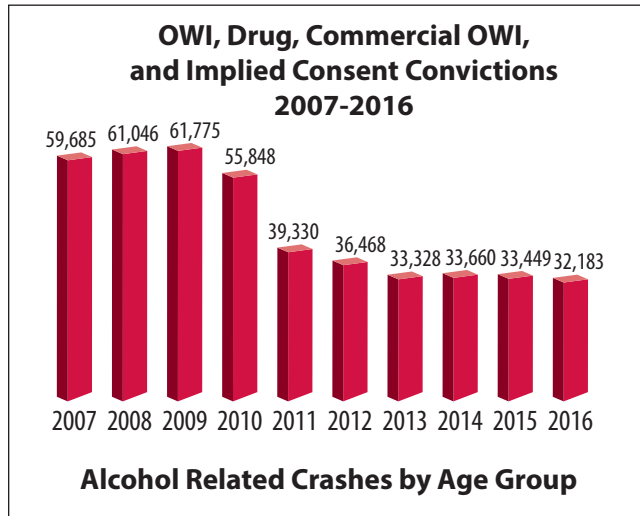
In 2016, 32,183 convictions for operating a motor vehicle while intoxicated were entered into driver records, compared to 33,449 in 2015.



The next graph provides the actual number of drivers killed each year since 2007 in crashes in which their alcohol concentration was above 0.08.



Actual number of drivers killed each year since 2003 in crashes in which their alcohol concentration was above 0.08%.



Under the FAST Act, Wisconsin is considered a mid-range state. As with other mid-range states, Wisconsin was required to convene a statewide impaired driving task force and develop a Statewide Impaired Driving Plan. Wisconsin's task force convened on August 6, 2013, established a charter, set priorities, and submitted its first report by September 1, 2013. The task force has approved a new Statewide Impaired Driving Plan, dated May 23, 2016, and is submitting it in this Highway Safety Plan. See supplemental appendix AL-1 for this report. This report identifies six signature initiatives to work on and has made progress.

- Reducing the Cultural Acceptance of Impaired Driving
- Reducing Drinking among Persons under Age 25
- Streamline OWI Enforcement and Prosecution Processes
- Improving Drugged Driving Recognition
- Promoting Alternative Transportation Programs
- Improving Data Collection, Sharing, and Distribution



### Program Management and Strategic Planning

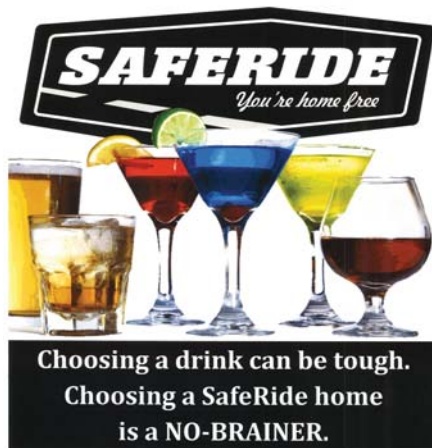
Coordinate, plan, and manage the state impaired driving programs. Goals that will have a positive impact on traffic safety in Wisconsin include enhancing volunteer agency participation, increasing community involvement, working with community organizations and non-profit programs to expand impaired driving activities and efforts, and encouraging state and local input into the HSP development process. Wage and fringe, data processing, materials and supplies, training and travel, printing, and postage are included. 2016 expenditures were \$67,147.69. Hiring a full-time impaired driving coordinator is specifically allowed under 23 C.F.R. §1300.23(j)(1)(ii), and as such this is an effective countermeasure strategy.

**(405d) 2018-31-01-M5                      \$70,000**

### Promote Transportation Alternatives

Collaborate with the Tavern League of Wisconsin and other municipalities, counties, and nonprofit organizations to administer safe-ride grant programs throughout the State of Wisconsin. 2016 expenditures were \$583,212. We anticipate greater funding to come from the state for this program in the coming year. This alternative transportation project is a countermeasure that works on page 1-53 of the eighth edition. The anticipated impact of this project is a decrease in impaired driving.

**(State 531) 2018-39-04                      \$700,000**



See your server for more information.

As an enhancement to law enforcement grants and efforts, additional funds will be provided to law enforcement agencies that coordinate alternative transportation in communities. Covered activity includes publicity, transportation costs and advertising, including the “Zero in Wisconsin” campaign on all marketing and advertising materials. This will also fund grants to provide short-term alternative transportation (vans, buses or vehicles) to transport community members from the local summer community event to their home. These festival grants are local in nature





such as a beer tent or annual fundraiser where alcohol is legally served. The grant also covers limited marketing and advertising costs as it relates to safe drinking. There must be sufficient evidence that a safe ride program has the potential of reducing risk due to drinking and driving. Grant applicants should provide some evidence that poor driver judgment could be expected, and that drinking and driving has been a problem at the event they are applying for. 2016 expenditures were \$65,669.36. BOTS plans to encourage new safe ride programs and consider requests for festival grants in 2018. This program has had increased ridership in recent years and the number of OWI arrests has declined in communities with those programs as a result. For example, in Baraboo, there were 6,781 passengers in 2011-12 and 9,166 passengers in 2015-16. As a result, incidence of OWI declined along with OWI arrests. There were 105 OWI arrests in 2011 and 58 OWI arrests in 2015 by the police department in that community. We expect transportation alternatives projects to continue to decrease OWI in communities with those programs. This alternative transportation project is a countermeasure that works on page 1-53 of the eighth edition, and the anticipated traffic safety impact is a decrease in impaired driving.

**(405d) 2018-31-04-M5                      \$120,000**

## Enforcement



Encourage law enforcement agencies to make OWI a priority by writing citations, sponsoring media events, and working overtime in geographical areas where impaired driving is highest. Plan statewide participation, encourage voluntary participation, and provide overtime funding for high-visibility enforcement task forces for impaired driving, including nighttime enforcement, accompanied by media for a demographic. These task forces will consist of multiple law enforcement agencies that coordinate their enforcement efforts during the same time frame.

Enforcement provides a deterrent effect affecting a person's decision to operate a motor vehicle while intoxicated. Enforcement increases the perception of the risk of being ticketed. This strategy will decrease the incidence of OWI. BOTS uses the high-visibility enforcement task force model for all of its enforcement grants, which is a proven countermeasure strategy. BOTS has obligated approximately \$1,825,000 for OWI enforcement in FY2017. BOTS is applying for the additional 405(d) grants for states with a statewide 24/7 program and for states with mandatory ignition interlock device requirements for all OWI offenses. If the application is successful, these funds will be used for enforcement of the state's OWI laws. The amounts are what the state included in last year's highway safety plan. This high-visibility enforcement project is a countermeasure that works on page 1-24 of the eighth edition.

**(405d) 2018-31-05-M5                      \$1,825,000**  
**(405d) 2018-37-05-XX [24/7 grant funds]                      \$165,000**  
**(405d) 2018-37-05-XX [IID funds]                      \$430,000**

## Drive Sober or Get Pulled Over Mobilization Program



The FAST Act requires states to participate in three national enforcement mobilizations. The state will participate in two Drive Sober or Get Pulled Over mobilizations, one during the Labor Day holiday and the other during the winter holidays. BOTS encourages all law enforcement agencies to participate at the traffic safety commissions in each county, and some agencies that participate will sign a contract to receive equipment after participating in a national impaired driving enforcement mobilization. Not all agencies receive equipment. Equipment must be on a pre-approved list, and equipment must support traffic enforcement activities. Agencies are required to expend their own funds on paid media, a countermeasure that works on page 1-49 of the eighth edition. In 2016, \$343,244.19 was expended on equipment related to the Drive Sober or Get Pulled Over national enforcement mobilizations. The effect of this program will be increased awareness of impaired driving enforcement efforts. This program supports collaborative enforcement efforts.

**(402) 2018-30-06-AL**

**\$350,000**



## Drug Evaluation and Classification Program

This program supports a contracted coordinator position and includes expenses to train new Drug Recognition Experts (DREs). In addition, costs are covered to provide continuous training and re-certification for existing DREs. DRE expenses, including instructor wages, travel to conferences, supplies (such as DRE kits), printing, postage, lodging and meals for students and instructors are covered. BOTS also supports DRE callouts to assist other agencies where a DRE evaluation is needed. In the case of a DRE evaluation where synthetic cannabinoids are suspected, BOTS will pay for the cost of the test.

WisDOT will fund related programs including Advanced Roadside Impaired Driving Enforcement (ARIDE), Drugs That Impair Driving (8 hour drug block), Drug Impairment Training for Educational Professionals (DITEP), and Standard Field Sobriety Testing (SFST). BOTS will continue to expand the ARIDE program by increasing the number of classes to accommodate demand and to align with this state and national focus. Drugged driving enforcement, which specifically includes the training of officers in a Drug Evaluation and Classification program, is a countermeasure that works on page 1-69 of the eighth edition. The education of law enforcement and education professionals will lead to the increased ability to identify driving under the influence of drugs (DUID). This project aligns state with national priorities and will eventually lead to less incidence of DUID.

In 2016, there was not a coordinator for the entire fiscal year, and so expenditures are expected to be higher in 2018. In 2016, \$149,183.72 was spent on the Drug Evaluation and Classification Program.

**(405d) 2018-31-03-M5**

**\$230,000**

## Traffic Safety Resource Prosecutor

This project includes salary and fringe for two statewide Traffic Safety Resource Prosecutors acting as a resource on legal issues, OWI, and the prosecution of those offenders. They will provide specialized training to prosecutors, judges, law enforcement, and others in the state. The “Traffic Safety Resource Prosecutor,” as defined by the federal rule, “means an individual or entity used by the State on a full-time basis to enhance the performance of a State’s judicial system by providing education and outreach programs and technical assistance to enhance the capability of prosecutors to effectively prosecute across-the-State traffic safety violations.” These positions also provide technical assistance to a wide variety of professionals such as law enforcement officers, Drug Recognition Experts, blood and alcohol testing staff, and policy development staff. A traffic safety resource prosecutor is able to try cases that are complex and nuanced when local expertise is unavailable. Local prosecutors are able to learn from their strategies, and these cases help set solid precedent, having a positive impact on traffic safety. Such prosecutors are a countermeasure that works on page 1-30 of the eighth edition. 2016 expenditures were \$272,599.94. Increased expected expenditures in 2018 include those expenditures due to both positions now being located at the Wisconsin Department of Justice (DOJ), whereas in 2016 only one position was at DOJ.



**(405d) 2018-31-03-M5**

**\$320,000**

## Adjudication

This project will provide funding for travel cost for agencies to participate in training offered by the National Center for DWI Courts (NCDC). These training sessions are partnerships between NCDC, NHTSA and the state highway safety offices. Ongoing training helps adjudicate OWI cases effectively. DWI Courts are a countermeasure that works, on page 1-29 of the eighth edition. In 2016, \$9,687.92 was spent on this project.

**(405d) 2018-31-03-M5**

**\$10,000**

## 24-7 Sobriety Programs

The Wisconsin Department of Justice will create 24-7 sobriety pilot programs in selected Wisconsin counties. These programs will require an individual arrested for or convicted of driving under the influence of alcohol to abstain from alcohol and be subject to testing for alcohol at least twice per day. Funding will be used for start-up projects only. Programs will be proportionally-funded to ensure NHTSA funds will be used for that proportion of the program whose participants have convictions related to impaired driving. The goal is for the programs to become self-sufficient. This project will result in treating persons with substance abuse issues, and will prevent persons likely to recidivate from doing so, resulting in a positive highway safety impact. This is a countermeasure that works on page 1-43 of the eighth edition.

**(405d) 2018-31-04-M5**

**\$50,000**



### Drugged Driving Pilot Data

BOTS will collect data with regard to driving under the influence of drugs for the purpose of identifying the size and scope of the state's drugged driving program. This is a continuing project that has been successful in determining in the scope of the drugged driving problem in one metropolitan area. We are planning to expand this project into other areas of the state. Approved expenditures in 2016 were \$40,000.

**(405d) 2018-31-09-M5**

**\$10,000**

### Data and Program Evaluation

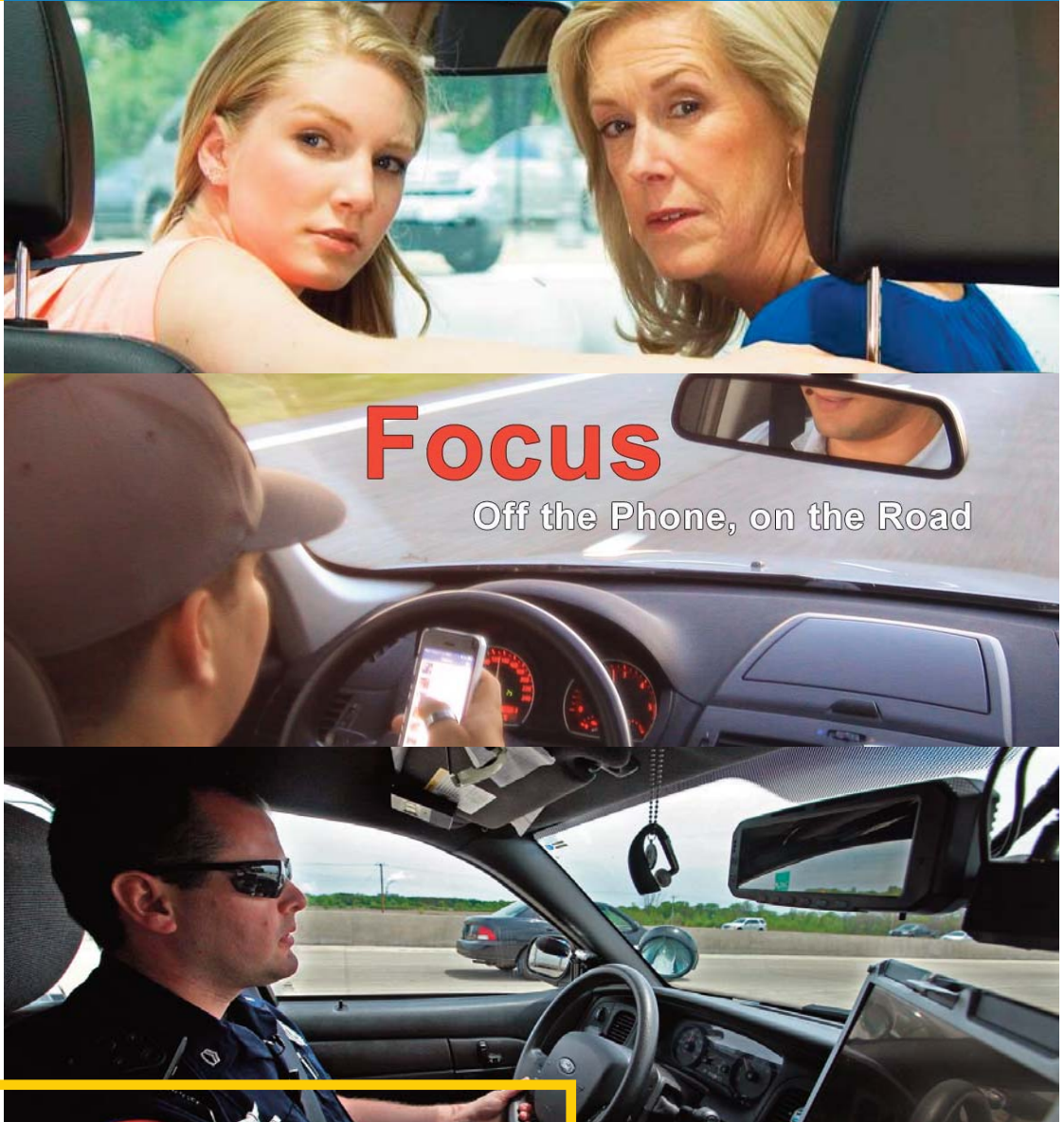
Contract for Knowledge, Attitude, and Behavior (KAB) mail surveys to evaluate the effectiveness of paid media and performance measure survey required for HSP. This is project that has been done in previous years and was successful in determining the effectiveness of our paid media projects. In 2017, \$63,600.41 has been obligated for these surveys.

**(405d) 2018-31-09-M5**

**\$75,000**

IMPAIRED DRIVING—BUDGET SUMMARY		
402	2018-30-06-AL	\$350,000
405d	2018-31-01-M5	\$70,000
405d	2018-31-03-M5	\$560,000
405d	2018-31-04-M5	\$170,000
405d	2018-31-05-M5	\$1,825,000
405d	2018-31-09-M5	\$85,000
405d (24/7)	2018-37-05-XX	\$165,000
405d (IID)	2018-37-05-XX	\$430,000
State 531	2018-39-04	\$700,000
<b>Total</b>		<b>\$4,355,000</b>

# Police Traffic Program

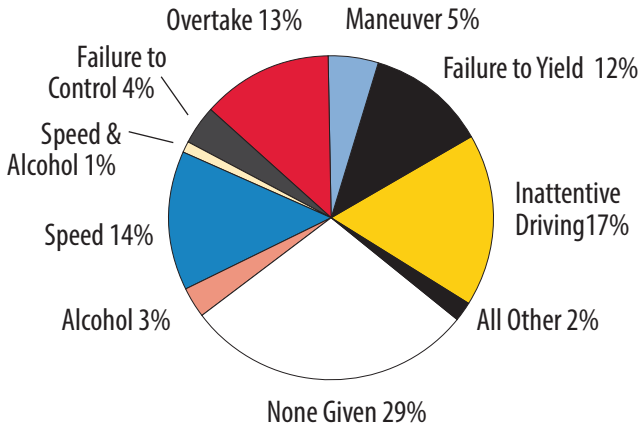


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## PROGRAM JUSTIFICATION, PERFORMANCE GOALS AND MEASURES

### 2016 Possible Contributing Circumstances



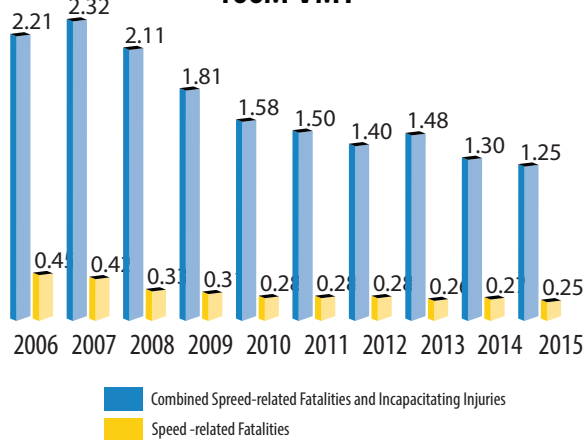
The number of crashes for which speed is recorded as a possible contributing circumstance (PCC) is assumed to be far fewer than the number of crashes for which speed actually played a factor. This assumption is based on data that show that speeding is the most commonly cited driver behavior and the most common type of driver-caused crash. Speed-related crashes resulted in 31% of all deaths and 19% of all injuries in 2016 (preliminarily). In addition, 185 people died and 8,247 were injured in 19,533 speed-related crashes. In total, there were 175,503 convictions for speeding violations in 2015. See performance measure C6 in the introduction for a performance measure and target for this program.

### Distracted Driving

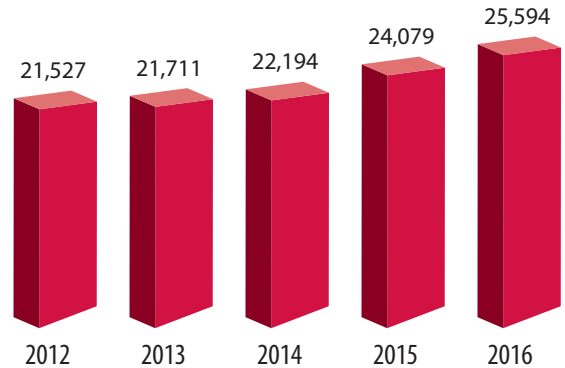
This section serves as Wisconsin's plan for the use of 405(e) distracted driving grants as required under the FAST Act.



### Speed Related Fatalities & 'A' Injuries 100M VMT

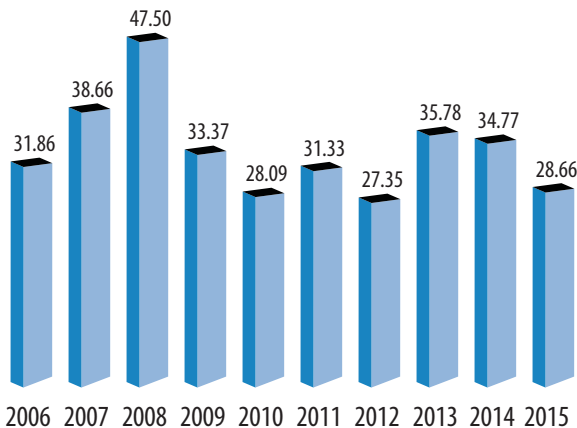


### Inattentive Driving Crashes, 2012-2016

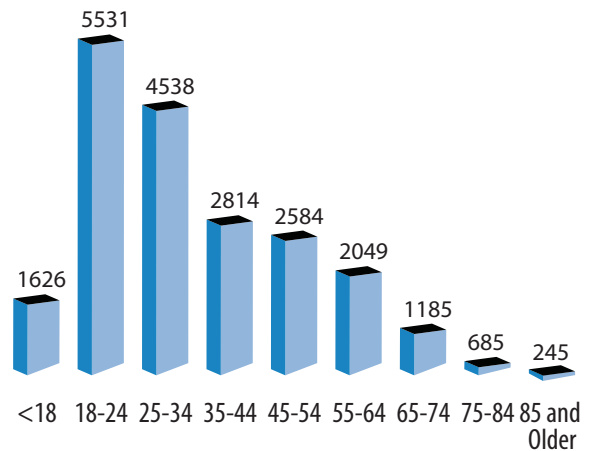


Inattentive drivers are disproportionately younger drivers. 33.7% of inattentive drivers are younger than 25 years of age.

### Speed Related Crashes/100M VMT



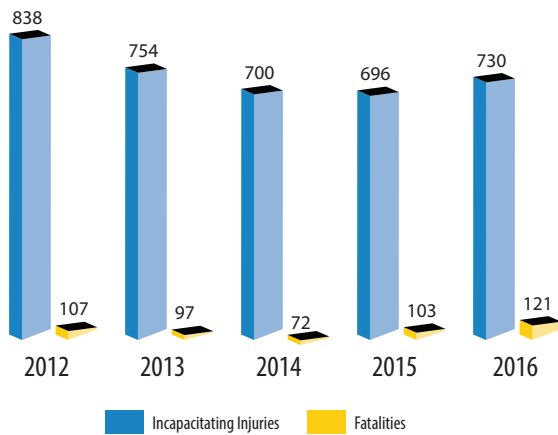
### Circumstance of Inattentive Driving by Age Annually, 2012-2016 Average







**Fatalities and Incapacitating Injuries in Crashes with a Possible Contributing Circumstance of Inattentive Driving, 2012-2016**



Inattentive driving crashes have been increasing in the state. In 2016, there were 25,594 crashes with a driver possible contributing circumstance (PCC) of inattentive driving.

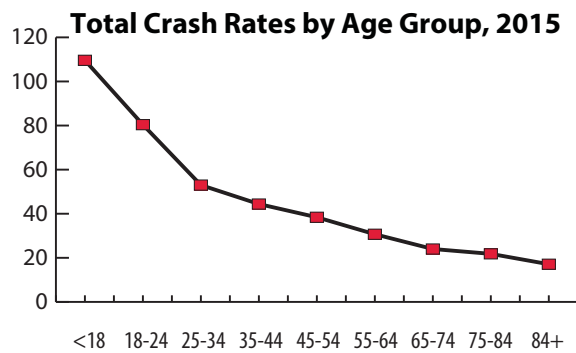
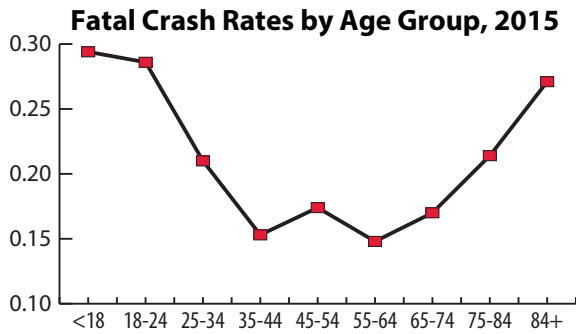
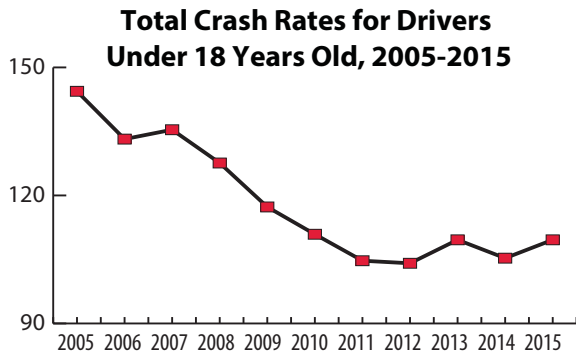
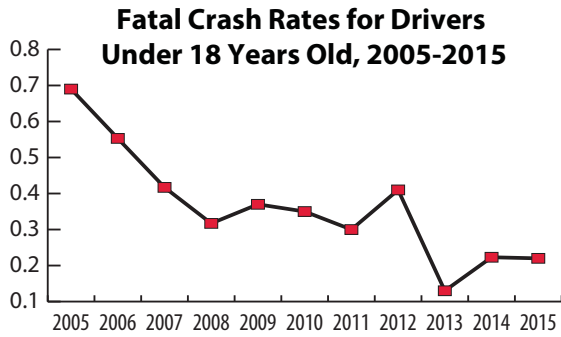
In 2016, there were 121 fatalities and 730 incapacitating injuries as a result of inattentive driving. Distracted driving results in an economic cost of over \$424 million to the state annually.

According to Wisconsin State Statutes, writing or sending emails or text messages while driving is illegal - “No person may drive... any motor vehicle while composing or sending an electronic text message or an electronic mail message,” Wis. Stats. §346.89(3)(a). In addition, in November 2012, a state law went into effect that prohibits drivers with an instruction permit or probationary license, which includes many teenagers, from “using a cellular or other wireless telephone except to report an emergency” while driving. In addition, inattentive driving is also illegal according to Wisconsin law - “No person while driving a motor vehicle may be engaged or occupied with an activity, other than driving the vehicle, that interferes or reasonably appears to interfere with the person’s ability to drive the vehicle safely,” Wis. Stats §346.89(1). Furthermore, using a cellular telephone that is not hands-free or voice-operated is prohibited “where persons engaged in work in a highway maintenance or construction area or in a utility work area are at risk from traffic, except to report an emergency,” Wis. Stats. §346.89 (4m).

**Economic Cost of Inattentive Driving Crashes in Wisconsin, 2012-2016 Average**

	2012-2016 AVERAGE	ECONOMIC COST PER CRASH <sup>1</sup>	ANNUAL ECONOMIC COST
Property-Damage-Only Crashes	15,593.4	\$4,300	\$67,051,620
Possible Injury Crashes	4,162.8	\$21,700	\$90,332,760
Non-incapacitating Injury Crashes	2,580.2	\$26,000	\$67,085,200
Incapacitating Injury Crashes	593.4	\$91,500	\$53,999,400
Fatal Crashes	93.2	\$1,562,000	\$145,578,400
<b>Total</b>	<b>23,023.0</b>		<b>\$424,047,380</b>

<sup>1</sup>National Safety Council. “Estimating the Costs of Unintentional Injuries, 2014.” (adjusted for inflation) [http://www.nsc.org/NSCDocuments\\_Corporate/estimating-costs-unintentional-injuries-2016.pdf](http://www.nsc.org/NSCDocuments_Corporate/estimating-costs-unintentional-injuries-2016.pdf)



Fatal crash rates and total crash rates per licensed drivers have been decreasing for drivers under 18 years of age. When compared to other age groups, however, fatal crash rates and total crash rates are higher than other age groups



## State Graduated Driver Licensing Laws

This section serves as Wisconsin's application for funds for section 405(g) state graduated driver licensing laws as required under the FAST Act.

Wisconsin has a multi-stage graduated driver license (GDL) law. (See ss. 343.07-343.085, Wis. Stats.) During the first stage, a driver is issued an instruction permit, and during the second stage, a driver is issued a probationary license. Both instruction permits and probationary licenses are physically distinctive for drivers under age 18.

Instruction permits are valid for 12 months. New drivers between 15 ½ and 18 years of age are required to have 30 hours of driving experience prior to the issuance of a probationary license. Drivers under age 18 must hold an instruction permit for six months prior to being issued a probationary license. Drivers with instruction permits must be accompanied in the front seat by a qualified instructor, or licensed parent, guardian, or spouse with at least two years of driving experience who is age 19 or older. A person 21 years of age or older may accompany a driver under 18 years of age with an instruction permit if the parent or guardian puts it into writing. In addition to a qualified driver or qualified immediate family

member accompanying the driver in the front seat, only immediate family members or a qualified instructor may ride in the car of a driver with an instruction permit unless that person is a licensed driver 25 years of age or older. During hours of darkness, a driver with an instruction permit may not operate a motor vehicle unless accompanied in the front seat by a qualified instructor or a licensed person 25 years of age or more with at least two years of driving experience. A driver with an instruction permit has the stage extended for an additional six-month period or until the licensee's 18th birthday, whichever occurs earlier, if the licensee commits a moving violation resulting in conviction or if the licensee violates a GDL restriction. According to the Division of Motor Vehicles, if the permittee misrepresents his or her age, the product is cancelled and the new product would be an original product and the probationary clock and the GDL clock (if still under 18) would re-start.

For drivers under age 18, probationary licenses are issued to drivers who have held an instruction permit for at least six months, complete a driver education course, have an adult sponsor, accumulate 30 hours of driving experience with ten hours during hours of darkness, have not committed any traffic violations within the six months immediately preceding the application, and pass a road skills test. For drivers under age 18 with a probationary license, only members of the driver's immediate family, a qualified instructor, and one other passenger may ride in the vehicle for the first nine months. Between 12 a.m. and 5 a.m., a parent, guardian, or qualified instructor must accompany the driver in the front seat unless the driver is traveling between their residence, school, or place of employment. The earliest age a person can receive an unrestricted license would be 90 days prior to his or her 18th birthday if he or she applies for an instruction permit and after that a probationary license on the earliest day possible. Restrictions relating to who can ride in the car of a person with a probationary license and restricted hours at night are in effect for nine months after the issuance of a probationary license, and so the earliest age a person would not have these restrictions is 16 years and nine months of age. A driver with a probationary license has the stage extended for an additional six-month period or until the licensee's 18th birthday, whichever occurs earlier, if the licensee commits a moving violation resulting in conviction or if the licensee violates a GDL restriction. According to the Division of Motor Vehicles, if a person with a probationary license misrepresents his or her age, the product is cancelled and the new product would be an original product and the probationary clock and the GDL clock (if still under 18) would re-start.





## Law Enforcement

Plan statewide participation, encourage voluntary participation, and provide overtime funding for the speed and aggressive driving enforcement campaign. Encourage coordination between county and local law enforcement by supporting HVE task forces. Support statewide Wisconsin State Patrol Air Support Unit HVE deployments in partnership with local law enforcement agencies. Any excess will be obligated for speed enforcement. 2016 expenditures were \$2,073,402.69. This HVE speed enforcement project is a countermeasure that works on page 3-24 of the eighth edition. Less speeding and aggressive driving is expected to result.

**(402) 2018-40-05-PT                      \$675,000**

**(405g) 2018-46-05-XX                      \$150,000**

## Distracted Driving Enforcement

Plan statewide participation and overtime funding for a distracted driving campaign. Encourage coordination between law enforcement agencies to participate on HVE task forces to enforce the state's distracted driving laws. This HVE distracted driving enforcement project is a countermeasure that works on page 4-15 of the eighth edition. Less distracted driving is expected to result.

**(405e) 2018-44-05-XX                      \$500,000**

## Teen Driver Education Programs

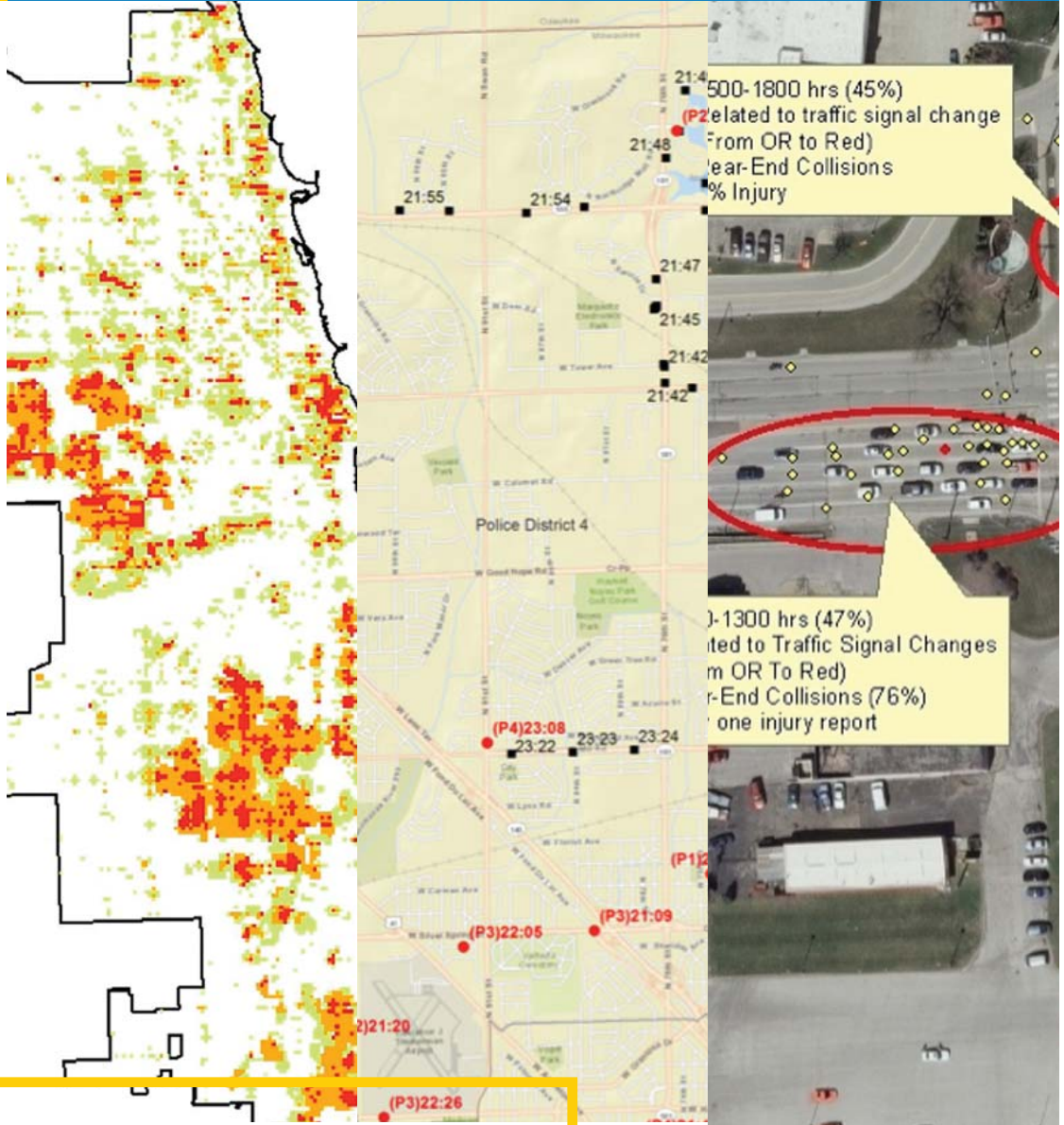
These funds will be used to add elements to WisDOT's Driver Education Completion (DEC) system that track instruction times, track skills test waivers, and track the performance of training sites. This pre-licensure driver education project is a countermeasure that works on page 6-19 of the eighth edition. Having better information on driver education completion will help to ensure that new drivers are competent, decreasing the number of crashes and traffic violations for new drivers.

**(405g) 2018-46-03-XX                      \$150,000**

### POLICE TRAFFIC PROGRAM—BUDGET SUMMARY

Fund/Source	ID	Amount
402	2018-40-05-PT	\$675,000
405e	2018-44-05-XX	\$500,000
405g	2018-46-03-XX	\$150,000
405g	2018-46-05-XX	\$150,000
<b>Total</b>		<b>\$1,475,000</b>

# Traffic Records Improvement Plan



STATE OF  
WISCONSIN  
FFY 2018



## PROGRAM JUSTIFICATION, PERFORMANCE GOALS AND MEASURES

### Justification

The FAST Act requires states to have a Traffic Records Coordinating Committee (TRCC) and a Traffic Records Coordinator to administer the Traffic Records Program. Members of the TRCC include owners, operators, collectors, and users of traffic records and public health and injury control data systems. The TRCC also includes representatives from organizations related to highway safety, highway infrastructure, law enforcement, adjudication, public health, EMS, and others. The group meets at least quarterly (and sometimes more often, such as when plans are being formulated). The members of the TRCC have review and approval authority with respect to state highway safety data and systems. The TRCC members make decisions concerning membership and leadership, changes to the state's multi-year Strategic Plan, and interim performance measures used to demonstrate progress.



Timeliness



Accuracy



Completeness



Uniformity



Integration



Accessibility

The State Traffic Records Strategic Plan is supplemental appendix TR-1. A list of TRCC members with their names, titles, home organizations, and core safety databases represented is included in this appendix. Appendix TR-2 provides a written description of the performance measures, and all supporting data, to show quantitative improvement within the preceding 12 months of the application's due date in relation to one or more of the significant data program attributes. Supplemental Appendix TR-3 provides a written description of the performance measure, and all supporting data, to show quantitative improvement within the preceding 12 months of the application's due date in relation to one or more of the significant data program attributes.

States are allowed to use grant funds for making data program improvements to core highway safety databases related to quantifiable, measurable progress in any of the significant data program attributes of accuracy, completeness, timeliness, uniformity, accessibility, or integration. The following are a list of the project concepts that the TRCC has approved for grant funding for FFY 2018. Performance measures and targets for this program are listed within the projects below.

### Program Evaluation Analyst 1.0 FTE

This project will help the efforts of traffic safety through the effective organization and planning of the TRCC and its projects.

**Countermeasure Justification:** Objective analysis of the benefits and costs of different projects—and the reporting of these facts to TRCC members—is a crucial part of ensuring that federal transportation dollars are wisely spent where they can do the most good. Moreover, a well-organized TRCC is only possible with these funds and this position; an organized TRCC allows for more integrated, accessible, timely, and accurate data.

**Price Justification:** The amount requested (\$90,000) is the same as the 2017 amount.

**(405c) 2018-58-01-M3**

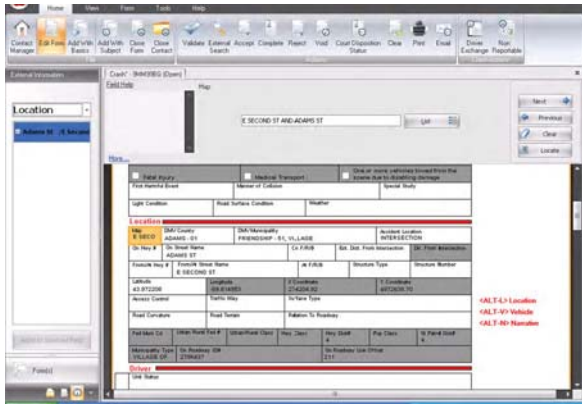
**\$90,000**

### Travel Stipend for Bi-Annual DMV TraCS Training

This fund will support two individuals from the Department of Motor Vehicles (DMV) to attend two different TraCS-related user conferences. TraCS is the software used by all Wisconsin law enforcement agencies to collect and transmit crashes and citations.

**Countermeasure Justification:** By learning from other TraCS users and gaining valuable updates from TraCS developers, attendees at these conferences will improve their ability to help law enforcement agencies (LEAs) with TraCS-related issues and problems; this will in turn boost the accuracy, completeness, and timeliness of the TraCS data that LEAs enter.

**Traffic Safety Justification:** By attending the conferences and receiving information about best practices for TraCS-related issues, DMV members will be able to more effectively assist law enforcement agencies when they have problems in entering data. Entering accurate data in TraCS is absolutely crucial in that it allows the Bureau of



Transportation Safety (BOTS) to target grants, study dangerous areas and emerging behavioral issues on Wisconsin roads, and share crash data through Community Maps at the TSCs.

Financial Justification: The planned expenditure is of the same amount as was spent for this purpose in previous years (\$6,000 annually).

**(405c) 2018-58-01-M3**

**\$6,000**

### DMV Citation Upgrades

The DMV has been running into duplicate citations in past years due to running out of 7-digit citation numbers. The citation number is thus being changed from a 7-digit number to an 8-digit number to ensure that duplicates are not encountered. Moreover, the paper citation form will be changed in other ways to match the electronic citation form.

Countermeasure Justification: This project will boost the integration, accessibility, and timeliness of the citation form process. Specifically, law enforcement agencies will no longer have to reissue a citation because of duplications.

Traffic Safety Justification: This will improve the efficiency for law enforcement officers, allowing them to spend less time on writing and revising citations, and more time on enforcement activities. More enforcement time will mean greater traffic safety.

Financial Justification: This project is a one-time fix that will allow the DMV to issue enough citations to last 20 years.

**(405c) 2018-58-06-M3**

**\$5,000**

### Final TraCS Implementation for Select Agencies

While most law enforcement agencies (LEAs) are utilizing TraCS, there are some small agencies throughout the state that have not yet joined TraCS. These funds will provide strategic start-up funds to small agencies to implement TraCS.

Countermeasure Justification: This project will boost the timeliness, accuracy, and accessibility of law enforcement data because TraCS is transmitted electronically and validated electronically.

Traffic Safety Justification: Traffic safety in Wisconsin relies upon enforcement, which in turn relies upon cooperation between agencies (particularly in small rural agencies with limited human resources). By boosting the number of TraCS users, this project will improve traffic safety through the state.

Financial Justification: In FFY 2017, Wisconsin provided \$100,000 to select agencies. Most agencies in the state are already using TraCS, so the FFY 2018 figure is lower.

**(405c) 2018-58-06-M3**

**\$25,000**

### TRCC Coordination and Planning

This section will fund the coordination, planning, and management of the traffic records program, as well as the administration of the Traffic Records Strategic Plan (TRSP) and SHSP Data Sections. This section will also fund the planning and production of TRCC Meetings, Strategic Plan Development, and travel to national conferences.

**Countermeasure Justification:** An effective and well-functioning TRCC relies upon strong strategic direction, organization, and support from the Bureau of Transportation Safety. This group also relies upon best-practices gained from attendance at national conferences. These funds will maximize the efficiency of TRCC meetings and boost productivity among TRCC members by supporting planning processes and best-practices in regards to data.

**Traffic Safety Justification:** Traffic safety analysis relies upon greater data integration and the knowledge of best-practices in traffic safety data management. This fund will support these efforts, and thus make Wisconsin's roads safer.

**Price Justification:** The requested amount is the same as the 2017 amount (\$10,000).

**(405c) 2018-58-03-M3**

**\$10,000**

## Community Maps Improvements

This project will automate the migration of data from crash forms and fatal supplement forms into the Community Maps interface.

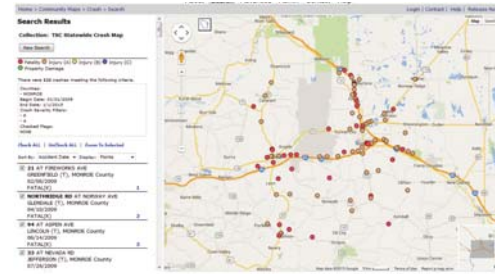
**Countermeasure Justification:** Currently, the Community Maps interface relies upon law enforcement agencies manually inputting crash data for their region, meaning that the interface can suffer from inaccuracies, incompleteness, and delayed entries. This project will improve the accessibility, integration, timeliness, completeness, consistency, and accuracy of the data that lies at the heart of Wisconsin's Traffic Safety Commissions (TSCs).

**Traffic Safety Justification:** This project will support traffic safety in Wisconsin by allowing for improved data quality at TSCs throughout the state. The Bureau of Transportation Safety (BOTS) relies upon counties to effectively implement the Strategic Highway Safety Plan and other safety efforts and this project strengthens those local—yet crucial—efforts by improving local information and data sharing.

**Financial Justification:** BOTS requested \$40,000 in the last Highway Safety Plan; since that time, Community Maps has grown in sophistication, and the number of TSCs and other analysts using it has increased dramatically. Therefore, small improvements in the program can yield large gains in traffic safety.

**(405c) 2018-58-03-M3**

**\$55,000**



## WisTransPortal Data Warehouse Modeling

This project will lay the groundwork for a more advanced and stable web architecture in WisTransPortal, the internet portal by which DOT analysts can summarize crashes throughout the state (and in specific locations).



**Countermeasure Justification:** This project will improve the current and future integration of WisTransPortal with other data sources. This will allow DOT analysts and engineers to analyze all factors—human and infrastructure—that may be associated with a particular crash.

**Traffic Safety Justification:** By preparing DOT data systems to efficiently integrate all factors that may have been associated with a crash, this project will support more advanced safety analysis in the future. This will in turn improve the safety of Wisconsin's citizens.

**Financial Justification:** While this project is new, there are more users than ever utilizing WisTransPortal within TSCs and these new funds will support the next generation of data integration within this interface.

**(405c) 2018-58-03-M3**

**\$25,000**



## WisTransPortal Predictive Crash Research and Development

This project provides interactive maps and filters that can be used by law enforcement agencies to predict—based on past days, times, and weather patterns—where and when crashes might occur.

Countermeasure Justification: This project will improve the accessibility and timeliness of crash data by predicting the potential for future crashes based on the characteristics of past crashes, current conditions, and other factors.

Traffic Safety Justification: By providing information about where and when crashes are most likely to occur, this project will allow law enforcement officers to plan and deploy resources on a region or state level as well as to decide upon deployment areas for individual shifts.

Financial Justification: While this is a new project, other states such as Tennessee have used predictive analytical tools in similar ways to predict future crashes and drive down the number and severity of crashes.

**(405c) 2018-58-03-M3 \$55,000**

## CODES Cross-Border Database Linkages and Improvements

This project will improve and strengthen linkages between Wisconsin crash data, and Iowa, Illinois, and Minnesota hospital and EMS data in order to more accurately measure the severity of injuries and the quality of EMS and hospital coverage and care.

Countermeasure Justification: By allowing complete and more accurate linkages between crash data in Wisconsin and injury severity, treatment history, and health outcome levels in Iowa, Illinois, and Minnesota, this project will dramatically improve data integration, completeness, and accessibility of merged crash/outcome data for analysis.

Traffic Safety Justification: Through this project, analysts will be able to locate areas of the state that are lacking in EMS and/or hospital coverage. This knowledge will be used to guide mitigating investments for those areas.

Financial Justification: In FFY 2017, this project was awarded \$124,000, and so an investment of \$130,000 allows for an expansion of these linkages to cover hospital and EMS data from Iowa.

**(405c) 2018-58-03-M3 \$130,000**

## CODES Database Report Production and Improvements

This project will connect Wisconsin MV4000 crash records to ambulance and hospital data, and then produce user-friendly SAS reports for analysis.

Countermeasure Justification: This project will support the accessibility, integration, accuracy, completeness, and timeliness of the state's traffic records system (specifically as they relate the crash outcomes).

Traffic Safety Justification: This project will allow analysts and the public to analyze the relationship between crashes, EMS coverage and quality, and hospital coverage and quality. This will allow the state to better identify areas where the health infrastructure can be improved.

Financial Justification: This project was funded by the TRCC for \$50,000 in FFY 2017 and so the TRCC is requesting the same amount for FFY 2018.

**(405c) 2018-58-03-M3 \$50,000**

## Hospital Patient Data System Improvements

This project will improve the linkages between EMS and hospital inpatient data, while also creating connections between multiple visits for the same patient. This will allow analysts to track crash victims more completely. Moreover, this project will support the complete migration of all data to a new SQL server, will add a new standard measure of injury severity to the SQL server archive, and will implement new, quarterly data transfers from Minnesota and Iowa hospital associations.

Countermeasure Justification: This project will improve the accessibility, integration, completeness, and timeliness of the crash-associated health data of Wisconsin residents.

**Traffic Safety Justification:** This project will allow analysts and public health professionals to subjectively rate crash-related injuries, and follow victims through the hospital stay process. This will allow analysts to more comprehensively understand the impact of different types of crashes in different locations.

**Financial Justification:** Financial Justification: This project was funded by the TRCC for \$50,000 in FFY 2017. The TRCC is requesting the same amount for FFY 2018.

**(405c) 2018-58-03-M3**

**\$50,000**

## WARDS & Trauma Update, Integration and Training

This project will support the training of healthcare users to capture the necessary ambulance-run data. A new NHTSA-initiated database systems—NEMSIS v3—is being introduced and while this can provide more information, it will require trainers for those EMS responders who input the data.

**Countermeasure Justification:** NEMSIS v3—and all systems that link together EMS and hospital data—require effective data entry training. This project will not only ensure accurate and complete data entry procedures; it will also identify and train leaders in different regions of the state who can then train others in following years, reducing costs for the state.

**Traffic Safety Justification:** Accurate data is required for effective safety analysis and only by providing comprehensive training to those actually entering the data can the DOT and the DHS ensure accurate data. Moreover, by training EMS individuals to enter data, this project helps those workers focus on the patients under their care, and not on the onerous data entry processes.

**Financial Justification:** This project was funded last year at the \$50,000 level. This year, the TRCC is requesting \$40,000. As noted, these funds will ensure self-sustaining data entry training in the future.

**(405c) 2018-58-03-M3**

**\$40,000**

## 2018 Wisconsin Behavioral Risk Factor Survey

This project supports the UW-Survey Center in their efforts to study the prevalence of seatbelt usage, impaired driving, and distracted driving, among other issues. In the FFY 2018 study, survey organizers will work with BOTS to ask questions about emerging threats to Wisconsin drivers: opioid usage and drug-impaired driving.

**Countermeasure Justification:** The state relies upon knowledge of dangerous driving behaviors to understand the demographics of those imperiling Wisconsin drivers—and themselves. With this information, the Wisconsin DOT can then target resources to these groups and areas. Specifically, this will improve the accuracy and completeness of traffic records data.

**Traffic Safety Justification:** The survey results will be used to target grants and support innovative pilot programs that tackle the above-mentioned threats emerging on Wisconsin's roads.

**Financial Justification:** The funds will be used to pay for professional and experienced interviewers; the UW-Survey Center plans to collect responses on some 5,000 individuals in the state. The funds will also be used to prepare statistical reports, which will be shared with BOTS and others within the DOT.

**(405c) 2018-58-03-M3**

**\$50,000**

TRAFFIC RECORDS IMPROVEMENTS—BUDGET SUMMARY			
405c	2018-58-01-M3		\$96,000
405c	2018-58-03-M3		\$465,000
405c	2018-58-06-M3		\$30,000
<b>Total</b>			<b>\$591,000</b>

# EMS Improvement Plan



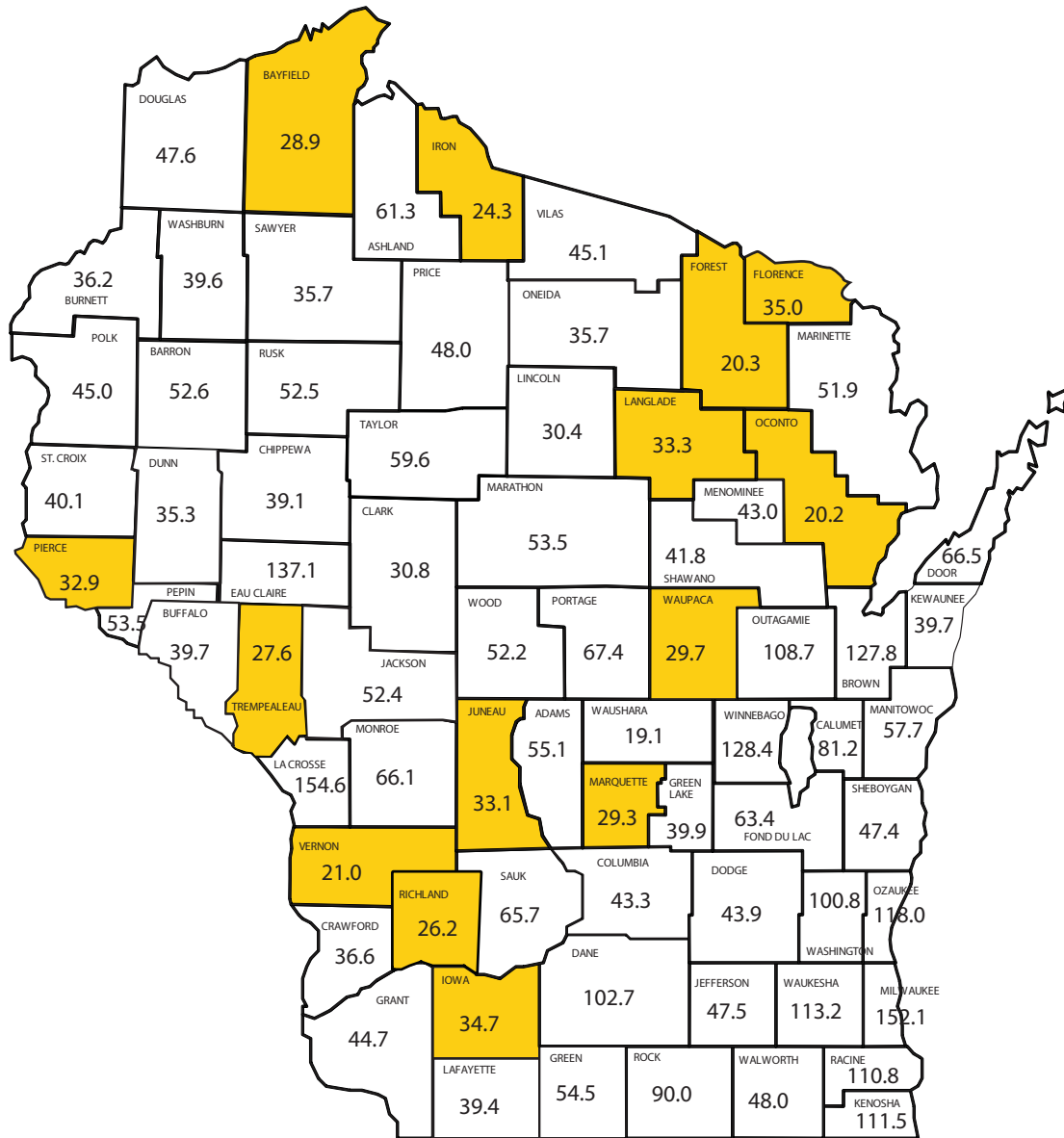
When You See This  
**Slow Down  
and Move Over**  
Let's Keep Our First Responders Safe



STATE OF  
WISCONSIN  
FFY 2018



## 2012-2014 3-Year Average Injury-to-Death Ratios



State Average Injury-to-Death Ratio	
2016	73.6
2013-2015	76.7

Shaded Counties averaged at least 1 death per every 35 injuries over the past 3 years.

Source: WisDOT Crash Database

## PROGRAM JUSTIFICATION, PERFORMANCE GOALS AND MEASURES

### Justification

Crash survivability varies by location in the state, which is a result of many factors, including the speed and quality of emergency medical response and treatment. The Wisconsin Legislature has mandated the development of a statewide trauma care system to maximize local resources. However, recruitment and retention of first responders is an increasingly significant issue in rural portions of the state. Response times are longer and outcomes are worse for rural crashes, and three-year average injury-to-death ratios indicate that the areas of highest risk are predominantly rural.

It is important to improve traffic crash survivability and injury outcome by improving the availability, timeliness, and quality of pre-hospital care, especially in high-risk rural areas of the state.



## Performance Goals and Measures

### Injury to Death Ratios

2013-2015 Statewide 3-year average baseline	76.7 to 1
2016 Actual	73.6 to 1
2017 Goal	80.6 to 1

### Safety Belt Use Rate in personal injury and fatal crashes will increase.

2000 Statewide Baseline	65.4%
2016 Statewide Usage	88.4%
2017 Goal	86.48%

Regional Program Managers will work with rural counties that have a low injury-to-death ratio to provide funding for training and equipping local first responders.

### Publicity and Outreach (Emergency Response)

With the Department of Health Services and the Wisconsin Division of the American Trauma Society (WATS), the Bureau of Transportation Safety will develop an EMS plan with a focus on recruitment and retention of first responders, and to educate the general population and emergency responders about the state Trauma System, and to review and duplicate highway safety materials for distribution locally by EMS/trauma care personnel. We planned to expend this amount in the HSPs of previous years, and we plan to expend this amount in fiscal year 2018. Distance to trauma centers has been proven to have a significant role affecting the severity of injuries after a crash. This project will focus on areas with fewer ambulance services and will focus on recruitment and retention of EMTs in those areas. This will impact traffic safety by providing better EMS services in remote areas, increasing response, which will decrease the likelihood of a relatively minor traffic incident resulting in a fatality.

**(402) 2018-60-02-EM**

**\$50,000**

## Rural Emergency Response Programs, Equipment & Training

Fund equipment and training for initial or first-time first responder groups in targeted high-risk areas. Connect returning military service personnel with local EMS providers. We planned to expend this amount in the HSPs of previous years, and we plan to expend this amount in fiscal year 2018.

**(402) 2018-60-03-EM**

**\$50,000**

<b>EMA IMPROVEMENT PLAN—BUDGET SUMMARY</b>			
402	2018-60-02-EM	PI&E	\$50,000
402	2018-60-03-EM	Training – Equipment	\$50,000
<b>Total</b>			<b>\$100,000</b>

# Motorcyclist Safety Program

**ALL THE  
GEAR  
ALL THE  
TIME!**



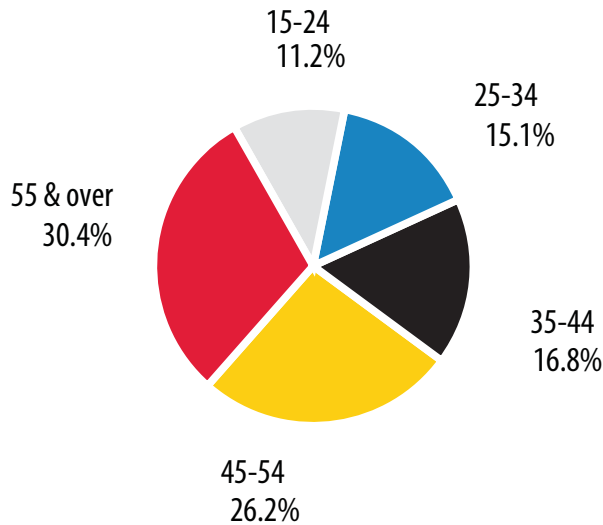
STATE OF  
WISCONSIN  
FFY 2018



## PROGRAM JUSTIFICATION, PERFORMANCE GOALS AND MEASURES

Using a five-year rolling average (2011-2015), 90 people die and 593 people are seriously injured in motorcycle and moped crashes in Wisconsin annually. In 2016, 511 persons were seriously injured and 85 were killed in 2,437 reported crashes involving motorcycles and mopeds. Over the prior five years, 84% of motorcycle/moped crashes resulted in fatality or injury. If you were a rider in a reportable motorcycle or moped crash in 2016, you

### 2016 'K' & 'A' Injuries by Age Group

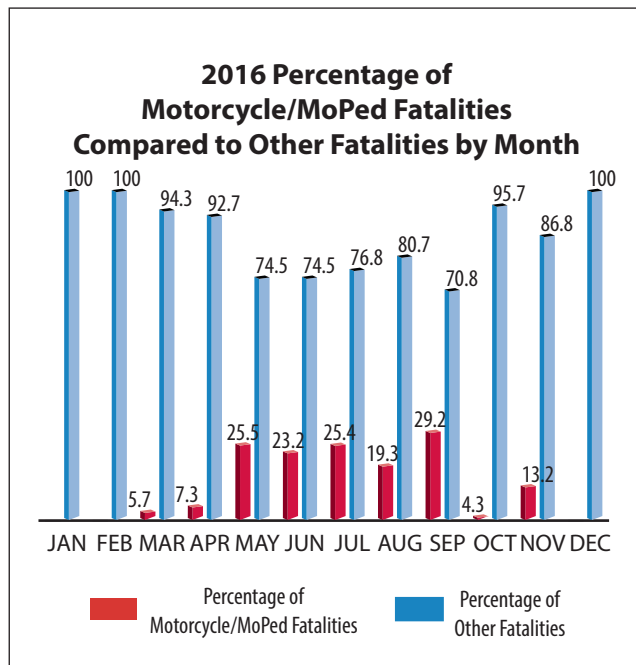


were most likely injured—only 458 motorcycle and moped crashes did not result in injury. The majority of these injuries are to people over the age of 35 years old. The chart below shows that 73% of the motorcyclist fatalities and incapacitating injuries occur to individuals 35 years old and older. See performance measures C7 and C8 in the introduction for performance measures and targets for this program.

Riding motorcycles and mopeds for the vast majority of riders is a seasonal endeavor. Very rarely does Wisconsin have a warm enough winter for even the most avid rider to continue around-the-year use. Motorcyclist fatalities nonetheless accounted for 14% of total fatalities on Wisconsin roads in 2016. The graph below illustrates when those fatalities occurred and what a large share of the total fatalities motorcyclists were (and are each year) during those months.

As discussed in the impaired driving section, alcohol is also a significant concern in the motorcyclist community. Of the 79 motorcycle and moped operators killed in 2016, 75 (94.9%) were tested for alcohol, and 21 (28.0%) of them had a positive blood alcohol content.

Wisconsin's Motorcycle Rider Education Program has been a successful program for 36 years as of 2016. Six RiderCoach Trainers, two Lead RiderCoaches-at-Large, a Quality Assurance Coordinator, 18 Quality







Assurance Specialists, and nearly 200 RiderCoaches must routinely be updated and kept current on Motorcycle Safety Foundation (MSF) and Wisconsin Motorcyclist Safety Program curriculum and policy and procedure changes as well as quality improvement initiatives. Funding applied for by the Wisconsin Technical College System (WTCS) and ABATE training sites has increased in 2016, creating an additional workload for the Motorcyclist Safety Program. The success of the program is reflected in the results of past surveys, which indicate that 51% of respondents are familiar with our PSAs, billboards, Dynamic Message Boards, brochures, posters, bumper and helmet stickers.

FAST Act applications require that states provide the following about motorcycle riding training courses and the motorcyclist awareness program:

1. A list of counties where motorcycle rider training courses will be conducted during 2018 and the number of registered motorcycles in each county is provided in appendix MC-1
2. The performance measures, corresponding performance targets, countermeasure strategies, and projects developed for motorcycle awareness are in this section and in appendix MC-2.

Percentage of Riders in Fatal Crashes Not Wearing a Helmet 2007 2016									
2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
76%	78%	65%	77%	92%	78%	76%	71%	83%	79%

The chart above indicates that the percentage of riders in fatal crashes that chose not to wear a helmet remains high.

## Communications and Outreach Plan

The Wisconsin Motorcyclist Safety Program improves motorist awareness of the presence of motorcyclists on or near its roadways and promotes safe driving practices that avoid injuries to motorcyclists.

In 2015, the most recent year finalized crash data are available, the year required per 23 C.F.R. §1300.25(f)(2), Wisconsin experienced 1,070 motorcycle crashes involving a motorcycle and another motor vehicle. The highest





number of motorcycle crashes happened in the southeastern portion of the state where the majority of the population resides. This area is being targeted in 2018 for numerous activities intended to reduce crashes and fatalities. Although the southeast region is being targeted for programming, events and activities of the Wisconsin Motorcyclist Safety Program will happen throughout the state.

In 2010, the Wisconsin Motorcyclist Safety Program of the Wisconsin Department of Transportation launched its Transportable High-End Rider Education Facility (THE REF), a 42-foot-long trailer containing two classrooms and a garage area in the rear. One of those classrooms houses two traffic simulators with actual motorcyclist controls, while the other classroom contains a variety of audio-visual components, two of which are large interactive computer screens. The rear-most portion of the trailer houses three training motorcycles which are used to conduct an Introductory Motorcycle Experience activity, which targets prospective motorcyclists. The two primary goals and objectives of THE REF are to:

- Promote motorcycle awareness and provide information regarding motorcycles and motorcyclists to the general motoring public.
- Meet members of the motorcycling community face to face to promote motorcyclist safety, motorcycle training opportunities, and motorcyclist risk reduction techniques.

On an annual basis, THE REF spends more than 80 days at events and activities that are not only geared toward the motorcycling community, but events and activities that attract vast segments of the general public. For 2018, the Wisconsin Motorcyclist Safety Program's THE REF and its staff are once again making a concerted effort to target and participate in both motorcycle-specific and general motoring public events and activities in areas where the greatest numbers of motorcycle fatalities occurred in 2015.

In February of 2016, at the Wisconsin Motorcyclist Safety Program's Annual Spring Kick-Off, staff from the Wisconsin Bureau of Transportation Safety (BOTS) and the Wisconsin Motorcyclist Safety Program's administrative staff visited with Wisconsin rider education and training staff from nearly all rider training sites throughout Wisconsin to discuss the final implementation of the new basic rider education course curriculum in Wisconsin, as well as discuss the means by which we can reduce motorcycle crashes and fatalities. Further, since a significant number of our rider education training sites are located within our 2016 target areas, we are making additional efforts to provide those sites with the necessary resources to make a difference in the reduction of crashes and fatalities in Wisconsin.

Continuing in 2017, and in partnership with ABATE and the Department of Tourism, an expanded campaign is in place to further promote motorcycle awareness to the general motoring public and motorcycle safety for motorcyclists through the use of radio and television PSAs in high fatality rate target areas and throughout the state. In addition, motorcycle awareness promotional materials are being posted in highly traveled areas, information centers, rest areas, and businesses that cater to motorcyclists. Further, numerous electronic billboards have been selected in strategic locations and are being employed to remind the general motoring public of the presence of motorcyclists on Wisconsin roadways.

Since the early spring of 2009, WMSP and BOTS staff members have been conducting an in-depth analysis of all Wisconsin motorcyclist fatalities in an effort to establish an accurate profile of those motorcyclists involved in fatalities and establish appropriate countermeasures to reduce motorcyclist crashes and fatalities. To that end, BOTS staff members study and analyze MV4000 Crash Reports, corresponding narratives, coroner reports, as well as crash reconstruction documents. Performing this analysis over a number of years provides us with critical information pertaining to where these crashes and fatalities most often occur.

In 1990, the Wisconsin DOT and the Wisconsin Motorcyclist Safety Program established the Wisconsin Motorcycle Safety Advisory Council (MoSAC), which reports to the Department of Transportation Secretary. The council is comprised of key members of the motorcycling community as well as law enforcement, highway engineering, rider education, and others. The council typically meets on a quarterly basis, or more often when needed. In recent years the primary focus of the council has been to establish the means by which to reduce motorcyclist fatalities and promote motorist awareness.

To reduce motorcyclist crashes and fatalities, beginning in 2010 and continuing through 2017, the Wisconsin Motorcyclist Safety Program is continuing to build its partnership with the Motorcycle Safety Foundation in a concerted effort to provide a variety of appropriate levels of rider education to address all members of the motorcycling community. The overall function of the rider education program is to not only improve the skill level of all participating motorcyclists, but to influence motorcyclists' attitudes, behaviors, choices, and decision making in a positive manner to reduce crashes and fatalities.

Through analysis of motorcycle crashes, it is evident that motorcycle awareness on the part of the general motoring public is a key component to reducing crashes and fatalities. A key issue that continues to be a contributing factor to multiple vehicle crashes is the fact that motorists claim to have not seen the motorcyclist. As a result, and via an ongoing campaign through the WISDOT Radio Newline, motorists are encouraged to Look Twice for motorcyclists as they enter the driver's field of vision, change lanes, or approach intersections. In addition, motorists are also continually encouraged to Share the Roadways with motorcyclists.

In 2017, WisDOT is partnering with ABATE in a campaign to encourage mutual respect between Wisconsin motorists and motorcyclists.

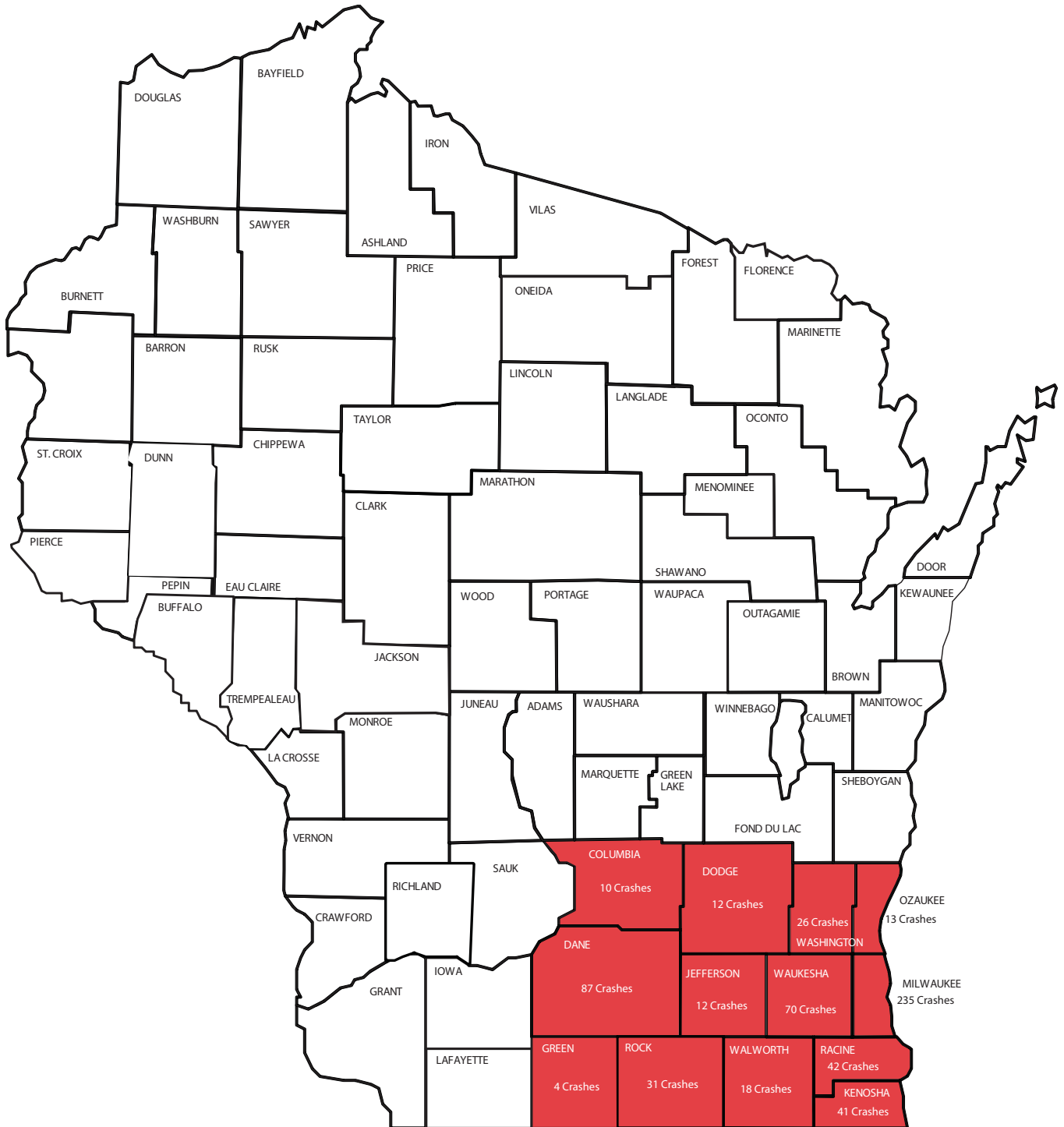
Once again in 2017, Wisconsin has proclaimed May as Motorcycle Awareness Month by Governor Scott Walker, urging Wisconsin motorists to Share the Road with motorcycles.

WisDOT/BOTS partners with a wide variety of law enforcement agencies on an annual basis to perform high visibility enforcement at major Wisconsin motorcycling events and activities as well as target areas where there were a high number of crashes and fatalities.



# Wisconsin

## 2015 Motorcycle Crashes Involving Another Motor Vehicle: Target Regions for FFY 2018



### Southeast Target Area

601 motorcycle crashes in 2015 in crashes with another motor vehicle (56% of the state total of 5,316)

## Program Management

Coordinate, plan, and manage the Wisconsin Motorcyclist Safety Program (WMSP). Assist the Wisconsin rider education program and WMSP through continued clerical support to training sites. This includes wage and fringe, data processing costs, materials & supplies, training and travel, printing and postage, and SMSA Membership Dues. 2016 expenditures were \$161,012.

**(State 562) 2018-79-01 \$150,000**

## Motorcycle Rider Education and Training

The Wisconsin Motorcyclist Safety Program will expand rider education courses to address novice, intermediate, and seasoned motorcyclists. It will also fund the WMSP (BRC - novices) Basic RiderCourse curriculum and the WMSP (BRC2 - intermediate) Basic Rider Course-2 as a waiverable rider

education course. Professional development of RiderCoach Trainers and train-the-trainer staff including curriculum updates, motorcyclist safety conferences and workshops. 2016 expenditures were \$6,131.74.

**(405f) 2018-72-03-M9 \$30,000**

Wisconsin Motorcyclist Safety Program/Rider Education Program: Administer classroom and hands-on rider training programs through the Wisconsin Technical College System (WTCS) /Funded training sites, Private/Non-Funded training sites, and Harley-Davidson Riding Academy/Non-Funded training sites, that meet the MSF and WMSP requirements for basic motorcycle/scooter, new, seasoned, and advanced motorcycle riders.

**(State 562) 2018-79-04 \$463,000**

Purchase training motorcycles, three-wheel motorcycles-trikes, scooters, traffic (motorcycle) simulators and/or other motorcycle trainers and/or traffic simulators, as well as new training and support equipment, materials and motorcycle awareness. 2016 expenditures were \$0.

**(405f) 2018-72-06-M9 \$60,000**



## Motorcycle Operation under the Influence of Alcohol or Other Drugs Law Enforcement

Participate in impaired driving High-Visibility Enforcement (HVE) and deterrence activities where there is the highest occurrence of motorcyclist crashes and fatalities involving motorcyclists impaired by drugs or alcohol. 2016 expenditures were \$46,262.55.

**(402) 2018-70-05-MC \$50,000**



*Share the road with motorcycles*

## Communication and Outreach

Continue expansion of the role the Transportable High-End Rider Education Facility (THE REF) plays and the number of activities it participates in to promote all aspects of motorcyclist awareness, safety, and rider education. Offer a variety of motorist and motorcyclist-related training and awareness activities as well as promote appropriate Class M Endorsement for owners of all on-road motorcycles. Placement and promotion of SMARTrainers. 2016 expenditures were \$134,407.50 due to partial staffing that year.

**(402) 2018-70-04-MC                      \$220,000**

## Program Evaluation

Evaluate the effectiveness of grant funding provided. Develop a method by which activity levels can be measured. Require the reporting of rider education staff attendance at various grant funded activities and events. 2016 expenditures were \$19,347.88.

**(405f) 2018-72-09-M9                      \$20,000**

## Motorcyclist Awareness and Motorist Education

Using revenue generated from the sale of specialized Harley-Davidson license plates for automobiles and trucks, the Wisconsin Motorcyclist Safety Program will develop a specific media campaign to promote motorist awareness of motorcyclists. This campaign will be targeted to coincide with major motorcycling activities taking place during the most active segment of the riding season.

**(State 535) 2018-79-07                      \$100,000**

<b>MOTORCYCLIST SAFETY PROGRAM—BUDGET SUMMARY</b>			
State	535	2018-79-07	\$100,000
State	562	2018-79-01	\$150,000
State	562	2018-79-04	\$463,000
Federal	402	2018-70-04-MC	\$220,000
Federal	402	2018-70-05-MC	\$50,000
Federal	405f	2018-72-03-M9	\$30,000
Federal	405f	2018-72-06-M9	\$60,000
Federal	405f	2018-72-09-M9	\$20,000
<b>Total</b>			<b>\$1,093,000</b>

# Pedestrian and Bicyclist Safety

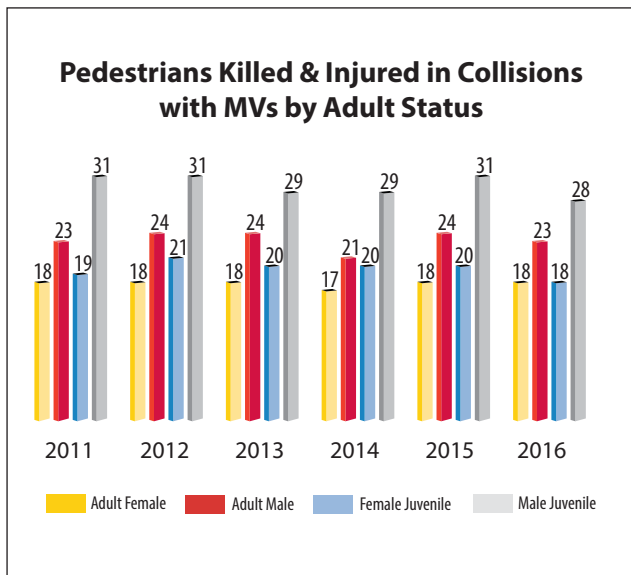
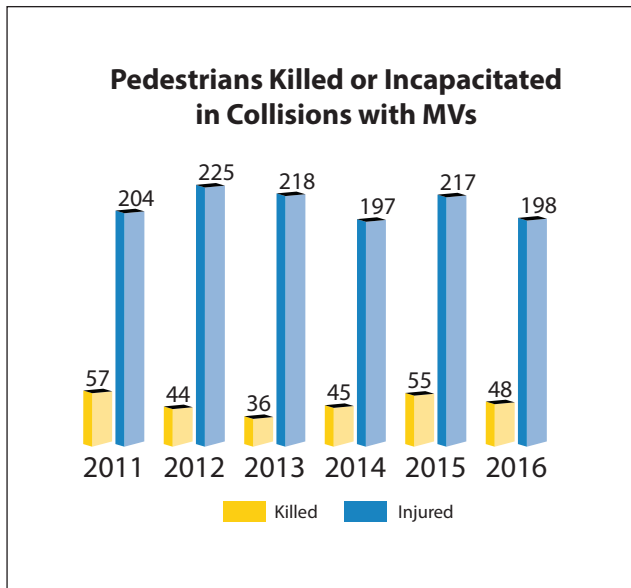


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## Program Justification, Performance Goals, and Measures

In 2016, 48 pedestrians died in pedestrian-motor vehicle crashes. This is more than the most recent 5-year average. Fatalities decreased by 11% from 2015. As illustrated in the graph, pedestrians killed or incapacitated in 2016 totaled 246 people. This represents a 5% decrease from the most recent 5-year average. It should be noted that while the majority of ‘A’ injuries and deaths occur in urban areas—presumably where the majority of the activity is—a person in a rural area is two times more likely to die in a serious accident than a person in an urban area. It is likely that the combination of higher speeds and a delay in transport to a trauma center explains this difference.



There were 1,180 pedestrian injuries reported in 2016, which is a 1.4% decrease from the most recent five-year average. Adult men and women make up the largest number of pedestrians injured in collisions, but the proportion of male and female juvenile pedestrians who become injured is higher than that proportion for adults. This is determined as a rate per 100,000 for each group.

Performance measures and targets for this program include measure C10 and measure C11 in the introduction.

In 2016, 11 bicyclists died in bicycle-motor vehicle crashes. This is a 5.7% decrease from the most recent 5-year average. Fatalities decreased 27% from 2015. As illustrated in the graph, bicyclists killed or incapacitated in 2016 totaled 116 people. This represents a 14.7% increase from the most recent 5-year average.

There were 849 total bicyclist injuries reported in 2016, which is a 8.0% decrease from the most recent 5-year average. Adult and juvenile males make up the largest number of bicyclists injured in collisions, but as a rate per 100,000 for each group, male juveniles are clearly overrepresented in injuries as indicated in the chart.

Using Fatality Analysis Reporting System (FARS) data, there were 57 pedestrian fatalities and 15 bicyclist fatalities for a combined total of 72 non-motorist fatalities in 2015. Since there were 566 total fatalities using FARS data, 12.7% of the fatalities in 2015 were non-motorists.



## PROGRAM MANAGEMENT

This position will coordinate, plan, and manage the state pedestrian and bicyclist safety programs. This amount includes wage, fringe, data processing costs, materials, supplies, training, travel, printing, and postage. This position will also coordinate, plan, and manage the Traffic Records Program. The person in this position will work closely with all agencies involved in traffic records grant funding that collect and make crash data information available. Expenditures for planning and administration are specifically allowed under 402 and as such are effective as a countermeasure strategy.

**(State 562) 2018-89-01**

**\$87,000**

## TRAINING AND OUTREACH PROGRAM

### Teaching Safe Bicycling

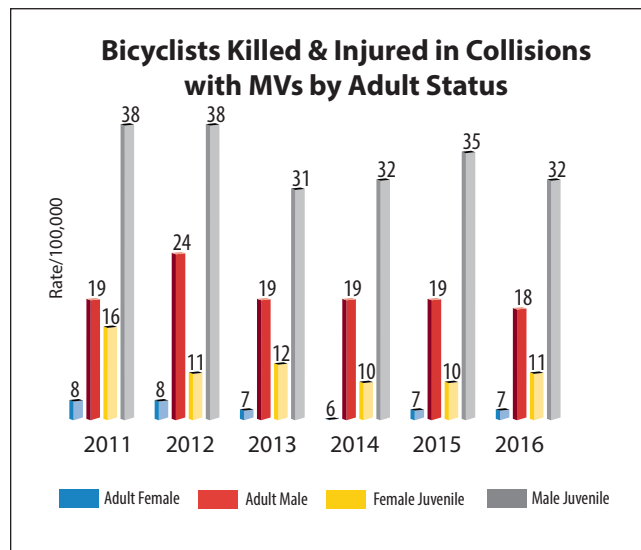
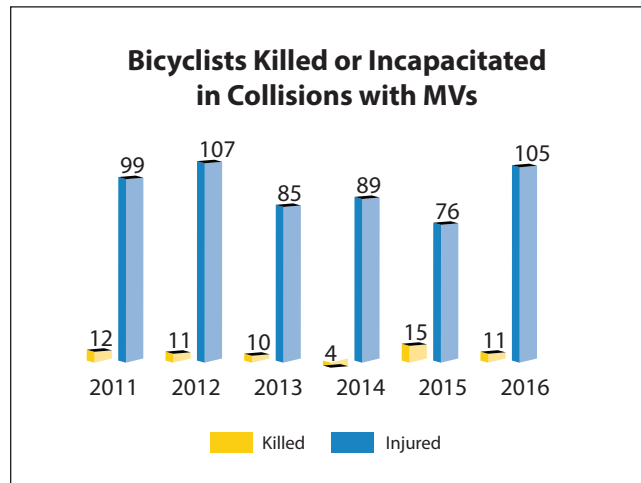
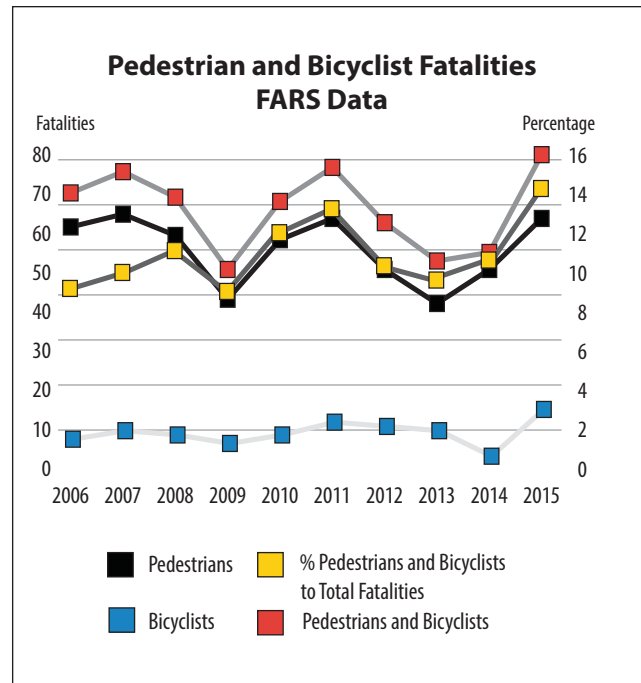
Provide Teaching Safe Bicycling (train-the-trainer) style workshops for participants interested in providing youth cycling instructions. Attendees frequently include teachers, non-profit organizations, law enforcement, and youth groups. The goal is for attendees to host youth cycling instruction, and bicycle rodeos following participation in this workshop. Workshop instruction is led by instructors of the Wisconsin Bicycle Federation, but the course administration is managed by the Pedestrian/Bicycle Safety Program Manager. We planned to expend this amount in the HSPs of previous years, and we plan to expend this amount in fiscal year 2018. This project will aid in making countermeasures relating to bicycle safety education, a countermeasure that works on page 9-16 of the eighth edition, more effective. The impact of this project will increase knowledge of safe bicycling behaviors among children.

**(402) 2018-80-03-PS**

**\$10,000**

### Bicycle Rodeo Supplies

In order to have a successful youth bicycle training event or rodeo, it is important that hosts have supplies specific to a bicycle rodeo. Since many instructional courses are sponsored by schools, police, or non-profit organizations, it might be difficult for these entities to host a rodeo due to lack of funding to purchase the needed supplies. In most cases, reusable kits can be assembled for a few hundred dollars. Reduce funding from \$5,000





to \$3,000, and create a competitive award process for funding based on need, and event logistics. This would provide 10 applicants with \$300 for supplies. This project is a countermeasure that works on page 9-19 of the eighth edition. This project will improve highway safety by providing children with knowledge on how to ride their bicycles safely around motor vehicles.

**(402) 2018-80-04-PS**

**\$3,000**

***Share and Be Aware/Safe Routes to School Pilot***

The Pedestrian/Bicycle Safety Program Manager, in collaboration with the Share and Be Aware program, will create a “Safe Routes to School” toolkit. This toolkit will be provided to elementary and middle schools in Wisconsin, with an emphasis on communities that have high numbers of students walking and biking to school, or communities that have significant numbers of pedestrian/bicycle crashes, or communities that lack accommodations for pedestrians/bicyclists. Reduce funding from \$20,000 to \$10,000 from prior years, and treat this as a pilot project. This project is a countermeasure that works on page 8-22 of the eighth edition. This project will improve highway safety by improving the safety for school children walking to and from school.

**(402) 2018-80-03-PS**

**\$10,000**



***Pilot Pedestrian Safety Zone***

The Pedestrian Safety Zone would be a pilot project to enhance pedestrian safety at a high pedestrian crash location in partnership with the local government/community. The City of Milwaukee leads the state in terms of number of pedestrian crashes, and the number of fatal pedestrian crashes. The recommendation would be a partnership with this project and the City of Milwaukee. The project would identify a high pedestrian crash zone in terms of numbers of crashes, or numbers of serious injury or fatal crashes. The Wisconsin Department of Trans-





portation and the City of Milwaukee would perform a detailed analysis of the pedestrian crash problem, and observe/analyze factors such as driver and pedestrian behavior. Both entities would then develop and implement lower cost countermeasures for the site such as flashing beacons, in street pedestrian signs, very responsive pedestrian signals, etc. The area of focus should extend beyond a signal intersection. This project is a countermeasure that works on page 8-30 of the eighth edition. This project will have an impact on highway safety with a reduction of crashes and injuries for pedestrians in pedestrian zones that are properly designed and implemented.

**(402) 2018-80-04-PS \$10,000**

**MilWALKee WALKS**

MilWALKee Walks is a recently formed coalition to increase yielding to pedestrians at marked and unmarked crosswalks in Milwaukee. Funding would allow the group to create MilWALKee Walks week, to raise the profile of walking and yielding by hosting community crosswalk demonstrations to attract media attention and educate the public about the need to yield to pedestrians. The City of Milwaukee leads the state in terms of number of pedestrian crashes, and the number of fatal pedestrian crashes. This grant would allow for brochures and coordination of the week, press release writing, event planning, media development, and outreach meetings to seven local groups that serve minority communities that have the highest pedestrian crash numbers. This project is an innovative countermeasure. Public information and education relating to pedestrian safety has been effective in the past. Advertising that tells motorists to yield to pedestrians has generated discussion. In addition, public information and education campaigns have worked in other behavioral highway safety areas, especially when focused in a particular jurisdiction or a particular demographic such as we have done with paid media. This project will impact traffic safety with a reduction in crashes and injuries among pedestrians in the target area.

**(402) 2018-80-04-PS \$10,000**

**Designing for Pedestrian Safety**

Provide four Designing for Pedestrian Safety, or Designing for Pedestrian Safety Accessibility workshops in Wisconsin. The workshops provide engineers, planners, designers, and advocates from the Wisconsin Department of Transportation, and employees from local government with the knowledge to improve safety of the pedestrian environment. Increase the number of course offerings from two to four. Currently, two courses cost approximately \$13,000. This is a continuing project that has demonstrated success in the past. This project will have a positive impact on highway safety by reducing exposure through environmental countermeasures.

**(402) 2018-80-03-PS \$30,000**

## LAW ENFORCEMENT

### ***Pedestrian/Bicycle/Motor Vehicle High-Visibility Enforcement***

Collaborate with law enforcement agencies to provide, improve the quality, and increase the number of enforcement initiatives that impact pedestrians and bicyclists. Enforcement should focus on behaviors that lead to crashes—failure to yield, red light violations, speeding in advance of marked and unmarked crosswalks that can lead to failure to yield, sudden pedestrian movement, and bicyclist violation of stop signs and stop lights. These grants should only be used to supplement existing enforcement related to pedestrian and bicyclist safety. Additionally, agencies targeted for this training should complete specific training related to pedestrian/bicyclist law enforcement. Increase funding from \$100,000 in prior years to \$120,000. This project is a countermeasure that works on pages 8-36 and 9-30 of the eighth edition. This project will have a positive impact on highway safety by increasing compliance with traffic laws that affect pedestrians, bicyclists, and motorists.



**(402) 2018-80-05-PS**

**\$120,000**

### ***Wisconsin Pedestrian/Bicycle Law Enforcement Training***

Law enforcement professionals require more training related to laws for bicycle riders and pedestrians as well as laws that apply to operators of motor vehicles that impact pedestrians and bicyclists. Law enforcement officers cannot enforce laws if they do not completely understand them, and as a result traffic officers currently cannot optimally control traffic involving non-motorists and prevent crashes involving pedestrians and bicyclists. Increase funding from \$15,000 from planning in prior years to \$30,000. Host four two-day trainings, four one-day trainings, and completely overhaul the Wisconsin Pedestrian and Bicycle Law Enforcement Training Manual, which became out-of-date in 2009. This project is a countermeasure that will make the countermeasures that work on pages 8-36 and 9-30 of the eighth edition more effective by providing law enforcement with the training necessary to conduct that enforcement. This project will have a positive impact on highway safety by increasing compliance with traffic laws that affect pedestrians, bicyclists, and motorists.

**(402) 2018-80-03-PS**

**\$30,000**

### **PEDESTRIAN & BICYCLE SAFETY—BUDGET SUMMARY**

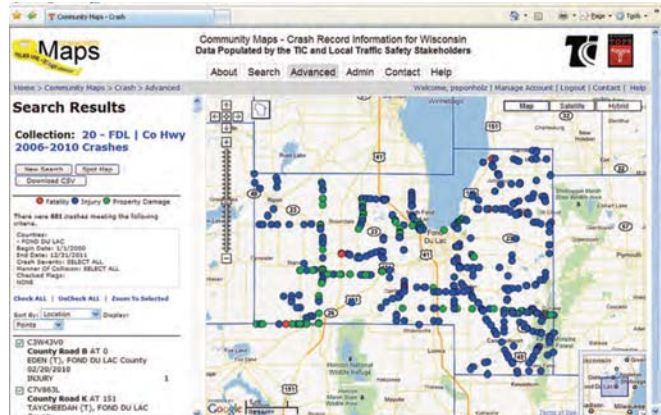
State	2018-89-01	\$87,000
402	2018-80-03-PS	\$80,000
402	2018-80-04-PS	\$23,000
402	2018-80-05-PS	\$120,000
<b>Total</b>		<b>\$310,000</b>

# Community Traffic Safety Program



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## Program Management

BOTS has four Regional Program Managers (RPMs) and three contracted Law Enforcement Liaisons (LELs) that coordinate, plan, and manage the state Community Traffic Safety Program. Wage and fringe, data processing costs, materials and supplies, training, travel, printing, and postage. Continue to provide leadership, training, information, and technical assistance as liaisons between law enforcement agencies, organizations, and non-profit programs involved in community traffic safety and WisDOT. The RPMs and LELs work closely with all law enforcement agencies (LEAs) involved in the community safety grant program. The RPMs develop safety initiatives to reduce fatalities and injuries among high-risk groups as indicated by crash and injury data trends, and they lead WisDOT efforts to increase participation of LEAs in the quarterly traffic safety commissions (TSCs) in each county. Participation in TSCs is essential for outreach to LEAs for WisDOT and USDOT policy and programs. Participation by LEAs also allows WisDOT to have a better understanding of the issues in traffic safety in local communities. Law Enforcement Liaisons are a proven measure to improve traffic safety by supporting law enforcement agencies and conducting outreach to them. The Wisconsin LEL program is modeled after the recommendations of the national LEL program. Outreach by RPMs and LELs is a way to implement the Highway Safety Plan and the Strategic Highway Safety Plan at the local level. In 2016, this project had \$334,752.61 in expenditures. In 2018, we anticipate greater expenditures with the addition of more LELs.

**(402) 2018-90-01-CP**

**\$410,000**

## Grants Management System Maintenance and Hosting

This project funds the electronic grants management system, Wise Grants, which manages the grants distributed by BOTS. This system previously received a commendation from NHTSA after a management review. 2016 expenditures were \$89,782.04. BOTS has been communicating with the Wise Grants vendor to improve processes and reporting. Those changes are expected to increase costs, but, when coupled with the state's new business and accounting system, will help track expenditures better.

**(402) 2018-90-04-CP**

**\$110,000**

## Outreach Program

This project includes targeted single- or multiple-issue local programs in communities. This project is a proven countermeasure that works on page 3-27 of the eighth edition. This will expand the messaging of our programs, including the expansion of community ownership of Zero in Wisconsin messaging. 2016 expenditures were \$8,154.75.

**(402) 2018-90-04-CP**

**\$10,000**



**Governor’s Conference on Highway Safety and Law Enforcement Recognition Luncheon**

This project will fund the Governor’s Conference on Highway Safety. This will also fund the Law Enforcement Recognition Luncheon and awards. In an effort to save money and better align our program, the luncheon will be held on the last day of the Governor’s Conference on Highway Safety. The conference is a meeting of current and future law enforcement partners and is a culmination of BOTS’ entire outreach program. It is an opportunity to network with law enforcement partners and learn best practices. The conference has improved and will continue to improve interagency cooperation and will help the development of multi-jurisdictional high-visibility enforcement task forces.

**(402) 2018-90-06-CP**

**\$375,000**

**Performance Measure-**

percentage of traffic safety commissions attended by BOTS

**Performance Measure Target-**

90% of traffic safety commissions will be attended by BOTS in federal fiscal year 2018.

<b>COMMUNITY TRAFFIC SAFETY PROGRAM—BUDGET SUMMARY</b>			
402	2018-90-01-CP		\$410,000
402	2018-90-04-CP		\$120,000
402	2018-90-06-CP		\$375,000
<b>Total</b>			<b>\$905,000</b>





# Media and Outreach Program

SPEEDING WAS  
A FACTOR FOR  
**30%**  
OF TEEN DRIVERS  
IN FATAL CRASHES\*



Always Obey the Signs  
Stop Speeding Before It Stops You.

\* 2014 fatal crashes involving 15-19 year olds (teens) in passenger vehicles



## A winning connection



*Nigel*  
**HAYES**



*Ethan*  
**HAPP**

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## Program Management

Coordinate, plan, and manage the state's program for Paid Media and Public Information and Education (PI&E). Wage and fringe, data processing costs, materials and supplies, training and travel, printing and postage are included. Work with Regional Program Managers, Law Enforcement Liaisons, and law enforcement agencies of all sizes to coordinate PI&E efforts, encourage safe and effective High Visibility Enforcement, and participation in mobilizations. 2016 expenditures were \$63,460.29. Planning administration costs are explicitly allowed under 402 and are an effective countermeasure strategy.

**(402) 2018-40-01-PT**

**\$67,000**

## Public Information and Education – Occupant Protection

- Review and update information regarding child passenger safety, safety belt materials and other items in both Spanish and English.
- Create state-specific occupant protection message using CIOT, Zero in WI and messages targeted at the unbuckled motor vehicle occupant.
- Partner with teen safe driving programs to promote young adult driver seat belt use.
- Duplicate print and video materials for distribution to the public.
- Review and update web-based information and materials for accuracy and to reduce printing and duplication costs.
- Work with employers through the Wisconsin Compensation Rating Bureau and the Wisconsin Department of Workforce Development to encourage safety belt use for their employees by making it a work rule. Encourage law enforcement agencies that receive Federal Highway Safety program funds to develop and enforce an employee safety belt use policy.
- 2016 expenditures were \$108,912.11. More occupant protection public information and education activities are planned for 2018.
- This project is an effective countermeasure that works on pages 2-21, 2-28 and 2-30 of the eighth edition.
- As a result of these projects proper use of safety belts and child passenger seat use will increase.



**(405b) 2018-25-02-M2**

**\$170,000**

## Outreach Program – Occupant Protection

This program funds maintenance and upkeep for the seatbelt rollover convincer, travel, and a 0.5 LTE position. 2016 expenditures were \$7,388.41. More outreach is planned for our occupant protection program in 2018.

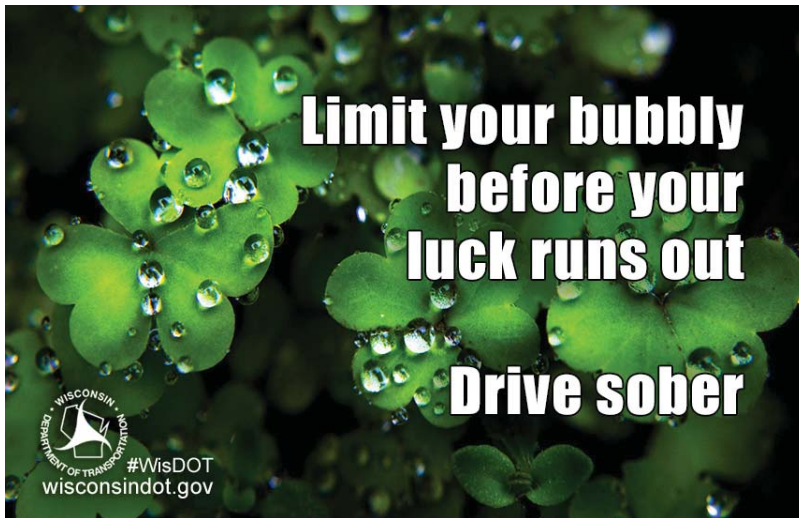
This project is an effective countermeasure that works on page 2-28 of the eighth edition.

The impact of this project will help increase the awareness of benefits of seatbelt usage among children.

**(405b) 2018-25-02-M2**

**\$30,000**





## Communication Program – Impaired Driving

Continue to develop a statewide public information and education campaign to reduce OWI injuries and fatalities based on NHTSA’s goals and objectives utilizing various methods such as the web, print, and TV. Contractual services for product and placement, printing and postage. Collaborate with partners, revise and update all information, identify specific needs and target information to various audiences including Spanish speaking customers. Use the website more to reduce production costs. Develop and disseminate best practices information. Provide up-to-date educational materials and current data to the public. Collaborate with community prevention organizations to assist them in developing successful evidence based prevention programs. 2016 expenditures were \$115,917.80. More impaired driving public information and education activities are planned for 2018. This is the countermeasure that works on page 1-49 of the eighth edition.

The impact of this project will help to raise the awareness of the harm of impaired driving and help to reduce the occurrence.

**(405d) 2018-31-02-M5 \$200,000**

## Motorist Awareness and Motorcyclist Conspicuity

This will fund media campaigns that address “May is National Motorcycle Safety Awareness Month” and in Wisconsin “May is Motorcycle Awareness Month.” These campaigns will promote motorists’ awareness of motorcyclists in a campaign to “look twice for motorcycles” via radio and television PSAs, posters, and other means. 2016 expenditures were \$79,401.44.

This is the countermeasure that works on pages 5-22 and 5-24 of the eighth edition.

The impact of this project will help to raise awareness about the need of protective clothing and to help raise awareness among other motorists.

**(402) 2018-70-07-MC \$50,000**



## Public Information and Education – Pedestrian and Bicyclist

Work with partners to keep information up-to-date, add training brochures/information to WisDOT website. Continue to work with the variety of Drivers Education Programs to ensure beginning drivers receive the correct pedestrian/bicycle training. 2016 expenditures were \$3,904.31 Additional information will be produced in 2018 as well as updates to out of date brochures.

This is the countermeasure that works on page 6-19 of the eighth edition.

The impact of this project will help to ensure that young drivers receive the necessary information to share the road with pedestrians and bicyclists.

**(State 562) 2018-89-02 \$10,000**

Continue to develop new material that educates all people involved in pedestrian/bicyclist safety. Work in cooperation with Share and Be Aware to develop new training/educational materials.

This is the countermeasure that works on pages 9-16 and 9-23 of the eighth edition.

This project will help to ensure that bicyclists get up to date information in regards to rules as they apply to the road.

**(State 562) 2018-89-02 \$20,000**  
**(402) 2018-80-02-PS \$25,000**



### Public Information and Education – Community Outreach

Contract with DaneNET for production of Traffic Safety Reporter, web design and distribution costs. 2016 expenditures were \$42,020.03.

This is a continuing project that helps to engage the public, law enforcement and government on new and emerging information as it relates to highway safety. This brings together our partners and helps to further our traffic safety messaging and will continue to do so in the coming year.

**(402) 2018-90-02-CP \$70,000**

### Prevention

Develop relationships with targeted businesses, non-profit organizations, and government agencies to develop, design, and implement programs focusing on the high-risk behaviors of employees, especially as these behaviors relate to impaired driving, lack of safety belt use, mobile telephone use while driving, and speeding. 2016 expenditures were \$0. This is a new program.

This is the countermeasure that works on page 4-23 of the eighth edition.

This project will help to educate local businesses on the need to ensure traffic safety rules are followed by employees for the benefit of the company as well as the safety of the employees.

**(402) 2018-90-02-CP \$25,000**

### Public Information and Education – Campaign Development

Continue to develop a statewide public information and education campaign on distracted driving, speed and other campaigns to reduce injuries and fatalities based on NHTSA's goals and objectives utilizing various methods such as the web, print, and TV. Contractual services for product and placement, printing and postage. Collaborate with partners, revise and update all information, identify specific needs and target information to various audiences including Spanish speaking customers. Provide up-to-date educational materials and current data to the public. Collaborate with community prevention organizations to assist them in developing successful evidence based prevention programs.



Multiple program information outreach. 2016 expenditures were \$425,376.78. Due to a new contract prices are expected to increase in 2018.

This project will help to support the countermeasure that works on page 3-37 of the eighth edition.

The impact of the project is to help raise awareness among drivers of the importance of highway safety rules and regulations.

**(402) 2018-90-02-CP \$480,000**

## Paid Media

Contract for paid media for all major behavioral areas. Expenditures of 402 in 2016 were \$419,520.35, and expenditures of 405d in 2016 were \$325,334.64. Due to new a contract prices are expected to increase.

This project will help to support all communication and outreach countermeasures that work described in each section of the HSP.

The impact of the project is to help raise awareness among drivers of the importance of highway safety rules and regulations.

**(402) 2018-90-07-PM                      \$500,000**

**(405d) 2018-31-07-PM                      \$250,000**

See Appendix 1 for the Paid Media Plan. Performance measures and targets for this program are in this plan.

<b>MEDIA AND OUTREACH PROGRAM —BUDGET SUMMARY</b>			
State 562	2018-89-02		\$30,000
402	2018-40-01-PT		\$67,000
402	2018-80-02-PS		\$25,000
402	2018-90-02-CP		\$575,000
402	2018-90-07-PM		\$500,000
402	2018-70-07-MC		\$50,000
405b	2018-25-02-M2		\$200,000
405d	2018-31-02-M5		\$200,000
405d	2018-31-07-PM		\$250,000
<b>Total</b>			<b>\$1,897,000</b>





**STOP THE TEXTS.  
STOP THE WRECKS.**

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**APPENDIX 1:****WISCONSIN DEPARTMENT OF TRANSPORTATION  
2017 ENFORCEMENT MOBILIZATION MEDIA PLAN**

APRIL 2017 – SEPTEMBER 2017

## INTRODUCTION

The goal of the Zero in Wisconsin campaign is to remind the public that even one death on Wisconsin's highways is too many, and with a nearly 6% increase in traffic deaths in 2016 it's apparent that the effort to reach out to the driving public through strategically planned media campaigns must continue.

The current plan will include CLICK IT OR TICKET (May) and DRIVE SOBER OR GET PULLED OVER (August/September) efforts, as well the DISTRACTED DRIVING campaign that is currently being negotiated.

- Distracted Driving, whether it involves texting, cell phone use or any other distraction, continues to be a major contributor to fatalities and as such will receive a dedicated week of media support in early April, which is Distracted Driving Awareness Month.

## MEDIA OVERVIEW

As media choices increase, radio and TV ratings have become more fragmented. The best way to demonstrate this is to revisit ratings for *The Big Bang Theory*. This is a successful program by anyone's measure, averaging a 3.4 A18-49 national rating in the current season compared to a 5.0 A18-49 rating in 2013, about a 25% decrease. Are people watching the program? Absolutely! It's just now they're watching it "On Demand" or streaming it either directly from the network or via one of the video streaming services. Nielsen currently measures none of these other services, and as a result, it impacts potential ratings delivery.

On the cable side, while much is being said about "cord cutting," it does not appear to be a major problem in the state. According to Nielsen estimates, cable penetration is in the 80% range, especially when including alternate delivery systems such as AT&T and Dish. Our program will include cable TV in Milwaukee and Madison.

AFFIRM continues to look for ways to overcome these ratings challenges. First, we have reduced the target TRPs (M18-34 target rating points) in television for each campaign. To offset those lower TRPs we are slightly increasing radio TRPs. We are also recommending a more robust program on Pandora, possibly including video. And we are expanding our online program beyond pre-roll video to include Connected TV (CTV). Connected TV refers to any type of streaming content delivered through a smart TV or connected device, such as a Blu-ray player, streaming box such as Roku or Apple TV or game console like an X-Box. Ads play when users are inside these apps within their console. They are full-screen and deliver high completion rates – but there is currently no click through for measurement. Inventory is limited so is priced higher than traditional pre roll video, but it reaches that hard-to-find younger demographic. Messages would run on AOL, CBS, FOX, and ESPN among others. Nielsen is currently testing measurement of CTV and in this early stage report that a show's audience may grow anywhere from 40% to 70% when this audience is added (*TelevisionNewsDaily.com*).

### General Target Audience:

The primary target for these campaigns will be men, 18-34 years of age. This group is involved in a higher percentage of crashes overall and, according to the 2013 Wisconsin Traffic Crash Facts, are about three times more likely than women of that same age to be involved in fatal car crashes. W18-34 and Drivers 35+ will comprise the secondary target.



## Media Tactics:

Men 18-34 have been the most difficult of these target audiences to reach, even before the recent migration to the digital world. To determine which tactics would be most successful in these efforts, we use available research from Scarborough, Nielsen and other syndicated sources.

Scarborough ranks media usage from heaviest to lightest. We pulled M18-34, W18-34 and A35-54 to determine commonalities between these groups. From this information (Scarborough Research August 2015 – July 2016), we found the following:

- M18-34 are 43% more likely than the general population to be among those who travel the most miles within a given week
- 42% of males 18-34, 31% of females 18-34 and 47% of adults 35-54 fall into the heaviest quintiles for radio listening
- All targets fall into the average to light television viewing quintiles, although A35-54 are most likely to fall into the “average” viewing quintile
- Internet use is heaviest among the 18-34 segment:
  - 66% of men fall into the heaviest use quintiles
  - 51% of women are defined as heavy users
  - 39% of A35-54 are defined as heavy users
- Pandora radio has the heaviest penetration in this market with 51% of M18-34 and 57% of W18-34 listening to this streaming service
  - iHeartRadio and Spotify are gaining on Pandora but still do not have the subscriber base to challenge them in this market
- M18-34 are more likely to use the Internet or apps on their Smartphone to watch video; with YouTube having a significant lead over Hulu
- Almost 90% of the population currently uses a Smartphone and penetration is higher among A18-34 and minorities

Despite the proliferation of “new” media, Nielsen quarterly Total Audience Report (December 2016) indicates that traditional TV and radio continue to have the broadest audience reach. And, although trending downward, the time spent viewing and/or listening to these still exceed time spent with other individual tactics. The younger segment of the audience does consume more video online and spends more time online overall. The following illustrates the amount of time each group spends consuming media on a weekly basis (14:21 = 14 hours and 21 minutes):

<b>Age Group</b>	<b>18-24</b>	<b>25-34</b>	<b>35-49</b>	<b>50-64</b>
Traditional TV	14:21	20:04	28:24	39:54
Time-Shifted (DVR)	1:25	2:31	3:42	4:06
Online Video	3:58	7:09	8:48	7:41
Video on Smartphone	1:11	0:49	0:41	0:29
Any App/Smartphone	19:17	17:10	18:24	17:31
AM/FM Radio	10:20	11:15	13:45	15:18

This report also includes data on African American and Hispanic audiences, reporting monthly time spent:

- African Americans spend more time with traditional TV and viewing online video than the general audience
- Hispanic TV viewing is lower than the general audience while viewing online video is about equal to the general audience
- Radio listening among Hispanics is higher than that of the general audience

As the data shows, “traditional” media is still used by our target, but that the time spent with digital tactics continues to grow. As a result, the percent of budget allocated to these tactics will continue to grow as well. Following are the tactics that will be used for each of the campaigns:

### Broadcast Television:

As illustrated in the Total Audience Report, television remains the one medium that can reach all demographic groups and all ethnicities. Males 16 and older are particular in their viewing habits but can be reached via sports programming and comedies. Popular comedies in syndication include *The Big Bang Theory*, *Family Guy*, *The Office*, *The Simpsons*, *Seinfeld*, *Anger Management* and *Two and a Half Men*. These air on local stations in Prime Access and Late Fringe, and can also be found on Cable.

Because each market in Wisconsin differs in the amount and type of syndicated programming offered, we are proposing a daypart mix that allows for flexibility in utilizing the most effective programs that appeal to young men in each market:

- **Recommended daypart mix include Prime/Sports (40-70%), Prime Access (5-15%) and Late Fringe (25-45%).**

### Cable Television:

Cable will again be relied upon to provide additional programming opportunities that appeal to these young men. Cable penetration varies greatly by market and in some markets is challenged by alternate delivery systems (ADS). It is now possible to run local advertising on AT&T and DirectTV homes in the Milwaukee market and will soon be available in Green Bay, which will greatly improve cable/ADS penetration in that market. Other markets are expected to follow, but until they do our ability to reach cable viewers with local commercials in these more rural markets will continue to be impaired.

Cable Networks focusing on sports, comedy and music will be among those used in our buys. *Adult Swim*, *Comedy Central* and *FX* may remain constant in our campaigns, but we’ll also look into other networks that carry male-oriented programming.

### Radio:

As shown by research, radio remains an effective way to reach both the primary and secondary targets. **The advantage of radio for WisDOT’s efforts is that it reaches drivers while they are in their cars, giving us an opportunity to influence them as they drive.** Again, using Scarborough Research, it was determined that there are only slight variations in listening habits among the audiences. Dayparts index as follows (read as M18-34 are 22% more likely to be listening to radio 7p-12a than the general population):

	Men 18-34	Women 18-34	Adults 35-54
Listen 6a-10a	109	104	106
Listen 10a-3p	103	107	102
Listen 3p-7p	101	112	106
Listen 7p-12a	122	112	101
Listen Weekends	102	111	104

- **The recommended daypart mix will include:**  
20% morning drive (6a-9a), 20% mid-day (9a- 3p), 30% afternoon drive (3p-7p), 20% evening (7p-12a) and 10% weekends.

AFFIRM is recommending the inclusion of stations with signals large enough to cover the rural areas as well as the metropolitan areas to maximize geographic reach. Example stations are included at the end of this proposal.

Formats most popular with M18-34 include:

- Album Oriented/Active Rock
- Alternative
- Country
- Sports
- Pop/Contemporary Hit Radio
- Urban Contemporary

Milwaukee Brewers Statewide Radio will be included in the CLICK IT OR TICKET and DRIVE SOBER OR GET PULLED OVER enforcement efforts. This network, which is hosted by WTMJ-AM, provides statewide coverage. :30 second spots will air in approximately 15 games during the two major flight periods.

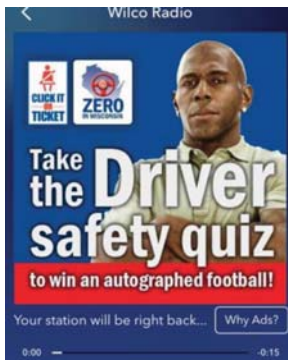


**Digital:**

As the Scarborough research shows, individuals between 18 and 34 have embraced the new digital technologies and often choose to view content by streaming it through their laptops, game consoles, tablets and Smartphones. They are less likely to subscribe to cable, and more likely to subscribe to Netflix, Amazon Prime, Roku or Hulu. Online video advertising effectiveness has been found to outperform typical display banner advertising with this younger demo. Video can be found on almost every publisher site, in addition to those video sites like Hulu, YouTube or now on Pandora and Spotify. Video can be placed as pre-roll (running prior to the desired video), mid-roll or at the end with pre-roll being the most common of the three. And, as mentioned earlier, we now have the ability to insert messages within content streamed through game boxes, PCs or other sources that previously were commercial free. The most often used lengths are :15 or :30 seconds with :15 second units typically having higher completion rates – averaging 76% of users watching all :15 seconds compared to 65% of :30 second users. The first :05 seconds cannot be clicked through, so it’s important to “grab” the user in that short time to increase viewing. Completion rates do not vary by age group, but men are still slightly more likely to watch a complete video than women. Research from TubeMogul shows that pre-roll video significantly drives brand awareness and favorability among 18-34 year olds.

With the acceptance of programmatic or RTB (real-time buying) targeting, we can reach our target audience wherever they are viewing video, not just if they use Hulu to catch up on their favorite program. Predictive buying techniques enable us to reach the audience with ‘people vs. places’ play wherever their searches take them on the Internet. Targeting will include age and gender, as well as location such as proximity to sports arenas and restaurants/bars. Hulu remains a consideration for these campaigns because almost 95% of viewers watch the entire advertisement. Hulu carries content from more than 500 partners including ABC, CBS, NBC, CW, Fox, Univision, NFL Network, NASA Television, and NUVO and is now offering some original programming. ComScore ranks Hulu as one of the highest for total video views, beating YouTube, delivering more videos than

## Audio Everywhere



time, in this case around bars/clubs, restaurants and sporting venues delivering messages to users who are within a given radius of these locations. The buy can be further optimized using day parting and contextual cues such as day of week and time of day. This targeting capability can be used in both large and small markets, ensuring reach throughout the state of Wisconsin. The tactic is impression-based and analytics will be furnished at the end of each flight as proof of performance.

Digital tactics will be used in the CLICK IT OR TICKET and DRIVE SOBER OR GET PULLED OVER efforts. The recommended program will be delivered cross-platform, optimizing to the platform that is being used most at a given time. Video impressions will be priced on a cost per completed view basis (CPCv) to maximize

budget. CPCv requires 100% completion or the program will not be charged for that impression.

While our target audience still listens to terrestrial or local radio each week, they are just as likely to listen to streaming music on one of their connected devices: PC, mobile, tablet, home or car. Common streaming sources include Pandora, which is the recommended streaming service in our campaigns, iHeart Radio, and Spotify.

Because consumers must register for these sites, listener/viewer demographics and geographic location are available. On Pandora's and Spotify's free sites, an audio commercial runs about four times an hour, and delivers only one 15 or 30 second commercial at a time. iHeart Radio is offered via iHeart Media (formerly Clear Channel Radio), which owns and operates over 850 stations throughout the country. According to Scarborough, Pandora remains the streaming source of choice with higher penetration rates than either iHeart or Spotify within the

# PANDORA

internet radio

State. Most importantly, Pandora has greater geo-targeting capabilities, allowing us to target ZERO IN WISCONSIN ads based on their subscriber's location.

On streaming services, users must listen to the entire commercial in order to get to the next song. Banners accompany the commercial, which click through to the advertiser's website. AFFIRM has successfully used Pandora in the past five years as part of the CLICK IT OR TICKET campaign, utilizing :15 audio of the Donald Driver seat belt ad along with corresponding banner ads that click thru to a "Driver Safety Quiz" hosted on ZeroInWisconsin.gov. Pandora users who clicked on the banners and successfully take the quiz are entered to win an autographed Donald Driver football. This combination of targeted messaging and online engagement generated 5,100 entries and, more importantly, protracted interaction with the CLICK IT OR TICKET campaign.



the six major broadcast network sites combined. 78% of their viewers are 18-49, 64% are 18-49 (January 2016 data).

Hyperlocal targeting, also known as geo-fencing, will be used to deliver the ZERO IN WISCONSIN message within mobile display. This uses consumer's GPS, WiFi and cell tower triangulation to get an exact read on their location, enabling us to deliver our ad message within mobile apps.

With geo-fencing we can target an area where our audience spends their

Pandora's Audio and now Video Everywhere options include :30 or :15 audio that is accompanied by a 500 x 500 tile that is served every time a user interacts with the application – skipping a track, adjusting volume, thumb-up or down a selection, etc. A 300 x 250 banner displays while the next song is playing as added value.

Pandora has 302,805 unique listeners, approximately 46% of all men 18-34 in Wisconsin. A total of 2.8 million impressions will run over the two campaigns.

**As in previous years, AFFIRM underscores the importance of creating synergy between our Wisconsin statewide enforcement mobilization media buys and the national program placed by NHTSA. We are requesting a copy of the national buy with specific programming and dates to ensure that we are supporting and not duplicating any NHTSA efforts.**

*The following campaign summaries are our initial recommendations for the 2017 enforcement mobilization media buy campaigns and are based on current programming and ratings information. These may change as we get closer to the planning period and may be replaced with programs that have similar audience deliveries. Any cost efficiencies realized will be re-directed to buy either more ratings for that campaign or moved to another campaign to ensure deliveries for that buy. More detailed buy summaries will be provided no later than two weeks prior to the start of each campaign. Note Distracted Driving parameters have been sent over earlier.*



## 2017 DISTRACTED DRIVING CAMPAIGN STRATEGIC PLAN

Dates: - Dates: April 10 - 23, 2017

Budget: \$83,343

Market List:

- Milwaukee
- Madison
- Fox Valley: Appleton, Oshkosh, Green Bay
- Wausau, Stevens Point, Rhinelander
- Eau Claire, La Crosse
- (Duluth, Superior is bought by MinDOT as part of that DMA)

Demographic:

- Primary: M18-34
- Secondary: A18-34, A25-54

Gross Rating Point (GRP) Goals:

- Television: Minimum of 50 TRPs
- Radio: Minimum of 125 TRPs

Media:

- :30 Television/Cable
- :60 Radio

## DISTRACTED DRIVING CAMPAIGN STRATEGY AND MEDIA MIX:

Crash experience shows men, 18-24 year olds have the highest incidence of distracted driving, while distracted walking affects those of all ages. For the purposes of this plan, the primary target will be M18-34 with a secondary target of A18+.

According to NHTSA, pedestrians were one of the few road users to experience an increase in fatalities in the U.S., so this campaign has been expanded to include pedestrians as well as drivers. Texting and phone calls are the two most commonly known distractions by both groups and our messaging will focus on the need for both groups to pay more attention to their surroundings and less to their phones and other distractions such as eating, drinking, and “primping.”

The included media will include television, cable, and radio.

### Television:

50 M18-34 rating points will be purchased in broadcast TV, supplemented with targeted cable. Keeping to our recommended daypart mix, programming may include: *The Big Bang Theory*, *Family Guy*, *Seinfeld*, *The Simpsons* and *Two and a Half Men*. Prime programs vary by season.

Late fringe programming has a strong male following. Popular shows include: *The Tonight Show starring Jimmy Fallon*, *The Late Show with Steven Colbert*, *Late Night with Seth Meyers*, *Jimmy Kimmel Live* and *Saturday Night Live*.

Sports programming is destination viewing for our target audience. Auto racing is one of the best ways to reach young males during April, with NASCAR extending into the broader demographic as well. Also airing in this time would be Major League baseball and the NBA.

Again, while the priority is reaching the young male viewer, it’s important to note that most of these same programs will reach our secondary audiences as well as or in the case of A25-54 possibly better than our primary target!

### Cable:

While cable penetration varies by market, it provides additional programming opportunities that appeal to the hard-to-reach young men. Cable offers targeted options, ideally designed to reach our target audience. Networks that index very high against our target (Scarborough Research) include: **ESPN, FX, Adult Swim, Comedy Central, USA** and **TNT**. Some of these same networks index well against our W18-34 and A25-54 secondary targets.

### Radio:

125 M18-34 TRPs will be purchased in each market to support this message. 60% of the radio commercials will run in afternoon drive, evening and weekends to correspond with the target’s listening patterns. The remaining 40% will run in morning drive and mid-day which will expand reach to the secondary targets while providing additional frequency to the young male.



**Wisconsin Department of Transportation  
2017 Distracted Driving**

<b>Flight Dates: 4/12 - 4/23/17</b>	<b>April</b>					<b>TRPs</b>	<b>Budget:</b>
<b>Media:</b>	27	3	10	17	24		
<b>TELEVISION (:30)</b>							
<b>50 TRPs M18-34 per market</b>							
<i>EauClaire/La Crosse</i>						50	\$6,150.00
<i>Green Bay/Appleton</i>						50	\$9,350.00
<i>Madison</i>						50	\$9,350.00
<i>Milwaukee</i>						50	\$17,100.00
<i>Wausau/Stevens Point</i>						50	\$6,150.00
							<b>\$48,100.00</b>
<b>RADIO (:60)</b>							
<b>125 TRPs M18-34 per market</b>							
<i>Eau Claire</i>						125	\$3,625.00
<i>Green Bay/Appleton/Oshkosh</i>						125	\$7,500.00
<i>La Crosse</i>						125	\$3,750.00
<i>Madison</i>						125	\$7,750.00
<i>Milwaukee</i>						125	\$15,000.00
<i>Wausau</i>						125	\$4,375.00
							<b>\$42,000.00</b>
<i>Total Gross:</i>							<b>\$90,100.00</b>
<i>Less DOT Discount:</i>							\$6,757.50
<b>Total Distracted Driving Campaign:</b>							<b>\$83,342.50</b>



Radio formats will include Country, Rock, Alternative or Triple AAA, Contemporary Hit and Urban radio stations. The state's largest FM stations will be utilized, most of which are 50,000 – 100,000 watts, which will ensure penetration into Wisconsin's 72 counties.

## 2017 CLICK IT OR TICKET (CIOT) CAMPAIGN STRATEGIC PLAN

Dates: May 10 – May 29, 2017

Budget: \$232,194

Market List:

- Milwaukee
- Madison
- Fox Valley: Appleton, Oshkosh, Green Bay
- Wausau, Stevens Point, Rhinelander
- Eau Claire, La Crosse
- (Duluth, Superior is bought by MinDOT as part of that DMA)

Demographic:

- Primary: M18-34, General Market, African American & Hispanic
- Secondary: Influencers of the primary demographic
- Qualitative: Pick-up Truck Drivers

Gross Rating Point (GRP) Goals:

- Television: Minimum of 100
- Radio: Minimum of 175

Media:

- :30 Television/Cable
- :60 Radio
- :15 Internet Radio and Banners (Pandora)
- :30 Internet Video and Banners

## CIOT STRATEGY AND MEDIA MIX

The most recent (WisDOT Field Observation Research, July 2016) data shows seat belt usage has increased to 88.4% from the 2013 level of 82.3%. Although an improvement, it still lags the national average of 90% (November 2016 US Department of Transportation Traffic Safety Facts).

There is a gender different in seat belt use as 93.1% of Women and 84.5% of Men regularly use seat belts.





Occupants of pick-up trucks are least likely to use seat belts. Only 81% of those drivers or occupants wore seat belts, therefore a secondary target of truck drivers will be included in our media evaluations.

The message of CLICK IT OR TICKET resonates with the young male target: getting a ticket and the financial consequences of paying it has a more immediate impact on this demographic than life-saving messaging. Of all people surveyed, persons aged 18-34 and those 65 and over were most likely to respond that they felt they'd get a ticket if they weren't wearing one, proving they do remember the message.

Media efforts will also include the secondary market of influencers. Both the television and radio buys will be broad enough to include other demographics; such as girlfriends, mothers, fathers and friends of the targeted young males.

Media tactics for this campaign will include television, radio including internet radio, mobile display and video.

### **CIOT Broadcast Television:**

May marks the end of the broadcast network's prime programming season and there are many series finales and specials running during this time that attract strong audiences. In order to take advantage of these larger audiences with original programming, it is recommended that we start the CIOT effort on May 8th in order to take advantage these opportunities. PUT levels (People Using Television), decline in the spring as daylight hours (and outdoor activities) increase providing another reason for an earlier start to our media efforts. The television flight will end on May 28th. 100 M18-34 rating points will be purchased for this campaign.

Syndicated programming, *The Big Bang Theory*, *Family Guy*, *Modern Family*, *The Simpsons*, *Seinfeld*, and *Two and a Half Men* which air in prime access and late fringe, continue to attract the M18-34 target. About 40% of the TRPs will be scheduled in these dayparts.

Sports programming remains a strong option during this time period. It is destination viewing for our primary audience. One of the best sports to reach this demographic this time of year is auto racing, including NASCAR. NASCAR's popularity cuts all demographics and lifestyles. **During this campaign, the Indy 500 Race, Major League Baseball and the NBA Playoffs will be considered.**

This programming will be reaching the "influencers" as well: parents, teachers, coaches and girlfriends. Older adults tend to spend more time watching television in general. And many of the prime programs, syndicated comedies and late fringe programming that are reaching our primary target of young males, appeal to females and older adults, too.

### **Cable Television:**

This flight may include cable networks that focus on **sports** or **comedy**; two of the most important things to young men. Some of the top networks for our demographic include *ESPN*, *Comedy Central*, *Adult Swim*, *FX*, *History*, *TBS*, *USA* and *Discovery*.

Many of the popular comedies in syndication that we previously mentioned such as *The Big Bang Theory*, *Family Guy*, *Mike & Molly*, and *Two and a Half Men* are also offered on cable networks including Adult Swim and TBS. Specific programming that attracts male audiences, such as *Mr. Robot* and *Pawn Stars* on History and *Tosh.0* on Comedy Central. (See sample program list.)

### **Radio:**

Radio listening peaks during the busy summer season simply because people are more active and on the move. ***The advantage of radio is a clear one for the CIOT message: it's the only medium that effectively reaches individuals in their cars, when they may or may not be wearing a seat belt. Therefore, we're able to reach them and remind them to buckle up at a critical decision point. Influencers riding in the car may take the opportunity to "nag" the offender.***

- The daypart mix will include the standard dayparts of 25% Morning (6am-9am), 20% Mid-day (10am-3pm), 30% Afternoon drive (4pm-6pm) and 15% Weekends (Saturday and Sunday daytime). In addition,

10% Evenings (7pm-2am) will be included to reach individuals that are headed out to bars, sporting events, or other entertainment venues, since they are associated with alcohol consumption.

**This daypart mix allows us to reach both segments of our target audience efficiently and effectively.**

**Wisconsin Department of Transportation  
2017 CIOT**

<b>Flight Dates: 5/10-5/29/17</b>	May				June		TRPs	Budget:
<b>Media:</b>	1	8	15	22	29	5		
<b>TELEVISION (:30)</b>								
<b>100 TRPs M18-34 per market</b>								
<i>EauClaire/La Crosse</i>							100	\$12,300.00
<i>Green Bay/Appleton</i>							100	\$18,700.00
<i>Madison</i>							100	\$18,700.00
<i>Milwaukee</i>							100	\$34,200.00
<i>Wausau/Stevens Point</i>							100	\$12,300.00
								<b>\$96,200.00</b>
<b>RADIO (:60)</b>								
<b>175 TRPs M18-34 per market</b>								
<i>Eau Claire</i>							175	\$5,075.00
<i>Green Bay/Appleton/Oshkosh</i>							175	\$10,500.00
<i>La Crosse</i>							175	\$5,250.00
<i>Madison</i>							175	\$10,850.00
<i>Milwaukee</i>							175	\$21,000.00
<i>Wausau</i>							175	\$6,125.00
<i>Brewer Radio (Statewide)</i>							8x	\$5,520.00
								<b>\$64,320.00</b>
<b>ONLINE</b>								
<i>Streaming Radio (:30)</i>								\$25,000.00
<i>Online Video/Display</i>								\$65,500.00
								<b>\$90,500.00</b>
<i>Total Gross:</i>								<b>\$251,020.00</b>
<i>Less DOT Discount:</i>								\$18,826.50
<b>Total CIOT Campaign:</b>								<b>\$232,193.50</b>

Radio will start the week of May 15 and run through Memorial Day. 175 M18-34 TRPs will be scheduled during this period. Station mix will remain constant focusing on those that most effectively reach our target audiences. Milwaukee Brewer's statewide radio will be included as part of this campaign.

### **Digital:**

Digital will take on an increased importance during this period. To offset the decline in overall television viewing, this campaign will include both pre-roll video and Connected TV. Connected TV gives viewers a "lean-back" experience as they consume video content on their television. Ads play at the full resolution of the TV on the loaded media app or during content steamed through Roku or other device. CTV is bet used as an extension of the traditional TV buy to expand reach. Completion rates are similar or superior to those for programmatic online video.

To more effectively target the African American driver, who research has shown to be less compliant than the general market in the use of safety belts, we've added a separate African American target in our online buys for this campaign. While this audience is implicit in our overall targeting, calling it out as a separate line item will ensure effective reach against this specific demographic. All buys are impression based. Planning levels for these tactics:

Pandora:

- A minimum of 2.2 million audio/banner impressions geo-targeted to M18-34

Mobile Display/Pre-roll:

- A minimum of 4.8 million impressions geo-targeted to M18-34

## **2017 DRIVE SOBER OR GET PULLED OVER CAMPAIGN STRATEGIC PLAN:**

Dates: August 14 – September 4, 2017

Budget: \$254,440

Market List:

- Milwaukee
- Madison
- Fox Valley: Appleton, Oshkosh, Green Bay
- Wausau, Stevens Point, Rhinelander
- Eau Claire, La Crosse
- (Duluth, Superior is bought by MinDOT as part of that DMA)

Demographic:

- Primary: Males 21-40,
- General Market, African American & Hispanic
- Secondary: Influencers of the primary demographic

Gross Rating Point (GRP) Goals:

- Television: Minimum of 125
- Radio: Minimum of 175

Media:



- :30 Television/Cable
- :60 Radio
- :15 Internet Radio and Banners (Pandora or similar)
- :15 & 30 Internet Video and Banners

## **DRIVE SOBER OR GET PULLED OVER (DRIVE SOBER) STRATEGY/MEDIA MIX:**

For general planning, which will support NHTSA national efforts, a mix of broadcast television, cable television, radio and digital tactics (radio/video/mobile) will be used. We will continue to target young males between the ages of 21 and 40 per BOTS guidelines, but for media buying purposes the target is defined as M18-34. There is a growing amount of research that points to the fact the gender gap is closing in terms of impaired driving, therefore our secondary audience will be defined as W18-34.

Qualitatively, AFFIRM will also look at media tactics that successfully target the African American and Hispanic male. Hispanic cable and radio stations in Green Bay, Madison and Milwaukee, where two-thirds of Wisconsin's Hispanic population resides, will be included as part of this campaign.

### **Broadcast Television & Cable:**

Broadcast television will be a key tactic as viewing levels begin to increase in late summer. The recommended daypart mix will be Prime/Sports (40-70%), Prime Access (5-15%) and Late Fringe (25-45%).

While Network viewing is still at lower levels, selected Cable and Sports, including **Packers pre-season games**, tend to deliver our M18-34 target audience at consistent levels. Since drinking and sports are connected on a very basic level (as evidenced by the number of beer commercials and signage seen during sporting events) it's a natural and effective environment for airing an impaired driver message. It's likely we will be reaching drivers at the moment they're becoming impaired at house parties and sports bars.

125 M18-34 TRPs will be purchased during this period.

### **Radio:**

Radio is again an important medium for this demographic due to its portability. This age group is active and on the go, and a medium that accompanies them in their car is important. For this campaign, radio commercials will be stacked leading into the weekend (Thursday through Saturday), and on Labor Day, since these are traditionally the highest days for drinking. Since this medium reaches people in their cars, it can be an effective tool to remind passengers and drivers alike of the dangers of impaired driving.

- The daypart mix will include the standard dayparts of 25% Morning (6am-9am), 20% Mid-day (10am-3pm), 30% Afternoon drive (4pm-6pm) and 15% Weekends (Saturday and Sunday daytime). In addition, 10% Evenings (7pm-2am) will be included to reach individuals that are headed out to bars, sporting events, or other entertainment venues, since they are associated with alcohol consumption.

The Brewer Radio Network will again be included to support this campaign.

175 M18-34 TRPs will be purchased during this period.

### **Digital:**

Digital efforts in this campaign will mirror those of the May CIOT campaign, as both are major enforcement periods. Targeting will be adjusted in this campaign to emphasize the Hispanic market. As indicated in the CIOT campaign, this audience is implicit in our overall targeting, calling it out as a separate line item will ensure greater reach against this specific demographic. These tactics will include:

Pandora:

- A minimum of 2.2 million impressions geo-targeted to M18-34

**Wisconsin Department of Transportation  
2017 Drive Sober**

<b>Flight Dates: 8/14-9/4/17</b>	August					Sept		<b>TRPs</b>	<b>Budget:</b>
<b>Media:</b>	31	7	14	21	28	4	11		
<b>TELEVISION (:30)</b> <b>125 TRPs M18-34 per market</b>									
<i>EauClaire/La Crosse</i>								125	\$15,375.00
<i>Green Bay/Appleton</i>								125	\$23,375.00
<i>Madison</i>								125	\$23,375.00
<i>Milwaukee</i>								125	\$42,750.00
<i>Wausau/Stevens Point</i>								125	\$15,375.00
									<b>\$120,250.00</b>
<b>RADIO (:60)</b> <b>175 TRPs M18-34 per market</b>									
<i>Eau Claire</i>								175	\$5,075.00
<i>Green Bay/Appleton/Oshkosh</i>								175	\$10,500.00
<i>La Crosse</i>								175	\$5,250.00
<i>Madison</i>								175	\$10,850.00
<i>Milwaukee</i>								175	\$21,000.00
<i>Wausau</i>								175	\$6,125.00
<i>Brewer Radio (Statewide)</i>								8x	\$5,520.00
									<b>\$64,320.00</b>
<b>ONLINE</b>									
<i>Streaming Radio (:30)</i>									\$25,000.00
<i>Online Video/Display</i>									\$65,500.00
									<b>\$90,500.00</b>
<i>Total Gross:</i>									<b>\$275,070.00</b>
<i>Less DOT Discount:</i>									\$20,630.25
<b>Total Drive Sober Campaign:</b>									<b>\$254,439.75</b>

**WISDOT 2017 ENFORCEMENT MOBILIZATIONS MEDIA BUYS RECAP:**

<b>Campaign</b>	<b>Gross</b>	<b>Adjusted Gross</b>
Distracted Driving (April)	\$90,100	\$83,343
CIOT (May)	251,020	232,193
DRIVE SOBER (Aug/Sept)	275,070	254,440
<b>2017 Total:</b>	<b>\$616,190</b>	<b>\$569,976</b>

Note: Adjusted Gross numbers have been rounded

# WISCONSIN DEPARTMENT OF TRANSPORTATION 2017-18 ENFORCEMENT CAMPAIGNS MEDIA CALENDAR

March 6, 2017

Media:	April					May				June				July					August				September			
	27	3	10	17	18	1	8	15	22	29	5	12	19	26	3	10	17	24	31	7	14	21	28	4	11	18
			Distracted Driving	Distracted Driving				CIOT	CIOT												Drive Sober	Drive Sober	Drive Sober			
<b>TV (:30)</b>																										
<i>Eau Claire/La Crosse</i>																										
<i>Green Bay/Appleton/Oshkosh</i>																										
<i>Madison</i>																										
<i>Milwaukee</i>																										
<i>Wausau/Stevens Point</i>																										
<b>Radio (:60 )</b>																										
<i>Eau Claire</i>																										
<i>Green Bay/Appleton/Oshkosh</i>																										
<i>La Crosse</i>																										
<i>Madison</i>																										
<i>Milwaukee</i>																										
<i>Wausau</i>																										
<i>Brewer Radio (Statewide)</i>																										
<b>Online</b>																										
<i>Streaming Radio (:30)</i>																										
<i>Video/Banner</i>																										








Top Network Prime Programming Sampler - M18-34

Program	Network	Rating M18-34
	<p><i>Gotham</i></p>	<p>FOX</p> <p>3.0</p>
	<p><i>Simpsons</i></p>	<p>FOX</p> <p>2.0</p>
	<p><i>Family Guy</i></p>	<p>FOX</p> <p>3.5</p>
	<p><i>Survivor</i></p>	<p>CBS</p> <p>3.0</p>
	<p><i>Chicago P.D.</i></p>	<p>NBC</p> <p>2.0</p>
	<p><i>Blue Bloods</i></p>	<p>CBS</p> <p>2.0</p>
	<p><i>Shark Tank</i></p>	<p>ABC</p> <p>2.5</p>

Source: Milwaukee Nielsen, May 2016



**Cable Programming Sampler - M18-34**

Network	Program	Rating M18-34
	<i>Tosh.0</i>	1.0
	<i>WWE Entertainment</i>	3.0
	<i>American Pickers</i>	1.0
	<i>Deadliest Catch</i>	3.0
	<i>Americans</i>	2.0
	<i>WWE Smackdown</i>	.5

Source: May 2016


Geo-Fence Display/Pre-roll:

- A minimum of 4.8 million impressions geo-targeted to M18-34 will be delivered
- Ethnic targeting will be employed as part of this campaign

### SPORTS PROGRAMMING SAMPLER:

Baseball is the major summer sport, and the Milwaukee Brewers will be playing many games during our CIOT and DRIVE SOBER flights. With a new GM, there is bound to be interest in the May CIOT flight games and, possibly, continued interest in the August DRIVE SOBER games depending on how the team is doing later in the upcoming season. The TV schedule includes over 12 games falling into each flight.

In several areas of the state, cable penetration is lower than average, based on availability. These markets tend to be high in satellite dish. The following chart illustrates the shortfall in regards to delivering the Fox Sports Network. In some DMA's, satellite households make up 25% or more of total television households.

DMA	Nielsen TV HH	FSN Cable HH	FSN Satellite HH
Milwaukee	886,770	559,700	136,037
Green Bay/Appleton	433,640	241,600	101,772
Madison	364,000	217,440	80,036
LaCrosse/Eau Claire	206,490	121,660	49,665
 Wausau-Rhineland	181,780	91,060	60,643
Duluth/Superior	175,030	76,710	59,488
<b>TOTAL</b>	<b>2,247,710</b>	<b>1,308,170</b>	<b>487,641</b>



Utilization of the Brewer broadcasts on Fox Sports Net delivers to satellite and wired cable households. Overall, Fox Sports Net is available in 80% of homes statewide.



While the 2017 Green Bay Packers season broadcast schedule is not yet published, historically Packer pre-season games have been scheduled during the timeframe of the DRIVE SOBER campaign. Since Packer football is the top reach vehicle for advertisers wishing to reach men in Wisconsin, it's a key component of our buy. Even pre-season games provide strong ratings and excellent reach. Packer football delivers strongly against every demographic, male and female, allowing for excellent reach to the influencers, the friends and family members, of the target 21-40 year old male drivers. This type of programming is popular in bars; reaching drivers at the very places they may become impaired.



NASCAR is an important component of the sports target. NASCAR reaches the average American in its demographics, making it an appropriate choice for our campaigns.

### CIOT Statewide:

Sun May 28th                                      Coca Cola 600                      Charlotte Motor Speedway                      FOX/5:30pm





On May 28th, within our CIOT flight, the Indy 500 race will air at 11 a.m. on ABC. This is a popular race with young men.

### RADIO STATIONS BY MARKET:

The following charts illustrate the stations we will consider for each designated market since they are well positioned to effectively reach the target male demographic of all campaigns:

Appleton- Oshkosh- Green Bay				
	Call Letters	Format	Signal Strength	Rating M18-34
	WNCY-FM	Country	45,000 Watts	2.3
	WIXX-FM	CHR	96,000 Watts	1.4
	WAPL-FM	Classic Rock	100,000 Watts	1.2
	WZOR-FM	Sports	21,500	1.2





Green Bay/Appleton Nielsen TSA, Spring 16/Fall 16, M-F 6a-7p

Eau Claire				
	Call Letters	Format	Signal Strength	Rating M18-34
	WECL-FM	Rock	3,300 Watts	2.7
	WAXX-FM	Country	100,000 Watts	2.5
	WBIZ-FM	CHR	100,000 Watts	2.6
	WQRB-FM	Country	25,000 Watts	2.4

Eau Claire Nielsen, MSA, Sp16/Fa16, M-F 6a-7p

La Crosse				
	Call Letters	Format	Signal Strength	Rating M18-34
	WCOW-FM	Country	100,000 Watts	1.9
	WRQT-FM	Rock	50,000 Watts	1.8
	WIZM-FM	CHR	100,000 Watts	1.8
	WQCC-FM	Country	18,000	1.3

La Crosse Nielsen, MSA Sp16/Fa16 Mon-Fri 6a-7p

Madison				Rating
Call Letters	Format	Signal Strength	M18-34	
 WJJO-FM	Active Rock	12,000 Watts	1.5	
 WIBA-FM	Classic Hits	12,000 Watts	1.1	
 WZEE-FM	CHR	50,000 Watts	1.0	
 WJQM-FM	Urban	6,000 Watts	0.8	

Madison Nielsen, MSA Fa16/Su16 Mon-Fri 6a-7p

Milwaukee				Rating
Call Letters	Format	Signal Strength	M18-34	
 WKKV- FM	Urban	50,000 Watts	1.1	
 WHQG- FM	Classic Rock	50,000 Watts	1.0	
 WLUM- FM	AAA	8,800 Watts	1.0	
 WMIL- FM	Country	12,000 Watts	0.9	
 WKLH- FM	Classic Rock	20,000 Watts	0.8	

Milwaukee PPM Nielsen Nov/Dec/Jan 2017 Mon-Fri 6a-7p

Wausau				Rating
	Call Letters	Format	Signal Strength	M18-34
	WOZZ-FM	Rock	50,000 Watts	2.2
	WIFC-FM	CHR	98,600 Watts	2.2
	WBCV-FM	Adult Hits	100,000 Watts	1.7
	WGLX-FM	Classic Rock	65,000 Watts	1.3
	WDEZ-FM	Country	98,500 Watts	0.7
	WHTQ-FM	CHR	26,500 Watts	0.6

Wausau Nielsen Sp16/Fall16 Mon-Fri 6a-7p

### Hispanic Radio:

According to Wisconsin's Hispanic Population: A Demographic Summary (October 2016) the Hispanic population in the state has grown to 381,000, a 46% increase from 2000. According to this report 60% of Hispanics live in the southeastern region of Wisconsin, another 16% live in the northeastern, 16% in the southern and 5% in the western region of the state.

Milwaukee and Dane counties are home to the largest percentage of Hispanics, with more than 36% or 59,053 living in Milwaukee and 8.5% or 14,034 living in Dane County. Kenosha and Racine, both included in the Milwaukee radio market, follow in total numbers.






The median age of the Hispanic population was 24.3 years, more than 16 years younger than non-Hispanics. Because the younger population is bi-lingual, there is no imperative to use a Hispanic language station to reach that segment, but it is recommended to include them to reach the older segment of the audience.

Station	Format	M18-34 Total Audience	M18-34 Hispanic Audience
WXSS-FM	CHR	75,900	14,100
WNRG-FM	CHR	43,300	10,200
WRNW-FM	CHR	56,100	9,800
WMYX-FM	Hot A/C	59,100	9,400
WLUM-FM	AAA (Alternative)	59,800	6,700
WRIT-FM	Oldies	54,400	6,600
<b>WJTI-AM</b>	<b>Hispanic</b>	<b>6,100</b>	<b>5,900</b>
WKLH-FM	Classic Rock	48,800	5,200
<b>WDDW-FM</b>	<b>Hispanic</b>	<b>5,500</b>	<b>4,600</b>
WHQG-FM	Album Rock	46,400	4,000
WMIL-FM	Country	54,700	3,500
WLDB-FM	Soft AC	33,900	2,700
WJMR-FM	Urban Oldies	17,900	1,900

Nielsen Audio: Jan 17/Dec 16/Nov 16

There are two Hispanic stations in Milwaukee, WDDW-FM, and WJTI-AM. As shown in the above chart, these stations fall below six of the Milwaukee area general market stations. WJTI-AM ranks 7th while WDDW ranks 9th among Milwaukee stations in young male Hispanic listening. WJTI-AM is the only electronic media partner that is a certified MBE with the state so a schedule will be considered.

Hispanic radio is incorporated into the DRIVE SOBER campaign. These stations include:

Hispanic Radio			
	Station	City of License	Signal Strength
	WLMV-AM	Madison	5,000 Watts
	WTTN-AM	Madison	5,000 Watts
	WDDW-FM	Kenosha/Milw	3,000 Watts
	WRRD-AM	Milwaukee	23,000 Watts
	WJTI-AM	Kenosha	250 Watts

Green Bay/Appleton: WAUN-FM (92.7)

Madison: WLMV-AM (1480) and WTTN-AM (1580)

Milwaukee: WDDW-FM (104.7) and WRRD-AM (1510)

## APPENDIX 2: PREAPPROVED EQUIPMENT

Note: To verify equipment eligibility for your grant, contact your SPM or RPM.

ELIGIBLE	INELIGIBLE
<p><b>48" Fluorescent Enforcement Zone Signs</b></p> <p><b>Cage bars for squads</b></p> <p><b>Cones</b> – reasonable amount</p> <p><b>Direction Flashlights/Light Batons</b></p> <p><b>Driver License Scanners</b></p> <p><b>“Fatal Vision” Goggles</b></p> <p><b>Laser Radar</b></p> <p><b>Lights</b> – Emergency Vehicle Lighting, Light bars</p> <p><b>Mobile Digital Communicator (MDC)</b></p> <p><b>Multi-band Radios</b> Due to high price.; approx. \$6,000, a quote is needed to determine what percentage will be used for enforcement</p> <p><b>On-site Pole Speed Sign</b></p> <p><b>Radar</b> - IACP Approved Speed Enforcement RADAR/LIDAR Devices</p> <p><b>Preliminary Breath Testers (PBTs)</b></p> <p><b>Seatbelt Cutters</b></p> <p><b>Speed Display Board</b></p> <p><b>Standard Radios</b> (approx. \$2,000 each) -Handheld and vehicle mounted</p> <p><b>TraCS Compatible Equipment:</b></p> <ul style="list-style-type: none"> <li>• Laptops: Panasonic “Tough Book” approx. \$3,700</li> <li>• Docking Station: and Power Supply, Mounting Hardware</li> <li>• Thermal Printer: Printer Cables, Printer Mount</li> <li>• GPS – not on its own; only with other TraCS items</li> </ul> <p><b>Vests</b></p> <p><b>Video</b> – Digital Squad Video Recorders and Personal Recorders</p>	<p><b>Bicycles</b></p> <p><b>Digital Cameras</b></p> <p><b>Emitters</b></p> <p><b>Gloves</b></p> <p><b>Hard mounted LED Pedestrian Crossing and Stop Signs</b></p> <p><b>License Plate Readers</b></p> <p><b>Measuring Wheels</b></p> <p><b>Parkas</b></p> <p><b>Printer Paper for TraCS</b></p> <p><b>Radio “Base” Station</b></p> <p><b>Raincoats</b></p> <p><b>Rear Plastic Squad Seats</b></p> <p><b>Software – that is RMS (Record Management System: i.e. Visionare)</b></p> <p><b>Tasers</b></p> <p><b>Tire Deflation Devices (Stop Sticks or Spike Strips)</b></p> <p><b>Ultrabooks</b></p> <p><b>Uniforms</b></p> <p><b>Vehicle Window Tint Meter</b></p> <p><b>Vehicles</b></p> <p><b>Weapons &amp; Ammo &amp; Related Accessories</b></p> <p><b>Warranties</b></p>

**APPENDIX 3:****SAFETY: PARTNERS, COMMITTEES, AND ORGANIZATIONS**

Not an exhaustive list.

AAA <a href="https://www.aaafoundation.org/">https://www.aaafoundation.org/</a>	Office of Juvenile Justice and Delinquency Prevention <a href="http://ojjdp.ncjrs.org">http://ojjdp.ncjrs.org</a>	Wisconsin Department of Health Services <a href="http://dhs.wisconsin.gov">http://dhs.wisconsin.gov</a>
AARP <a href="http://www.aarp.org">www.aarp.org</a>	Operation Click <a href="http://operationclick.com/">http://operationclick.com/</a>	Wisconsin Department of Children and Families <a href="http://dcf.wi.gov/">http://dcf.wi.gov/</a>
AT&T-It Can Wait Program <a href="http://www.itcanwait.com/apps-and-tools">http://www.itcanwait.com/apps-and-tools</a>	Operation Lifesaver <a href="http://oli.org/">http://oli.org/</a>	Wisconsin Department of Justice <a href="http://www.doj.state.wi.us/">http://www.doj.state.wi.us/</a>
Alcohol and Other Drug Abuse Program <a href="http://dpi.wi.gov/sspw/aodaprogram.html">http://dpi.wi.gov/sspw/aodaprogram.html</a>	Pacific Institute for Research and Evaluation <a href="http://www.pire.org">www.pire.org</a>	Wisconsin Department of Natural Resources <a href="http://dnr.wi.gov/">http://dnr.wi.gov/</a>
Children's Hospital of Wisconsin <a href="http://www.chw.org/">http://www.chw.org/</a>	Rural Mutual Insurance <a href="http://www.ruralins.com/">http://www.ruralins.com/</a>	Wisconsin Department of Tourism <a href="http://www.travelwisconsin.com">www.travelwisconsin.com</a>
Federal Highway Administration <a href="http://www.fhwa.dot.gov">www.fhwa.dot.gov</a>	Safe Kids-Southeast Wisconsin <a href="http://www.safekidswi.org/SafeKidsWisconsin-SoutheastWisconsin.asp">http://www.safekidswi.org/SafeKidsWisconsin-SoutheastWisconsin.asp</a>	WisDOT- Division of Motor Vehicles
Ford Driving Skills for Life <a href="http://www.drivingskillsforlife.com">www.drivingskillsforlife.com</a>	Safe Routes to School <a href="http://www.dot.wisconsin.gov/localgov/aid/saferoutes.htm">http://www.dot.wisconsin.gov/localgov/aid/saferoutes.htm</a>	WisDOT- Planning
Fox47 – MSG2TEENS <a href="http://fox47.com/sections/contests/msg2teens/">http://fox47.com/sections/contests/msg2teens/</a>	State Council on Alcohol and other Drug Abuse <a href="http://www.scaoda.state.wi.us">www.scaoda.state.wi.us</a>	Wisconsin Interscholastic Athletic Association <a href="http://www.wiaawi.org/">http://www.wiaawi.org/</a>
Green Bay Packers <a href="http://www.packers.com/">http://www.packers.com/</a>	Statewide Impaired Driving Work Group	Wisconsin Juvenile Officers Association <a href="http://www.wjoa.com">www.wjoa.com</a>
Governors Highway Safety Association <a href="http://www.ghsa.org/">http://www.ghsa.org/</a>	Substance Abuse and Mental Health Services Administration <a href="http://www.samhsa.gov/">www.samhsa.gov/</a>	Wisconsin Highway Safety Coordinators Association
Governor's Bicycle Coordinating Council	Tavern League of Wisconsin <a href="http://www.tlw.org">www.tlw.org</a>	Wisconsin Partnership for Activity and Nutrition (WI PAN)
Governor's Council on Highway Safety	Traffic Records Coordinating Committee	Wisconsin Safety Patrol Congress
HSP stakeholder input: May 2016	Traffic Safety Commissions (72 county organizations)	Wisconsin Safety Patrols, Inc. <a href="http://www.wisconsinsafetypatrol.com/">http://www.wisconsinsafetypatrol.com/</a>
La Crosse OWI Treatment Court <a href="http://www.co.lacrosse.wi.us/human-services/js/owi.htm">http://www.co.lacrosse.wi.us/human-services/js/owi.htm</a>	University of Wisconsin System Administration	Wisconsin State Laboratory of Hygiene <a href="http://www.slh.wisc.edu">www.slh.wisc.edu</a>
Law Enforcement Agencies	WE Bike, etc. <a href="http://www.webike.org">www.webike.org</a>	Wisconsin State Patrol Alumni Association <a href="http://wspalumni.org/">http://wspalumni.org/</a>
MADD <a href="http://www.madd.org">www.madd.org</a>	Wisconsin Association of Women Highway Safety Leaders	Wisconsin Technical College System <a href="http://www.wtcsystem.edu/">http://www.wtcsystem.edu/</a>
Marshfield Clinic – Center for Community Outreach <a href="http://www.marshfieldclinic.org/patients/?page=cco">www.marshfieldclinic.org/patients/?page=cco</a>	Wisconsin Badgers <a href="http://www.uwbadgers.com/">http://www.uwbadgers.com/</a>	Wisconsin Traffic Operations and Safety Laboratory <a href="http://www.topslab.wisc.edu/">http://www.topslab.wisc.edu/</a>
Medical College of Wisconsin – Injury Research Center <a href="http://www.mcw.edu/Injury-Research-Center.htm">http://www.mcw.edu/Injury-Research-Center.htm</a>	Wisconsin Bike Fed <a href="http://www.bfw.org/">http://www.bfw.org/</a>	Wisconsin Traffic Safety Officer's Association <a href="http://wtsoa.org/siteFiles/">http://wtsoa.org/siteFiles/</a>
National Highway Traffic Safety Administration <a href="http://www.nhtsa.dot.gov">www.nhtsa.dot.gov</a>	Wisconsin Chiefs of Police Association (WCPA) <a href="http://www.wichiefs.org/">http://www.wichiefs.org/</a>	



## APPENDIX 4:

# LAW ENFORCEMENT GRANT TARGETING METHODOLOGY

## As It Relates to Alcohol, Speed, and Occupant Protection Grants

### INTRODUCTION:

The following is documentation for the methodology on how the targeting lists of political entities and their respective law enforcement agencies were selected for alcohol, speed, and occupant protection law enforcement grants.

This methodology includes the minimum three requirements under 23 CFR 1300.11(d)(5)(ii), the evidence-based traffic safety enforcement program to prevent traffic violations, crashes, and crash fatalities and injuries in areas most at risk for such incidents. At a minimum, the State shall provide for:

- (i) An analysis of crashes, crash fatalities, and injuries in areas of highest risk;
- (ii) Deployment of resources based on that analysis; and
- (iii) Continuous follow-up and adjustment of the enforcement plan.

Continuous follow-up is provided by monthly reviews of grants by the State Program Managers, grant monitoring by the Regional Program Managers, and through attendance at the quarterly Traffic Safety Commissions in each county.

Agencies/municipalities that meet the criteria are encouraged to participate in enforcement efforts either through funded overtime grants (which require participation in national mobilizations) or through our non-overtime grant program which runs during the national mobilization periods. New targeting lists are created each year using the most recent three years of data.

Initially Wisconsin counties were grouped by descending degree of apparent crash problem (alcohol, speed, and occupant protection), within the respective grant types (alcohol, speed, and occupant protection). The following summarizes the larger steps taken for all three types of law enforcement grants in generating the overall list.

### Initial Scoring:

The Bureau of Transportation Safety's Traffic Crash files were queried for instances of alcohol, speed, and occupant protection related crashes, by crash type (fatal,

injury, and property damage), as noted on the MV4000 crash report form, in Wisconsin cities, villages and townships and grouped together by county for the calendar years 2013, 2014, and 2015. Three years of data were collected to disguise some of the natural fluctuations from year to year. Not all locations in Wisconsin have recorded each of the three types of crashes during the 2013-2015 three year period; those locations were immediately excluded from further investigation, within their respective targeting list grant type (alcohol, speed, and occupant protection).

Reported crashes on public roads were matched with the people involved in the crashes, assigning numeric weights to reported injuries (and non-injuries). The numeric weights assigned were:

- Fatal injury = 20
- Incapacitating injury = 20
- Non-incapacitating injury=10
- Possible injury = 5
- Unknown or no injury = 1

Numeric weights of the injuries (and non-injuries) were summed by county and cities, villages, or townships, within a county. That value was named Calculated Score for Injuries.

A *Normalized Score* for injuries was calculated by matching the Calculated Score for Injuries with the final January 1, 2015 population estimates (per 1,000), as released by the Wisconsin Department of Administration's Demographic Services Center (Ex. Calculated Score \* (1000/Population Number)) for counties, cities, villages, and towns. Population estimates are based on the 2010 census and an analysis of more current data such as housing units and automobile registrations. 2015 population data was used because it is the most recent available. An example of the formula to be used for each of the respective seventy-two counties in the state is the following:

Calculated Score \* (1,000 / (2015 County Population))

Each county is evaluated with regard to its Calculated Score for Injuries and its Normalized Score to see if it meets the criteria for selection. The county-level criteria varies by grant type (alcohol, speed, and occupant

protection) and can be found in one of the three respective subsections for grant types, below. The exception to this scoring are all counties with a population of 500,000 or greater, where counties meeting this criterion will automatically be included in the three law enforcement grant types (Alcohol, Speed, and Occupant Protection).

## I. Full-year Law Enforcement Grants (Alcohol Only)

Municipalities located in multiple counties have been combined, thus only appear once in the listings. The county containing the largest percentage of the municipality's population has been designated the county of record for the listings. If counties in which a municipality exists are needed, please reference the worksheet named "2015MuniInMultiCounties," in the MS Excel files named "2015MuniAlcWeightedTrgtNormal.xlsx".

### Criteria at County Level:

Select counties with the criteria of Weight  $\geq$  3,000 OR NormalScore  $\geq$  50.00 OR (Weight  $\geq$  2,000 AND NormalScore  $\geq$  30.00).

Select the next two counties, from those counties that are still unselected who have a Rural-Urban Continuum Code of one through six and have the next highest NormalScore scores from ALL counties per RPM Region.

### Criteria at Municipal Level:

A list of municipalities for each of the counties selected as a possible grant candidate will be generated, showing the NormalScore and Weight, for each of the municipalities within a county. Municipalities within each of these counties will be selected for potential grants using the following criteria:

Weight  $\geq$  300

NormalScore  $\geq$  50.00

Each of these municipalities will be highlighted in blue. Please note that municipalities that have a law enforcement agency presence, besides the county sheriff will also be highlighted, by the use of bold text.

## II. Seasonal Law Enforcement Grants

### Common to All types

Seasonal Law Enforcement Grant candidates are selected based upon a 3-month (quarterly) time-period, using the seasonal definition of the meteorological year. These time period are the following:

Meteorologists use whole months to identify meteorological seasons. In the northern hemisphere the months are the following:

- Meteorological spring takes place during March, April, and May
- Meteorological summer takes place during June, July, and August
- Meteorological autumn takes place during September, October, and November
- Meteorological winter takes place during December, January, and February

[http://www.aos.wisc.edu/~hopkins/WES/fall\\_05/WESf05supl10.html](http://www.aos.wisc.edu/~hopkins/WES/fall_05/WESf05supl10.html)

Spring Quarter: March, April, May

Summer Quarter: June, July, August

Autumn Quarter: September, October, November

Winter Quarter: December, January, February

A Calculated Score for Injuries and a Normalized Score are then calculated for each quarter of the past year (2015 in this particular case) as one selected grouping. Another Calculated Score for Injuries and a Normalized Score as an average, by quarter for the five years that precede the past year (2010-2014 in this particular case) are also selected into another grouping.

The purpose of having these two groupings are to identify county-level political entities that have immediate, short-term, quarterly traffic crash issues for the 2015 selected grouping and those that have a long-term trend, within a specific seasonal quarter, with regard to traffic crash issues for the 2010-2014 selected grouping.

Each county NOT having a Rural-Urban Continuum Code of seven through nine is evaluated with regard to its Calculated Score for Injuries and its Normalized Score for each of the four quarters to see if it meets the criteria for selection. The county-level criteria varies by grant type (alcohol, speed, and occupant protection)

and can be found in one of the three respective subsections for grant types, below.

Counties with normalized scores that fall outside one or more standard deviations, but less than two standard deviations from the population group's average, but whose normalized score is at least 15% above the group mean are displayed against a lightly red shaded background and will be selected as grant candidates. Counties with normalized scores that fall outside two or more standard deviations from one of the six population group means are displayed against a more darkly shaded background and are automatically eligible as a grant candidate.

**Alcohol** (All four seasons will be used for the 2018 Federal Fiscal Year)

The selection of counties for alcohol-related seasonal grants will follow the "Common to All types" section of the Seasonal Law Enforcement Grants section.

**Speed** (the summer quarter will be used for the 2018 Federal Fiscal Year)

The selection of counties for speed-related seasonal grants will follow the "Common to All types" section of the Seasonal Law Enforcement Grants section.

**Occupant Protection** (Only the spring and summer quarters will be used for the 2018 Federal Fiscal Year)

The selection of counties for speed-related seasonal grants will follow the "Common to All types" section of the Seasonal Law Enforcement Grants section.

### III. Occupant Protection Grants by County, Based Upon the Number of Registered Pick-up Trucks

The selection process will also make counties eligible for Occupant Protection Grants, based upon the number of pick-up trucks registered in a particular county, for the year 2015, relative to the mean number of pick-up trucks per county, for the state as a whole, where the county has not been previously targeted for Occupant Protection grant(s).

Counties, which have the largest number of pick-up truck registrations statewide will be considered for seasonal occupant protection grants. The local County Sheriff's law enforcement agency will be the first enforcement agency contacted, for each county, given they have county-wide jurisdiction.

### IV. All Grants Types (Alcohol, Speed, and Occupant Protection) by County, Based Upon Population.

Counties with a population greater than or equal to 500,000 will be targeted for all three categories of law enforcement grant types (Alcohol, Speed, and Occupant Protection), regardless of the grant distribution methodology (Annual, Seasonal, and Pick-up Trucks Registered) selected for a given targeting year.

The rationale for using this metric is based upon the particulars of the methodology time periods selected for a targeting year. Some grants types (Ex. Speed this year) are only being targeted, using a seasonal methodology. Counties with large populations (and VMT), relative to the State as whole do not statistically have as great of variation as counties having smaller populations (and VMT) in the State when using the seasonal methodology, thus could be overlooked as a targeted county, though they do have a significant traffic safety problem year-around, which would only be noted, if annual year round law enforcement grants are provided for a particular grant type (speed in this case). Basically, there is a need to more efficiently allocate funds on a seasonal basis (for speed in this case), but still not exclude the more populated (and higher VMT) counties, which lack seasonal variation in their traffic safety issues, because their traffic safety issues exist year-round.

Please note population was used as the metric, instead of VMT, because of the on-going regularity and timeliness of annual population estimates (both state and federal) versus, the unpredictability of when VMT data will become available, for a given year.

After each county that has been selected for a particular type of grant (Alcohol, Speed, and Occupant Protection) we then drilled-down to the municipal (City, Village, or Town) level to select the specific municipal entities that will be offered a grant. This will be achieved by measuring the Normalized Score for injuries and the Calculated Score for Injuries, for each of the municipalities against the criteria set for municipalities, in each of the grant types (Alcohol, Speed, and Occupant Protection) as described in Section I., above. Please note that the County Sheriff of a selected county, regardless of grant type will always be considered for a grant, otherwise the local law enforcement agency that has a selected municipality within its jurisdiction will be considered to implement a grant on behalf of the selected municipality.

**APPENDIX 5A:**  
**DETAILED BUDGET**  
**FFY 2018 HIGHWAY SAFETY PLAN BUDGET**

ACTIVITY	TITLE	FED	STATE	TOT PROG	LOC BENEFIT
<b>PLANNING &amp; ADMINISTRATION (PA) 10</b>					
2018-10-01	Planning & Administration	320,000			
402	(PA)	320,000			
2018-19-01	402 Match		530,000		
State	(562)		530,000		
<b>TOTAL PLAN &amp; ADMIN FUNDS</b>		<b>320,000</b>	<b>530,000</b>	<b>850,000</b>	

<b>OCCUPANT PROTECTION (OP) 20</b>					
2018-20-01	Program Mgmt	80,000			
2018-20-05	Enforcement	630,000			630,000
2018-20-06	Equipment	470,000			470,000
2018-20-09	Evaluation	25,000			
<b>402</b>	<b>(OP)</b>	<b>1,205,000</b>		<b>1,205,000</b>	<b>1,100,000</b>
2018-25-02	PI&E	200,000			
2018-25-03	Training - Technical	208,000			
2018-25-05	Enforcement	355,000			
2018-25-06	Equipment	54,000			
2018-25-09	Evaluation	90,000			
<b>405b</b>	<b>(M2)</b>	<b>907,000</b>		<b>907,000</b>	
<b>TOTAL OCC PROTECT FUNDS</b>		<b>2,112,000</b>	<b>0</b>	<b>2,112,000</b>	<b>1,100,000</b>

ACTIVITY	TITLE	FED	STATE	TOT PROG	LOC BENEFIT
<b>IMPAIRED DRIVING (AL) (30)</b>					
2018-30-06	Equipment	350,000			350,000
<b>402</b>	<b>(AL)</b>	<b>350,000</b>	<b>0</b>	<b>350,000</b>	<b>350,000</b>
2018-31-01	Program Management	70,000			
2018-31-02	PI&E	200,000			
2018-31-03	Training - Technical	560,000			
2018-31-04	Training - Community	170,000			
2018-31-05	Enforcement	1,825,000			
2018-31-09	Evaluation	85,000			
<b>405d</b>	<b>(M5)</b>	<b>2,910,000</b>		<b>2,910,000</b>	
2018-37-05	Enforcement	165,000			
<b>405d (24/7)</b>	<b>405d (24/7)</b>	<b>165,000</b>		<b>165,000</b>	
2018-37-05	Enforcement	430,000			
<b>405d (IID)</b>	<b>405d (IID)</b>	<b>430,000</b>		<b>430,000</b>	
State 531	Safe-Ride Programs		700,000		
<b>State</b>			<b>700,000</b>		
<b>TOTAL</b>	<b>IMPAIRED DRIVING FUNDS</b>	<b>3,855,000</b>	<b>700,000</b>	<b>4,555,000</b>	<b>350,000</b>

<b>POLICE TRAFFIC SERVICES (PT) 40</b>					
2018-40-01	Program Mgmt	67,000			
2018-40-05	Enforcement	675,000			675,000
<b>402</b>	<b>(PT)</b>	<b>742,000</b>	<b>0</b>	<b>742,000</b>	<b>675,000</b>
2018-44-05	Enforcement	500,000		500,000	
<b>405e</b>	<b>405e</b>	500,000	0	500,000	0
2018-46-03	Training - Technical	150,000			
2018-46-05	Enforcement	150,000			
405g	405g	300,000	0		0
<b>TOTAL</b>	<b>Total PTS</b>	<b>1,542,000</b>	<b>0</b>	<b>1,542,000</b>	<b>675,000</b>

<b>HIGHWAY SAFETY INFORMATION (TR) 50</b>					
2018-58-01	PI&E	96,000			
2018-58-03	Training - Technical	465,000			
2018-58-06	Equipment	30,000			
<b>405c</b>	<b>(M3)</b>	<b>591,000</b>	<b>0</b>	<b>591,000</b>	
<b>TOTAL</b>	<b>RECORDS FUNDS</b>	<b>591,000</b>	<b>0</b>	<b>591,000</b>	

ACTIVITY	TITLE	FED	STATE	TOT PROG	LOC BENEFIT
<b>INJURY CONTROL (EM) 60</b>					
2018-60-02	PI & E	50,000			50,000
2018-60-03	Training - Technical	50,000			50,000
<b>402</b>	<b>(EM)</b>	<b>100,000</b>	<b>0</b>	<b>100,000</b>	<b>100,000</b>

<b>MOTORCYCLIST SAFETY (MC) 70</b>					
2018-70-04	Training - Community	220,000			
2018-70-05	Enforcement	50,000			50,000
2018-70-07	Paid Media	50,000			
<b>402</b>	<b>(MC)</b>	<b>320,000</b>	<b>0</b>	<b>320,000</b>	<b>50,000</b>
2018-72-03	Training - Technical	30,000			30,000
2018-72-06	Equipment	60,000			60,000
2018-72-09	Evaluation	20,000			
<b>405f</b>	<b>(M9)</b>	<b>110,000</b>	<b>0</b>	<b>110,000</b>	<b>90,000</b>
2018-79-07	Paid Media		100,000		
<b>State</b>	<b>(535)</b>		<b>100,000</b>		
2018-79-01	Program Mgmt		150,000		
2018-79-04	Training - Community		463,000		
<b>State</b>	<b>(562)</b>		<b>613,000</b>		
<b>TOTAL</b>	<b>MOTORCYCLE FUNDS</b>	<b>430,000</b>	<b>713,000</b>	<b>1,143,000</b>	<b>140,000</b>

<b>PEDESTRIAN &amp; BICYCLIST (PS) 80</b>					
2018-80-02	PI&E	25,000			12,500
2018-80-03	Training - Technical	80,000			80,000
2018-80-04	Training - Community	23,000			23,000
2018-80-05	Enforcement	120,000			120,000
<b>402</b>	<b>(PS)</b>	<b>248,000</b>	<b>0</b>	<b>248,000</b>	<b>235,500</b>
2018-89-01	Program Management		87,000		
<b>State</b>	<b>(562)</b>		<b>87,000</b>		
<b>TOTAL</b>	<b>PED/BIKE FUNDS</b>	<b>248,000</b>	<b>87,000</b>	<b>335,000</b>	<b>235,500</b>

ACTIVITY	TITLE	FED	STATE	TOT PROG	LOC BENEFIT
<b>COMMUNITY TRAFFIC SAFETY (CP) 90</b>					
2018-90-01	Program Mgmt	410,000			
2018-90-02	PI & E	575,000			287,500
2018-90-04	Community Programs	120,000			120,000
2018-90-06	Equipment	375,000			375,000
2018-90-07	Paid Media	500,000			250,000
<b>402</b>	<b>(CP)</b>	<b>1,980,000</b>	<b>0</b>	<b>1,980,000</b>	<b>1,032,500</b>
2018-31-07	Paid Media	250,000			
<b>405d</b>	<b>(M5)</b>	<b>250,000</b>	<b>0</b>	<b>250,000</b>	
<b>Total</b>	<b>Community Programs</b>	<b>2,230,000</b>	<b>0</b>	<b>2,230,000</b>	<b>1,032,500</b>

<b>Fund Totals</b>					
	402 total	5,265,000			3,543,000 (67.29%)
	405b total	907,000			0
	405c total	591,000			0
	405d total (incl. 24/7 and IID)	3,755,000			0
	405e total	500,000			0
	405f total	110,000			90,000
	405g total	300,000			0
	<b>TOTAL NHTSA FUNDS</b>	<b>11,428,000</b>			<b>3,633,000</b>

**APPENDIX 5B:**

**MAINTENANCE OF EFFORT**

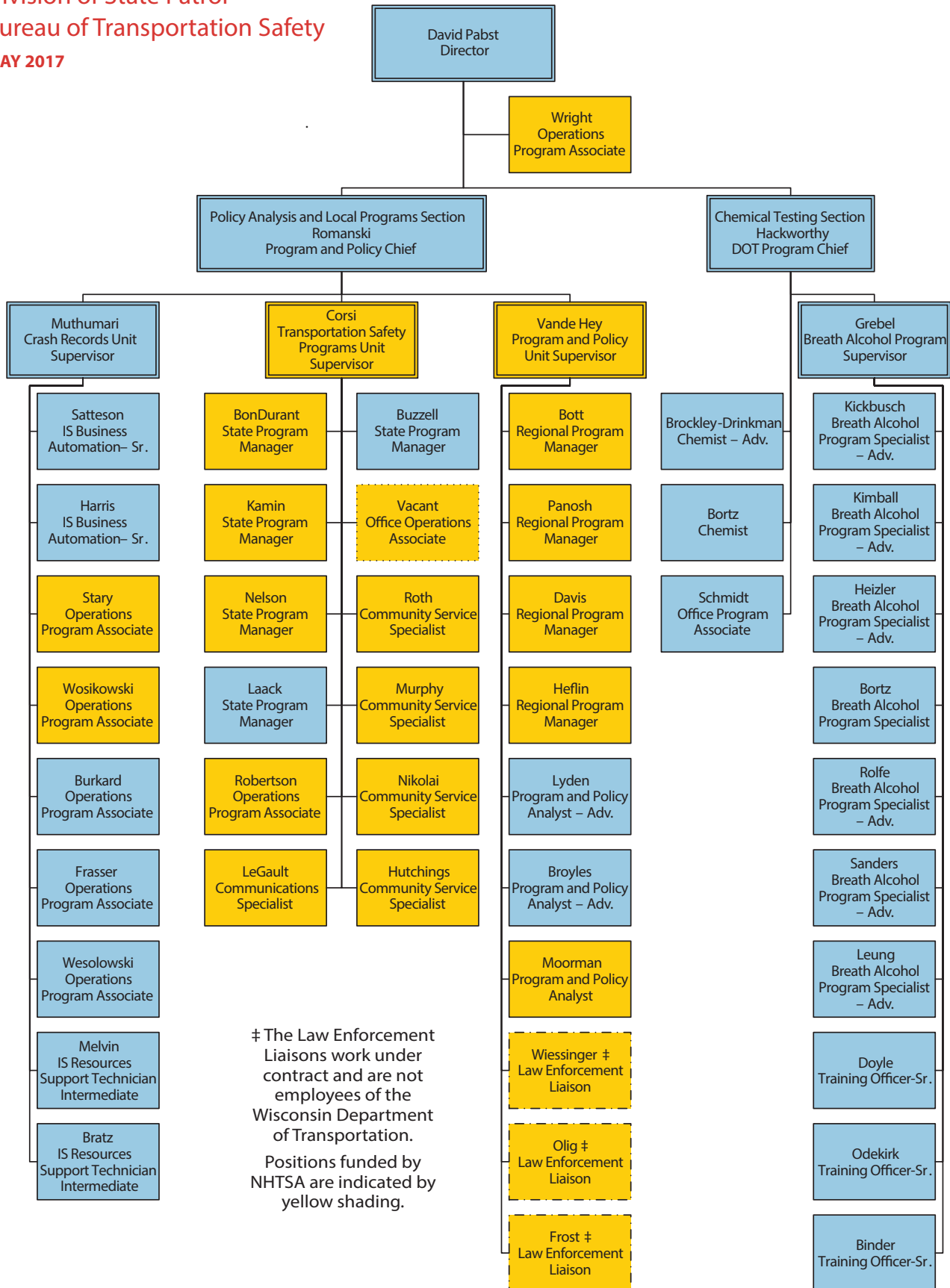
State Agency	Program	Occupant Protection State Program Funds			Description of Eligible Expenditures/Activities	FFY 2016
		FFY 2010	FFY2011	FFY10 & 11 Average		
Wisconsin Division of State Patrol	Traffic Enforcement	\$38,143,675.40	\$38,534,703.64	Overall average calculated below	A percentage of salaries and fringe benefits of DSP traffic assigned to OP	\$43,506,743.37
<b>TOTALS:</b>		<b>\$38,143,675.40</b>	<b>\$38,534,703.64</b>	<b>\$38,339,189.52</b>		<b>\$43,506,743.37</b>

State Agency	Program	Impaired Driving State Program Funds			Description of Eligible Expenditures/Activities	FFY 2016
		FFY 2010	FFY2011	FFY10 & 11 Average		
Wisconsin Division of State Patrol	Traffic Enforcement	\$19,071,837.70	\$19,267,351.82	Overall average calculated below	A percentage of salaries and fringe benefits to DSP traffic assigned to Impaired Driving	\$21,720,757.94
SafeRide Program	Alternative Transportation	\$291,878.48	\$488,942.62	Overall average calculated below	Funding generated through the OWI surcharge. As we become	\$583,212.00
Intensive Supervision Program	County programs for repeat offenders	\$670,853.92	\$611,209.85	Overall average calculated below	Program no longer managed by DOT.	\$0.00
<b>TOTALS:</b>		<b>\$20,034,570.10</b>	<b>\$20,367,504.29</b>	<b>\$20,201,037.19</b>		<b>\$22,303,969.94</b>

State Agency	Program	Traffic Records State Program Funds			Description of Eligible Expenditures/Activities	FFY 2016
		FFY 2010	FFY2011	FFY10 & 11 Average		
Wisconsin DMV TraCs staff	Program Administration and Program	\$585,532.57	\$499,416.70	Overall average calculated below	A percentage of salaries and fringe of Bureau Chief, Administrator, and Financial calculated below	\$597,105.00
DMV TraCs Software	Reporting software	\$35,000.00	\$35,000.00 calculated below	Overall average law enforcement in the state.	Annual license payment covers all	\$79,000.00
State Funded Safety Analyst	Data Analyst	\$68,256.07	\$69,692.45	Overall average calculated below	Salary and fringe for data analyst	\$66,399.37
MACH and TraCs Support Wisconsin DSP	Program Administration and Program Management	No Position Existed	No Position Existed	N/A	Salaries, fringe benefits, and indirect cost rates absorbed by Iowa State University to conduct an annual public awareness survey.	\$227,830.69
MACH MiFi's PC770s	Hardware for MACH	No Such Expense Existed Prior to MACH	No Such Expense Existed Prior to MACH	N/A	Mifi cost per month for 428 troopers users for MACH. @ \$39.99/month for one year	\$205,388.64
<b>TOTALS:</b>		<b>\$688,788.64</b>	<b>\$604,109.15</b>	<b>\$646,448.90</b>		<b>\$1,175,723.70</b>



**APPENDIX 6:**  
**ORGANIZATIONAL CHART**  
 Wisconsin Department of Transportation  
 Division of State Patrol  
 Bureau of Transportation Safety  
 MAY 2017





## APPENDIX 7A:

# STATE CERTIFICATIONS AND ASSURANCES

## APPENDIX A TO PART 1300 –CERTIFICATION AND ASSURANCES FOR HIGHWAY SAFETY GRANTS

(23 U.S.C. CHAPTER 4; SEC. 1906, PUB. L. 109-59, AS AMENDED BY SEC. 4011, PUB. L. 114-94)

*[Each fiscal year, the Governor's Representative for Highway Safety must sign these Certifications and Assurances affirming that the State complies with all requirements, including applicable Federal statutes and regulations, that are in effect during the grant period. Requirements that also apply to subrecipients are noted under the applicable caption.]*

### State: Wisconsin, Fiscal Year: 2018

By submitting an application for Federal grant funds under 23 U.S.C. Chapter 4 or Section 1906, the State Highway Safety Office acknowledges and agrees to the following conditions and requirements. In my capacity as the Governor's Representative for Highway Safety, I hereby provide the following Certifications and Assurances:

### GENERAL REQUIREMENTS

The State will comply with applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4 – Highway Safety Act of 1966, as amended
- Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94
- 23 CFR part 1300 – Uniform Procedures for State Highway Safety Grant Programs
- 2 CFR part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR part 1201 – Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

### INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs).

### FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010,

([https://www.fsrs.gov/documents/OMB\\_Guidance\\_on\\_FFATA\\_Subaward\\_and\\_Executive\\_Compensation\\_Reporting\\_08272010.pdf](https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf)) by reporting to FSRS.gov for each sub-grant awarded:

- Name of the entity receiving the award;
- Amount of the award;
- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; and an award title descriptive of the purpose of each funding action;
- A unique identifier (DUNS);

- The names and total compensation of the five most highly compensated officers of the entity if:
  - (i) the entity in the preceding fiscal year received—
    - (I) 80 percent or more of its annual gross revenues in Federal awards;
    - (II) \$25,000,000 or more in annual gross revenues from Federal awards; and
  - (ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;
- Other relevant information specified by OMB guidance.

## NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination (“Federal Nondiscrimination Authorities”). These include but are not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. 324 et seq.), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 et seq.), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. 6101 et seq.), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, sub-recipients and contractors, whether such programs or activities are Federally-funded or not);
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR at 74087 to 74100).

The State highway safety agency—

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted.
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require any of its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Insert in all contracts and funding agreements with other State or private entities the following clause:  
“During the performance of this contract/funding agreement, the contractor/funding recipient agrees—
  - a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
  - b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in Appendix B of 49 CFR part 21 and herein;
  - c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
  - d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
  - e. To insert this clause, including paragraphs a through e, in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.”

## **THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)**

The State will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
  - The dangers of drug abuse in the workplace.
  - The grantee's policy of maintaining a drug-free workplace.
  - Any available drug counseling, rehabilitation, and employee assistance programs.
  - The penalties that may be imposed upon employees for drug violations occurring in the workplace.
  - Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a).

- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –
  - Abide by the terms of the statement.
  - Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction.
- e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted –
  - Taking appropriate personnel action against such an employee, up to and including termination.
  - Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

## **POLITICAL ACTIVITY (HATCH ACT)**

**(applies to subrecipients as well as States)**

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

## **CERTIFICATION REGARDING FEDERAL LOBBYING**

**(applies to subrecipients as well as States)**

### ***Certification for Contracts, Grants, Loans, and Cooperative Agreements***

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

## RESTRICTION ON STATE LOBBYING

(applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

## CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

(applies to subrecipients as well as States)

### Instructions for Primary Certification (States)

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1300.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction*, *debarment*, *suspension*, *ineligible*, *lower tier*, *participant*, *person*, *primary tier*, *principal*, and *voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 2 CFR Part 180. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by NHTSA.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1300.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certi-

fication is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, the department or agency may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that its principals:
  - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

### **Instructions for Lower Tier Certification**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1300.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *debarment*, *suspension*, *ineligible*, *lower tier*, *participant*, *person*, *primary tier*, *principal*, and *voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 2 CFR Part 180. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.



5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by NHTSA.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1300.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, the department or agency with which this transaction originated may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

## BUY AMERICA ACT

### (applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase only steel, iron and manufactured products produced in the United States with Federal funds, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification to and approved by the Secretary of Transportation.

## PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

### (applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

## POLICY ON SEAT BELT USE

April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program, or statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle Up America section on NHTSA's website at [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov). Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in the Washington, D.C. metropolitan area, and dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to provide technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 90 percent seat belt use. NETS can be contacted at 1 (888) 221-0045 or visit its website at [www.trafficsafety.org](http://www.trafficsafety.org).

## POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or -rented vehicles, Government-owned, leased or rented vehicles, or privately-owned when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

## SECTION 402 REQUIREMENTS

1. To the best of my personal knowledge, the information submitted in the Highway Safety Plan in support of the State's application for a grant under 23 U.S.C. 402 is accurate and complete.
2. The Governor is the responsible official for the administration of the State highway safety program, by appointing a Governor's Representative for Highway Safety who shall be responsible for a State highway safety agency that has adequate powers and is suitably areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program. (23 U.S.C. 402(b)(1)(A))
3. The political subdivisions of this State are authorized, as part of the State highway safety program, to carry out within their jurisdictions local highway safety programs which have been approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary of Transportation. (23 U.S.C. 402(b)(1)(B))
4. At least 40 percent of all Federal funds apportioned to this State under 23 U.S.C. 402 for this fiscal year will be expended by or for the benefit of political subdivisions of the State in carrying out local highway safety programs (23 U.S.C. 402(b)(1)(C)) or 95 percent by and for the benefit of Indian tribes (23 U.S.C. 402(h)(2)), unless this requirement is waived in writing. (This provision is not applicable to the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.)
5. The State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks. (23 U.S.C. 402(b)(1)(D))
6. The State will provide for an evidenced-based traffic safety enforcement program to prevent traffic violations, crashes, and crash fatalities and injuries in areas most at risk for such incidents. (23 U.S.C. 402(b)(1)(E))

7. The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State, as identified by the State highway safety planning process, including:
- Participation in the National high-visibility law enforcement mobilizations as identified annually in the NHTSA Communications Calendar, including not less than 3 mobilization campaigns in each fiscal year to –
    - o Reduce alcohol-impaired or drug-impaired operation of motor vehicles; and
    - o Increase use of seatbelts by occupants of motor vehicles;
  - Submission of information regarding mobilization participation in accordance with 23 CFR part 1300.11(d)(6)(ii);
  - Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits;
  - An annual Statewide seat belt use survey in accordance with 23 CFR part 1340 for the measurement of State seat belt use rates, except for the Secretary of Interior on behalf of Indian tribes;
  - Development of Statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources;
  - Coordination of Highway Safety Plan, data collection, and information systems with the State strategic highway safety plan, as defined in 23 U.S.C. 148(a).  
(23 U.S.C. 402(b)(1)(F))
8. The State will actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 U.S.C. 402(j))
9. The State will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system. (23 U.S.C. 402(c)(4))

### The State: *CHECK ONLY ONE*

Certifies that automated traffic enforcement systems are not used on any public road in the State;

OR

Is unable to certify that automated traffic enforcement systems are not used on any public road in the State, and therefore will conduct a survey meeting the requirements of 23 CFR 1300.13(d)(3) AND will submit the survey results to the NHTSA Regional office no later than March 1 of the fiscal year of the grant.

I understand that my statements in support of the State's application for Federal grant funds are statements upon which the Federal Government will rely in determining qualification for grant funds, and that knowing misstatements may be subject to civil or criminal penalties under 18 U.S.C. 1001. I sign these Certifications and Assurances based on personal knowledge, and after appropriate inquiry.

---

Signature Governor's Representative for Highway Safety

Date

Dave Ross

---

Printed name of Governor's Representative for Highway Safety

## APPENDIX 7B: APPLICATION REQUIREMENTS

### APPENDIX B TO PART 1300 –APPLICATION REQUIREMENTS FOR SECTION 405 AND SECTION 1906 GRANTS

*[Each fiscal Year, to apply for a grant under 23 U.S.C. 405 or Section 1906, Pub. L. 109-59, as amended by Section 4011 Pub. L. 114-94, the State must complete and submit all required information in this appendix, and the Governor's Representative for Highway Safety must sign the Certifications and Assurances.]*

#### State: Wisconsin, Fiscal Year: 2018

In my capacity as the Governor' Representative for Highway Safety, I hereby provide the following certifications and assurances -

- I have reviewed the above information in support of the State's application for 23 U.S.C. 405 and Section 1906 grants, and based on my review the information is accurate and complete to the best of my personal knowledge.
- As condition of each grant awarded, the State will use these grant funds in accordance with the specific statutory and regulatory requirements of that grant, and will comply with all applicable laws, regulations, and financial and programmatic requirements for Federal grants.
- I understand and accept that incorrect, incomplete, or untimely information submitted in support of the State's application may result in the denial of a grant award.

I understand that my statements in support of the State's application for Federal grant funds are statements upon which the Federal Government will rely in determining qualification for grant funds, and that knowing misstatements may be subject to civil or criminal penalties under 18 U.S.C. 1001. I sign these Certifications and Assurances based on personal knowledge, and after appropriate inquiry.

\_\_\_\_\_  
Signature Governor's Representative for Highway Safety

\_\_\_\_\_  
Date

Dave Ross

\_\_\_\_\_  
Printed name of Governor's Representative for Highway Safety

## APPENDIX 8A: OCCUPANT PROTECTION



### FY18 405(b) State: Wisconsin

#### PART 1: OCCUPANT PROTECTION GRANT (23 CFR § 1300.21)

X Check the box only if applying for an Occupant Protection grant

##### **All States: [Fill in all blanks below.]**

The lead State agency responsible for occupant protection programs will maintain its aggregate expenditures for occupant protection programs at or above the average level of such expenditures in fiscal years 2014 and 2015. (23 U.S.C. 405(a)(9))

The State occupant protection program area plan for the upcoming fiscal year is provided on HSP page #: 13-17

The State will participate in the Click it or Ticket national mobilization in the fiscal year of the grant. The description of the State's planned participation is provided on HSP page #: 15

A table that documents the State's active network of child restraint inspection stations is provided on HSP page #: Supplemental Appendix OP-1

*Such table includes (1) the total number of inspection stations/events in the State; and (2) the total number of inspection stations and/or inspection events that service rural and urban areas and at-risk populations (e.g., low income, minority). Each inspection station/event is staffed with at least one current nationally Certified Child Passenger Safety Technician.*

A table that identifies the number of classes to be held, location of classes, and estimated number of students needed to ensure coverage of child passenger safety inspection stations and inspection events by nationally Certified Child Passenger Safety Technicians is provided on HSP page #: Supplemental Appendix OP-2

##### **Lower Seat Belt Use States Only:**

[Check at least 3 boxes below and fill in all blanks related to those checked boxes]

##### **Primary Enforcement Seat Belt Use Statute X**

The State primary seat belt use law, requiring all occupants riding in a passenger motor vehicle to be restrained in a seat belt or a child restraint is in effect, and will be enforced during the fiscal year of the grant.

Date of enactment: 6/30/2009

Last amended on: 12/21/2001

Insert legal citation(s): 347.48 (2) and (4), Stats.; ss. 2991, 2992, 9450 of 2009 WI Act 28

##### **Occupant Protection Statute**

The State occupant protection law, requiring occupants to be secured in a seat belt or age-appropriate child restraint while in a passenger motor vehicle and a minimum fine of \$25, is in effect, and will be enforced during the fiscal year of the grant.

Date of enactment:

Last amended on:

Insert legal citation(s):

Requirement for all occupants to be secured in seat belt or age appropriate child restraint:

Coverage of all passenger motor vehicles:

Minimum fine of at least \$25:

Exemptions from restraint requirements:

**Seat Belt Enforcement X**

The State seat belt enforcement plan is provided on HSP page #: 14

**High Risk Population Countermeasure Programs X**

The State's data-driven programs to improve seat belt and child restraint use for at least 2 of the following at-risk populations (drivers on rural roadways, unrestrained nighttime drivers, teenage drivers, or other at-risk populations as identified in the occupant protection program area) is provided on HSP page #: 14

**Comprehensive Occupant Protection Program**

Date of NHTSA-facilitated program assessment conducted within 5 years prior to the application date:

Multi-year strategic plan is provided on HSP page or attachment #:

Name and title of State designated occupant protection coordinator:

List that contains the names, titles and organizations of the statewide occupant protection task force membership is provided on HSP page #:

**Occupant Protection Program Assessment**

The State's NHTSA-facilitated occupant protection program assessment of all elements of its occupant protection program was conducted within 3 years prior to the application date (enter date):

**APPENDIX 8B:****INFORMATION SYSTEM IMPROVEMENTS****FY18 405(c) State: Wisconsin****PART 2: STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS GRANT (23 CFR § 1300.22)**

X Check the box only if applying for a State Traffic Safety System Improvement grant

**All States: [Fill in all blanks below]**

The lead State agency responsible for traffic safety information system improvements programs will maintain its aggregate expenditures for traffic safety information system improvements programs at or above the average level of such expenditures in fiscal years 2014 and 2015. (23 U.S.C. 405(a)(9))

Enter the TRCC meeting dates (at least 3) during the 12 months preceding the application due date: 12/07/2016, 03/2/2017, 04/05/2017

If applicable, additional TRCC meeting dates can be found on HSP page #:

The name and title of the State Traffic Records Coordinator is: Larry Corsi, Grants Supervisor, and Evan Moorman, Program Evaluation Analyst, co-chairs

A list of the TRCC members by name, title, home organization and the core safety database represented is provided on HSP page #: Supplemental Appendix TR-1

The State Traffic Records Strategic Plan is provided as follows:

Description of specific, quantifiable and measurable improvements is provided on HSP page or attachment #: Supplemental Appendix TR-2

List of all recommendations from most recent assessment is provided on HSP page or attachment #: Supplemental Appendix TR-2

Recommendations to be addressed, including projects and performance measures is provided on HSP page or attachment #: Supplemental Appendix TR-2

Recommendations not to be addressed, including reasons for not implementing is provided on HSP page or attachment #: Supplemental Appendix TR-2

Written description of the performance measures, and all supporting data, that the State is relying on to demonstrate achievement of the quantitative improvement in the preceding 12 months of the application due date in relation to one or more of the significant data program attributes is provided on HSP page or attachment #: Supplemental Appendix TR-3

The State's most recent assessment of its highway safety data and traffic records system was completed on: 06/08/2015

## **APPENDIX 8C: IMPAIRED DRIVING COUNTERMEASURES**



### **FY18 405(d) Impaired Driving Countermeasures**

**State: Wisconsin**

#### **PART 3: IMPAIRED DRIVING COUNTERMEASURES GRANT (23 CFR § 1300.23)**

X Check this box only if applying for an Impaired Driving Countermeasures grant

##### **All States: [Check both boxes below]**

X The lead State agency responsible for impaired driving programs shall maintain its aggregate expenditures for impaired driving programs at or above the average level of such expenditures in fiscal years 2014 and 2015.

X The State shall use the funds awarded under 23 U.S.C. 405(d) only for the implementation and enforcement of programs authorized as provided in 23 U.S.C. § 1300.23 (j)

##### **Mid-Range States Only:**

[Check one box below and fill in all blanks related to that checked box.]

X The State submits its new or revised statewide impaired driving plan approved by a statewide impaired driving task force on: 05/23/2016

Specifically:

The HSP page or attachment # that describes the authority and basis for operation of the Statewide impaired driving task force: Supplemental Appendix AL-1

The HSP page or attachment # that contains the list of names, titles and organizations of all task force members: Supplemental Appendix AL-2

The HSP page or attachment # that contains the strategic plan based on Highway Safety Guideline No. 8 – Impaired Driving: Supplemental Appendix AL-1

The State has previously submitted a statewide impaired driving plan approved by a statewide impaired driving task force and continues to use this plan:

Date of previously submitted plan:

**High-Range States Only: [Check one box below and fill in all blanks related to that checked box.]****New Statewide Impaired Driving Plan:**

The State submits its statewide impaired driving plan approved by a statewide impaired driving task force on:

The statewide impaired driving plan includes a review of a NHTSA-facilitated assessment of the State's impaired driving program conducted on:

Specifically -

The HSP page or attachment # that describes the authority and basis for operation of the Statewide impaired driving task force:

The HSP page or attachment # that contains the list of names, titles and organizations of all task force members:

The HSP page or attachment # that contains the strategic plan based on Highway Safety Guideline No. 8 – Impaired Driving:

The HSP page or attachment # that addresses any related recommendations from the assessment of the State's impaired driving program:

The HSP page or attachment # that contains the detailed project list for spending grant funds:

The HSP page or attachment # that describes how the spending supports the State's impaired driving program and achievement of its performance targets:

**Updated Statewide Impaired Driving Plan:**

The State submits an updated statewide impaired driving plan approved by a statewide impaired driving task force on:

The State updates its assessment review and spending plan provided as HSP page or attachment #:

## APPENDIX 8D: ALCOHOL-IGNITION INTERLOCK

**FY18 405(d)****State Wisconsin****PART 4: ALCOHOL-IGNITION INTERLOCK LAW GRANT (23 CFR § 1300.23(G))**

X Check the box only if applying for an Ignition Interlock grant

[Fill in all blanks.]

The State provides citations to a law that requires all individuals convicted of driving under the influence or of driving while intoxicated to drive only motor vehicles with alcohol-ignition interlocks for a period of 6 months is in effect, and will be enforced during the fiscal year of the grant.

**Legal citation(s):** [N/A]; see s. 343.301 (1g) (a) 2., Wis. Stats.

Date enacted:

Date last amended:



## APPENDIX 8E: SOBRIETY PROGRAM



### FY18 405(d) 24-7

*State: Wisconsin*

#### PART 5: 24-7 SOBRIETY PROGRAM GRANT (23 CFR § 1300.23(H))

X Check the box only if applying for a 24-7 Sobriety Program grant

[Fill in all blanks.]

The State provides citations to a law that requires all individuals convicted of driving under the influence or of driving while intoxicated to receive a restriction on driving privileges is in effect, and will be enforced during the fiscal year of the grant.

**Legal citation(s):** s. 343.30 (1q) (b), Wis. Stats.

Date enacted:

Date last amended:

[Check at least one of the two boxes below and fill in all blanks under that checked box.]

**Law citation: X**

The State provides citations to a law that authorizes a statewide 24-7 sobriety program that was is in effect, and will be enforced during the fiscal year of the grant.

Legal citation(s): [N/A] s. 343.301 (1g) (am) 2., Wis. Stats.

Date enacted: 10/02/2016

Date last amended:

Program Information:

The State provides program information that authorizes a statewide 24-7 sobriety program. The program information is provided as HSP page or attachment #:

Date enacted:

Date last amended:

## APPENDIX 8F: DISTRACTED DRIVING



### FY18 405(e)

*State: Wisconsin*

#### PART 6: DISTRACTED DRIVING GRANT (23 CFR § 1300.24)

X Check this box only if applying for a Distracted Driving grant.

[Fill in all blanks related to the checked box.]

**Comprehensive Distracted Driving Grant: X**

The State provides sample distracted driving questions from the State's driver's license examination on HSP page #: Supplemental Appendix DD-1

**Prohibition on Texting While Driving**

The State's texting ban statute, prohibiting texting while driving, with a minimum fine at least \$25 is in effect, and will be enforced during the fiscal year of the grant.

Date enacted:

Date last amended:

Legal citation(s):

Prohibition on texting while driving: N/A; see. 346.89 (3) (a), Wis. Stats.

Definition of covered wireless communication devices: s. 346.89 (3) (a), Wis. Stats.

Minimum fine of at least \$25 for an offense: N/A; see s. 346.95 (2), Wis. Stats.

Exemptions from texting ban: ss. 343.305 (1) (b) and 346.89 (3) (b), Wis. Stats.

**Prohibition on Youth Cell Phone Use While Driving**

The State's youth cell phone use ban statute, prohibiting youth cell phone use while driving, driver license testing of distracted driving issues, with a minimum fine of at least \$25, is in effect, and will be enforced during the fiscal year of the grant.

Date enacted:

Date last amended:

Legal citation(s):

Prohibition on youth cell phone use while driving: s. 346.89 (4) (a), Wis. Stats.

Definition of covered wireless communication devices: s. 346.89 (4) (a), Wis. Stats.

Minimum fine of at least \$25 for an offense: N/A; see s. 346.95 (2), Wis. Stats.

Exemptions from youth cell phone use ban: s. 343.305 (1) (b), Wis. Stats.

Note: The FAST Act allows a State to use up to 75 percent of Section 405(e) funds for any eligible project or activity under Section 402 if the State has conformed its distracted driving data to the most recent Model Minimum Uniform Crash Criteria (MMUCC) and will provide supporting data (i.e., NHTSA-developed MMUCC Mapping spreadsheet) within 30 days after notification of award.

**Special Distracted Driving Grant for Fiscal Year 2018 X**

The State's basic text messaging statute applying to drivers of all ages is in effect, and will be enforced during the fiscal year of the grant.

Date enacted:

Date last amended:

Legal citation(s): N/A; see 346.89 (3) (a), Wis. Stats.

Basic text messaging statute:

Primary enforcement: s. 346.89 (3), Wis. Stats. [no exception that requires secondary enforcement in par. b]

Fine for a violation of the basic text messaging statute: s. 346.95 (2), Wis. Stats.

The State's youth cell phone use ban statute, prohibiting youth cell phone use while driving, is in effect, and will be enforced during the fiscal year of the grant.

Date enacted: 11/1/2012

Date last amended: 7/1/2016

Legal citation(s):

Prohibition on youth cell phone use while driving: s. 346.89 (4) (a), Wis. Stats.

Definition of covered wireless communication devices: s. 346.89 (4) (a), Wis. Stats.

The State is NOT eligible for Special Distracted Driving Grant if the State qualifies for a Comprehensive Distracted Driving Grant.

## **APPENDIX 8G: MOTORCYCLIST SAFETY**



### **FY18 405(f)**

**State: Wisconsin**

#### **PART 7: MOTORCYCLIST SAFETY GRANT (23 CFR § 1300.25)**

X Check this box only if applying for a Motorcyclist Safety grant

[Check at least 2 boxes below and fill in all blanks related to those checked boxes]

##### **Motorcycle Riding Training Course X**

The name and organization of the head of the designated State authority over motorcyclist safety issues is: David Pabst, Bureau of Transportation Safety

The head of the designated State authority over motorcyclist safety issues has approved and the State has adopted one of the following introductory rider curricula (select one):

X Motorcycle Safety Foundation Basic Rider Course

TEAM OREGON Basic Rider Training

Idaho STAR Basic I

California Motorcyclist Safety Program Motorcyclist Training Course

Other curriculum that meets NHTSA's Model National Standards for Entry-Level Motorcycle Rider Training and that has been approved by NHTSA

A list of counties or political subdivisions in the State where motorcycle rider training courses will be conducted during the fiscal year of the grant AND number of registered motorcycles in each such county or political subdivision according to official State motor vehicle records is provided on HSP page #: Supplemental Appendix MC-1

##### **Motorcyclist Awareness Program**

The name and organization of the head of the designated State authority over motorcyclist safety issues is: David Pabst, Bureau of Transportation Safety

The State's motorcyclist awareness program was developed by or in coordination with the designated State authority having jurisdiction over motorcyclist safety issues.

The performance measures and corresponding performance targets developed for motorcycle awareness that identifies, using State crash data, the counties or political subdivisions within the State with the highest number of motorcycle crashes involving a motorcycle and another motor vehicle is provided on HSP page #: HSP pages 45-48 and Supplemental Appendix MC-2

The countermeasure strategies and projects demonstrating that the State will implement data-driven programs in a majority of counties or political subdivisions corresponding with the majority of crashes involving at least one motorcycle and at least one motor vehicle causing a serious or fatal injury to at least one motorcyclist or motor vehicle occupant is provided on HSP page #: HSP pages 44-46

**Reduction of Fatalities and Crashes Involving Motorcycles**

Data required showing the total number of motor vehicle crashes involving motorcycles is provided on HSP page #:

Description of the State's methods for collecting and analyzing data is provided on HSP page #:

Impaired Driving Program

Performance measures and corresponding performance targets developed to reduce impaired motorcycle operation is provide on HSP page #:

Countermeasure strategies and projects demonstrating that the State will implement data-driven programs designed to reach motorcyclists and motorists in those jurisdictions where the incidence of motorcycle crashes involving an impaired operator is highest (i.e., the majority of counties or political subdivisions in the State with the highest numbers of motorcycle crashes involving an impaired operator) based upon State data is provided on HSP page #:

**Reduction of Fatalities and Accidents Involving Impaired Motorcycles**

Data required showing the total number of reported crashes involving alcohol-impaired and drug-impaired motorcycle operators is provided on HSP page #:

Description of the State's methods for collecting and analyzing data is provided on HSP page #:

**Use of Fees Collected from Motorcyclists for Motorcycle Programs**

[Select one circle only below and fill in all blanks related to that selection only.]

Applying as a Law State:

Choice 1

The State law or regulation requires all fees collected by the State from motorcyclists for the purpose of funding motorcycle training and safety programs are to be used for motorcycle training and safety programs.

Legal citation(s):

AND

The State's law appropriating funds for FY (enter FY below) requires all fees collected by the State from motorcyclists for the purpose of funding motorcycle training and safety programs be spent on motorcycle training and safety programs.

FY

Legal citation(s):

Applying as a Data State:

Choice 2

Data and/or documentation from official State records from the previous fiscal year showing that all fees collected by the State from motorcyclists for the purpose of funding motorcycle training and safety programs were, in fact, used for motorcycle training and safety programs is provided on HSP page #:

## APPENDIX 8H: GRADUATED DRIVER LICENSING



### FY18 405(g)

*State: Wisconsin*

#### **PART 8: STATE GRADUATED DRIVER LICENSING INCENTIVE GRANT (23 CFR § 1300.26)**

X Check the box only if applying for a Graduated Driver Licensing Incentive grant

[Fill in all applicable blanks below]

The State's graduated driver licensing statute, requiring both a learner's permit stage and intermediate stage prior to receiving a full driver's license will be enforced during the fiscal year of the grant

Date last amended: 04/05/2006

##### **Learner's Permit Stage (Enter Legal Citations):**

Applies prior to receipt of any other permit, license, or endorsement if applicant is younger than 18 years of age: s. 343.085 (1) (b), Wis. Stats.

Applicant must pass vision test and knowledge assessments: s. 343.16 (2) (b), Wis. Stats.

In effect for at least 6 months: s. 343.085 (1) (b), Wis. Stats.

In effect until driver is at least 16 years of age: s. 343.07 (1g) and s. 343.085 (1) (b), Wis. Stats.

Must be accompanied and supervised at all times: N/A, see s. 343.07 (1g) (a) 2., Wis. Stats.

Requires completion of State-certified driver education course or at least 50 hours of behind-the-wheel training with at least 10 of those hours at night: s. 343.06 (1) (c), Wis. Stats.

Prohibition on use of personal wireless communications device: s. 346.89 (4) (a), Wis. Stats.

Extension of learner's permit stage if convicted: s. 343.085 (2m) (b) and s. 343.14 (5), Wis. Stats.

Exemptions from graduated driver licensing law: s. 343.08, Wis. Stats.

##### **Intermediate Permit Stage (Enter Legal Citations):**

Commences after applicant younger than 18 years of age successfully completes the learner's permit stage, but prior to receipt of any other permit, license, or endorsement: s. 343.085 (1), Wis. Stats.

Applicant must pass behind-the-wheel driving skills assessment: s. 343.16 (1) (a), Wis. Stats.

In effect for at least 6 months: s. 343.085 (1) (a) and s. 343.20 (1) (a), Wis. Stats.; and s. Trans 102.16 (4), Wis. Adm. Code

In effect until driver is at least 17 years of age: N/A; see s. 343.085 (1) (b) and (2m) (a), Wis. Stats.

Must be accompanied and supervised between hours of 10:00 p.m. and 5:00 a.m. during first 6 months of stage, except when operating a motor vehicle for the purposes of work, school, religious activities, or emergencies: N/A; see s. 343.085 (2m) (a) 2., Wis. Stats.

No more than 1 nonfamilial passenger younger than 21 allowed: N/A; see s. 343.085 (1) (b) and (2m) (a), Wis. Stats.

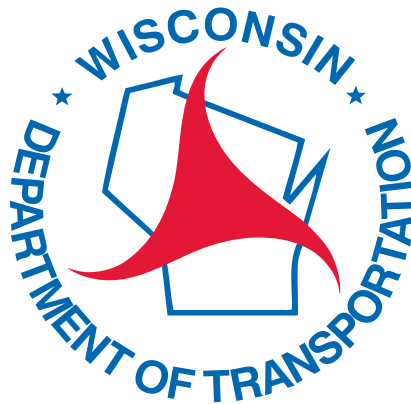
Prohibition on use of personal wireless communications device: s. 346.89 (4) (a), Wis. Stats.

Extension of intermediate stage if convicted: s. 343.085 (2m) (b) and s. 343.14 (5), Wis. Stats.

Exemptions from graduated driver licensing law: s. 343.08, Wis. Stats.

STATE OF WISCONSIN  
FFY 2018

# Highway Safety Plan





# Highway Safety Plan

## Supplemental Appendix

**Scott Walker**  
GOVERNOR OF  
WISCONSIN

**Dave Ross**  
GOVERNOR'S  
REPRESENTATIVE FOR  
HIGHWAY SAFETY

SECRETARY,  
WISCONSIN DEPARTMENT  
OF TRANSPORTATION

**David Pabst**  
HIGHWAY SAFETY  
COORDINATOR



STATE OF  
WISCONSIN  
FFY 2018



State of Wisconsin  
 Federal Fiscal Year 2018  
 Highway Safety Plan  
 APPENDIX SUPPLEMENT

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# APPENDIX AL-1: WISCONSIN STATEWIDE IMPAIRED DRIVING PLAN

Wisconsin Statewide Impaired Driving Task Force | May 23, 2016

## INTRODUCTION

### Executive Summary

Fixing America's Surface Transportation (FAST) Act is the most recent enactment authorizing federal funding for surface transportation programs. Under the FAST Act, states qualify for impaired driving grants based on the state's average impaired driving fatality rate. The rate, which uses the most recently available Fatality Analysis Reporting System (FARS) data, is based on the number of fatalities in alcohol-related motor vehicle crashes for every 100,000,000 vehicle miles traveled (VMT). For purposes of this calculation, a crash is considered alcohol-related if it involves at least one driver with a blood alcohol concentration of at least 0.08 percent.

Wisconsin's average alcohol-related impaired driving fatality rate for 2011-2013 is 0.33, which makes Wisconsin a "mid-range state." As with other mid-range states and similar to the prior MAP-21 authorization, Wisconsin is required to submit a statewide impaired driving plan that is developed by a statewide task force within the three years prior to their application for funding for impaired driving grants.

Wisconsin's FFY 2016 application, which was due June 30, 2015, was submitted with the previous Wisconsin Statewide Impaired Driving Plan dated August 6, 2013.

The FFY 2016 application reserved a section for that report, which documented the creation and initial meeting of Wisconsin's Statewide Impaired Driving Task Force.

This is the second edition of the Wisconsin Statewide Impaired Driving Plan, which is updated with new figures, membership lists, programs, and major initiatives. This edition will be submitted with Wisconsin FFY 2017 application, due June 30, 2016.

### Vision

Zero in Wisconsin: Even one preventable traffic fatality is one too many.

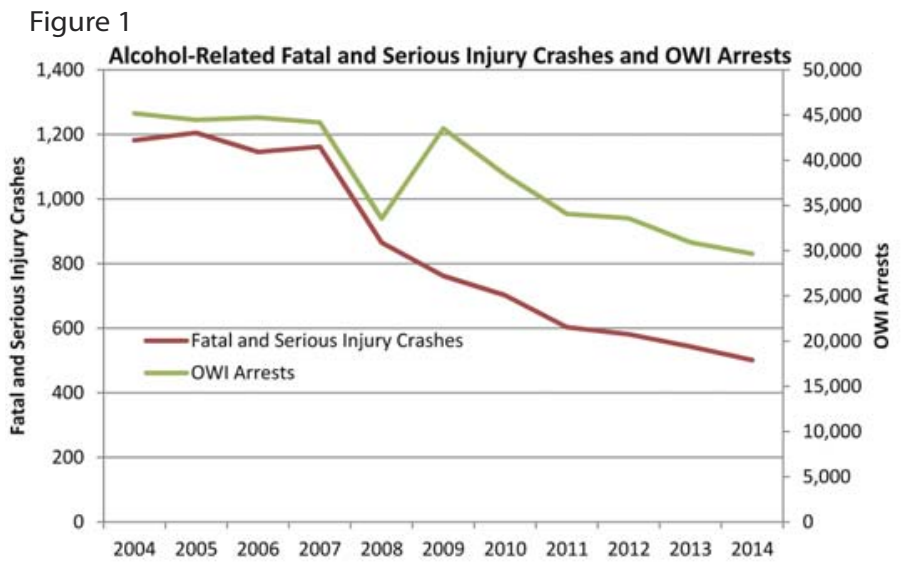
### Mission

In concert with Wisconsin's Strategic Highway Safety Plan and annual Highway Safety Plan, the Wisconsin Statewide Impaired Driving Task Force provides a strategy for combating impaired driving. No one solution for this problem exists, and a comprehensive approach needs to be considered in each community.

## Background

### The Impaired Driving Problem

Over the past decade, Wisconsin has experienced a decline in both OWI arrests and alcohol-related crashes resulting in serious injury or death (see Fig. 1). During this same period, Wisconsin has seen reductions in its traffic fatalities overall. These are all positive signs that suggest that what we are doing is working.



And yet, impaired driving remains a serious problem. Alcohol was a contributing factor in only 4.12% of all crashes in Wisconsin in 2014. However, 14.47% of serious injury crashes involved alcohol. Furthermore, 32.5% of fatal crashes involved an intoxicated driver. Over the past decade, despite the reduction in traffic fatalities, the percentage of those fatalities involving alcohol has remained remarkably consistent, though it has trended slightly downward over the last three years (see Fig. 2)

## Percentage of Traffic Fatalities Involving Alcohol

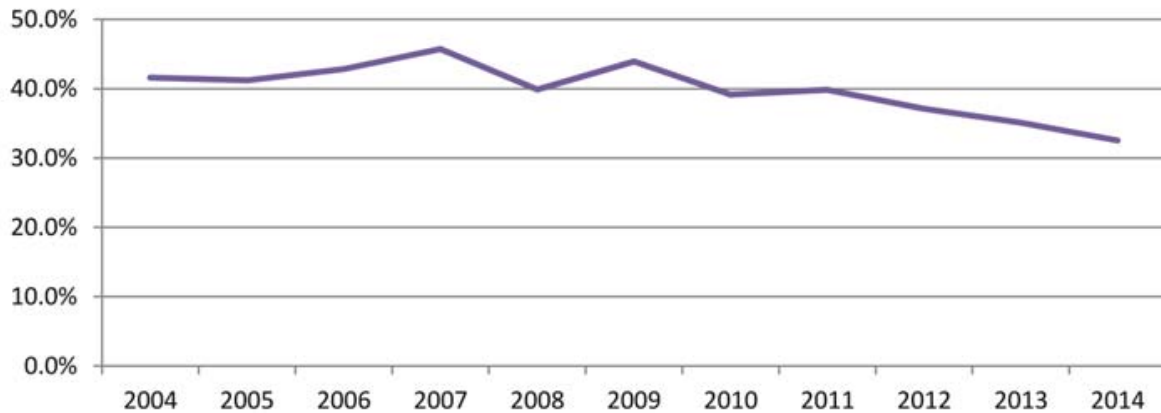


Figure 2

Impaired driving has a high economic cost to the state, as determined using national cost estimates obtained from the National Safety Council. Applying this

approach to 2014 crash statistics demonstrates the significant cost to the state (see Fig. 3).

Crash Severity	Total Crashes	Cost Per Crash	Total Cost
Fatality (K)	162	\$1,512,000	\$244,944,400
Incapacitating (A)	439	\$88,500	\$38,851,500
Non-incapacitating (B)	1,288	\$25,600	\$32,972,800
Possible Injury (C)	967	\$21,000	\$10,927,100
Property Damage	4,932	\$4,200	\$20,714,400
<b>Total Economic Loss</b>			<b>\$348,409,800</b>

Figure 3

Though crashes are a problem and a serious concern, there are many impaired driving incidents that are caught and punished without crash involvement. In 2014, Wisconsin saw 33,660 convictions for operating

a motor vehicle while intoxicated. This is a reduction from previous years (see Fig. 4), but the number of individuals driving while impaired remains unacceptably high.

**OWI, Drug, Commercial OWI, and Implied Consent Convictions 2005-2014**

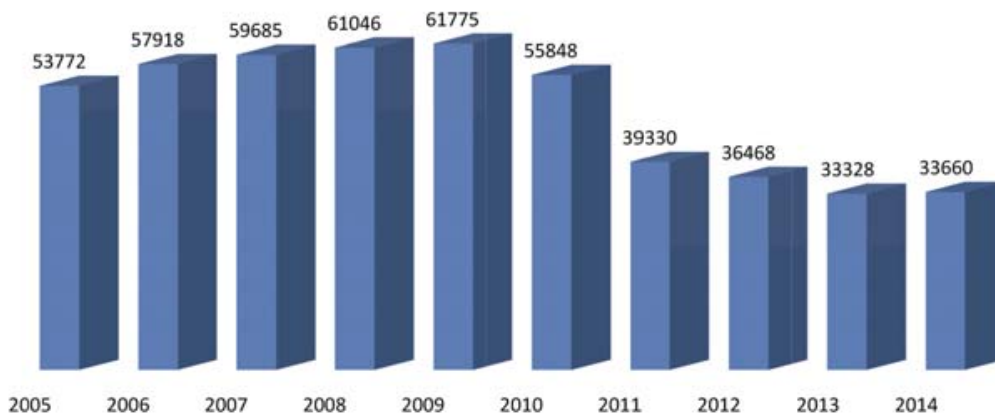


Figure 4

**Alcohol-Related Crashes by Age Group**

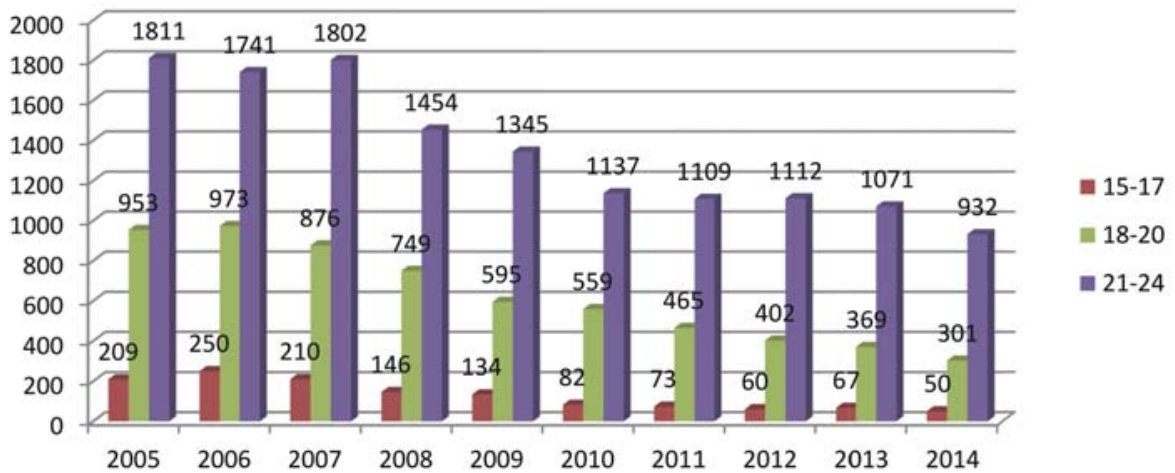


Figure 5

Underage alcohol consumption remains high. The 2013 National Survey on Drug Use and Health reports that 23% of Americans ages 12-20 self-report as consumers of alcohol. In 2013, the Centers for Disease Control and Prevention reported that in the 30 days prior to the survey: 35% of high school students drank alcohol; 21% of them binge drank; 10% drove after drinking alcohol; and 22% rode with a driver who had been drinking alcohol.<sup>1</sup> These behaviors translate to highway crash experience. In 2014, drivers under 21

years of age accounted for 7.12% of all drivers in alcohol-related crashes in Wisconsin. In raw numbers, that is 351 minors who should have been absolutely sober (see Fig. 5).

**Working towards a Solution**

Working to address our impaired driving problem relies on the input and contribution of various stakeholders. Within the Wisconsin Department of Transportation (WisDOT), there exists a Traffic Safety Council, whose

<sup>1</sup> Alcohol and Public Health, Fact Sheets – Underage Drinking. Atlanta, GA: Centers for Disease Control and Prevention. 31 Oct 2014. <http://www.cdc.gov/alcohol/fact-sheets/underage-drinking.htm>.

members represent the various divisions of the department. Among the duties of the council is the creation and implementation of the state's Strategic Highway Safety Plan (SHSP). Reducing the incidence of impaired driving and continued data improvement—signature initiatives of the Wisconsin Statewide Impaired Driving Task Force—are also priority areas in the state's most recent SHSP. This task force will likely play a significant role in the implementation of the overlapping issue areas of the SHSP.

There also exists a Governor's Council on Highway Safety, which brings together representatives from executive agencies, the state legislature, and the general public. The Governor's Council is advisory to the Governor, the WisDOT Secretary, and the Director of WisDOT's Bureau of Transportation Safety.

Uniquely, each of Wisconsin's 72 counties has a Traffic Safety Commission (TSC), which is mandated by Wisconsin law. These commissions meet every quarter with the goal of improving the safety of the roads within their counties. The TSCs are a vital resource for WisDOT and our partners in understanding the issues that exist at the local level. Additionally, they are also vital so that WisDOT can provide information about behavioral highway safety matters unique to that county as well as legislative and regulatory changes that happen in both state and federal government. The following are represented on each of the TSCs: the county highway commissioner; the chief county traffic law enforcement officer; the county highway safety coordinator; a representative each from the disciplines of education, medicine, and law; and three representatives of WisDOT involved in law enforcement, highways, and highway safety. These people discuss the crashes that have happened within their counties, often focusing on the fatalities. WisDOT, in collaboration with the UW-Madison Traffic Operations and Safety Laboratory (TOPS Lab), provide the TSCs with the means to map the crashes that happen within their counties through Community Maps. Community Maps is a tool to identify those roadways that repeatedly have crashes so that future crashes can be mitigated through the collaborative efforts of those participating in the TSCs.

Wisconsin law enforcement agencies have been creating task forces to combat impaired driving at an unprecedented rate. There were 14 OWI enforcement task forces in 2014, 23 in 2015, and 27 as of the date of this

report in 2016. These task forces are a group of multiple law enforcement agencies that are working together to reduce impaired driving on the roadways in their jurisdictions through enforcement, education, and coordinated efforts. The law enforcement agencies involved utilize high-visibility enforcement. Jurisdictional operations can concentrate on a specific corridor that is within multiple jurisdictions. High visibility enforcement can also use saturation efforts, through mutual aid requests or through deputizing multiple agencies and may concentrate on one or more jurisdictions per deployment. Our goal is to continue to develop these task forces. Further development of these task forces will include increased Advanced Roadside Impaired Driving Enforcement (ARIDE) certification, more drug recognition experts (DREs), additional canine units, and further involvement of emergency medical technicians (EMTs) or paramedics.

WisDOT continues to establish partnerships with many organizations that are working to reduce impaired driving. The Wisconsin Department of Health Services (DHS) provides funding support for the Alliance for Wisconsin Youth's (AWY) five regional prevention centers. The AWY represents local, state and tribal agencies, public and private sectors, religious and fraternal community organizations, educational and youth-based organizations focused on the promotion of strategies leading to the reduction of all substance abuse. DHS and the AWY regional prevention centers have a goal to reduce drinking and driving, especially among people ages 16-34. They have sponsored Advanced Roadside Impaired Driving Enforcement (ARIDE) and Drug Recognition Expert (DRE) training opportunities for law enforcement officers. WisDOT and DHS have worked to connect the AWY regional prevention centers with the Traffic Safety Commissions to increase collaboration at the local level. WisDOT also partners with two drugged driving task forces to improve the enforcement of drugged driving. The strong partnerships that have developed as a result of the efforts of many organizations have resulted in a more coordinated effort to reduce impaired driving in Wisconsin.

## Statewide Impaired Driving Task Force

### Concept

The Wisconsin Statewide Impaired Driving Task Force cannot initiate, recommend, or stipulate a legislative agenda for any state or federal government agency since it does not have the authority to do so. This task force was created to identify administrative best practices that help reduce impaired driving on Wisconsin roadways. It seeks the collaboration of interested organizations throughout the state and delineates their shared interests in order to align these interests to orchestrate reasonable solutions to the problem of impaired driving within the law as it exists. This task force is challenged with a simple task: develop new ideas that are actionable within existing laws and programs to attempt changes in behavior and culture.

### Creation

The charter (see Appendix A) has been updated based on the expertise of a diverse group of partners invited by WisDOT with the charge of preventing and reducing impaired driving behavior.

Per the charter, members are invited to ensure representation of key stakeholders throughout the state and to encourage a diversity of opinions and perspectives. Many of the members are WisDOT's external partners with which it has long-standing relationships, but the task force includes new partners as well (a full list of members is provided as Appendix B).

As part of its initial report, the task force worked together to identify six issues as the areas of focus for future development: reducing the cultural acceptance of impaired driving; reducing drinking among people under age 25; streamlining OWI enforcement and prosecution processes; improving drugged driving recognition; promoting alternative transportation programs; and improving data collection, sharing, and distribution. In addition to Wisconsin's ongoing programming aimed at combating drunk driving, these six issues will be the signature initiatives for the task force. All programming is discussed in detail in the following section.

## Programs

### Preamble

While this task force has identified many issues related to impaired driving, it will focus on providing an update to the following signature initiatives identified in this section.

## Prevention Programs

### Public Information and Education

#### Program: Reducing the Cultural Acceptance of Impaired Driving

**Goals:** According to WisDOT crash data, the 2010-2014 average number of alcohol-related or drug-related traffic fatalities was 267. The Wisconsin Department of Health Services reports that at least 1,822 deaths in Wisconsin could be attributed to alcohol in 2012.<sup>2</sup> Drinking establishments and alcohol retailers are prevalent throughout the state, and Wisconsin's beer tax is among the lowest in the country. There is a strong culture of drinking in the state, and this is a major component of our impaired driving problem. Alcohol was a factor in 32.5% of all fatalities on Wisconsin roads in 2014. The goal of the Wisconsin Strategic Highway Safety Plan is to decrease the prior five-year rolling average number of drug or alcohol impaired driving crashes by 5% every three years. A major goal of this task force is to encourage data collection in order to understand the extent of the problem of drug-impaired driving. The task force identified public information and education as one potential solution to this problem. The task force also proposes to conduct an attitudinal survey to obtain a measure on the cultural acceptance of impaired driving. This task force would also like to increase the number of high-visibility enforcement task force deployments.

**Update:** Law enforcement agencies across the state have committed to high-visibility OWI task force deployments. As of the date of this report, there are currently 27 task forces with the potential for additional involvement in 2017.

<sup>2</sup> Wisconsin Department of Health Services. "Wisconsin Epidemiological Profile on Alcohol and Other Drug Use, 2014," Sept. 2014. <https://www.dhs.wisconsin.gov/publications/p4/p45718-14.pdf>

## Responsible Alcohol Service

### Program: Reducing Drinking Among Persons Under Age 25

**Goal:** Drinking among persons under age 25 is a serious concern. Ease of access to alcohol to individuals under the age of 21 is one factor contributing to the drinking of young persons, as is compliance with laws prohibiting alcohol sales to minors as well as laws prohibiting providing alcohol to minors. Another important factor is the drinking behavior of young people, which can trend toward frequent binge drinking.<sup>3</sup> Solutions identified by the task force were better education of young people, increased enforcement of existing laws, and reducing acceptance of problematic behavior. The greatest target demographic for impaired driving public information and education is males ages 21-34. According to data from the National Highway Traffic Safety Administration (NHTSA), persons ages 21-34 accounted for 64% of BACs of .08 or higher in fatal crashes, and males accounted for three-quarters of all drivers in fatal crashes in 2010.<sup>4</sup>

**Update:** WisDOT and its external partners have taken multiple steps to improve responsible alcohol service in licensed establishments and at homes, festivals, and events.

- WisDOT has created advertisements in English and Spanish that appeal to this demographic.
- The creation of the Drive Sober mobile app to provide information in a format used by a younger demographic. As of the date of this report, there have been nearly 68,800 downloads of the app.
- The use of social media to reach the demographic.

- Sixty-nine communities are doing compliance checks on licensed establishments.
- The Wisconsin Alcohol Policy Project is working with AAA and law enforcement in local municipalities and counties to set up place of last drink data collection. Last drink data collection involves compiling and reviewing data on licensed establishments that over-serve in order to examine this serious issue more thoroughly and to improve the training of servers and the focus of law enforcement operations.
- A list of available Responsible Beverage Server training courses in the classroom and online is maintained by the Wisconsin Department of Revenue, although they do not endorse or administer these courses.
- WisDOT has a pilot project with law enforcement agencies in Sheboygan and Manitowoc Counties on High Visibility Enforcement and Education (HVEE) campaigns. A component of HVEE campaigns is for law enforcement to conduct outreach with bar owners and bartenders about serving responsibly, public notification of the enforcement activities, and safe rides home.

## Deterrence Programs

### Laws to Deter Impaired Driving

Wisconsin has laws that prohibit intoxicated driving, facilitate the acquisition of evidence against intoxicated drivers, and permit a range of administrative and judicial penalties and actions.

3 Wisconsin Department of Public Instruction. "2013 Youth Risk Behavior Survey, Executive Summary." <http://dpi.wi.gov/sites/default/files/imce/sspw/pdf/yrbs13execsum.pdf>

4 U.S. Department of Transportation, National Highway Traffic Safety Administration. "Traffic Safety Facts: Research Note: Prevalence of High BAC in Alcohol-Impaired Driving Fatal Crashes." August 2012. DOT HS 811 654. <http://www-nrd.nhtsa.dot.gov/Pubs/811654.pdf>

## Defining Intoxicated Driving

Establish .08 as the alcohol concentration at which it is illegal per se to operate a motor vehicle if a driver has two or fewer prior convictions, suspensions, or revocations due to OWI.	Wis. Stat. 340.01 (46m)(a)
Establish .04 as the alcohol concentration at which it is illegal per se to operate a commercial motor vehicle.	Wis. Stat. 346.63 (5)(a)
Establish .02 as the alcohol concentration above which it is illegal per se to operate a motor vehicle if a driver has 3 or more prior convictions, suspensions, or revocations due to OWI or if the driver has an order to have an ignition interlock device installed.	Wis. Stat. 340.01 (46m)(b)
Establish .00 as the alcohol concentration above which it is illegal per se for an individual who has not attained the legal drinking age to operate a motor vehicle.	Wis. Stat. 346.63 (2m)
Prohibit the operation of a motor vehicle while under the influence of alcohol and/or drugs to a degree which renders the driver incapable of safe driving	Wis. Stat. 346.63 (1) (a)
Prohibit the operation of a motor vehicle with a detectable amount of a restricted controlled substance in the blood	Wis. Stat. 346.63(1)(am)
Prohibit causing injury by operation of a motor vehicle while intoxicated, with a prohibited alcohol concentration, and with a detectable amount of a restricted controlled substance in the blood	Wis. Stat. 346.63 (2) (a)
Prohibit causing death by intoxicated operation of a motor vehicle.	Wis. Stat. 940.09
Prohibit the consumption of alcohol in a motor vehicle and prohibit open containers of alcohol in motor vehicles.	Wis. Stat. 346.935

## Providing for Effective Enforcement

Authorize police to use a preliminary breath test for a vehicle operator stopped for a suspected intoxicated driving offense.	Wis. Stat. 343.303
Any person who is on duty time with respect to a commercial motor vehicle or drives or operates a motor vehicle upon the public highways of this state, or in those areas enumerated in s. 346.61, is deemed to have given consent to one or more tests of his or her breath, blood or urine, for the purpose of determining the presence or quantity in his or her blood or breath, of alcohol, controlled substances, controlled substance analogs or other drugs, or any combination of alcohol, controlled substances, controlled substance analogs and other drugs, when requested to do so by a law enforcement officer.	Wis. Stat. 343.305 (2)
Establish the requirements under which a chemical test may be requested or required.	Wis. Stat. 343.305 (3)

## Providing Effective Penalties

Requires administrative suspension of operating privileges for six months upon determination of a violation of prohibited alcohol concentration or a detectable amount of a controlled substance.	Wis. Stat. 343.305 (7)
Provides for increasingly severe penalties for repeat offenders, including increasing fines and increasing periods of confinement.	Wis. Stat. 346.65 (2)
Provide for criminal penalties for those convicted of vehicular homicide.	Wis. Stat. 940.09 (1c)

## Enforcement

### **Program: Streamline OWI Enforcement and Prosecution Processes**

**Goal:** A large portion of the federal funds awarded to Wisconsin for impaired driving are devoted to enforcement efforts. Innovative enforcement strategies have yielded positive results in recent years. But an OWI arrest remains a lengthy and cumbersome process. Obtaining warrants and blood draws are the longest parts of the arrest process. Streamlining the process would mean officers spend less time processing a violation and more time conducting enforcement. Possible solutions identified by the task force included: investing in roadside evidentiary testing technology, increasing the use of saturation patrols and local task forces, standardized warrant applications, law enforcement officers trained in drawing blood, and increasing process efficiency within the local courts. The warrant process is complicated by the fact that some warrants are not electronic, and so there is a need to go to judges' houses.

Another issue with the OWI process is that municipal prosecutors are often private attorneys paid on an hourly basis, and so there is financial pressure to drop cases to reduce litigation costs. Additionally, if OWI is charged in municipal court, the defendant can have a trial, and then the defendant can also appeal to circuit court. It has been suggested for the purposes of efficiency that these defendants be afforded a single opportunity for a trial.

**Update:** In response to this concern, the OWI Process has been mapped. Due to the different procedures and protocols used among agencies, the development of a list of best practices have been proposed. Wisconsin continues to look into expanding roadside collection of blood samples.

### **Program: Improving Drugged Driving Recognition**

**Goal:** While law enforcement officers are well-trained to recognize alcohol impairment, recognizing drug impairment remains a challenge. Illicit drugs produce a wide range of effects, and officers are not always prepared to recognize the signs of impairment. Wisconsin does use Drug Recognition Experts (DRE), but this training is expensive and somewhat impractical to implement on a large-scale basis. Some suggested

solutions would be to make the abbreviated training in Advanced Roadside Impaired Driving Enforcement (ARIDE) curriculum available to a wider range of law enforcement officers, as well as the increased use of roadside impairment testing devices.

**Update:** Though training for DREs has continued, more emphasis has been given to ARIDE training. In 2016, WisDOT is offering ARIDE training as an option for law enforcement agencies involved with mobilizations. WisDOT will also hold at least four regional trainings to increase the number of ARIDE-trained officers involved with task forces. Dane County has developed a drugged driving pilot project. This pilot program tests all participants' blood for drugs, and in so doing will enable the state and the members of the task force to understand what proportion of intoxicated drivers are intoxicated by various drugs. Marinette County has been successfully using the Dräger roadside drug testing equipment; the possibility of using this equipment in more areas is being researched. Statewide at the end of 2014, there were 230 DREs. This places Wisconsin in the top ten states for number of DREs and in the top five states for DREs per capita. Statewide at the end of 2015, there were 2,633 ARIDE-trained officers. Wisconsin is in the top ten states for ARIDE-trained law enforcement officers per capita (2009-2014), and it is the largest state by population in the top ten.

## Harm Reduction

### **Program: Promoting Alternative Transportation Programs**

The safe-ride grant program was established by the state legislature to provide grants to counties, municipalities, or non-profit organizations to cover the costs of transporting persons suspected of having a prohibited alcohol concentration from a place licensed to sell alcohol beverages to their places of residence (Wis. Stat. 85.55). This program is supported by funds from the driver improvement surcharge added to tickets for OWI violations.

WisDOT continues to offer festival grants for law enforcement agencies to promote and pay for rides for intoxicated drivers home from local festivals.

WisDOT produced a mobile application called Drive Sober that uses geolocation to provide users with



available alternative transportation at their particular locations.

**Goal:** Reduce the incidence of impaired driving by providing rides for intoxicated persons from places licensed to sell alcohol to their residences. Decrease the number of crashes, injuries, and deaths resulting from the operation of motor vehicles while intoxicated.

**Update:** Effective July 2015 a new, dedicated safe-ride surcharge was created to support the safe-ride grant program. Persons convicted of OWI have this surcharge added to their fines. The Tavern League of Wisconsin's SafeRide Program provided 85,413 rides in 2014-2015.

## Program Management

### Data and Records

#### Program: Improving Data Collection, Sharing, and Distribution

**Goal:** Combating impaired driving requires the coordinated efforts of many different players. From state and local agencies including schools, to the law enforcement community, to the prosecuting attorneys, and every agency in between, multiple stakeholders have a unique opportunity to have an impact. Effective coordination depends on collecting complete data and sharing it amongst relevant stakeholders. Potential solutions require identifying various existing databases, the linking of that data, identifying the needs of collectors and users, and strategic planning of future data collection efforts. The task force would like to look into comparing conviction rates for OWI cases that use blood as evidence versus those that use breath as evidence as well as recidivism among all arrests in general and in Treatment Alternatives and Diversion (TAD) grants.

### Conclusion

With the increased realization that impaired driving includes legal and illegal drugs as well as alcohol abuse, this task force is trying to incorporate countermeasures against driving under the influence of drugs into the countermeasures against driver impairment due to alcohol. For example, when considering countermeasures against drinking among youth, this task force is also focusing on their use of controlled substances. This task force will also continue to support programs that expand the number and availability of DREs, officers

who receive ARIDE training, and professionals that have Drug Impairment Training for Educational Professional (DITEP) training.

Public information and education will continue to be a priority of this task force. In cooperation with its Office of Public Affairs, WisDOT will continue to coordinate media and public information programs for state and national safety awareness weeks and enforcement mobilizations. This task force will continue to encourage participation in these mobilizations. At other times, this task force will encourage law enforcement agencies to make OWI enforcement a priority by participating in alcohol saturation patrols, participating in OWI high-visibility enforcement task forces, and writing citations.

The prosecution of impaired driving will also be a priority. WisDOT provides salary and fringe for two statewide Traffic Safety Resource Prosecutors. These prosecutors provide education, outreach, and technical assistance to prosecutors and law enforcement across the state. WisDOT also funds a Special Prosecutor on Traffic Crimes in Dane County as a pilot program.

The task force will also continue to work with the Department of Health Services in evaluating the Wisconsin Assessment of the Impaired Driver (WAID) tool.

In order to reduce the impaired driving in this state, a wide array of partners is required. WisDOT works diligently to build upon its existing wide range of partners in this effort. WisDOT would like to thank its many partners for collaborating on this and its other endeavors to decrease the serious issue of impaired driving in Wisconsin.

## Appendix A: Charter

### Background

Fixing America's Surface Transportation (FAST) Act is the most recent enactment authorizing federal funding for surface transportation programs. As part of this funding, Wisconsin is eligible for funds to promote highway safety. Receipt of a portion of these funds is contingent on meeting specific requirements within defined issue areas. One such area is impaired driving.

The FAST Act directs that the impaired driving fatality rate (fatalities per 100 million vehicle miles traveled) for each state be calculated and that each state be

classified as either low-range (0.30 or lower), mid-range (between 0.30 and 0.60), or high-range (0.60 or higher). With an impaired driving fatality rate of 0.33, Wisconsin is classified as a mid-range state. A principal requirement of mid-range states is to convene a statewide impaired driving task force charged with producing a statewide impaired driving plan.

### **Purpose**

The purpose of this task force is to produce and implement a statewide plan for preventing and reducing impaired driving behavior.

### **Composition**

Membership will be by invitation of the Wisconsin Department of Transportation, Bureau of Transportation Safety (BOTS). Members will be selected to ensure representation of key stakeholders throughout the state and to encourage a diversity of opinions and perspectives.

### **Meetings and Procedures**

This task force had a meeting on May 4, 2016, at the Wisconsin State Patrol, Southwest Region, DeForest Post, in DeForest, Wisconsin. The task force has been meeting quarterly since August 6, 2013, and will continue to do so.

### **Deliverable**

The task force will help to develop and approve a second edition of the statewide plan, to be delivered to NHTSA by June 30, 2016. The first edition of this plan was first delivered to NHTSA in August 2013. BOTS staff will assume responsibility for compiling and delivering the second edition of this document.

## **Appendix B: Task Force Members**

Matt Alsaker  
Dane County Sheriff's Office  
alsaker.richard@danesherriff.com

Andrea Bill  
UW Traffic Operations and Safety Laboratory  
bill@wisc.edu

Tina BonDurant  
WisDOT/DSP/BOTS  
tina.bondurant@dot.wi.gov

Robert Bott  
WisDOT/DSP/BOTS  
robert.bott@dot.wi.gov

Martin Broyles  
WisDOT/DSP/BOTS  
martin.broyles@dot.wi.gov

LeeAnn Cooper  
WI Department of Health Services  
leeann.cooper@wi.gov

David Coughlin  
Racine County Sheriff's Office  
david.coughlin@goracine.org

Ron Cramer  
Eau Claire County Sheriff  
ron.cramer@co.eau-claire.wi.us

Philip Duket  
Alliance for Wisconsin Youth  
pduket@gmail.com  
Deborah Fischer  
WisDOT/DMV/BDS  
deborahs.fischer@dot.wi.gov

Andy Franken  
Wisconsin Insurance Alliance  
afranken@wial.com

Daniel Furseth  
DeForest Police Department  
fursethd@vi.deforest.wi.us

Krystle Gutting  
Connections Counseling  
krystle.gutting@connectionsounseling.com

Sue Hackworthy  
WisDOT/Chemical Testing  
susan.hackworthy@dot.wi.gov

Nancy Hernandez  
ABRAZO Marketing  
nancy.h@abrazomarketing.com

Nick Jarmusz  
AAA Wisconsin  
NJJarmusz@aaawisconsin.com

Tara Jenswold  
Wisconsin Department of Justice  
jenswoldtm@doj.state.wi.us

Earl L. Lemieux  
Ho-Chunk Nation  
Earl.Lemieux@ho-chunk.com

Christopher Little  
UW-Madison graduate student  
cjlittle@wisc.edu

Danielle Luther  
Marshfield Clinic  
luther.danielle@marshfieldclinic.org

Pete Madland  
Tavern League of Wisconsin  
petem@tlw.org

Amy Miles  
Wisconsin State Laboratory of Hygiene  
amy.miles@slh.wisc.edu

Bill Murphy  
Motorcycle Safety Advisory Committee  
w.murphy2034@gmail.com

David Noyce  
UW Traffic Operations and Safety Laboratory  
noyce@enr.wisc.edu

Shaun O'Connell  
Dane County District Attorney's Office  
shaun.oconnell@da.wi.gov

David Pabst  
WisDOT/DSP/BOTS  
david.pabst@dot.wi.gov

Reggie Paradowski  
WisDOT/DMV  
reginald.paradowski@dot.wi.gov

Lishunda Patterson  
Milwaukee Police Department – Safety Division  
lpatte@milwaukee.gov

Scott Ries  
Marinette Police Department  
sries@marinette.wi.us

Cory Roeseler  
Sheboygan County Sheriff's Office  
cory.roeseler@sheboygancounty.com

Randy Romanski  
WisDOT/DSP/BOTS  
randy.romanski@dot.wi.gov

Randy Schultz  
Brown County Sheriff's Office, retired  
RSchultz9@new.rr.com

Johanna Scott  
Mosaic Communications  
jscott@mosaic-wi.com

Jessica Skemp  
La Crosse County District Attorney's Office  
jessica.skemp@da.wi.gov

John Sobotik  
WisDOT/Office of General Counsel  
john.sobotik@dot.wi.gov

Todd Thomas  
Appleton Police Department  
todd.thomas@appleton.org

Emily Thompson  
Wisconsin Department of Justice  
thompsonel@doj.state.wi.us

Nate Thompson  
Wisconsin DRE Coordinator  
sgtnate@sbcglobal.net

Laura Vande Hey  
WisDOT/DSP/BOTS  
laura.vandehey@dot.wi.gov

Randy Wiessinger  
WisDOT Law Enforcement Liaison  
rpw@wiessinger.com

## Appendix C: Plan Approval

The contents of this plan were developed by the Wisconsin Statewide Impaired Driving Task Force. The plan was drafted by the staff of the Wisconsin Department of Transportation, Bureau of Transportation Safety. The final draft of the plan was distributed to task force members for review.

Members were given the option to vote yes or no. Of the 36 task force members that are voting members, 27 elected to cast a vote. 27 of the votes cast were yes votes. Thus, this plan was approved by a majority of the task force members. A record of the votes follows.

Name	Vote	Name	Vote
Matt Alsaker	yes	Pete Madland	no vote
Andrea Bill	yes	Amy Miles	yes
Martin Broyles	yes	Bill Murphy	yes
LeeAnn Cooper	yes	David Noyce	yes
David Coughlin	yes	Shaun O'Connell	yes
Ron Cramer	no vote	Reggie Paradowski	yes
Philip Duket	yes	Lishunda Patterson	yes
Deborah Fischer	yes	Scott Ries	yes
Andy Franken	yes	Cory Roeseler	no vote
Daniel Furseth	yes	Randy Romanski	yes
Krystle Gutting	no vote	Randy Schultz	yes
Sue Hackworthy	yes	Johanna Scott	no vote
Nancy Hernandez	no vote	Jessica Skemp	yes
Nick Jarmusz	yes	John Sobotik	yes
Tara Jenswold	yes	Todd Thomas	no vote
Earl Lemieux	no vote	Emily Thompson	yes
Christopher Little	yes	Nate Thompson	no vote
Danielle Luther	yes	Laura Vande Hey	yes

## Appendix D: Highway Safety Plan Guideline No. 8 – Impaired Driving

NHTSA, in its Interim Final Rule to be published on May 23, 2016, requires that this strategic plan include measures covering the following: prevention, the criminal justice system, communication programs, alcohol and drug misuse, and program evaluation and data. The section of this plan entitled Programs addresses prevention, communication programs, and program evaluation and data.

WisDOT has measures addressing the criminal justice system by funding traffic safety resource prosecutors. WisDOT pays salary and fringe for two statewide Traffic Safety Resource Prosecutors acting as a resource on legal issues, OWI, and the prosecution of those offenders. They provide specialized training to prosecutors, judges, law enforcement, and others in the community. The “Traffic Safety Resource Prosecutor,” as defined by the federal rule, “means an individual or entity used by the State on a full-time basis to enhance the performance of a State’s judicial system by providing education and outreach programs and technical assistance to enhance the capability of prosecutors to effectively prosecute across-the-State traffic safety violations.” These positions also provide technical assistance to a wide variety of professionals such as law enforcement officers, Drug Recognition Experts, blood and alcohol testing staff, and policy development staff.

WisDOT addresses alcohol and drug abuse by funding 24-7 sobriety programs. WisDOT will create 24-7 sobriety pilot programs in selected Wisconsin counties. These will be post-conviction programs. These programs will require an individual convicted of driving under the influence of alcohol to abstain from alcohol and be subject to testing for alcohol at least twice per day. Funding will be used for start-up projects only. Programs will be proportionally-funded to ensure NHTSA funds will be used for that proportion of the program whose participants have convictions related to impaired driving. The goal is for the programs to become self-sufficient.

# APPENDIX AL-2 CURRENT STATEWIDE IMPAIRED DRIVING TASK FORCE MEMBER LIST

Group Name	Title	Organization
B	Matt Alsaker	Sergeant Dane County Sheriff
E	Andi Bill	Traffic Safety Engineering Research Program Manager UW-Madison Traffic Operations and Safety Laboratory
A	Tina Bondurant	Impaired Driving Program Manager WisDOT, Bureau of Transportation Safety (BOTS)
A	Bob Bott	Regional Program Manager BOTS
B	Katy Burke	WI Statewide Problem Solving Court Coordinator Wisconsin Supreme Court
E	Martin Broyles	Program and Policy Analyst-Advanced BOTS
A	Deavon Collins	Partnership for Success Coordinator Community Advocates
D	LeeAnn Cooper	Intoxicated Driver Program Coordinator Wisc. Dept. of Health Services
A	Larry Corsi	Grants Supervisor BOTS
B	Ron Cramer	Sheriff Eau Claire County Sheriff
D	Phil Duket	NE Prevention Center Coordinator Alliance for Wisconsin Youth
A	Deborah Fischer	Citations and Withdrawals Section Chief WisDOT, Bureau of Driver Services
C	Andy Franken	President Wisconsin Insurance Alliance
D	Tammy Frassetto	Intoxicated Driver Program Assessor Calumet Co. Dept. of Human Services
B	Dan Furseth	Lieutenant DeForest Police Dept.
D	Krystle Gutting	Assistant Clinic Director Connections Counseling
B	Sue Hackworthy	Chemical Testing Section Chief BOTS
C	Nancy Hernandez	Owner ABRAZO Marketing
C	Nick Jarmusz	Director of Public Affairs AAA Wisconsin
B	Tara Jenswold	Traffic Safety Resource Prosecutor Wisc. Dept. of Justice
D	Peggy Kubiak	Intoxicated Driver Program Assessor Brown County Dept. of Health and Human Services
B	Joel Kuszynski	Sergeant Sheboygan Police Dept.
B	Earl Lemieux	Police Chief Ho-Chunk Nation
D	Kari Lerch	SE Regional Prevention Center Director Alliance for Wisconsin Youth
B	Elliott Levine	Judge La Crosse County Circuit Court
D	Danielle Luther	Substance Abuse Prevention Manager Marshfield Clinic
C	Pete Madland	Executive Director Tavern League of Wisconsin
B	Todd Meurer	Judge / Education Manager Office of Judicial Education
E	Amy Miles	Forensic Toxicology Section Supervisor Wisc. State Laboratory of Hygiene
E	Evan Moorman	Program and Policy Analyst BOTS

## Groups

A: Prevention | B: Criminal justice system | C: Communications programs  
D: Alcohol and drug misuse | E: Program evaluation and data

E	David Noyce	Director	UW-Madison Traffic Operations and Safety Laboratory
A	David Pabst	Director	BOTS
A	Reggie Paradowski	Driver Information Section Chief	WisDOT Division of Motor Vehicles
B	Lishunda Patterson	Safety Manager	Milwaukee Police Dept. – Safety Division
	Stacey Pierce	Civil Engineer-Transportation-Advanced	WisDOT Division of Trans. System Development
B	Scott Ries	Lieutenant	Marinette Police Dept.
B	Cory Roeseler	Captain - Patrol	Sheboygan County Sheriff
E	Randy Romanski	Policy Analysis and Local Programs Section Chief	BOTS
C	Johnna Scott	Partner and Director of Community Outreach	Mosaic Communications
	Julia Sherman	Project Coordinator	UW-Madison Wisconsin Alcohol Policy Project
B	Jessica Skemp	Deputy District Attorney	La Crosse Co. District Attorney's Office
B	John Sobotik	Attorney	WisDOT Office of General Counsel
B	Emily Thompson	Traffic Safety Resource Prosecutor	Wisc. Dept. of Justice
E	Laura Vande Hey	Program and Policy Unit Supervisor	BOTS
A	Randy Wiessinger	Law Enforcement Liaison	BOTS

**Groups**

A: Prevention | B: Criminal justice system | C: Communications programs  
 D: Alcohol and drug misuse | E: Program evaluation and data

# APPENDIX AL-IID-247 SS. 343.30-343.301

Updated 2015–16 Wis. Stats. Published and certified under s. 35.18. May 3, 2017.

## 343.26 OPERATORS' LICENSES

Updated 15–16 Wis. Stats. 30

(2) If a person's license has been canceled under s. 343.25 (2) or (3), or canceled because of the person's nonpayment of a fee, the person's license may be reinstated as provided in s. 343.38 (3g).

**History:** 1977 c. 29 s. 1654 (7) (a), (c); 2007 a. 20; 2009 a. 103.

**343.265 Voluntary surrender and reissuance after surrender.** (1) The department may accept the voluntary surrender of the operator's license of a person who has a mental or physical disability or disease or a medical condition which prevents or may prevent the person from exercising reasonable control over a motor vehicle if the person's operating privilege is not subject to suspension or revocation for any reason.

(1m) The department may accept the voluntary surrender of the operator's license of a person who no longer intends to exercise the privilege of operating a vehicle class or type authorized by that license, if the person's operating privilege is not subject to suspension or revocation for any reason. The department may issue a license under sub. (2), omitting the authorizations to operate a vehicle class or type that the person has relinquished.

(1r) Notwithstanding sub. (1), the department shall accept the voluntary surrender of an "H" endorsement specified in s. 343.17 (3) (d) 1m. Upon accepting the surrender, the department shall immediately cancel the endorsement if the licensee is not eligible for the endorsement. Following cancellation under this subsection, the department shall take the actions required in s. 343.125 (4) (a) and (b). Upon accepting the surrender from a person to whom the department would not be prohibited from issuing an "H" endorsement, the department may remove that endorsement from the licensee's commercial driver license as a temporary surrender. The department may not issue an "H" endorsement to any person whose "H" endorsement is removed as a temporary surrender under this subsection unless the person applies for initial issuance of an "H" endorsement.

(2) A person whose voluntary surrender of license under sub. (1) or (1m) has been accepted by the department may apply for a duplicate license under s. 343.19, or, if the person's license has expired during the period of surrender, a renewal license, at any time. Upon receipt of the person's application and the applicable fees under s. 343.21, the department shall issue or deny the license as provided in this subchapter. The department may require the person to submit to an examination under s. 343.16 (5).

**History:** 1987 a. 40; 1989 a. 105; 1995 a. 113; 2003 a. 33; 2007 a. 20.

**343.28 Courts to report convictions and forward licenses to the department.** (1) Whenever a person is convicted of a moving traffic violation under chs. 341 to 349 or under a local ordinance enacted under ch. 349, the clerk of the court in which the conviction occurred, or the justice, judge or magistrate of a court not having a clerk, shall, as provided in s. 345.48, forward to the department the record of such conviction. The record of conviction forwarded to the department shall state whether the offender was involved in an accident at the time of the offense, whether the offender was operating a commercial motor vehicle at the time of the offense and, if so, whether the offender was transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73, or was operating a vehicle designed to carry, or actually carrying, 16 or more passengers, including the driver. Whenever a person is convicted of exceeding a posted speed limit, the record of conviction forwarded to the department shall include the number of miles per hour in excess of the posted speed limit.

(2) Whenever a person is convicted of any offense for which s. 343.31 makes mandatory the revocation by the secretary of such person's operating privilege, the court in which the conviction occurred may require the surrender to it of any license then held by such person. If the court requires surrender of a license, the court shall destroy the license. The clerk of the court, or the justice, judge or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward to the department the record of conviction, which shall state whether the offender was involved in an accident

at the time of the offense, whether the offender was operating a commercial motor vehicle at the time of the offense and, if so, whether the offender was transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73, or was operating a vehicle designed to carry, or actually carrying, 16 or more passengers, including the driver.

(3) If a person is convicted of committing a violation as defined by s. 343.30 (6) (a), the clerk of the court, or the justice, judge or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward to the department the record of conviction.

(4) Any person who fails to comply with any provision of this section relative to forwarding records of convictions to the department may be fined not more than \$100 or imprisoned not more than 6 months or both.

**History:** 1971 c. 278; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 273; 1979 c. 331; 1989 a. 105; 1995 a. 113; 1999 a. 140; 2003 a. 33; 2009 a. 103.

## 343.30 Suspension and revocation by the courts.

(1) A court may suspend a person's operating privilege for any period not exceeding one year upon such person's conviction in such court of violating any of the state traffic laws or any local ordinance enacted under ch. 349, other than a violation of s. 346.18 or a local ordinance in conformity with s. 346.18 for which operating privilege suspension is required under s. 343.31 (2t) (a).

(1d) A court shall revoke a person's operating privilege upon the person's conviction for violating s. 343.05 (3) (a) or a local ordinance in conformity therewith if the person, in the course of the violation, causes great bodily harm, as defined in s. 939.22 (14), to another person or the death of another person. Any revocation under this subsection shall be for a period of 6 months, unless the court orders a period of revocation of less than 6 months and places its reasons for ordering the lesser period of revocation on the record.

(1g) (a) Subject to pars. (b) and (c), a court may suspend a person's operating privilege for any period not exceeding 6 months upon the person's conviction for violating s. 343.44 (1) (a), (b), or (d) or a local ordinance in conformity therewith.

(b) Except as provided in par. (c), a court may revoke a person's operating privilege upon the person's conviction for violating s. 343.44 (1) (a), (b), or (d) or a local ordinance in conformity therewith if the person has been convicted of 3 or more prior violations of s. 343.44 (1) (a), (b), or (d), or similar violations under s. 343.44 (1), 1997 stats., or a local ordinance in conformity therewith, within the 5-year period preceding the violation.

(c) A court shall revoke a person's operating privilege upon the person's conviction for violating s. 343.44 (1) (a) or (b), or a local ordinance in conformity with s. 343.44 (1) (a), if the person, in the course of the violation, causes great bodily harm, as defined in s. 939.22 (14), to another person or the death of another person.

(d) Any revocation under this subsection shall be for a period of 6 months, unless the court orders a period of revocation of less than 6 months and places its reasons for ordering the lesser period of revocation on the record.

(1n) A court shall suspend the operating privilege of a person for a period of 15 days upon the person's conviction by the court of exceeding the applicable speed limit as established by s. 346.57 (4) (gm) or (h), by 25 or more miles per hour. If the conviction makes the person subject to suspension under s. 343.085 or 343.32, the court shall order the suspension of the person's operating privilege and notify the secretary of the order. Upon receiving the notice, the secretary shall act as authorized under s. 343.32 or 343.085. Any suspension under this subsection shall date from the day the secretary acts on the order of suspension of the operating privilege.

(1o) Upon conviction of a person for violating s. 346.072, the court shall suspend the violator's operating privilege as follows:

(a) For a period of not less than 90 days nor more than one year, if the offense resulted in damage to the property of another but did not result in bodily harm to another.

(b) For a period of not less than 180 days nor more than 2 years, if the offense resulted in bodily harm to another but did not result in the death of another.

(c) For a period of 2 years, if the offense resulted in the death of another.

**(1p)** Notwithstanding sub. (1), a court shall suspend the operating privilege of a person for 3 months upon the person's conviction by the court for violation of s. 346.63 (2m) or a local ordinance in conformity with s. 346.63 (2m). If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63 (2m) or a local ordinance in conformity with s. 346.63 (2m), the court shall suspend the operating privilege of the person for 6 months.

**(1q)** (a) If a person is convicted under s. 346.63 (1) or a local ordinance in conformity therewith, the court shall proceed under this subsection. If a person is convicted under s. 346.63 (2) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, the court shall proceed under pars. (c) and (d). If a person is referred by the department acting under s. 343.16 (5) (a), the department shall proceed under pars. (c) and (d) without the order of the court.

(b) For persons convicted under s. 346.63 (1) or a local ordinance in conformity therewith:

1. Except as provided in subs. 3. and 4., the court shall revoke the person's operating privilege under this paragraph according to the number of previous suspensions, revocations or convictions that would be counted under s. 343.307 (1). Suspensions, revocations and convictions arising out of the same incident shall be counted as one. If a person has a conviction, suspension or revocation for any offense that is counted under s. 343.307 (1), that conviction, suspension or revocation shall count as a prior conviction, suspension or revocation under this subdivision.

2. Except as provided in sub. (1r) or subd. 3., 4. or 4m., for the first conviction, the court shall revoke the person's operating privilege for not less than 6 months nor more than 9 months. The person is eligible for an occupational license under s. 343.10 at any time.

3. Except as provided in sub. (1r) or subd. 4m., if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other convictions, suspensions, and revocations counted under s. 343.307 (1) within a 10-year period, equals 2, the court shall revoke the person's operating privilege for not less than one year nor more than 18 months. After the first 45 days of the revocation period has elapsed, the person is eligible for an occupational license under s. 343.10 if he or she has completed the assessment and is complying with the driver safety plan ordered under par. (c).

4. Except as provided in sub. (1r) or subd. 4m., if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other convictions, suspensions, and revocations counted under s. 343.307 (1), equals 3 or more, the court shall revoke the person's operating privilege for not less than 2 years nor more than 3 years. After the first 45 days of the revocation period has elapsed, the person is eligible for an occupational license under s. 343.10 if he or she has completed the assessment and is complying with the driver safety plan ordered under par. (c).

4m. If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63 (1) or a local ordinance in conformity with s. 346.63 (1), the applicable minimum and maximum revocation periods under subd. 2., 3. or 4. for the conviction are doubled.

5. The time period under this paragraph shall be measured from the dates of the refusals or violations which resulted in the suspensions, revocations or convictions.

(c) 1. Except as provided in subd. 1. a., b., or d., the court shall order the person to submit to and comply with an assessment by an approved public treatment facility as defined in s. 51.45 (2) (c) for examination of the person's use of alcohol, controlled sub-

stances or controlled substance analogs and development of a driver safety plan for the person. The court shall notify the department of transportation of the assessment order. The court shall notify the person that noncompliance with assessment or the driver safety plan will result in revocation of the person's operating privilege until the person is in compliance. The assessment order shall:

a. If the person is a resident, refer the person to an approved public treatment facility in the county in which the person resides. The facility named in the order may provide for assessment of the person in another approved public treatment facility. The order shall provide that if the person is temporarily residing in another state, the facility named in the order may refer the person to an appropriate treatment facility in that state for assessment and development of a driver safety plan for the person satisfying the requirements of that state.

b. If the person is a nonresident, refer the person to an approved public treatment facility in this state. The order shall provide that the facility named in the order may refer the person to an appropriate treatment facility in the state in which the person resides for assessment and development of a driver safety plan for the person satisfying the requirements of that state.

c. Require a person who is referred to a treatment facility in another state under subd. 1. a. or b. to furnish the department written verification of his or her compliance from the agency which administers the assessment and driver safety plan program. The person shall provide initial verification of compliance within 60 days after the date of his or her conviction. The requirement to furnish verification of compliance may be satisfied by receipt by the department of such verification from the agency which administers the assessment and driver safety plan program.

d. Include a statement that if the person is a member or the relative of a member of a federally recognized American Indian tribe or band, the person may receive the assessment required under this subdivision from an approved tribal treatment facility as defined in s. 51.01 (2c).

1m. The person may voluntarily submit to an assessment by an approved public treatment facility, as defined in s. 51.45 (2) (c), and driver safety plan under this paragraph before the conviction. A prosecutor may not use that voluntary submission to justify a reduction in the charge made against the person. Upon notification of the person's submission to the voluntary assessment and driver safety plan, the court may take that voluntary submission into account when determining the person's sentence, and shall suspend the order to submit to assessment pending the person's completion of the voluntary assessment and driver safety plan.

2. The department of health services shall establish standards for assessment procedures and the driver safety plan programs by rule. The department of health services shall establish by rule conflict of interest guidelines for providers. The conflict of interest guidelines may not preclude an approved tribal treatment facility, as defined in s. 51.01 (2c), from conducting assessments and providing treatment under this subsection.

3. Prior to developing a plan which specifies treatment, the facility shall make a finding that treatment is necessary and appropriate services are available. The facility shall submit a report of the assessment and the driver safety plan within 14 days to the county department under s. 51.42, the plan provider, the department of transportation and the person, except that upon request by the facility and the person, the county department may extend the period for assessment for not more than 20 additional workdays. The county department shall notify the department of transportation regarding any such extension.

(d) 1. The assessment report shall order compliance with a driver safety plan. The report shall inform the person of the fee provisions under s. 46.03 (18) (f). The driver safety plan may include a component that makes the person aware of the effect of his or her offense on a victim and a victim's family. The driver safety plan may include treatment for the person's misuse, abuse



**343.30 OPERATORS' LICENSES**

Updated 15–16 Wis. Stats. 32

or dependence on alcohol, controlled substances or controlled substance analogs, or attendance at a school under s. 345.60, or both. If the plan requires treatment at an approved tribal treatment facility, as defined in s. 51.01 (2c), the plan may include traditional tribal treatment modes. If the plan requires inpatient treatment, the treatment shall not exceed 30 days. A driver safety plan under this paragraph shall include a termination date consistent with the plan which shall not extend beyond one year.

2. The county department under s. 51.42 or approved tribal treatment facility under s. 51.45 (7) (h) shall assure notification of the department of transportation, in a manner prescribed by the department, and the person of the person's compliance or non-compliance with assessment and with treatment. The school under s. 345.60 shall notify the department, the county department under s. 51.42, and the person of the person's compliance or non-compliance with the requirements of the school. Nonpayment of the assessment fee or, if the person has the ability to pay, nonpayment of the driver safety plan fee is noncompliance with the court order. If the department is notified of any noncompliance, other than for nonpayment of the assessment fee or driver safety plan fee, it shall revoke the person's operating privilege until the county department under s. 51.42, the approved tribal treatment facility under s. 51.45 (7) (h), or the school under s. 345.60 notifies the department that the person is in compliance with assessment or the driver safety plan. If the department is notified that a person has not paid the assessment fee, or that a person with the ability to pay has not paid the driver safety plan fee, the department shall suspend the person's operating privilege for a period of 2 years or until it receives notice that the person has paid the fee, whichever occurs first.

3. The department shall notify the person of the suspension or revocation under subd. 2., the reason for the suspension or revocation and the person's right to a review. A person may request a review of a revocation based upon failure to comply with a driver safety plan within 10 days of notification. The review shall be handled by the subunit of the department of transportation designated by the secretary. The issues at the review are limited to whether the driver safety plan, if challenged, is appropriate and whether the person is in compliance with the assessment order or the driver safety plan. The review shall be conducted within 10 days after a request is received. If the driver safety plan is determined to be inappropriate, the department shall order a reassessment and, if the person is otherwise eligible, the department shall reinstate the person's operating privilege. If the person is determined to be in compliance with the assessment or driver safety plan, and if the person is otherwise eligible, the department shall reinstate the person's operating privilege. If there is no decision within the 10-day period, the department shall issue an order reinstating the person's operating privilege until the review is completed, unless the delay is at the request of the person seeking the review.

(e) Notwithstanding par. (c), if the court finds that the person is already covered by an assessment or is participating in a driver safety plan or has had evidence presented to it by a county department under s. 51.42 that the person has recently completed assessment, a driver safety plan or both, the court is not required to make an order under par. (c). This paragraph does not prohibit the court from making an order under par. (c), if it deems such an order advisable.

(f) The department may make any order which the court is authorized or required to make under this subsection if the court fails to do so.

(h) The court or department shall provide that the period of suspension or revocation imposed under this subsection shall be reduced by any period of suspension or revocation previously served under s. 343.305 if the suspension or revocation under s. 343.305 and the conviction for violation of s. 346.63 (1) or (2m) or a local ordinance in conformity therewith arise out of the same incident or occurrence. The court or department shall order that the period of suspension or revocation imposed under this subsection

run concurrently with any period of time remaining on a suspension or revocation imposed under s. 343.305 arising out of the same incident or occurrence. The court may modify an occupational license authorized under s. 343.305 (8) (d) in accordance with this subsection.

(1r) For any revocation the court orders under sub. (1q), the court shall extend the revocation period by the number of days to which the court sentences the person to imprisonment in a jail or prison for an offense related to the revocation.

(1z) If a court imposes a driver improvement surcharge under s. 346.655 or a safe ride program surcharge under s. 346.657 and the person fails to pay all surcharges imposed under s. 346.655 or 346.657 within 60 days after the date by which the court ordered payment, the court may suspend the person's operating privilege until the person pays all surcharges imposed under s. 346.655 or 346.657, except that the suspension period may not exceed 2 years.

(2d) A court may suspend a person's operating privilege upon conviction of any offense specified under ss. 940.225, 948.02, 948.025, 948.07, or 948.085, if the court finds that it is inimical to the public safety and welfare for the offender to have operating privileges. The suspension shall be for one year or until discharge from prison or jail sentence or probation, extended supervision or parole with respect to the offenses specified, whichever date is later. Receipt of a certificate of discharge from the department of corrections or other responsible supervising agency, after one year has elapsed since the suspension, entitles the holder to reinstatement of operating privileges. The holder may be required to present the certificate to the secretary if the secretary deems necessary.

(2g) A court may suspend or revoke a person's operating privilege for any period not exceeding one year upon conviction of that person for violating s. 346.67, 346.68 or 346.69. This subsection does not apply to circumstances that require the department to revoke a person's operating privilege under s. 343.31 (1) (d) or (3) (i) or (j).

(2j) (a) A court may suspend a person's operating privilege upon the person's first conviction for violating s. 346.44 or 346.62 (2m) and shall suspend a person's operating privilege upon the person's 2nd or subsequent conviction within a 5-year period for violating s. 346.44 or 346.62 (2m). The suspension shall be for a period of 6 months. For purposes of determining prior convictions for purposes of this paragraph, the 5-year period shall be measured from the dates of the violations that resulted in the convictions. Each conviction under s. 346.44 or 346.62 (2m) shall be counted, except that convictions under s. 346.44 and 346.62 (2m) arising out of the same incident or occurrence shall be counted as a single conviction.

(3) The court that ordered the issuance of an occupational license under s. 343.10 (4) (b) may withdraw the order to issue the license whenever the court, upon the facts, does not see fit to permit the licensee to retain the occupational license. Upon receiving notice that a court has withdrawn its order to issue an occupational license, the department shall cancel that license.

(4) Whenever a court suspends or revokes an operating privilege under this section, the court may take possession of any suspended or revoked license. If the court takes possession of a license, it shall destroy the license. The court shall forward, as provided in s. 345.48, to the department the record of conviction and notice of suspension or revocation. Whenever a court restricts the operating privilege of a person, the court shall forward notice of the restriction to the department.

(5) No court may suspend or revoke an operating privilege except as authorized by this chapter or ch. 345, 351, or 938 or s. 767.73, 800.095 (1) (a), 943.21 (3m), or 961.50. When a court revokes, suspends, or restricts a juvenile's operating privilege under ch. 938, the department of transportation shall not disclose information concerning or relating to the revocation, suspension, or restriction to any person other than a court, district attorney, county corporation counsel, city, village, or town attorney, law

enforcement agency, driver licensing agency of another jurisdiction, or the minor whose operating privilege is revoked, suspended, or restricted, or his or her parent or guardian. Persons entitled to receive this information shall not disclose the information to other persons or agencies.

(6) (a) In this subsection, “violation” means a violation of s. 125.07 (4) (a) or (b), 125.085 (3) (b) or 125.09 (2) or a local ordinance that strictly conforms to one of those statutes or a law of a federally recognized American Indian tribe or band in this state that strictly conforms to one of those statutes.

(b) If a court imposes suspension of a person’s operating privilege under s. 125.07 (4) (bs) or (c), 346.93 (2f) or (2g) or 938.344 (2), (2b) or (2d), the suspension imposed shall be one of the following:

1. For a first violation, suspension for 30 to 90 days.
2. For a violation committed within 12 months of a previous violation, suspension for not more than one year.
3. For a violation committed within 12 months of 2 or more previous violations, suspension for not more than 2 years.

(bm) If the court imposes a suspension of a person’s operating privilege under s. 125.085 (3) (bd), the suspension shall be for 30 to 90 days.

(c) Except as provided by par. (d), the suspension of the operating privilege under this subsection shall commence on the date of disposition.

(d) If the person subject to suspension under this subsection does not hold a valid license under this chapter other than a license under s. 343.07 or 343.08 on the date of disposition, the suspension under par. (b) shall commence on the date on which the person is first eligible for issuance, renewal, or reinstatement of an operator’s license under this chapter.

**History:** 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80; 2005 a. 277; 2005 a. 443 s. 265; 2005 a. 466; 2007 a. 20 ss. 3300, 9121 (6) (a); 2007 a. 134; 2009 a. 100, 102, 103, 402; 2011 a. 113, 173, 262; 2013 a. 246; 2015 a. 55.

**Cross-reference:** See also ch. DHS 62, Wis. adm. code.

The limitation under sub. (5) that no court may suspend or revoke an operating privilege except as authorized by statute precludes not only restrictions on obtaining a physical license document, but also on the privilege to operate a vehicle. A court’s broad authority to fashion appropriate conditions of extended supervision is limited by the provisions of this section concerning suspension and revocation of operating privileges by the courts. *State v. Hoppe*, 2014 WI App 51, 354 Wis. 2d 219, 847 N.W.2d 869, 13–1457.

Suspension or revocation of operating privileges applies to both a regular driver license and to a chauffeur’s license. 63 Atty. Gen. 240.

### 343.301 Installation of ignition interlock device. (1g)

(a) A court shall enter an order under par. (am) if either of the following applies:

1. The person improperly refused to take a test under s. 343.305.
2. The person violated s. 346.63 (1) or (2), 940.09 (1), or 940.25 and either of the following applies:
  - a. The person had an alcohol concentration of 0.15 or more at the time of the offense.
  - b. The person has a total of one or more prior convictions, suspensions, or revocations, counting convictions under ss. 940.09 (1) and 940.25 in the person’s lifetime and other convictions, suspensions, and revocations counted under s. 343.307 (1).

(am) A court shall order one or more of the following:

1. That the person’s operating privilege for the operation of “Class D” vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), shall order that each motor vehicle for which the person’s name appears on the vehicle’s certificate of title or registration be equipped with an ignition interlock device.

2. That the person participate in a program described in s. 165.957 or that meets the definition of a 24–7 sobriety program

under 23 USC 405 (d) (7) (A) and regulations adopted thereunder. If the court enters an order under this subdivision, when the person completes or otherwise does not participate in the program, the court shall order that the person’s operating privilege for the operation of “Class D” vehicles be restricted to operating vehicles that are equipped with an ignition interlock device, shall specify the duration of the order, shall, except as provided in sub. (1m), order that each motor vehicle for which the person’s name appears on the vehicle’s certificate of title or registration be equipped with an ignition interlock device, and shall notify the department of such order.

(1m) If equipping each motor vehicle with an ignition interlock device under sub. (1g) would cause an undue financial hardship, the court may order that one or more vehicles described in sub. (1g) not be equipped with an ignition interlock device.

(2m) (a) If the court enters an order under sub. (1g) (am) 1., the court shall restrict the operating privilege under sub. (1g) (am) 1. for a period of not less than one year nor more than the maximum operating privilege revocation period permitted for the refusal or violation, beginning on the date the department issues any license granted under this chapter, except that if the maximum operating privilege revocation period is less than one year, the court shall restrict the operating privilege under sub. (1g) (am) 1. for one year. The court may order the installation of an ignition interlock device under sub. (1g) (am) 1. immediately upon issuing an order under sub. (1g) (am) 1.

(b) If the court enters an order under sub. (1g) (am) 2. that does not restrict a person’s operating privilege for the operation of “Class D” vehicles to operating vehicles that are equipped with an ignition interlock device while he or she participates in a program, the court shall order that the time period during which the person participates in a program, combined with the time period for which the person’s operating privilege is restricted under sub. (1g) (am) 2. equals not less than one year nor more than the maximum operating privilege revocation period permitted for the refusal or violation, except that if the maximum operating privilege revocation period is less than one year, the time period shall equal one year. The time period for which the person’s operating privilege is restricted under sub. (1g) (am) 2. begins on the date the department issues any license granted under this chapter. The court may order the person to install an ignition interlock device under sub. (1g) (am) 2. immediately after his or her participation in the program ends or while the person completes the program and for the additional period of time required under this paragraph, and shall notify the department of the date the person’s participation ended and the duration of the order restricting the operating privilege. A person subject to an order requiring installation of an ignition interlock device shall, within 2 weeks after the date on which installation of the ignition interlock device is required under the order, submit proof to the sheriff in his or her county of residence that an ignition interlock device has been installed in each motor vehicle to which the order applies.

(3) (a) Except as provided in par. (b), if the court enters an order under sub. (1g), the person shall be liable for the reasonable cost of equipping and maintaining any ignition interlock device installed on his or her motor vehicle.

(b) If the court finds that the person who is subject to an order under sub. (1g) has a household income that is at or below 150 percent of the nonfarm federal poverty line for the continental United States, as defined by the federal department of labor under 42 USC 9902 (2), the court shall limit the person’s liability under par. (a) to one-half of the cost of equipping each motor vehicle with an ignition interlock device and one-half of the cost per day per vehicle of maintaining the ignition interlock device.

(4) A person to whom an order under sub. (1g) applies violates that order if he or she fails to have an ignition interlock device installed as ordered, removes or disconnects an ignition interlock device, requests or permits another to blow into an ignition interlock device or to start a motor vehicle equipped with an ignition

interlock device for the purpose of providing the person an operable motor vehicle without the necessity of first submitting a sample of his or her breath to analysis by the ignition interlock device, or otherwise tampers with or circumvents the operation of the ignition interlock device.

(5) If the court enters an order under sub. (1g), the court shall impose and the person shall pay to the clerk of court an ignition interlock surcharge of \$50. The clerk of court shall transmit the amount to the county treasurer.

**History:** 1999 a. 109; 2001 a. 16 ss. 3417m to 3420, 4060gj, 4060hw, 4060hy; 2001 a. 104; 2009 a. 100; 2013 a. 168; 2015 a. 389.

Sub. (1g) (b) 2. requires an order for ignition interlock devices when a person violates s. 346.63 (1) and has one or more prior OWI convictions. Sub. (1g) (b) 2. provides no restrictions on how to count prior convictions for purposes of ordering ignition interlock devices. The ten-year look-back provision in s. 346.65 (2) (am) 2. for purposes of determining whether to charge or penalize a repeat OWI offender civilly or criminally is independent of and has no effect on orders for ignition interlock devices under this section. *Village of Grafton v. Seatz*, 2014 WI App 23, 352 Wis. 2d 747, 845 N.W.2d 672, 13–1414.

Wisconsin's New OWI Law. Mishlove & Stuckert. Wis. Law. June 2010.

**343.303 Preliminary breath screening test.** If a law enforcement officer has probable cause to believe that the person is violating or has violated s. 346.63 (1) or (2m) or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25 or s. 940.09 where the offense involved the use of a vehicle, or if the officer detects any presence of alcohol, a controlled substance, controlled substance analog or other drug, or a combination thereof, on a person driving or operating or on duty time with respect to a commercial motor vehicle or has reason to believe that the person is violating or has violated s. 346.63 (7) or a local ordinance in conformity therewith, the officer, prior to an arrest, may request the person to provide a sample of his or her breath for a preliminary breath screening test using a device approved by the department for this purpose. The result of this preliminary breath screening test may be used by the law enforcement officer for the purpose of deciding whether or not the person shall be arrested for a violation of s. 346.63 (1), (2m), (5) or (7) or a local ordinance in conformity therewith, or s. 346.63 (2) or (6), 940.09 (1) or 940.25 and whether or not to require or request chemical tests as authorized under s. 343.305 (3). The result of the preliminary breath screening test shall not be admissible in any action or proceeding except to show probable cause for an arrest, if the arrest is challenged, or to prove that a chemical test was properly required or requested of a person under s. 343.305 (3). Following the screening test, additional tests may be required or requested of the driver under s. 343.305 (3). The general penalty provision under s. 939.61 (1) does not apply to a refusal to take a preliminary breath screening test.

**History:** 1981 c. 20; 1985 a. 32 s. 3; 1985 a. 337; 1987 a. 3; 1989 a. 105; 1991 a. 277; 1995 a. 448.

A prosecutor's statement that the defendant failed a preliminary breath test was improper, but evidence that the defendant refused to take a breathalyzer test was relevant and constitutionally admissible. *State v. Albright*, 98 Wis. 2d 663, 298 N.W.2d 196 (Ct. App. 1980).

A preliminary breath test result is not determinative of probable cause to arrest for driving while intoxicated. A low test result does not void the grounds for arrest. *Dane County v. Sharpee*, 154 Wis. 2d 515, 453 N.W.2d 508 (Ct. App. 1990).

The bar of preliminary breath tests under this section is limited to proceedings related to arrests for offenses contemplated under this statute including those related to motor vehicles and intoxication. *State v. Beaver*, 181 Wis. 2d 959, 512 N.W.2d 254 (Ct. App. 1994).

This section bars the evidentiary use of preliminary breath test results in motor vehicle violation cases, but not in other actions. Prosecutors who wish to rely on PBT results are required to present evidence of the device's scientific accuracy as a foundation for admission. *State v. Doerr*, 229 Wis. 2d 616, 599 N.W.2d 897 (Ct. App. 1999), 98–1047.

"Probable cause to believe" refers to a quantum of evidence greater than reasonable suspicion to make an investigative stop, but less than probable cause to make an arrest. *County of Jefferson v. Renz*, 231 Wis. 2d 293, 603 N.W.2d 541 (1999), 97–3512.

Blood may be drawn in a search incident to an arrest for a non-drunk-driving offense if the police reasonably suspect that the defendant's blood contains evidence of a crime. This section does not prohibit the consideration of a suspect's refusal to submit to a PBT for purposes of determining whether a warrantless involuntary draw of the suspect's blood was supported by reasonable suspicion. *State v. Repenshek*, 2004 WI App 229, 277 Wis. 2d 780, 691 N.W.2d 369, 03–3089.

A preliminary breath test may be requested when an officer has a basis to justify an investigative stop but has not established probable cause to justify an arrest. Under the facts of this case, the officer would have been justified in asking the defendant to take a preliminary breath test without asking him to perform any field-sobriety tests. That the defendant successfully completed all properly administered field-sobriety

tests did not subtract from the common-sense view that the defendant may have had an impermissible blood-alcohol level. *State v. Felton*, 2012 WI App 114, 344 Wis. 2d 483, 824 N.W.2d 871, 11–2119.

Under *State v. St. George*, 2002 WI 50, for a defendant to establish a constitutional right to the admissibility of proffered expert testimony, the defendant must satisfy a two-part inquiry determining whether the evidence is clearly central to the defense and the exclusion of the evidence is arbitrary and disproportionate to the purpose of the rule of exclusion, so that exclusion undermines fundamental elements of the defendant's defense. In an OWI prosecution, even if a defendant establishes a constitutional right to present an expert opinion that is based in part on PBT results, the right to do so is outweighed by the state's compelling interest to exclude that evidence. *State v. Fischer*, 2010 WI 6, 322 Wis. 2d 265, 778 N.W.2d 629, 07–1898. But see *Fischer v. Ozaukee County Circuit Court*, 741 F. Supp. 2d 944 (2010).

Probable cause exists to request a preliminary breath test sample when the driver is known to be subject to a .02 prohibited alcohol content standard, the officer knows it would take very little alcohol for the driver to exceed that limit, and the officer smells alcohol on the driver. *State v. Goss*, 2011 WI 104, 338 Wis. 2d 72, 806 N.W.2d 918, 10–1113.

The Wisconsin Supreme Court's decision in *Fischer* affirming the exclusion of the defendant's expert's testimony using PBT results involved an unreasonable application of federal law as determined by the United States Supreme Court. *Fischer v. Ozaukee County Circuit Court*, 741 F. Supp. 2d 944 (2010).

**343.305 Tests for intoxication; administrative suspension and court-ordered revocation. (1) DEFINITIONS.** In this section:

(b) "Drive" means the exercise of physical control over the speed and direction of a motor vehicle while it is in motion.

(c) "Operate" means the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.

(2) IMPLIED CONSENT. Any person who is on duty time with respect to a commercial motor vehicle or drives or operates a motor vehicle upon the public highways of this state, or in those areas enumerated in s. 346.61, is deemed to have given consent to one or more tests of his or her breath, blood or urine, for the purpose of determining the presence or quantity in his or her blood or breath, of alcohol, controlled substances, controlled substance analogs or other drugs, or any combination of alcohol, controlled substances, controlled substance analogs and other drugs, when requested to do so by a law enforcement officer under sub. (3) (a) or (am) or when required to do so under sub. (3) (ar) or (b). Any such tests shall be administered upon the request of a law enforcement officer. The law enforcement agency by which the officer is employed shall be prepared to administer, either at its agency or any other agency or facility, 2 of the 3 tests under sub. (3) (a), (am), or (ar), and may designate which of the tests shall be administered first.

(3) REQUESTED OR REQUIRED. (a) Upon arrest of a person for violation of s. 346.63 (1), (2m) or (5) or a local ordinance in conformity therewith, or for a violation of s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, or upon arrest subsequent to a refusal under par. (ar), a law enforcement officer may request the person to provide one or more samples of his or her breath, blood or urine for the purpose specified under sub. (2). Compliance with a request for one type of sample does not bar a subsequent request for a different type of sample.

(am) Prior to arrest, a law enforcement officer may request the person to provide one or more samples of his or her breath, blood or urine for the purpose specified under sub. (2) whenever a law enforcement officer detects any presence of alcohol, a controlled substance, a controlled substance analog or other drug, or a combination thereof, on a person driving or operating or on duty time with respect to a commercial motor vehicle or has reason to believe the person is violating or has violated s. 346.63 (7). Compliance with a request for one type of sample does not bar a subsequent request for a different type of sample. For the purposes of this paragraph, "law enforcement officer" includes inspectors in the performance of duties under s. 110.07 (3).

(ar) 1. If a person is the operator of a vehicle that is involved in an accident that causes substantial bodily harm, as defined in s. 939.22 (38), to any person, and a law enforcement officer detects any presence of alcohol, a controlled substance, a controlled substance analog or other drug, or a combination thereof, the law enforcement officer may request the operator to provide one or

## APPENDIX DD-1: EXAMPLE DISTRACTED DRIVING QUESTIONS

When you are driving, it is safest to use a cellular phone:

- A. only when you pull over to the side of the roadway and stop.
- B. anytime
- C. only when driving through a residential area.

If you are driving and find that nothing seems to help you stay awake, you should:

- A. stop and take a rest break as soon as it is safe to do so.
- B. increase your speed to get away from other vehicles.
- C. move over to the right lane and continue driving.

# APPENDIX DD-2: S. 343.305, WIS. STATS. TESTS FOR INTOXICATION; ADMINISTRATIVE SUSPENSION AND COURT-ORDERED REVOCAION

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## 343.301 OPERATORS' LICENSES

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interlock device for the purpose of providing the person an operable motor vehicle without the necessity of first submitting a sample of his or her breath to analysis by the ignition interlock device, or otherwise tampers with or circumvents the operation of the ignition interlock device.

(5) If the court enters an order under sub. (1g), the court shall impose and the person shall pay to the clerk of court an ignition interlock surcharge of \$50. The clerk of court shall transmit the amount to the county treasurer.

**History:** 1999 a. 109; 2001 a. 16 ss. 3417m to 3420i, 4060g, 4060hw, 4060hy; 2001 a. 104; 2009 a. 100; 2013 a. 168; 2015 a. 389.

Sub. (1g) (b) 2. requires an order for ignition interlock devices when a person violates s. 346.63 (1) and has one or more prior OWI convictions. Sub. (1g) (b) 2. provides no restrictions on how to count prior convictions for purposes of ordering ignition interlock devices. The ten-year look-back provision in s. 346.65 (2) (am) 2. for purposes of determining whether to charge or penalize a repeat OWI offender civilly or criminally is independent of and has no effect on orders for ignition interlock devices under this section. *Village of Grafton v. Seatz*, 2014 WI App 23, 352 Wis. 2d 747, 845 N.W.2d 672, 13–1414.

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**343.303 Preliminary breath screening test.** If a law enforcement officer has probable cause to believe that the person is violating or has violated s. 346.63 (1) or (2m) or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25 or s. 940.09 where the offense involved the use of a vehicle, or if the officer detects any presence of alcohol, a controlled substance, controlled substance analog or other drug, or a combination thereof, on a person driving or operating or on duty time with respect to a commercial motor vehicle or has reason to believe that the person is violating or has violated s. 346.63 (7) or a local ordinance in conformity therewith, the officer, prior to an arrest, may request the person to provide a sample of his or her breath for a preliminary breath screening test using a device approved by the department for this purpose. The result of this preliminary breath screening test may be used by the law enforcement officer for the purpose of deciding whether or not the person shall be arrested for a violation of s. 346.63 (1), (2m), (5) or (7) or a local ordinance in conformity therewith, or s. 346.63 (2) or (6), 940.09 (1) or 940.25 and whether or not to require or request chemical tests as authorized under s. 343.305 (3). The result of the preliminary breath screening test shall not be admissible in any action or proceeding except to show probable cause for an arrest, if the arrest is challenged, or to prove that a chemical test was properly required or requested of a person under s. 343.305 (3). Following the screening test, additional tests may be required or requested of the driver under s. 343.305 (3). The general penalty provision under s. 939.61 (1) does not apply to a refusal to take a preliminary breath screening test.

**History:** 1981 c. 20; 1985 a. 32 s. 3; 1985 a. 337; 1987 a. 3; 1989 a. 105; 1991 a. 277; 1995 a. 448.

A prosecutor's statement that the defendant failed a preliminary breath test was improper, but evidence that the defendant refused to take a breathalyzer test was relevant and constitutionally admissible. *State v. Albright*, 98 Wis. 2d 663, 298 N.W.2d 196 (Ct. App. 1980).

A preliminary breath test result is not determinative of probable cause to arrest for driving while intoxicated. A low test result does not void the grounds for arrest. *Dane County v. Sharpee*, 154 Wis. 2d 515, 453 N.W.2d 508 (Ct. App. 1990).

The bar of preliminary breath tests under this section is limited to proceedings related to arrests for offenses contemplated under this statute including those related to motor vehicles and intoxication. *State v. Beaver*, 181 Wis. 2d 959, 512 N.W.2d 254 (Ct. App. 1994).

This section bars the evidentiary use of preliminary breath test results in motor vehicle violation cases, but not in other actions. Prosecutors who wish to rely on PBT results are required to present evidence of the device's scientific accuracy as a foundation for admission. *State v. Doerr*, 229 Wis. 2d 616, 599 N.W.2d 897 (Ct. App. 1999), 98–1047.

"Probable cause to believe" refers to a quantum of evidence greater than reasonable suspicion to make an investigative stop, but less than probable cause to make an arrest. *County of Jefferson v. Renz*, 231 Wis. 2d 293, 603 N.W.2d 541 (1999), 97–3512.

Blood may be drawn in a search incident to an arrest for a non-drunk-driving offense if the police reasonably suspect that the defendant's blood contains evidence of a crime. This section does not prohibit the consideration of a suspect's refusal to submit to a PBT for purposes of determining whether a warrantless involuntary draw of the suspect's blood was supported by reasonable suspicion. *State v. Repenshek*, 2004 WI App 229, 277 Wis. 2d 780, 691 N.W.2d 369, 03–3089.

A preliminary breath test may be requested when an officer has a basis to justify an investigative stop but has not established probable cause to justify an arrest. Under the facts of this case, the officer would have been justified in asking the defendant to take a preliminary breath test without asking him to perform any field-sobriety tests. That the defendant successfully completed all properly administered field-sobriety

tests did not subtract from the common-sense view that the defendant may have had an impermissible blood-alcohol level. *State v. Felton*, 2012 WI App 114, 344 Wis. 2d 483, 824 N.W.2d 871, 11–2119.

Under *State v. St. George*, 2002 WI 50, for a defendant to establish a constitutional right to the admissibility of proffered expert testimony, the defendant must satisfy a two-part inquiry determining whether the evidence is clearly central to the defense and the exclusion of the evidence is arbitrary and disproportionate to the purpose of the rule of exclusion, so that exclusion undermines fundamental elements of the defendant's defense. In an OWI prosecution, even if a defendant establishes a constitutional right to present an expert opinion that is based in part on PBT results, the right to do so is outweighed by the state's compelling interest to exclude that evidence. *State v. Fischer*, 2010 WI 6, 322 Wis. 2d 265, 778 N.W.2d 629, 07–1898. But see *Fischer v. Ozaukee County Circuit Court*, 741 F. Supp. 2d 944 (2010).

Probable cause exists to request a preliminary breath test sample when the driver is known to be subject to a .02 prohibited alcohol content standard, the officer knows it would take very little alcohol for the driver to exceed that limit, and the officer smells alcohol on the driver. *State v. Goss*, 2011 WI 104, 338 Wis. 2d 72, 806 N.W.2d 918, 10–1113.

The Wisconsin Supreme Court's decision in *Fischer* affirming the exclusion of the defendant's expert's testimony using PBT results involved an unreasonable application of federal law as determined by the United States Supreme Court. *Fischer v. Ozaukee County Circuit Court*, 741 F. Supp. 2d 944 (2010).

**343.305 Tests for intoxication; administrative suspension and court-ordered revocation. (1) DEFINITIONS.** In this section:

(b) "Drive" means the exercise of physical control over the speed and direction of a motor vehicle while it is in motion.

(c) "Operate" means the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.

(2) IMPLIED CONSENT. Any person who is on duty time with respect to a commercial motor vehicle or drives or operates a motor vehicle upon the public highways of this state, or in those areas enumerated in s. 346.61, is deemed to have given consent to one or more tests of his or her breath, blood or urine, for the purpose of determining the presence or quantity in his or her blood or breath, of alcohol, controlled substances, controlled substance analogs or other drugs, or any combination of alcohol, controlled substances, controlled substance analogs and other drugs, when requested to do so by a law enforcement officer under sub. (3) (a) or (am) or when required to do so under sub. (3) (ar) or (b). Any such tests shall be administered upon the request of a law enforcement officer. The law enforcement agency by which the officer is employed shall be prepared to administer, either at its agency or any other agency or facility, 2 of the 3 tests under sub. (3) (a), (am), or (ar), and may designate which of the tests shall be administered first.

(3) REQUESTED OR REQUIRED. (a) Upon arrest of a person for violation of s. 346.63 (1), (2m) or (5) or a local ordinance in conformity therewith, or for a violation of s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, or upon arrest subsequent to a refusal under par. (ar), a law enforcement officer may request the person to provide one or more samples of his or her breath, blood or urine for the purpose specified under sub. (2). Compliance with a request for one type of sample does not bar a subsequent request for a different type of sample.

(am) Prior to arrest, a law enforcement officer may request the person to provide one or more samples of his or her breath, blood or urine for the purpose specified under sub. (2) whenever a law enforcement officer detects any presence of alcohol, a controlled substance, a controlled substance analog or other drug, or a combination thereof, on a person driving or operating or on duty time with respect to a commercial motor vehicle or has reason to believe the person is violating or has violated s. 346.63 (7). Compliance with a request for one type of sample does not bar a subsequent request for a different type of sample. For the purposes of this paragraph, "law enforcement officer" includes inspectors in the performance of duties under s. 110.07 (3).

(ar) 1. If a person is the operator of a vehicle that is involved in an accident that causes substantial bodily harm, as defined in s. 939.22 (38), to any person, and a law enforcement officer detects any presence of alcohol, a controlled substance, a controlled substance analog or other drug, or a combination thereof, the law enforcement officer may request the operator to provide one or

more samples of his or her breath, blood, or urine for the purpose specified under sub. (2). Compliance with a request for one type of sample does not bar a subsequent request for a different type of sample. A person who is unconscious or otherwise not capable of withdrawing consent is presumed not to have withdrawn consent under this subdivision and one or more samples specified in par. (a) or (am) may be administered to the person. If a person refuses to take a test under this subdivision, he or she may be arrested under par. (a).

2. If a person is the operator of a vehicle that is involved in an accident that causes the death of or great bodily harm to any person and the law enforcement officer has reason to believe that the person violated any state or local traffic law, the officer may request the operator to provide one or more samples of his or her breath, blood, or urine for the purpose specified under sub. (2). Compliance with a request for one type of sample does not bar a subsequent request for a different type of sample. A person who is unconscious or otherwise not capable of withdrawing consent is presumed not to have withdrawn consent under this subdivision and one or more samples specified in par. (a) or (am) may be administered to the person. If a person refuses to take a test under this subdivision, he or she may be arrested under par. (a).

(b) A person who is unconscious or otherwise not capable of withdrawing consent is presumed not to have withdrawn consent under this subsection, and if a law enforcement officer has probable cause to believe that the person has violated s. 346.63 (1), (2m) or (5) or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, or detects any presence of alcohol, controlled substance, controlled substance analog or other drug, or a combination thereof, on a person driving or operating or on duty time with respect to a commercial motor vehicle or has reason to believe the person has violated s. 346.63 (7), one or more samples specified in par. (a) or (am) may be administered to the person.

(c) This section does not limit the right of a law enforcement officer to obtain evidence by any other lawful means.

(4) INFORMATION. At the time that a chemical test specimen is requested under sub. (3) (a), (am), or (ar), the law enforcement officer shall read the following to the person from whom the test specimen is requested:

“You have either been arrested for an offense that involves driving or operating a motor vehicle while under the influence of alcohol or drugs, or both, or you are the operator of a vehicle that was involved in an accident that caused the death of, great bodily harm to, or substantial bodily harm to a person, or you are suspected of driving or being on duty time with respect to a commercial motor vehicle after consuming an intoxicating beverage.

This law enforcement agency now wants to test one or more samples of your breath, blood or urine to determine the concentration of alcohol or drugs in your system. If any test shows more alcohol in your system than the law permits while driving, your operating privilege will be suspended. If you refuse to take any test that this agency requests, your operating privilege will be revoked and you will be subject to other penalties. The test results or the fact that you refused testing can be used against you in court.

If you take all the requested tests, you may choose to take further tests. You may take the alternative test that this law enforcement agency provides free of charge. You also may have a test conducted by a qualified person of your choice at your expense. You, however, will have to make your own arrangements for that test.

If you have a commercial driver license or were operating a commercial motor vehicle, other consequences may result from positive test results or from refusing testing, such as being placed out of service or disqualified.”

(5) ADMINISTERING THE TEST; ADDITIONAL TESTS. (a) If the person submits to a test under this section, the officer shall direct the administering of the test. A blood test is subject to par. (b). The

person who submits to the test is permitted, upon his or her request, the alternative test provided by the agency under sub. (2) or, at his or her own expense, reasonable opportunity to have any qualified person of his or her own choosing administer a chemical test for the purpose specified under sub. (2). If the person has not been requested to provide a sample for a test under sub. (3) (a), (am), or (ar), the person may request a breath test to be administered by the agency or, at his or her own expense, reasonable opportunity to have any qualified person administer any test specified under sub. (3) (a), (am), or (ar). The failure or inability of a person to obtain a test at his or her own expense does not preclude the admission of evidence of the results of any test administered under sub. (3) (a), (am), or (ar). If a person requests the agency to administer a breath test and if the agency is unable to perform that test, the person may request the agency to perform a test under sub. (3) (a), (am), or (ar) that it is able to perform. The agency shall comply with a request made in accordance with this paragraph.

(b) Blood may be withdrawn from the person arrested for violation of s. 346.63 (1), (2), (2m), (5), or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, or a local ordinance in conformity with s. 346.63 (1), (2m), or (5), or as provided in sub. (3) (am) or (b) to determine the presence or quantity of alcohol, a controlled substance, a controlled substance analog, or any other drug, or any combination of alcohol, controlled substance, controlled substance analog, and any other drug in the blood only by a physician, registered nurse, medical technologist, physician assistant, phlebotomist, or other medical professional who is authorized to draw blood, or person acting under the direction of a physician.

(c) A person acting under par. (b), the employer of any such person and any hospital where blood is withdrawn by any such person have immunity from civil or criminal liability under s. 895.53.

(d) At the trial of any civil or criminal action or proceeding arising out of the acts committed by a person alleged to have been driving or operating a motor vehicle while under the influence of an intoxicant, a controlled substance, a controlled substance analog or any other drug, or under the influence of any combination of alcohol, a controlled substance, a controlled substance analog and any other drug, to a degree which renders him or her incapable of safely driving, or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely driving, or having a prohibited alcohol concentration, or alleged to have been driving or operating or on duty time with respect to a commercial motor vehicle while having an alcohol concentration above 0.0 or possessing an intoxicating beverage, regardless of its alcohol content, or within 4 hours of having consumed or having been under the influence of an intoxicating beverage, regardless of its alcohol content, or of having an alcohol concentration of 0.04 or more, the results of a test administered in accordance with this section are admissible on the issue of whether the person was under the influence of an intoxicant, a controlled substance, a controlled substance analog or any other drug, or under the influence of any combination of alcohol, a controlled substance, a controlled substance analog and any other drug, to a degree which renders him or her incapable of safely driving or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely driving or any issue relating to the person's alcohol concentration. Test results shall be given the effect required under s. 885.235.

(e) At the trial of any civil or criminal action or proceeding arising out of the acts committed by a person alleged to have been driving or operating a motor vehicle while having a detectable amount of a restricted controlled substance in his or her blood, the results of a blood test administered in accordance with this section are admissible on any issue relating to the presence of a detectable amount of a restricted controlled substance in the person's blood. Test results shall be given the effect required under s. 885.235.

(6) REQUIREMENTS FOR TESTS. (a) Chemical analyses of blood or urine to be considered valid under this section shall have been

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performed substantially according to methods approved by the laboratory of hygiene and by an individual possessing a valid permit to perform the analyses issued by the department of health services. The department of health services shall approve laboratories for the purpose of performing chemical analyses of blood or urine for alcohol, controlled substances or controlled substance analogs and shall develop and administer a program for regular monitoring of the laboratories. A list of approved laboratories shall be provided to all law enforcement agencies in the state. Urine specimens are to be collected by methods specified by the laboratory of hygiene. The laboratory of hygiene shall furnish an ample supply of urine and blood specimen containers to permit all law enforcement officers to comply with the requirements of this section.

(b) The department of transportation shall approve techniques or methods of performing chemical analysis of the breath and shall:

1. Approve training manuals and courses throughout the state for the training of law enforcement officers in the chemical analysis of a person's breath;
2. Certify the qualifications and competence of individuals to conduct the analysis;
3. Have trained technicians, approved by the secretary, test and certify the accuracy of the equipment to be used by law enforcement officers for chemical analysis of a person's breath under sub. (3) (a), (am), or (ar) before regular use of the equipment and periodically thereafter at intervals of not more than 120 days; and
4. Issue permits to individuals according to their qualifications.

**Cross-reference:** See also ch. *Trans 311*, Wis. adm. code.

(bm) Any relevant instruction, as defined in s. 101.02 (24) (a) 1., that an applicant for an approval, certification, or permit under par. (b) has obtained in connection with any military service, as defined in s. 111.32 (12g), counts toward satisfying any requirement for instruction for an approval, certification, or permit under par. (b) if the applicant demonstrates to the satisfaction of the department of transportation that the instruction obtained by the applicant is substantially equivalent to the instruction required for the approval, certificate, or permit under par. (b).

(c) For purposes of this section, if a breath test is administered using an infrared breath-testing instrument:

1. The test shall consist of analyses in the following sequence: one adequate breath sample analysis, one calibration standard analysis, and a 2nd, adequate breath sample analysis.
2. A sample is adequate if the instrument analyzes the sample and does not indicate the sample is deficient.
3. Failure of a person to provide 2 separate, adequate breath samples in the proper sequence constitutes a refusal.

(d) The department of transportation may promulgate rules pertaining to the calibration and testing of preliminary breath screening test devices.

(e) 1. In this paragraph, "licensor" means the department of health services or, with respect to permits issued under par. (b) 4., the department of transportation.

2. In addition to any other information required by the licensor, an application for a permit or laboratory approval under this subsection shall include the following:

- a. Except as provided in subd. 2. am., in the case of an individual, the individual's social security number.
- am. In the case of an individual who does not have a social security number, a statement made or subscribed under oath or affirmation that the applicant does not have a social security number. The form of the statement shall be prescribed by the department of children and families. A permit or approval that is issued or renewed under this section in reliance on a statement submitted under this subd. 2. am. is invalid if the statement is false.

b. In the case of a person who is not an individual, the person's federal employer identification number.

3. a. The licensor shall deny an application for the issuance or, if applicable, renewal of a permit or laboratory approval if the information required under subd. 2. a., am. or b. is not included in the application.

b. The licensor may not disclose any information received under subd. 2. a. or b. except to the department of children and families for purposes of administering s. 49.22, the department of revenue for the sole purpose of requesting certifications under s. 73.0301, and the department of workforce development for the sole purpose of requesting certifications under s. 108.227.

4. A permit under this subsection shall be denied, restricted, limited or suspended if the applicant or licensee is an individual who is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857.

5. If the licensor is the department of health services, the department of health services shall deny an application for the issuance or renewal of a permit or laboratory approval, or revoke a permit or laboratory approval already issued, if the department of revenue certifies under s. 73.0301 that the applicant or holder of the permit or laboratory approval is liable for delinquent taxes. An applicant for whom a permit or laboratory approval is not issued or renewed, or an individual or laboratory whose permit or laboratory approval is revoked, under this subdivision for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this subsection.

6. If the licensor is the department of health services, the department of health services shall deny an application for the issuance or renewal of a permit or laboratory approval, or revoke a permit or laboratory approval already issued, if the department of workforce development certifies under s. 108.227 that the applicant or holder of the permit or laboratory approval is liable for delinquent unemployment insurance contributions. An applicant for whom a permit or laboratory approval is not issued or renewed, or an individual or laboratory whose permit or laboratory approval is revoked, under this subdivision for delinquent unemployment insurance contributions is entitled to a notice under s. 108.227 (2) (b) 1. b. and a hearing under s. 108.227 (5) (a) but is not entitled to any other notice or hearing under this subsection.

(7) **CHEMICAL TEST; ADMINISTRATIVE SUSPENSION.** (a) If a person submits to chemical testing administered in accordance with this section and any test results indicate the presence of a detectable amount of a restricted controlled substance in the person's blood or a prohibited alcohol concentration, the law enforcement officer shall report the results to the department. The person's operating privilege is administratively suspended for 6 months.

(b) If a person who was driving or operating or on duty time with respect to a commercial motor vehicle submits to chemical testing administered in accordance with this section and any test results indicate an alcohol concentration above 0.0, the law enforcement officer shall issue a citation for violation of s. 346.63 (7) (a) 1., issue citations for such other violations as may apply and issue an out-of-service order to the person for the 24 hours after the testing, and report both the out-of-service order and the test results to the department in the manner prescribed by the department. If the person is a nonresident, the department shall report issuance of the out-of-service order to the driver licensing agency in the person's home jurisdiction.

(8) **CHEMICAL TEST; ADMINISTRATIVE SUSPENSION; ADMINISTRATIVE AND JUDICIAL REVIEW.** (a) The law enforcement officer shall notify the person of the administrative suspension under sub. (7) (a). The notice shall advise the person that his or her operating

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privilege will be administratively suspended and that he or she has the right to obtain administrative and judicial review under this subsection. This notice of administrative suspension serves as a 30-day temporary license. An administrative suspension under sub. (7) (a) becomes effective at the time the 30-day temporary license expires. The officer shall submit or mail a copy of the notice to the department.

(am) The law enforcement officer shall provide the person with a separate form for the person to use to request the administrative review under this subsection. The form shall clearly indicate how to request an administrative review and shall clearly notify the person that this form must be submitted within 10 days from the notice date indicated on the form or the person's hearing rights will be deemed waived. The form shall, in no less than 16-point boldface type, be titled: **IMPORTANT NOTICE — RESPOND WITHIN TEN (10) DAYS.**

(b) 1. Within 10 days after the notification under par. (a), or, if the notification is by mail, within 13 days, excluding Saturdays, Sundays and holidays, after the date of the mailing, the person may request, in writing, that the department review the administrative suspension. The review procedure is not subject to ch. 227. Unless the hearing is by remote communication mechanism or record review, the department shall hold the hearing on the matter in the county in which the offense allegedly occurred or at the nearest office of the department if the offense allegedly occurred in a county in which the department does not maintain an office. The department, upon request of the person, may conduct a hearing under this paragraph by telephone, video conference, or other remote communication mechanism or by review of only the record submitted by the arresting officer and written arguments. The department shall hold a hearing regarding the administrative suspension within 30 days after the date of notification under par. (a). The person may present evidence and may be represented by counsel. The arresting officer need not appear at the administrative hearing unless subpoenaed under s. 805.07 and need not appear in person at a hearing conducted by remote communication mechanism or record review, but he or she must submit a copy of his or her report and the results of the chemical test to the hearing examiner.

2. The administrative hearing under this paragraph is limited to the following issues:

- a. The correct identity of the person.
- b. Whether the person was informed of the options regarding tests under this section as required under sub. (4).
- bm. Whether the person had a prohibited alcohol concentration or a detectable amount of a restricted controlled substance in his or her blood at the time the offense allegedly occurred.
- c. Whether one or more tests were administered in accordance with this section.
- d. If one or more tests were administered in accordance with this section, whether each of the test results for those tests indicate the person had a prohibited alcohol concentration or a detectable amount of a restricted controlled substance in his or her blood.
- e. If a test was requested under sub. (3) (a), whether probable cause existed for the arrest.
- f. Whether the person was driving or operating a commercial motor vehicle when the offense allegedly occurred.
- g. Whether the person had a valid prescription for methamphetamine or one of its metabolic precursors or gamma-hydroxybutyric acid or delta-9-tetrahydrocannabinol in a case in which subd. 4m. a. and b. apply.

3. The hearing examiner shall conduct the administrative hearing in an informal manner. No testimony given by any witness may be used in any subsequent action or proceeding. The hearing examiner may permit testimony by telephone if the site of the administrative hearing is equipped with telephone facilities to allow multiple party conversations.

4. The hearing examiner shall consider and determine the reliability of all of the evidence presented at the administrative hearing. Statements and reports of law enforcement officers are subject to the same standards of credibility applied to all other evidence presented.

4m. If, at the time the offense allegedly occurred, all of the following apply, the hearing officer shall determine whether the person had a valid prescription for methamphetamine or one of its metabolic precursors, gamma-hydroxybutyric acid, or delta-9-tetrahydrocannabinol:

a. A blood test administered in accordance with this section indicated that the person had a detectable amount of methamphetamine, gamma-hydroxybutyric acid, or delta-9-tetrahydrocannabinol but did not have a detectable amount of any other restricted controlled substance in his or her blood.

b. No test administered in accordance with this section indicated that the person had a prohibited alcohol concentration.

5. If the hearing examiner finds that any of the following applies, the examiner shall order that the administrative suspension of the person's operating privilege be rescinded without payment of any fee under s. 343.21 (1) (j), (jr), or (n):

a. The criteria for administrative suspension have not been satisfied.

b. The person did not have a prohibited alcohol concentration or a detectable amount of a restricted controlled substance in his or her blood at the time the offense allegedly occurred.

c. In a case in which subd. 4m. a. and b. apply, the person had a valid prescription for methamphetamine or one of its metabolic precursors, gamma-hydroxybutyric acid, or delta-9-tetrahydrocannabinol.

6. If the hearing examiner finds that all of the following apply, the administrative suspension shall continue regardless of the type of vehicle driven or operated at the time of the violation:

a. The criteria for administrative suspension have been satisfied.

b. The person had a prohibited alcohol concentration or a detectable amount of a restricted controlled substance in his or her blood at the time the offense allegedly occurred.

c. In a case in which subd. 4m. a. and b. apply, the person did not have a valid prescription for methamphetamine or one of its metabolic precursors, gamma-hydroxybutyric acid, or delta-9-tetrahydrocannabinol.

7. The hearing examiner shall notify the person in writing of the hearing decision, of the right to judicial review and of the court's authority to issue a stay of the suspension under par. (c). The administrative suspension is vacated and the person's operating privilege shall be automatically reinstated under s. 343.39 if the hearing examiner fails to mail this notice to the person within 30 days after the date of the notification under par. (a).

(c) 1. An individual aggrieved by the determination of the hearing examiner may have the determination reviewed by the court hearing the action relating to the applicable violation listed under sub. (3) (a), (am), or (ar). If the individual seeks judicial review, he or she must file the request for judicial review with the court within 20 days of the issuance of the hearing examiner's decision. The court shall send a copy of that request to the department. The judicial review shall be conducted at the time of the trial of the underlying offense under s. 346.63. The prosecutor of the underlying offense shall represent the interests of the department.

2. The court shall order that the administrative suspension be either rescinded or sustained and forward its order to the department. The department shall vacate the administrative suspension under sub. (7) unless, within 60 days of the date of the request for judicial review of the administrative hearing decision, the department has been notified of the result of the judicial review or of an



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order of the court entering a stay of the hearing examiner's order continuing the suspension.

3. Any party aggrieved by the order of a circuit court under subd. 2. may appeal to the court of appeals. Any party aggrieved by the order of a municipal court under subd. 2 may appeal to the circuit court for the county where the offense allegedly occurred.

4. A request for judicial review under this subsection does not stay any administrative suspension order.

5. If any court orders under this subsection that the administrative suspension of the person's operating privilege be rescinded, the person need not pay any fee under s. 343.21 (1) (j), (jr), or (n).

(d) A person who has his or her operating privilege administratively suspended under this subsection and sub. (7) (a) is eligible for an occupational license under s. 343.10 at any time.

(9) REFUSALS; NOTICE AND COURT HEARING. (a) If a person refuses to take a test under sub. (3) (a), the law enforcement officer shall immediately prepare a notice of intent to revoke, by court order under sub. (10), the person's operating privilege. If the person was driving or operating a commercial motor vehicle, the officer shall issue an out-of-service order to the person for the 24 hours after the refusal and notify the department in the manner prescribed by the department. The officer shall issue a copy of the notice of intent to revoke the privilege to the person and submit or mail a copy to the circuit court for the county in which the arrest under sub. (3) (a) was made or to the municipal court in the municipality in which the arrest was made if the arrest was for a violation of a municipal ordinance under sub. (3) (a) and the municipality has a municipal court. The officer shall also mail a copy of the notice of intent to revoke to the attorney for that municipality or to the district attorney for that county, as appropriate, and to the department. Neither party is entitled to pretrial discovery in any refusal hearing, except that, if the defendant moves within 30 days after the initial appearance in person or by an attorney and shows cause therefor, the court may order that the defendant be allowed to inspect documents, including lists of names and addresses of witnesses, if available, and to test under s. 804.09, under such conditions as the court prescribes, any devices used by the plaintiff to determine whether a violation has been committed. The notice of intent to revoke the person's operating privilege shall contain substantially all of the following information:

1. That prior to a request under sub. (3) (a), the officer had placed the person under arrest for a violation of s. 346.63 (1), (2m) or (5) or a local ordinance in conformity therewith or s. 346.63 (2) or (6), 940.09 (1) or 940.25 or had requested the person to take a test under sub. (3) (ar).

2. That the officer complied with sub. (4).

3. That the person refused a request under sub. (3) (a).

4. That the person may request a hearing on the revocation within 10 days by mailing or delivering a written request to the court whose address is specified in the notice. If no request for a hearing is received within the 10-day period, the revocation period commences 30 days after the notice is issued.

5. That the issues of the hearing are limited to:

a. Whether the officer had probable cause to believe the person was driving or operating a motor vehicle while under the influence of alcohol, a controlled substance or a controlled substance analog or any combination of alcohol, a controlled substance and a controlled substance analog, under the influence of any other drug to a degree which renders the person incapable of safely driving, or under the combined influence of alcohol and any other drug to a degree which renders the person incapable of safely driving, having a restricted controlled substance in his or her blood, or having a prohibited alcohol concentration or, if the person was driving or operating a commercial motor vehicle, an alcohol concentration of 0.04 or more and whether the person was lawfully placed under arrest for violation of s. 346.63 (1), (2m) or (5) or a local ordinance in conformity therewith or s. 346.63 (2) or (6), 940.09 (1) or 940.25.

b. Whether the officer complied with sub. (4).

c. Whether the person refused to permit the test. The person shall not be considered to have refused the test if it is shown by a preponderance of evidence that the refusal was due to a physical inability to submit to the test due to a physical disability or disease unrelated to the use of alcohol, controlled substances, controlled substance analogs or other drugs.

6. That, if it is determined that the person refused the test, there will be an order for the person to comply with assessment and a driver safety plan.

(am) If a person driving or operating or on duty time with respect to a commercial motor vehicle refuses a test under sub. (3) (am), the law enforcement officer shall immediately issue an out-of-service order to the person for the 24 hours after the refusal and notify the department in the manner prescribed by the department, and prepare a notice of intent to revoke, by court order under sub. (10), the person's operating privilege. The officer shall issue a copy of the notice of intent to revoke the privilege to the person and submit or mail a copy to the circuit court for the county in which the refusal is made or to the municipal court in the municipality in which the refusal is made if the person's refusal was in violation of a municipal ordinance and the municipality has a municipal court. The officer shall also mail a copy of the notice of intent to revoke to the attorney for that municipality or to the district attorney for that county, as appropriate, and to the department. Neither party is entitled to pretrial discovery in any refusal hearing, except that, if the defendant moves within 30 days after the initial appearance in person or by an attorney and shows cause therefor, the court may order that the defendant be allowed to inspect documents, including lists of names and addresses of witnesses, if available, and to test under s. 804.09, under such conditions as the court prescribes, any devices used by the plaintiff to determine whether a violation has been committed. The notice of intent to revoke the person's operating privilege shall contain substantially all of the following information:

1. That the officer has issued an out-of-service order to the person for the 24 hours after the refusal, specifying the date and time of issuance.

2. That the officer complied with sub. (4).

3. That the person refused a request under sub. (3) (am).

4. That the person may request a hearing on the revocation within 10 days by mailing or delivering a written request to the court whose address is specified in the notice. If no request for a hearing is received within the 10-day period, the revocation period commences 30 days after the notice is issued.

5. That the issues of the hearing are limited to:

a. Whether the officer detected any presence of alcohol, controlled substance, controlled substance analog or other drug, or a combination thereof, on the person or had reason to believe that the person was violating or had violated s. 346.63 (7).

b. Whether the officer complied with sub. (4).

c. Whether the person refused to permit the test. The person shall not be considered to have refused the test if it is shown by a preponderance of evidence that the refusal was due to a physical inability to submit to the test due to a physical disability or disease unrelated to the use of alcohol, controlled substances, controlled substance analogs or other drugs.

6. That if it is determined that the person refused the test there will be an order for the person to comply with assessment and a driver safety plan.

(b) The use of the notice under par. (a) or (am) by a law enforcement officer in connection with the enforcement of this section is adequate process to give the appropriate court jurisdiction over the person.

(c) If a law enforcement officer informs the circuit or municipal court that a person has refused to submit to a test under sub. (3) (a), (am), or (ar), the court shall be prepared to hold any requested hearing to determine if the refusal was proper. The

scope of the hearing shall be limited to the issues outlined in par. (a) 5. or (am) 5. Section 967.055 applies to any hearing under this subsection.

(d) At the close of the hearing, or within 5 days thereafter, the court shall determine the issues under par. (a) 5. or (am) 5. If all issues are determined adversely to the person, the court shall proceed under sub. (10). If one or more of the issues is determined favorably to the person, the court shall order that no action be taken on the operating privilege on account of the person's refusal to take the test in question. This section does not preclude the prosecution of the person for violation of s. 346.63 (1), (2m), (5) or (7) or a local ordinance in conformity therewith, or s. 346.63 (2) or (6), 940.09 (1) or 940.25.

(10) REFUSALS; COURT-ORDERED REVOCATION. (a) If the court determines under sub. (9) (d) that a person improperly refused to take a test or if the person does not request a hearing within 10 days after the person has been served with the notice of intent to revoke the person's operating privilege, the court shall proceed under this subsection. If no hearing was requested, the revocation period shall begin 30 days after the date of the refusal. If a hearing was requested, the revocation period shall commence 30 days after the date of refusal or immediately upon a final determination that the refusal was improper, whichever is later.

(b) 1. Except as provided in subds. 3. and 4., the court shall revoke the person's operating privilege under this paragraph according to the number of previous suspensions, revocations or convictions that would be counted under s. 343.307 (2). Suspensions, revocations and convictions arising out of the same incident shall be counted as one. If a person has a conviction, suspension or revocation for any offense that is counted under s. 343.307 (2), that conviction, suspension or revocation shall count as a prior conviction, suspension or revocation under this subdivision.

2. Except as provided in subd. 3., 4. or 4m., for the first improper refusal, the court shall revoke the person's operating privilege for one year. After the first 30 days of the revocation period, the person is eligible for an occupational license under s. 343.10.

3. Except as provided in subd. 4m., if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other convictions, suspensions, and revocations counted under s. 343.307 (2) within a 10-year period, equals 2, the court shall revoke the person's operating privilege for 2 years. After the first 90 days of the revocation period or, if the total number of convictions, suspensions, and revocations counted under this subdivision within any 5-year period equals 2 or more, after one year of the revocation period has elapsed, the person is eligible for an occupational license under s. 343.10 if he or she has completed the assessment and is complying with the driver safety plan.

4. Except as provided in subd. 4m., if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other convictions, suspensions, and revocations counted under s. 343.307 (2), equals 3 or more, the court shall revoke the person's operating privilege for 3 years. After the first 120 days of the revocation period or, if the total number of convictions, suspensions, and revocations counted under this subdivision within any 5-year period equals 2 or more, after one year of the revocation period has elapsed, the person is eligible for an occupational license under s. 343.10 if he or she has completed the assessment and is complying with the driver safety plan.

4m. If there was a minor passenger under 16 years of age in the motor vehicle at the time of the incident that gave rise to the improper refusal, the applicable minimum and maximum revocation periods under subd. 2., 3. or 4. for the improper refusal are doubled.

5. The time period under this paragraph shall be measured from the dates of the refusals or violations which resulted in revocations or convictions.

(c) 1. Except as provided in subd. 1. a. or b., the court shall order the person to submit to and comply with an assessment by an approved public treatment facility as defined in s. 51.45 (2) (c) for examination of the person's use of alcohol, controlled substances or controlled substance analogs and development of a driver safety plan for the person. The court shall notify the person and the department of transportation of the assessment order. The court shall also notify the person that noncompliance with assessment or the driver safety plan will result in license suspension until the person is in compliance. The assessment order shall:

a. If the person is a resident, refer the person to an approved public treatment facility in the county in which the person resides. The facility named in the order may provide for assessment of the person in another approved public treatment facility. The order shall provide that if the person is temporarily residing in another state, the facility named in the order may refer the person to an appropriate treatment facility in that state for assessment and development of a driver safety plan for the person satisfying the requirements of that state.

b. If the person is a nonresident, refer the person to an approved public treatment facility in this state. The order shall provide that the facility named in the order may refer the person to an appropriate treatment facility in the state in which the person resides for assessment and development of a driver safety plan for the person satisfying the requirements of that state.

c. Require a person who is referred to a treatment facility in another state under subd. 1. a. or b. to furnish the department written verification of his or her compliance from the agency which administers the assessment and driver safety plan program. The person shall provide initial verification of compliance within 60 days after the date of his or her conviction. The requirement to furnish verification of compliance may be satisfied by receipt by the department of such verification from the agency which administers the assessment and driver safety plan program.

2. The department of health services shall establish standards for assessment procedures and the driver safety plan programs by rule. The department of health services shall establish by rule conflict of interest guidelines for providers.

3. Prior to developing a plan which specifies treatment, the facility shall make a finding that treatment is necessary and appropriate services are available. The facility shall submit a report of the assessment and the driver safety plan within 14 days to the county department under s. 51.42, the plan provider, the department of transportation and the person, except that upon request by the facility and the person, the county department may extend the period for assessment for not more than 20 additional workdays. The county department shall notify the department of transportation regarding any such extension.

(d) The assessment report shall order compliance with a driver safety plan. The report shall inform the person of the fee provisions under s. 46.03 (18) (f). The driver safety plan may include a component that makes the person aware of the effect of his or her offense on a victim and a victim's family. The driver safety plan may include treatment for the person's misuse, abuse or dependence on alcohol, controlled substances or controlled substance analogs, attendance at a school under s. 345.60, or both. If the plan requires inpatient treatment, the treatment shall not exceed 30 days. A driver safety plan under this paragraph shall include a termination date consistent with the plan which shall not extend beyond one year. The county department under s. 51.42 shall assure notification of the department of transportation and the person of the person's compliance or noncompliance with assessment and treatment. The school under s. 345.60 shall notify the department, the county department under s. 51.42 and the person of the person's compliance or noncompliance with the requirements of the school. Nonpayment of the assessment fee or, if the person has the ability to pay, nonpayment of the driver safety plan fee is noncompliance with the court order. If the department is

notified of noncompliance, other than for nonpayment of the assessment fee or driver safety plan fee, it shall revoke the person's operating privilege until the county department under s. 51.42 or the school under s. 345.60 notifies the department that the person is in compliance with assessment or the driver safety plan. If the department is notified that a person has not paid the assessment fee, or that a person with the ability to pay has not paid the driver safety plan fee, the department shall suspend the person's operating privilege for a period of 2 years or until it receives notice that the person has paid the fee, whichever occurs first. The department shall notify the person of the suspension or revocation, the reason for the suspension or revocation and the person's right to a review. A person may request a review of a revocation based upon failure to comply with a driver safety plan within 10 days of notification. The review shall be handled by the subunit of the department of transportation designated by the secretary. The issues at the review are limited to whether the driver safety plan, if challenged, is appropriate and whether the person is in compliance with the assessment order or the driver safety plan. The review shall be conducted within 10 days after a request is received. If the driver safety plan is determined to be inappropriate, the department shall order a reassessment and if the person is otherwise eligible, the department shall reinstate the person's operating privilege. If the person is determined to be in compliance with the assessment or driver safety plan, and if the person is otherwise eligible, the department shall reinstate the person's operating privilege. If there is no decision within the 10-day period, the department shall issue an order reinstating the person's operating privilege until the review is completed, unless the delay is at the request of the person seeking the review.

(e) Notwithstanding par. (c), if the court finds that the person is already covered by an assessment or is participating in a driver safety plan or has had evidence presented to it by a county department under s. 51.42 that the person has recently completed assessment, a driver safety plan or both, the court is not required to make an order under par. (c). This paragraph does not prohibit the court from making an order under par. (c), if it deems such an order advisable.

(em) One penalty for improperly refusing to submit to a test for intoxication regarding a person arrested for a violation of s. 346.63 (2m) or (7) or a local ordinance in conformity therewith is revocation of the person's operating privilege for 6 months. If there was a minor passenger under 16 years of age in the motor vehicle at the time of the incident that gave rise to the improper refusal, the revocation period is 12 months. After the first 15 days of the revocation period, the person is eligible for an occupational license under s. 343.10. Any such improper refusal or revocation for the refusal does not count as a prior refusal or a prior revocation under this section or ss. 343.30 (1q), 343.307 and 346.65 (2). The person shall not be required to submit to and comply with any assessment or driver safety plan under pars. (c) and (d).

(f) The department may make any order which the court is authorized or required to make under this subsection if the court fails to do so.

(g) The court or department shall provide that the period of suspension or revocation imposed under this subsection or under sub. (7) shall be reduced by any period of suspension or revocation previously served under s. 343.30 (1p) or (1q) if both suspensions or revocations arose out of the same incident or occurrence. The court or department shall order that the period of suspension or revocation imposed under this subsection or sub. (7) run concurrently with any time remaining on a suspension or revocation imposed under s. 343.30 (1p) or (1q) arising out of the same incident or occurrence.

(10g) **SUSPENSIONS AND REVOCATIONS; EXTENSIONS.** For any suspension or revocation the court orders under sub. (10), the court shall extend the suspension or revocation period by the number of days to which the court sentences the person to imprisonment in a jail or prison.

(10m) **REFUSALS; IGNITION INTERLOCK OF A MOTOR VEHICLE.** The requirements and procedures for installation of an ignition interlock device under s. 343.301 apply when an operating privilege is revoked under sub. (10).

(11) **RULES.** The department shall promulgate rules under ch. 227 necessary to administer this section. The rules shall include provisions relating to the expeditious exchange of information under this section between the department and law enforcement agencies, circuit courts, municipal courts, attorneys who represent municipalities, district attorneys, and driver licensing agencies of other jurisdictions. The rules may not affect any provisions relating to court procedure.

**History:** 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cn., 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242; 2013 a. 36, 224.

**Cross-reference:** See also chs. DHS 62 and Trans 107 and 113, Wis. adm. code. Administration of a blood or breathalyzer test does not violate a defendant's privilege against self-incrimination. State v. Driver, 59 Wis. 2d 35, 207 N.W.2d 850 (1973).

The implied consent law must be liberally construed to effectuate its policies since it was intended to facilitate the taking of tests for intoxication and not to inhibit the ability of the state to remove drunken drivers from the highway. Scales v. State, 64 Wis. 2d 485, 219 N.W.2d 286 (1974).

Miranda warnings are not required when an arrested driver is asked to submit to a test for intoxication under the implied consent statute. State v. Bunders, 68 Wis. 2d 129, 227 N.W.2d 727 (1975).

There is no right to counsel prior to submitting to an intoxication test. A driver is obliged to promptly take or refuse the test. State v. Neitzel, 95 Wis. 2d 191, 289 N.W.2d 828 (1980).

The state need not prove that notices were sent to state officers under sub. (3) (b), 1985 stats. [now sub. (9) (a)]. State v. Polinski, 96 Wis. 2d 43, 291 N.W.2d 465 (1980).

When an officer initially requested a breath test, it was not an irrevocable election preventing the officer from requesting a urine test instead. The driver's refusal to submit urine justified revocation of his driver's license. State v. Pawlow, 98 Wis. 2d 703, 298 N.W.2d 220 (Ct. App. 1980).

The state need not affirmatively prove compliance with administrative code procedures as a foundation for admission of a breathalyzer test. City of New Berlin v. Wertz, 105 Wis. 2d 670, 314 N.W.2d 911 (Ct. App. 1981).

When a driver pled guilty to the underlying OWI charge, a charge of refusing a test under s. 343.305, 1979 stats., was properly dismissed as unnecessary. State v. Brooks, 113 Wis. 2d 347, 335 N.W.2d 354 (1983).

A breathalyzer approved in the administrative code has a prima facie presumption of accuracy. State v. Dwinell, 119 Wis. 2d 305, 349 N.W.2d 739 (Ct. App. 1984).

When blood alcohol content is tested under statutory procedures, the results of the test are mandatorily admissible. The physical sample tested is not evidence intended, required, or even susceptible of being produced by state under s. 971.23. State v. Ehlen, 119 Wis. 2d 451, 351 N.W.2d 503 (1984).

A judge's erroneous exclusion of a defendant's explanation for a refusal to take a blood test was not harmless error. State v. Bolstad, 124 Wis. 2d 576, 370 N.W.2d 257 (1985).

At a revocation hearing under sub. (3) (b) 5., 1985 stats. [now sub. (9) (a) 5.], the state need not establish to a reasonable certainty that the defendant was the actual driver of the vehicle stopped by the police. The probable cause standard satisfies due process. State v. Nordness, 128 Wis. 2d 15, 381 N.W.2d 300 (1986).

In sub. (2) (c), 1985 stats. [now sub. (3) (b)], "not capable of withdrawing consent," must be construed narrowly and applied infrequently. State v. Disch, 129 Wis. 2d 225, 385 N.W.2d 140 (1986).

Under the facts of the case, the state's refusal to provide an alternative blood alcohol test did not violate due process. State v. McCrossen, 129 Wis. 2d 277, 385 N.W.2d 161 (1986).

An arresting officer need not inform an accused that a test refusal can be used against the accused at trial. State v. Crandall, 133 Wis. 2d 251, 394 N.W.2d 905 (1986).

A mental disorder cannot justify a test refusal unless it is severe enough that the driver is deemed under sub. (3) (b) not to have refused at all. State v. Haganman, 133 Wis. 2d 381, 395 N.W.2d 617 (Ct. App. 1986).

The implied consent law does not prevent the state from obtaining chemical test evidence by alternative constitutional means. State v. Zielke, 137 Wis. 2d 39, 403 N.W.2d 427 (1987).

Appeal of an oral revocation order under sub. (10) may not be taken under s. 808.03 (1). State v. Borowski, 164 Wis. 2d 730, 476 N.W.2d 316 (Ct. App. 1991).

Evidence of refusal was not admissible when the defendant was not fully informed of the consequences in accordance with (former) sub. (4). State v. Algaier, 165 Wis. 2d 515, 478 N.W.2d 292 (Ct. App. 1991).

Substantial compliance with the requirements of (former) sub. (4) when the defendant was actually informed of all rights and penalties relating to him was sufficient. State v. Piskula, 168 Wis. 2d 135, 483 N.W.2d 250 (Ct. App. 1992). See also Village of Oregon v. Bryant, 188 Wis. 2d 680, 524 N.W.2d 635 (1994).

The sub. (9) (a) requirement that a notice of intent to revoke be prepared and served immediately is directory and not mandatory. State v. Moline, 170 Wis. 2d 531, 489 N.W.2d 667 (Ct. App. 1992).

An accused's request under sub. (5) (a) for his or her own test only requires the arresting agency to make the accused available to obtain the test, not to take an active

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part in obtaining the test. *State v. Vincent*, 171 Wis. 2d 124, 490 N.W.2d 761 (Ct. App. 1992).

When an officer knew the defendant was licensed as a commercial operator and the ensuing revocation revoked all operating privileges, the commercial operator warnings, under (former) sub. (4) were required. *State v. Geraldson*, 176 Wis. 2d 487, 500 N.W.2d 415 (Ct. App. 1993).

Overstatement of the potential penalties for refusal to submit to a chemical test was substantial compliance with (former) sub. (4) and not grounds for reversing a revocation for refusal. *State v. Sutton*, 177 Wis. 2d 709, 503 N.W.2d 326 (Ct. App. 1993).

There was no error in informing a driver of all warnings under (former) sub. (4), including those applying to only commercial operators and those applying to only noncommercial operators, regardless of the driver's status. *Village of Elm Grove v. Landowski*, 181 Wis. 2d 137, 510 N.W.2d 752 (Ct. App. 1993).

Sub. (5) (b) requires a person drawing blood "under the direction of a physician" to have general authorization from the physician rather than a specific order in each case. *State v. Penzkofer*, 184 Wis. 2d 262, 516 N.W.2d 774 (Ct. App. 1994).

The state's burden of persuasion at a suppression hearing is significantly greater than at a refusal hearing. Consequently a defendant is not precluded from relitigating the issue of probable cause at a suppression hearing. *State v. Wille*, 185 Wis. 2d 673, 518 N.W.2d 325 (Ct. App. 1994).

Once a suspect has refused a second alternate blood alcohol test, there is no continuing obligation to accommodate future requests for an alternate test. *State v. Stary*, 187 Wis. 2d 266, 522 N.W.2d 32 (Ct. App. 1994).

Refusal to submit to a field sobriety test was properly admitted as evidence to determine probable cause for arrest for intoxicated operation of a motor vehicle. *State v. Babbit*, 188 Wis. 2d 349, 525 N.W.2d 102 (Ct. App. 1994).

A suspect must be properly informed under the implied consent law before evidence of a refusal may be admitted at a subsequent trial, but the state is not prevented from using the evidence if a revocation hearing is not held. *State v. Donner*, 192 Wis. 2d 305, 531 N.W.2d 369 (Ct. App. 1995).

A driver's "subjective confusion" over the right not to take the chemical test is not grounds for challenging the propriety of the warnings given prior to administering the test. There is a 3-part standard to be applied in determining the adequacy of the warnings. *County of Ozaukee v. Quelle*, 198 Wis. 2d 269, 542 N.W.2d 196 (Ct. App. 1995), 95-1074. But see *Washburn County v. Smith*, 2008 WI 23, 308 Wis. 2d 65, 746 N.W.2d 243, 06-3163.

The implied consent law does not expressly require a suspect's written consent to the blood alcohol test. A consent form will be liberally construed to determine whether it misinforms the suspect of the law. *State v. Spring*, 204 Wis. 2d 343, 555 N.W.2d 384 (Ct. App. 1996), 96-3565.

Criminal prosecution for operating a motor vehicle with a prohibited blood alcohol content subsequent to an administrative suspension of a driver's operating privileges in the same case does not constitute multiple punishment and does not constitute double jeopardy. *State v. McMaster*, 206 Wis. 2d 30, 556 N.W.2d 673 (1996), 95-1159.

A finding in an administrative review under sub. (8) that there was no probable cause for an arrest does not preclude the consideration of the same issue in a criminal proceeding. *State v. Kasian*, 207 Wis. 2d 611, 558 N.W.2d 687 (Ct. App. 1996), 96-1603.

When an officer exceeds the duty to give warnings prior to administering the test and gives erroneous information, it is the defendant's burden to prove by a preponderance of the evidence that the erroneous information caused the defendant's refusal. *State v. Ludwigson*, 212 Wis. 2d 871, 569 N.W.2d 762 (Ct. App. 1997), 97-0417.

Willingness to submit to a blood alcohol test, subsequent to an earlier refusal, does not cure the refusal. *State v. Rydeski*, 214 Wis. 2d 101, 571 N.W.2d 417 (Ct. App. 1997), 97-0169.

A verbal refusal to submit to a blood alcohol test is not required to find a refusal. Conduct may serve as the basis for finding a refusal. *State v. Rydeski*, 214 Wis. 2d 101, 571 N.W.2d 417 (Ct. App. 1997), 97-0169.

The chief of the DOT chemical test section is given authority to determine the procedures for evaluation of breath testing instruments. The consideration of modifications made to a new model of a previously tested machine and determination that the 2 models were analytically the same was sufficient testing. *State v. Busch*, 217 Wis. 2d 429, 576 N.W.2d 904 (1998), 96-2822.

When a defendant submitted to a blood test prior to being placed under arrest, the test was not made pursuant to this section. As such, there was no right to an alternative test under sub. (5). *State v. Thurk*, 224 Wis. 2d 662, 592 N.W.2d 1 (Ct. App. 1999), 98-0251.

There is no constitutional duty to inform suspected drunk drivers that the right to counsel does not attach to the implied consent statute. *State v. Reitter*, 227 Wis. 2d 213, 595 N.W.2d 646 (1999), 98-0915.

A warrantless blood draw is permissible when: 1) the blood is taken to obtain evidence of intoxication from a person lawfully arrested; 2) there is a clear indication that evidence of intoxication will be produced; 3) the method used is reasonable and performed in a reasonable manner; and 4) the arrestee presents no reasonable objection. *State v. Thorstad*, 2000 WI App 199, 238 Wis. 2d 666, 618 N.W.2d 240, 99-1765.

Although a notice of intent to revoke operating privileges under sub. (9) (a) did not contain "substantially all" of the statutorily required information, it provided meaningful notice and opportunity to be heard. As such the error was technical and required a finding of prejudice for dismissal of the action. *State v. Gautschi*, 2000 WI App 274, 240 Wis. 2d 83, 622 N.W.2d 24, 99-3065.

The notice under sub. (4) regarding the consequences for failing to submit to a blood alcohol does not violate due process. It does not mislead accused persons regarding taking or refusing the blood alcohol test. *State v. Nord*, 2001 WI App 48, 241 Wis. 2d 387, 625 N.W.2d 302, 00-1529.

In giving the warnings required under sub. (4), an officer is required to utilize methods that, according to the circumstances at the time, are reasonable and will convey the warnings. Whether the accused driver comprehends the warnings is not part of the inquiry. A driver's hearing impairment must be taken into account and accommodated as is reasonably possible under the circumstances. *State v. Piddington*, 2001 WI 24, 241 Wis. 2d 754, 623 N.W.2d 528, 99-1250.

Drivers have no right to refuse a chemical test and need not consent to a test. When there is a refusal, the implied consent law does not preclude police from pursuing other constitutional avenues for collecting evidence. *State v. Gibson*, 2001 WI App 71, 242 Wis. 2d 267, 626 N.W.2d 73, 00-2399.

That a person agreed to a breath test but not a blood test, did not render police insistence on a blood test unreasonable. *State v. Wodenjak*, 247 Wis. 2d 554, 634 N.W.2d 867.

By consenting to the taking of a blood sample, the defendant also consented to the chemical analysis of the sample. These are not separate events for warrant requirement purposes. *State v. VanLaarhoven*, 2001 WI App 275, 248 Wis. 2d 881, 637 N.W.2d 411, 01-0222.

A warrantless blood draw by a physician in a jail setting may be unreasonable if it invites an unjustified element of personal risk of pain and infection. Absent evidence of those risks, a blood draw under those circumstances was reasonable. *State v. Daggert*, 2002 WI App 32, 250 Wis. 2d 112, 640 N.W.2d 546, 01-1417.

The circuit court's improper denial of a hearing requested under sub. (8) as the result of its miscalculation of time that resulted in a suspension without a hearing was not a fundamental error entitling the defendant to dismissal of the conviction against him when the court, on realizing the error, conducted a hearing and found that the defendant's refusal was improper and a license suspension was in order. *State v. Carlson*, 2002 WI App 44, 250 Wis. 2d 562, 641 N.W.2d 451, 01-1088.

Sub. (9) (a) does not provide the exclusive option when faced with an arrestee who refuses to submit to a chemical test. An officer may acknowledge the refusal, complete the sub. (9) (a) intent to revoke form, and then proceed with an involuntary blood test, using reasonable force to withdraw blood from a noncompliant suspect. The officer may necessarily inform a suspect that such a procedure is a possibility upon his or her refusal. *State v. Marshall*, 2002 WI App 73, 251 Wis. 2d 408, 642 N.W.2d 571, 01-1403.

When the arresting officer makes no specific threats beyond what arises under this section, the threat of lost driving privileges does not constitute a coercive measure that invalidates a defendant's consent for 4th amendment purposes. An arresting officer, by reading the informing the accused form, simply states the truth: refusal to submit to a chemical test will result in driving privileges being revoked. Officers are entitled to make true statements. *Village of Little Chute v. Walitalo*, 2002 WI App 211, 256 Wis. 2d 1032, 650 N.W.2d 891, 01-3060. See also, *State v. Wintland*, 2002 WI App 314, 258 Wis. 2d 875, 655 N.W.2d 745, 02-0965.

Repeated requests for an attorney can amount to a refusal as long as the officer informs the driver that there is no right to an attorney at that point. *State v. Baratka*, 2002 WI App 288, 258 Wis. 2d 342, 654 N.W.2d 875, 02-0770.

If an officer explicitly assures or implicitly suggests that a custodial defendant has a right to consult counsel before deciding whether to submit to the test, the defendant relied on the offering, and the officer nonetheless marked a refusal despite the defendant's reliance, then the refusal was reasonably made. *State v. Verklir*, 2003 WI App 37, 260 Wis. 2d 391, 659 N.W.2d 137, 02-1545.

This section does not require that test results must be suppressed when there is a failure to reasonably convey the implied consent warnings to an apprehended driver. Under the circumstances of this case on remand the defendant was entitled to pursue an order prohibiting the automatic admissibility of the blood test result pursuant to s. 885.235, which if granted would require the state to establish the admissibility of the blood test, including establishing a foundation. *State v. Begicovic*, 2004 WI App 57, 270 Wis. 2d 675, 678 N.W.2d 293, 03-1223.

The approval of an instrument under sub. (6) (b) without promulgation of an administrative rule under ch. 227 did not constitute creation of an invalid administrative rule. *County of Dane v. Winsand*, 2004 WI App 86, 271 Wis. 2d 786, 679 N.W.2d 885, 03-2004.

Sub. (5) (a) does not impose a requirement that the request for an additional blood test be made after the first test is completed. *State v. Schmidt*, 2004 WI App 235, 277 Wis. 2d 561, 691 N.W.2d 379, 04-0904.

When police have informed a suspect of his or her right to an alternative test at agency expense, the suspect has ample opportunity to make a request, the suspect makes no request, and the suspect is released from custody and leaves the presence of custodial police, a subsequent request for an alternative test at agency expense is not a request within the meaning of sub. (5) (a). *State v. Fahey*, 2005 WI App 171, 285 Wis. 2d 679, 702 N.W.2d 400, 04-0102.

There is no right to counsel at the refusal hearing because such a hearing is civil, not criminal, in nature and therefore there is no constitutional right to effective assistance of counsel. *State v. Krause*, 2006 WI App 43, 289 Wis. 2d 573, 712 N.W.2d 67, 05-0472.

Giving *Miranda* warnings prior to reading Informing the Accused warnings under this section does not lead to a conclusion that the officer explicitly assured or implicitly suggested that a defendant has a right to consult counsel or to stand silent in the face of the implied consent warnings. Such a conclusion requires that the accused must be told he or she has the right to consult with counsel before deciding to submit to chemical testing and that the accused relied on the assurance or suggestion when responding to the request for a chemical test. *State v. Kliss*, 2007 WI App 13, 298 Wis. 2d 275, 728 N.W.2d 9, 06-0113.

There cannot be substantial compliance with sub. (4) when the law enforcement officer fails to give the defendant the statutorily required information about penalties. If the circuit court determines that the officer failed to inform the accused in compliance with the statute, the court shall order that no action be taken on the operating privilege on account of the person's refusal to take the test in question. This does not apply misstatements of information beyond the required information, which are governed by *Ludwigson*. *Washburn County v. Smith*, 2008 WI 23, 308 Wis. 2d 65, 746 N.W.2d 243, 06-3163.

When law enforcement invokes this section to obtain a primary test for intoxication, it must: 1) provide the primary test of its choice at its own expense; 2) provide an opportunity for a second test of its choice at agency expense; and 3) if the second test is refused by the suspect in favor of one at his or her own expense, it must provide a reasonable opportunity for a test of the suspect's choice at the suspect's expense. *State v. Batt*, 2010 WI App 155, 330 Wis. 2d 159, 793 N.W.2d 104, 09-3069.

Sub. (9) (a) 5. a. does not limit the circuit court to considering whether, based on all the evidence gathered up until the moment of the arrest, the officer had probable cause to believe the defendant was operating while under the influence of an intoxicant.

2015–16 Wisconsin Statutes updated through 2017 Wis. Act 6 and all Supreme Court and Controlled Substances Board Orders effective on or before May 3, 2017. Published and certified under s. 35.18. Changes effective after May 3, 2017 are designated by NOTES. (Published 5–3–17)

cant. A defendant may also contest whether he or she was lawfully placed under arrest. As part of this inquiry, the circuit court may entertain an argument that the arrest was unlawful because the traffic stop that preceded it was not justified by either probable cause or reasonable suspicion. *State v. Anagnos*, 2012 WI 64, 341 Wis. 2d 576, 815 N.W.2d 675, 10–1812.

Under *Brooks*, a circuit court has the discretionary authority to dismiss a refusal charge only if the defendant has already pleaded guilty to the underlying OWI or OWI-related charge by the time of his or her refusal hearing, which was timely requested. Extending *Brooks* to allow circuit courts the discretionary authority to dismiss refusal charges in cases in which a defendant has pleaded not guilty to the underlying OWI, PAC, or other related charge would contravene the purpose of this section. *State v. Bentdahl*, 2013 WI 106, 351 Wis. 2d 739, 840 N.W.2d 704, 12–1426.

It is incorrect to say that a driver who consents to a blood draw after receiving the advisement contained in the "Informing the Accused" form has given "implied consent." If a driver consents under that circumstance, that consent is actual consent, not implied consent. If the driver refuses to consent, he or she thereby withdraws "implied consent" and accepts the consequences of that choice. The implied consent law is explicitly designed to allow the driver, and not the police officer, to make the choice as to whether the driver will give or decline to give actual consent to a blood draw when put to the choice between consent or automatic sanctions. *State v. Padley*, 2014 WI App 65, 354 Wis. 2d 545, 849 N.W.2d 867, 13–0852.

Sub. (3) (ar) 2. is not facially unconstitutional. It does not authorize law enforcement to compel an unreasonable search, as it does not authorize searches. It authorizes law enforcement to require a driver to choose between giving actual consent to a blood draw, or withdrawing "implied consent" and suffering implied-consent-law sanctions. *State v. Padley*, 2014 WI App 65, 354 Wis. 2d 545, 849 N.W.2d 867, 13–0852.

The "reason to believe" standard in sub. (3) (ar) 2. requires that the law enforcement officer have a "minimal suspicion" that the defendant has committed a traffic violation. *State v. Padley*, 2014 WI App 65, 354 Wis. 2d 545, 849 N.W.2d 867, 13–0852.

The premise that a defendant's consent was coerced on the grounds that the defendant would have won at a refusal hearing is rejected. The fact that the defendant could have prevailed at a refusal hearing due to the legislature's failure to amend the refusal hearing statute does not transform the defendant's freely given actual consent under the implied consent law into a coerced submission. *State v. Blackman*, 2016 WI App 69, \_\_\_ Wis. 2d \_\_\_, \_\_\_ N.W.2d \_\_\_, 15–0450.

Testimony showed that a doctor had issued a standing order authorizing an ambulance district's EMTs to draw blood when requested to do so by law enforcement, and instead of personally observing each individual blood draw, the doctor had allowed the EMTs to perform blood draws on their own while making himself accessible by telephone should any problems arise. The testimony left no doubt that it was the doctor who was in charge of blood-drawing activities conducted by the EMTs. To require more evidence than what the state provided to establish that the EMT who drew the blood in this OWI case was acting under the direction of the doctor would have been to require a specific type or degree of direction that sub. (5) (b) does not so specify. *State v. Kozel*, 2017 WI 3, \_\_\_ Wis. 2d \_\_\_, \_\_\_ N.W.2d \_\_\_, 15–0656.

It was constitutionally reasonable for an EMT, as opposed to a physician, to draw an OWI suspect's blood. The important point for constitutional purposes was that the evidence demonstrated that the EMT was thoroughly trained and experienced in properly drawing blood. Also, it was not unreasonable for the blood draw to occur in the non-medical setting of the jail when the evidence indicated that the room in which the blood was drawn "was clean and as clean as a hospital emergency room," and the EMT used a new blood draw kit containing a sterile needle. *State v. Kozel*, 2017 WI 3, \_\_\_ Wis. 2d \_\_\_, \_\_\_ N.W.2d \_\_\_, 15–0656.

When a law enforcement officer has reasonable grounds to believe that an unconscious person is guilty of driving while intoxicated, a blood sample may be taken, and the test results are admissible in evidence and may not be excluded by the trial court. 59 Atty. Gen. 183.

Implied consent is discussed. 62 Atty. Gen. 174.

The method by which a law enforcement agency may provide 2 tests for blood alcohol content under sub. (1), 1985 stats. [now sub. (2)] is discussed. The agency is not required to actually own or physically possess the testing devices. 63 Atty. Gen. 119.

Under s. 343.305 (1) and (4), 1985 stats., hospital personnel must administer tests and report results at the request of officers, subject to penalty under s. 946.40. 68 Atty. Gen. 209.

Federal law requiring confidentiality of patient records has no application to the taking of a blood sample under this section. 73 Atty. Gen. 45.

A law enforcement officer may use physical restraint, subject to constitutional limitations, in order to draw a legally justified blood sample. Refusal by a health professional to comply with a law enforcement officer's authorized request to take a blood sample from a person whom the officer has legally restrained by force constitutes refusal to aid an officer under s. 946.40. 74 Atty. Gen. 123.

Refusal hearings under this section are discussed. 77 Atty. Gen. 4.

A Massachusetts implied consent law that mandates suspension of a license for refusal to take a breath-analysis test did not violate the due process clause. *Mackey v. Montrym*, 443 U.S. 1 (1979).

The admission into evidence of a defendant's refusal to submit to a blood-alcohol test did not deny the right against self-incrimination. *South Dakota v. Neville*, 459 U.S. 553 (1983).

Wisconsin's new administrative suspension statute. 72 MLR 120 (1988).

The new OMOVWI law: Wisconsin changes its approach to the problem of drinking and driving. *Hammer*, WBB April, May 1982.

Technical problems corrected: Operating while intoxicated. *Hancock and Maassen*. WBB Apr. 1987.

Wisconsin's breath testing program. *Booker*. WBB Oct. 1988.

Rethinking Refusal: Wisconsin's Implied Consent Law. *Lotke*. Wis. Law. July 1993.

Using Preliminary Breath Test Results in Trials? Don't Hold Your Breath. *Anderegg*. Wis. Law. Jan. 2015

**343.307 Prior convictions, suspensions or revocations to be counted as offenses.** (1) The court shall count the following to determine the length of a revocation under s. 343.30 (1q) (b) and to determine the penalty under ss. 114.09 (2) and 346.65 (2):

(a) Convictions for violations under s. 346.63 (1), or a local ordinance in conformity with that section.

(b) Convictions for violations of a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63 (1).

(c) Convictions for violations under s. 346.63 (2) or 940.25, or s. 940.09 where the offense involved the use of a vehicle.

(d) Convictions under the law of another jurisdiction that prohibits a person from refusing chemical testing or using a motor vehicle while intoxicated or under the influence of a controlled substance or controlled substance analog, or a combination thereof; with an excess or specified range of alcohol concentration; while under the influence of any drug to a degree that renders the person incapable of safely driving; or while having a detectable amount of a restricted controlled substance in his or her blood, as those or substantially similar terms are used in that jurisdiction's laws.

(e) Operating privilege suspensions or revocations under the law of another jurisdiction arising out of a refusal to submit to chemical testing.

(f) Revocations under s. 343.305 (10).

(g) Convictions for violations under s. 114.09 (1) (b) 1. or 1m.

(2) The court shall count the following to determine the length of a revocation under s. 343.305 (10) and to determine the penalty under s. 346.65 (2j) and to determine the prohibited alcohol concentration under s. 340.01 (46m):

(a) Convictions for violations under s. 346.63 (1) or (5), or a local ordinance in conformity with either section.

(b) Convictions for violations of a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63 (1) or (5).

(c) Convictions for violations under s. 346.63 (2) or (6).

(d) Convictions under the law of another jurisdiction that is in substantial conformity with 49 CFR 383.51 (b) Table 1, items (1) to (4).

(e) Convictions under the law of another jurisdiction that prohibits a person from refusing chemical testing or using a motor vehicle while intoxicated or under the influence of a controlled substance or controlled substance analog, or a combination thereof; with an excess or specified range of alcohol concentration; while under the influence of any drug to a degree that renders the person incapable of safely driving; or while having a detectable amount of a restricted controlled substance in his or her blood, as those or substantially similar terms are used in that jurisdiction's laws.

(f) Operating privilege suspensions or revocations under the law of another jurisdiction arising out of a refusal to submit to chemical testing.

(g) Revocations under s. 343.305 (10).

(h) Convictions for violations under s. 940.09 (1) or 940.25.

(3) If the same elements of the offense must be proven under a local ordinance or under a law of a federally recognized American Indian tribe or band in this state as under s. 346.63 (1) (a), (am), or (b), any combination of s. 346.63 (1) (a), (am), or (b), or s. 346.63 (5), the local ordinance or the law of a federally recognized American Indian tribe or band in this state shall be considered to be in conformity with s. 346.63 (1) (a), (am), or (b), any combination of s. 346.63 (1) (a), (am), or (b), or s. 346.63 (5), for

# APPENDIX DD-3: S. 346.89, WIS. STATS. INATTENTIVE DRIVING

Updated 2015–16 Wis. Stats. Published and certified under s. 35.18. May 3, 2017.

37 Updated 15–16 Wis. Stats.

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(c) No person shall drive any motor vehicle upon a highway so loaded or with any object so placed or suspended in or upon the vehicle so as to obstruct the driver's clear vision through the rear window unless such vehicle is equipped with an outside rear view mirror meeting the requirements of s. 347.40.

(d) Signal lamps used by authorized emergency vehicles shall not be considered a violation of this section.

(4) The windshield, side wings and side and rear windows of a motor vehicle shall be kept reasonably clean at all times.

Sub. (3) (a) creates an absolute prohibition on "any sign, poster or other nontransparent material upon the front windshield. . ." By contrast, sub. (4) states: "The windshield, side wings and side and rear windows of a motor vehicle shall be kept reasonably clean at all times." There is "no reason why the legislature would choose to ban oil change stickers, often no more than one or two square inches in size and placed in a top corner of a windshield, but require that same area of a windshield be only 'reasonably' clean." Instead, sub. (3) (a) is interpreted to prohibit the attachment of signs, posters, and other items of a similar nature to the front windshield of a motor vehicle. *State v. Houghton*, 2015 WI 79 364 Wis. 2d 234, 868 N.W.2d 143, 13–1581.

Sub. (3) (b), which requires that an object obstruct a driver's clear view to be a violation, does not mean that every object in a driver's clear view is a violation. Rather, sub. (3) (b) requires a material obstruction, even if minor, in order to be considered a violation of the statute. *State v. Houghton*, 2015 WI 79 364 Wis. 2d 234, 868 N.W.2d 143, 13–1581.

**346.89 Inattentive driving.** (1) No person while driving a motor vehicle may be engaged or occupied with an activity, other than driving the vehicle, that interferes or reasonably appears to interfere with the person's ability to drive the vehicle safely.

(3) (a) No person may drive, as defined in s. 343.305 (1) (b), any motor vehicle while composing or sending an electronic text message or an electronic mail message.

(b) This subsection does not apply to any of the following:

1. The operator of an authorized emergency vehicle.  
2. The use of any device whose primary function is transmitting and receiving emergency alert messages and messages related to the operation of the vehicle or an accessory that is integrated into the electrical system of a vehicle, including a global positioning system device.

3. An amateur radio operator who holds a valid amateur radio operator's license issued by the federal communications commission when he or she is using dedicated amateur radio 2-way radio communication equipment and observing proper amateur radio operating procedures.

4. The use of a voice-operated or hands-free device if the driver of the motor vehicle does not use his or her hands to operate the device, except to activate or deactivate a feature or function of the device.

(4) (a) Subject to sub. (3), no person who holds a probationary license issued under s. 343.085, or an instruction permit issued under s. 343.07, may drive, as defined in s. 343.305 (1) (b), any motor vehicle while using a cellular or other wireless telephone, except to report an emergency.

(b) 1. In this paragraph:

a. "Commercial motor vehicle" has the meaning given in 49 CFR 390.5.

b. "Drive" means the exercise of physical control over the speed and direction of a motor vehicle while it is in motion or is temporarily stationary because of traffic, a traffic control device, or other momentary delay.

c. "Mobile telephone" has the meaning given in 49 CFR 390.5.

2. Subject to sub. (3), except to report an emergency to law enforcement officials or other emergency service providers, no person may drive any commercial motor vehicle while using a hand-held mobile telephone in any the following manners:

a. Using at least one hand to hold a mobile telephone or any connected accessory to conduct a voice communication.

b. Dialing or answering a mobile telephone by pressing more than a single button.

c. Reaching for a mobile telephone in a manner that requires the driver to maneuver so that he or she is no longer in a seated driving position.

(4m) No person may drive, as defined in s. 343.305 (1) (b), any motor vehicle while using a cellular or other wireless telephone, including using the telephone for a purpose other than communication, where persons engaged in work in a highway maintenance or construction area or in a utility work area are at risk from traffic, except to report an emergency. This subsection does not apply to the use of a voice-operated or hands-free device if the driver of the motor vehicle does not use his or her hands to operate the device, except to activate or deactivate a feature or function of the device.

(5) Subject to subs. (3) and (6), no person while driving a motor vehicle, other than an authorized emergency vehicle, a commercial motor vehicle described in s. 340.01 (8), or a tow truck, may operate or be in a position to directly observe any electronic device located within the vehicle that is activated and that is providing entertainment primarily by visual means. This subsection does not prohibit a person from using a cellular telephone for purposes of verbal communication.

(6) Subsection (5) does not apply to any of the following:

(a) Any global positioning system device.

(b) The display by any device of information related to the operation, navigation, condition, radio, or safety of the vehicle or that is intended to be used to enhance the driver's view forward, behind, or to the sides of a motor vehicle.

(c) The display by any device of information related to traffic, road, or weather conditions.

(d) Any device in a vehicle that permits the vehicle driver to monitor vehicle occupants seated rearward of the driver.

(e) Any device installed or mounted, either permanently or temporarily, in the vehicle that, with respect to the vehicle operator, functions as provided in par. (a), (b), (c), or (d) while simultaneously providing entertainment visible only from passenger seats of the vehicle.

History: 2009 a. 220; 2011 a. 164; 2013 a. 350; 2015 a. 123, 308.

**346.90 Following emergency vehicle.** The operator of any vehicle other than one on official business shall not follow an authorized emergency vehicle responding to a call or alarm closer than 500 feet or drive into or park his or her vehicle within the block where, or within 300 feet of the driveway entrance or similar point of access to a driveway or road on which, fire apparatus has stopped in response to an alarm. The personal vehicles of members of a volunteer fire department answering the alarm are considered on official business.

History: 1975 c. 253, 421.

**346.91 Crossing fire hose.** No person without the consent of the fire department official in command may drive a vehicle over any unprotected hose of a fire department when such hose is laid down on any street or private driveway to be used at any training exercise, scene of an emergency, or alarm of emergency.

History: 1985 a. 187; 2005 a. 144.

**346.915 Following snowplows.** (1) In this section, "snowplow" means a vehicle that is operated by a person employed by or on behalf of an authority in charge of the maintenance of the highway to perform highway winter maintenance snow and ice removal, including plowing, salting, and sanding, during either a storm or cleanup following a storm and which is using lamps described in s. 347.26 (7).

(2) (a) The operator of any vehicle that is not a snowplow may not follow a snowplow closer than the following distances, if the snowplow is engaged in highway winter maintenance snow and ice removal, as described in sub. (1), and is using lamps described in s. 347.26 (7):

# APPENDIX DD-4: S. 346.95, WIS. STATS. PENALTY FOR VIOLATING SECTIONS 346.87 TO 346.94

Updated 2015–16 Wis. Stats. Published and certified under s. 35.18. May 3, 2017.

41 Updated 15–16 Wis. Stats.

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**346.94 (16)** shall be presumed liable for the violation as provided in this section.

(b) Notwithstanding par. (a), no owner of a vehicle involved in a violation of s. 346.94 (16) may be convicted under this section if the person operating the vehicle or having the vehicle under his or her control at the time of the violation has been convicted for the violation under this section or under s. 346.94 (16).

(2) Any member of the public who observes a violation of s. 346.94 (16) may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:

(a) The time and the approximate location at which the violation occurred.

(b) The license number and color of the motor vehicle involved in the violation.

(c) Identification of the motor vehicle as an automobile, motor truck, motor bus, motorcycle or other type of vehicle.

(3) (a) 1. Within 24 hours after observing the violation, a member of the public may deliver a report containing all of the information in sub. (2) to a traffic officer of the county or municipality in which the violation occurred. A report which does not contain all of the information in sub. (2) shall nevertheless be delivered and shall be maintained by the county or municipality for statistical purposes.

2. Within 48 hours after receiving a report containing all of the information in sub. (2), the traffic officer shall investigate the violation and may prepare a uniform traffic citation under s. 345.11 and, within 72 hours after receiving such report, any traffic officer employed by the authority issuing the citation may personally serve it upon the owner of the vehicle.

(b) If with reasonable diligence the owner cannot be served under par. (a), service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of the family who is at least 14 years of age and who shall be informed of the contents thereof. Service under this paragraph may be made by any traffic officer employed by the authority issuing the citation and shall be performed within 72 hours after a report containing all of the information in sub. (2) was delivered to a traffic officer under par. (a) 1.

(c) If with reasonable diligence the owner cannot be served under par. (a) or (b) or if the owner lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner's last-known address. Service under this paragraph shall be performed by posting the certified mail within 72 hours after a report containing all of the information in sub. (2) was delivered to a traffic officer under par. (a) 1. Except for owners who live outside of the jurisdiction of the issuing authority, service under this paragraph may not be performed unless service under pars. (a) and (b) has been attempted.

(4) Defenses to the imposition of liability under this section include:

(a) That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.

(b) If the owner of the vehicle provides a traffic officer employed by the authority issuing the citation with the name and address of the person operating the vehicle or having the vehicle under his or her control at the time of the violation and sufficient information for the officer to determine that probable cause does not exist to believe that the owner of the vehicle was operating the vehicle or having the vehicle under his or her control at the time of the violation, then the owner of the vehicle shall not be liable under this section or under s. 346.94 (16).

(c) If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a traffic officer employed by the authority issuing the citation with the information required under s. 343.46 (3), then the lessee and not the lessor shall be liable under this section or under s. 346.94 (16).

(d) If the vehicle is owned by a dealer, as defined in s. 340.01 (11) (intro.) but including the persons specified in s. 340.01 (11) (a) to (d), and at the time of the violation the vehicle was being operated by or was under the control of any person on a trial run, and if the dealer provides a traffic officer employed by the authority issuing the citation with the name, address and operator's license number of the person operating the vehicle or having the vehicle under his or her control on a trial run, then that person, and not the dealer, shall be liable under this section or under the applicable provision of s. 346.94 (16).

(5) Notwithstanding s. 346.94 (16) (b) 6., this section does not apply to the operation of a motorcycle.

History: 1995 a. 373; 1997 a. 27; 1999 a. 80.

## 346.95 Penalty for violating sections 346.87 to 346.94.

(1) Any person violating s. 346.87, 346.88, 346.89 (4), (4m), or (5), 346.90 to 346.92, or 346.94 (1), (9), (10), (11), (12), or (15) may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

(2) Any person violating s. 346.89 (1) or (3) (a) or 346.94 (2), (4), or (7) may be required to forfeit not less than \$20 nor more than \$400.

(2m) Any person violating s. 346.935 may be required to forfeit not more than \$100.

(3) Any person violating s. 346.94 (5) or (14) shall be required to forfeit \$50 for each offense.

(4) Any person violating s. 346.923, 346.925, or 346.94 (8), (8m), or (8s) may be required to forfeit not more than \$20 for the first offense and not more than \$50 for each subsequent offense.

(5) Any person violating s. 346.94 (13) or (21) may be required to forfeit not more than \$200.

(5e) Any person violating s. 346.94 (16) may be required to forfeit not less than \$40 nor more than \$80 for the first offense and not less than \$100 nor more than \$200 for the 2nd or subsequent conviction within a year.

(5g) A vehicle owner or other person found liable under s. 346.945 may be required to forfeit not less than \$40 nor more than \$80 for the first offense and not less than \$100 nor more than \$200 for the 2nd or subsequent conviction within a year. Imposition of liability under s. 346.945 shall not result in suspension or revocation of a person's operating license under s. 343.30, nor shall it result in demerit points being recorded on a person's driving record under s. 343.32 (2) (a).

(6) Any person violating s. 346.94 (17) or (18) may be required to forfeit not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the 2nd or subsequent conviction within a year.

(7) Any person violating s. 346.922 may be required to forfeit not less than \$10 nor more than \$25 for the first offense and not less than \$25 nor more than \$200 for a 2nd or subsequent conviction within 3 years.

(8) Any person violating s. 346.94 (19) may be required to forfeit not less than \$30 nor more than \$300.

(9) Any person violating s. 346.924 may be required to forfeit not less than \$500 nor more than \$5,000. Each violation constitutes a separate offense.

(10) (a) Any person who violates s. 346.94 (20) (b) and any person 16 years of age or older who violates s. 346.94 (20) (a) may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

(b) No forfeiture may be assessed for a violation of s. 346.94 (20) (a) if the violator is less than 16 years of age when the offense occurs.

(11) Any person violating s. 346.94 (22) (c) or (d) may be required to forfeit not more than \$200.

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Updated 15–16 Wis. Stats. 42

(12) (a) Any person violating s. 346.94 (23) (b), (c), (d), (e), or (f) may be required to forfeit not less than \$200 nor more than \$500.

(b) Any person violating s. 346.94 (23) (g) may be required to forfeit not less than \$1,000 nor more than \$2,000.

**History:** 1971 c. 278; 1973 c. 182, 314, 336; 1975 c. 297, 320; 1977 c. 68; 1983 a. 56, 175, 538; 1989 a. 335 s. 89; 1991 a. 83; 1993 a. 260, 455; 1995 a. 194, 373, 420; 1999 a. 109; 2001 a. 90; 2003 a. 192, 297, 327; 2005 a. 250; 2009 a. 22, 157, 220, 311; 2011 a. 164; 2013 a. 106, 350; 2015 a. 308.



# APPENDIX GDL-1: CH. 343, SUBCH. II, WIS. STATS. ISSUANCE, EXPIRATION AND RENEWAL OF LICENSES

Updated 2015–16 Wis. Stats. Published and certified under s. 35.18. May 15, 2017.

## 343.04 OPERATORS' LICENSES

Updated 15–16 Wis. Stats. 4

(e) *School buses.* All school buses, including those which are commercial motor vehicles.

(f) *Vehicles towing double or triple trailers.* Vehicles towing double or triple trailers are commercial motor vehicles with double or triple trailers.

History: 1989 a. 105; 1999 a. 140; 2003 a. 33; 2015 a. 123.

### SUBCHAPTER II

#### ISSUANCE, EXPIRATION AND RENEWAL OF LICENSES

**343.05 Operators to be licensed; exceptions. (1) GENERAL PROVISIONS.** (a) Except as provided in this subsection, no person may at any time have more than one operator's license. This prohibition includes, without limitation, having licenses from more than one state, having licenses under more than one name or birthdate, and having more than one license issued for the operation of different types or classes of vehicles. This paragraph does not apply to any person who has only operator's licenses issued by this state and by a country, province, or subdivision that is a party to an agreement under s. 343.16 (1) (d).

(c) A person may have both an operator's license and a duly issued instruction permit allowing restricted operation of a vehicle group not authorized by the license.

**(2) COMMERCIAL MOTOR VEHICLES.** (a) No person may operate a commercial motor vehicle upon a highway in this state unless the person is one of the following:

1. A resident who is at least 18 years of age, who is not disqualified under s. 343.315, who has a valid commercial driver license which is not revoked, suspended, canceled or expired and, for the operation of any vehicle type under s. 343.04 (2), has an endorsement authorizing operation of the vehicle type.

2. A nonresident who has in his or her immediate possession a valid commercial driver license issued to the person in another jurisdiction or Mexico bearing all endorsements required for the specific class and type of vehicle being operated. A license is not valid under this subdivision if the license is restricted to operation inside the person's home jurisdiction, or if the person is otherwise violating restrictions or exceeding operating authorization stated on the person's license. If the nonresident is operating a commercial motor vehicle in interstate commerce, he or she must be at least 21 years of age.

4. A person with a temporary license under s. 343.305 (8) (a) which expressly authorizes the operation of the applicable class and type of commercial motor vehicle and which is not expired.

(b) This subsection does not apply to a person whose operation of a commercial motor vehicle is subject to waiver under s. 343.055.

(c) A tow truck operator holding a valid commercial driver license who is engaged in the removal of a disabled or wrecked vehicle from the highway or eliminating a hazard is not required to hold an endorsement to his or her commercial driver license regardless of the type of vehicle being towed. This exception to the requirement for an endorsement does not apply to any subsequent towing of the vehicle, including moving the vehicle from one repair facility to another, unless one of the following applies:

1. The tow truck operator is accompanied by a driver who holds the required endorsements.

2. The vehicle is a vehicle that requires a "P" endorsement for its operation.

**(3) NONCOMMERCIAL VEHICLES.** Except as provided in sub. (4):

(a) No person may operate a motor vehicle which is not a commercial motor vehicle upon a highway in this state unless the person possesses a valid operator's license issued to the person by the department which is not revoked, suspended, canceled or expired.

(b) No person may operate a Type 1 motorcycle unless the person possesses a valid operator's license specifically authorizing the operation of Type 1 motorcycles.

(c) No person may operate a moped or motor bicycle unless the person possesses a valid operator's license or a special restricted operator's license issued under s. 343.135 or a restricted license issued under s. 343.08. A license under this paragraph does not authorize operation of a moped or motor bicycle if the license is revoked, suspended, canceled or expired.

**(4) EXEMPTIONS.** (a) The following are exempt from the licensing requirements of this chapter:

1. A person in the armed services while operating a motor vehicle owned by or leased to the federal government.

2. A person while temporarily operating or moving a farm tractor or implement of husbandry on a highway between fields or between a farm and a field.

3m. A person while operating motorized construction equipment. This subdivision does not apply to a truck or a construction vehicle designed for use on a roadway or to any vehicle exceeding a speed of 35 miles per hour.

(b) The following are exempt from the licensing requirements of sub. (3):

1. A nonresident who is at least 16 years of age and who has in his or her immediate possession a valid operator's license issued to the person in the person's home jurisdiction.

1m. A person who operates a limited use off-highway motorcycle, as defined in s. 23.335 (1) (o), only as authorized under s. 23.335.

2. Any nonresident of the United States who holds an international driving permit or a valid operator's license issued by a country which is a signatory to either the 1943 regulation of inter-American automotive traffic or the 1949 Geneva convention on road traffic.

3. Any nonresident of the United States who holds an international driving permit or a valid operator's license issued by Germany, Mexico, or Switzerland or by any other nation having a reciprocal agreement with the United States concerning driving privileges.

(c) An exemption under par. (b) 2. or 3. applies only for a period of one year after a nonresident's arrival in the United States.

**(5) PENALTIES.** (ag) In this subsection, "great bodily harm" has the meaning given in s. 939.22 (14).

(am) Any person who violates sub. (1) or (2) shall be:

1. Fined not less than \$200 nor more than \$600 or imprisoned for not more than 6 months or both for the first such violation.

2. Fined not less than \$300 nor more than \$1,000 or imprisoned for not less than 5 days nor more than 6 months or both for the 2nd offense occurring within 3 years.

3. Fined not less than \$1,000 nor more than \$2,000 and imprisoned for not less than 10 days nor more than 6 months for the 3rd or subsequent offense occurring within 3 years.

(b) 1. Except as provided in subds. 2. to 5. and sub. (6), any person who violates sub. (3) (a) may be required to forfeit not more than \$200 for the first offense, may be fined not more than \$300 and imprisoned for not more than 30 days for the 2nd offense occurring within 3 years, and may be fined not more than \$500 and imprisoned for not more than 6 months for the 3rd or subsequent offense occurring within 3 years. In this paragraph, a violation of a local ordinance in conformity with this section or a violation of a law of a federally recognized American Indian tribe or band in this state in conformity with this section shall count as a previous offense.

2. A person whose operator's license has expired not more than 3 months before a violation of sub. (3) (a) may be required to forfeit not more than \$100 for the first offense.

2015–16 Wisconsin Statutes updated through 2017 Wis. Act 6 and all Supreme Court and Controlled Substances Board Orders effective on or before May 15, 2017. Published and certified under s. 35.18. Changes effective after May 15, 2017 are designated by NOTES. (Published 5–15–17)

4. Except as provided in subd. 2. and sub. (6), any person who violates sub. (3) (a) and, in the course of the violation, causes great bodily harm to another person is required to forfeit not less than \$5,000 nor more than \$7,500, except that, if the person knows at the time of the violation that he or she does not possess a valid operator's license, the person is guilty of a Class I felony.

5. Except as provided in subd. 2. and sub. (6), any person who violates sub. (3) (a) and, in the course of the violation, causes the death of another person is required to forfeit not less than \$7,500 nor more than \$10,000, except that, if the person knows at the time of the violation that he or she does not possess a valid operator's license, the person is guilty of a Class H felony.

(c) Any person who violates sub. (3) (b) or (c) may be required to forfeit not more than \$100.

(6) OTHER OFFENSES; PENALTIES. Section 343.44 and the penalties thereunder shall apply in lieu of this section to any person operating a motor vehicle upon a highway in this state with an operator's license which is revoked or suspended.

**History:** 1971 c. 164 s. 83; 1977 c. 29 s. 1654 (7) (a); 1977 c. 273, 288, 447; 1979 c. 345; 1981 c. 42, 138; 1981 c. 390 s. 252; 1983 a. 243, 534, 535, 538; 1985 a. 65; 1989 a. 87, 105, 359; 1991 a. 32, 39; 1995 a. 113, 269, 347; 1997 a. 237; 2005 a. 412; 2009 a. 103, 276; 2011 a. 113; 2013 a. 163; 2015 a. 170.

**Cross-reference:** See s. 343.37 for limitations on nonresident operators.

The guidelines for operating a commercial vehicle under this section constitute a fundamental public policy to promote highway safety. The discharge of an at-will employee for refusing to violate this section was a wrongful discharge. *Kempfer v. Automated Finishing, Inc.* 211 Wis. 2d 100, 564 N.W.2d 692 (1997), 95-0649.

A person has a privilege, but not a right, to drive a motor vehicle upon a public highway. To exercise that privilege, the person must satisfy the licensing requirements of the state. *County of Fond du Lac v. Kevin C. Derksen*, 2002 WI App 160, 256 Wis. 2d 490, 647 N.W.2d 922, 01-2870.

Summary judgment is inapplicable in ch. 343 hearings. *State v. Barotka*, 2002 WI App 288, 258 Wis. 2d 342, 654 N.W.2d 875, 02-0770.

Three-wheeled trucks and automobiles, golf carts, and other special purpose vehicles such as street sweepers, industrial fork-lifts, and motorized wheelbarrows are not motorcycles, and operators are not required to have special driver licenses. 58 Atty. Gen. 17.

A driver license authorizing motor-driven cycle operation is not required for the operation of a motor-driven cycle on private property. 64 Atty. Gen. 79.

**343.055 Commercial driver license waivers. (1) OPERATORS WAIVED.** (a) *General.* Except as provided in subs. (3) and (4) and notwithstanding s. 343.05 (2), operators of certain commercial motor vehicles specified in pars. (b) to (h) or any rule of the department promulgated under sub. (5) are not required to hold commercial driver licenses, if the operator holds a valid operator's license not limited to "Class M" vehicles.

(b) *Fire fighters.* The operator of the commercial motor vehicle including, without limitation, fire trucks, hook and ladder trucks and foam or water transporters, is a person employed by a volunteer or paid fire organization and the person is operating emergency or fire fighting equipment necessary to the preservation of life or property or the execution of emergency management functions and equipped with a siren and warning lamps as provided in ss. 347.25 (1) and 347.38 (4) and the operation is in the routine performance of other duties of the fire organization or in response to an emergency call under s. 346.03 or during the return from a fire or other emergency response.

(c) *Farmers.* The operator of the commercial motor vehicle is a farmer who is using the commercial motor vehicle within 150 miles of the operator's farm to transport agricultural products, farm machinery or farm supplies including transporting hazardous materials requiring placarding or a combination thereof to or from a farm and the commercial motor vehicle is operated and controlled by a farmer and not used in the operations of a common motor carrier or contract motor carrier, as defined in s. 194.01 (1) and (2). In this paragraph, "controlled" means leased or owned; and "farmer" and "leased" have the meanings given in s. 340.01 (18) (b).

(d) *Recreational vehicle operators.* The operator of the commercial motor vehicle is a person operating a motor home, or a vehicle towing a 5th-wheel recreational vehicle or single-unit recreational vehicle and the vehicle or combination, including both units of a combination towing vehicle and the 5th-wheel rec-

reational vehicle or recreational vehicle, is both operated and controlled by the person and is transporting only members of the person's family, guests or their personal property. This paragraph does not apply to any transportation for hire or the transportation of any property connected to a commercial activity. In this paragraph, "controlled" means leased or owned.

(e) *Law enforcement officers.* The operator of the commercial motor vehicle is a law enforcement officer who is operating an authorized emergency vehicle that is necessary to the preservation of life or property or the execution of emergency governmental functions and that is equipped with warning lamps and a siren as provided in ss. 347.25 and 347.38 (4).

(h) *Rescue squad members.* The operator of the commercial motor vehicle is a member of a legally organized rescue squad. This paragraph applies only to the operation of authorized emergency vehicles.

(2) **DISQUALIFICATIONS NOT APPLICABLE.** Notwithstanding s. 343.44, a person disqualified under s. 343.315 may operate a commercial motor vehicle as described in this section if the person holds a valid operator's license issued to the person authorizing the operation of "Class D" vehicles.

(3) **VEHICLES TRANSPORTING HAZARDOUS MATERIALS, CARRYING PASSENGERS OR TOWING DOUBLE OR TRIPLE TRAILERS NOT WAIVED.** Nothing in this section authorizes the operation of a combination vehicle with double or triple trailers, a vehicle transporting hazardous materials requiring placarding except as provided in sub. (1) (c), a vehicle transporting any quantity of a material listed as a select agent or toxin under 42 CFR 73, or a vehicle carrying or designed to transport the driver and 15 or more persons, by a person who does not hold a valid operator's license properly endorsed to permit such operation.

(4) **EFFECT OF WAIVERS.** The waivers under this section shall apply to the extent permitted under federal law and shall exempt a person only from the requirement in s. 343.05 (2) to hold a commercial driver license to operate a commercial motor vehicle upon a highway in this state. A commercial motor vehicle operated under this waiver remains a commercial motor vehicle.

(5) **RULES.** As soon as possible after the federal commercial motor vehicle safety act, 49 USC 31301 to 31317, or the regulations adopted under that act permit any commercial driver license waiver, the department shall promulgate rules governing eligibility for the waiver. This subsection applies to waivers not permitted by federal law on May 12, 1992.

**History:** 1989 a. 105; 1991 a. 39, 242; 1993 a. 19; 1995 a. 113, 247; 1999 a. 9, 140; 2003 a. 33; 2007 a. 11; 2009 a. 254.

**343.06 Persons not to be licensed. (1)** The department shall not issue a license:

(a) To any person whose operator's license or nonresident's operating privilege was withheld, suspended, revoked or canceled under the provisions of the law in effect prior to September 1, 1941, unless such person complies with the requirements of this chapter relative to obtaining a license or restoration of operating privileges after suspension, revocation or cancellation.

(b) To any person whose operating privilege has been suspended or revoked or is subject to immediate mandatory suspension or revocation under this chapter, except as otherwise expressly provided in this chapter.

(c) To any person under age 18 unless the person is enrolled in a school program or high school equivalency program and is not a habitual truant as defined in s. 118.16 (1) (a), has graduated from high school or been granted a declaration of high school graduation equivalency, or is enrolled in a home-based private educational program, as defined in s. 115.001 (3g), and has satisfactorily completed a course in driver education in public schools approved by the department of public instruction, or in technical colleges approved by the technical college system board, or in nonpublic and private schools or tribal schools, as defined in s. 115.001 (15m), that meet the minimum standards set by the department of

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public instruction, or has satisfactorily completed a substantially equivalent course in driver training approved by the department and given by a school licensed by the department under s. 343.61, or has satisfactorily completed a substantially equivalent course in driver education or training approved by another state and has attained the age of 16, except as provided in s. 343.07 (1g). The department shall not issue a license to any person under the age of 18 authorizing the operation of "Class M" vehicles unless the person has successfully completed a basic rider course approved by the Wisconsin department of transportation motorcycle safety program. The department may, by rule, exempt certain persons from the basic rider course requirement of this paragraph. Applicants for a license under s. 343.08 or 343.135 are exempt from the driver education, basic rider or driver training course requirement. The secretary shall prescribe rules for licensing of schools and instructors to qualify under this paragraph. The driver education course shall be made available to every eligible student in the state. Except as provided under s. 343.16 (1) (bm) and (c) and (2) (cm) to (e), no operator's license may be issued unless a driver's examination has been administered by the department.

**Cross-reference:** See also ch. *Trans 129*, Wis. adm. code.

(cm) To operate "Class D" vehicles to any person under 18 years of age, unless the person has accumulated at least 30 hours of behind-the-wheel driving experience, at least 10 hours of which were during hours of darkness. Each hour of behind-the-wheel driving experience while accompanied by a qualified instructor, as defined in s. 343.07 (1c), shall be considered to be 2 hours of behind-the-wheel driving experience, except that no more than 5 hours of behind-the-wheel driving experience while accompanied by a qualified instructor may be counted in this manner. This paragraph does not apply to applicants for a restricted license under s. 343.08 or a special restricted operator's license under s. 343.135. The department may promulgate rules that waive the requirement of accumulating at least 30 hours of behind-the-wheel experience for qualified applicants who are licensed by another jurisdiction to operate "Class D" vehicles.

(d) To any person whose dependence on alcohol has attained such a degree that it interferes with his or her physical or mental health or social or economic functioning, or who is addicted to the use of controlled substances or controlled substance analogs, except that the secretary may issue a license if the person submits to an examination, evaluation or treatment in a treatment facility meeting the standards prescribed in s. 51.45 (8) (a), as directed by the secretary, in accordance with s. 343.16 (5).

(e) To any person who is unable to exercise reasonable control over a motor vehicle, as defined by the department by rule.

(f) To any person who is required by this chapter to take an examination, unless such person takes and successfully passes such examination. Deaf persons otherwise qualified under this chapter to receive a license shall be issued such license in the discretion of the secretary.

(g) To any person who is required under the motor vehicle financial responsibility laws of this state to furnish proof of financial responsibility, and who has not furnished such proof in the manner prescribed by statute and any lawful rules of the department pertaining thereto.

(h) To any person when the secretary has good cause to believe that the operation of a motor vehicle on the highways by such person will be inimical to the public safety or welfare.

(i) To any person who has been convicted of any offense specified under ss. 940.225, 948.02, 948.025, 948.07, or 948.085 or adjudged delinquent under ch. 938 for a like or similar offense, when the sentencing court makes a finding that issuance of a license will be inimical to the public safety and welfare. The prohibition against issuance of a license to the offenders shall apply immediately upon receipt of a record of the conviction and the court finding by the secretary, for a period of one year or until discharge from any jail or prison sentence or any period of probation, extended supervision or parole with respect to the offenses speci-

fied, whichever date is the later. Receipt by the offender of a certificate of discharge from the department of corrections or other responsible supervising agency, after one year has elapsed since the prohibition began, entitles the holder to apply for an operator's license. The applicant may be required to present the certificate of discharge to the secretary if the latter deems it necessary.

(k) To any person who is not a resident.

(L) To any person who does not satisfy the requirements under s. 343.165 (1).

(m) To any person who has been declared incompetent under s. 54.25 (2) (c) 1. d. to apply for an operator's license.

(2) The department shall not issue a commercial driver license, including a renewal or reinstated license, to any person, or reinstate a person's authorization to operate a commercial motor vehicle, during any period of disqualification under s. 343.315 or 49 CFR 383.51, under the law of another jurisdiction disqualifying a person from operating a commercial motor vehicle under circumstances similar to those specified in s. 343.315 or 49 CFR 383.51, or under a determination by the federal motor carrier safety administration that the person is no longer qualified to operate a commercial motor vehicle under 49 CFR 391, or to any person whose operating privilege is revoked, suspended, or canceled. Any person who is known to the department to be subject to disqualification as described in s. 343.44 (1) (d) shall be disqualified by the department as provided in s. 343.315.

(3) The department shall not issue a commercial driver license valid for use in interstate commerce to any person who is less than 21 years of age or who does not meet the physical qualifications for drivers contained in 49 CFR 391 or rules of the department concerning qualifications of drivers in interstate commerce.

**History:** 1971 c. 40 s. 93; 1971 c. 154 s. 79 (3); 1971 c. 219; 1975 c. 184 s. 13; 1975 c. 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 41, 238, 273, 360, 447; 1983 a. 17, 243; 1985 a. 202; 1987 a. 40, 122; 1987 a. 332 s. 64; 1987 a. 403; 1989 a. 31, 105; 1993 a. 16, 227, 363, 399, 491; 1995 a. 27 s. 9145 (1); 1995 a. 77, 113, 448; 1997 a. 27, 84, 283; 1999 a. 9, 140; 2001 a. 38; 2003 a. 33; 2005 a. 126, 149, 277, 387; 2007 a. 20, 97; 2009 a. 28, 103, 302; 2011 a. 23, 32, 260; 2013 a. 371.

**Cross-reference:** See also s. *PI 21.04*, Wis. adm. code.

Performance of the duty to apply sub. (7), 1987 stats. [now sub. (1) (e)], delegated to a state driver license examiner is within the rule of civil immunity. *Lifer v. Raymond*, 80 Wis. 2d 503, 259 N.W.2d 537 (1977).

The offering of driver education courses by public schools is optional rather than mandatory; but if offered, all qualified students must be allowed to participate. The state superintendent may require private schools to consent to on-site inspections for compliance verification as a condition of approval granted those schools under that section. 59 Atty. Gen. 27.

**343.065 Restricted commercial driver license. (1) (a)** If an applicant for a commercial driver license is less than 21 years of age or does not meet the physical qualifications for drivers contained in 49 CFR 391 or an alternative federally approved driver qualification program established by the department by rule but is at least 18 years of age and otherwise qualified under this chapter and, subject to par. (b), the rules of the department, the department may issue the applicant a commercial driver license restricted to authorizing the operation of commercial motor vehicles not in interstate commerce.

(b) An applicant with diabetes controlled by insulin is not eligible for a restricted commercial driver license under this section if the applicant had, in the 3-year period prior to the date of the application, any moving violation, or any reportable at-fault accident, due to diabetes while operating any motor vehicle. The department may not establish by rule a more restrictive eligibility standard relating to moving violations and at-fault accidents for applicants under this section who have diabetes controlled by insulin.

(2) A commercial driver license issued under this section shall clearly identify that the license does not authorize the operation of commercial motor vehicles in interstate commerce.

(3) (a) If a person issued any commercial driver license under this chapter authorizing operation of commercial motor vehicles in interstate commerce does not have on file with the department a current certification specified in s. 343.14 (2) (im) 1m. a. cover-

ing the person's physical qualifications, the department may downgrade the commercial driver license to a restricted commercial driver license under this section and impose a "K" restriction on the license.

(b) The department shall promulgate rules to define "downgrade" in accordance with federal law and regulations or guidance from the applicable federal agency, to establish the process for downgrading a commercial driver license and whether or not a new commercial driver license document will be issued after a commercial driver license is downgraded, and to establish the process for reinstating a downgraded commercial driver license after the department receives from the licensee a valid medical certification or other appropriate certification of physical qualifications.

**History:** 1989 a. 105; 1995 a. 113; 2011 a. 32; 2015 a. 123.

**Cross-reference:** See also ch. Trans 112, Wis. adm. code.

**343.07 Instruction permits. (1c) DEFINITION.** In this section, "qualified instructor" means a person employed by a public school, private school, or tribal school, as defined in s. 115.001 (15m), holding an operator's license and meeting the teaching certification standards of the department of public instruction or the technical college system board to teach driver education; or an instructor of a school licensed under s. 343.61; or a teacher or student teacher in a driver education course for teachers conducted by an institution of higher education.

(1g) **REGULAR PERMIT; ISSUANCE, RESTRICTIONS.** Upon application therefor by a person at least 15 years and 6 months of age who, except for age or lack of training in the operation of a motor vehicle, is qualified to obtain an operator's license and has passed such knowledge test as the department may require, the department may issue a regular instruction permit. If the application is made by a male who is at least 18 years of age but less than 26 years of age, the application shall include the information required under s. 343.14 (2) (em). The permit entitles the permittee to operate a motor vehicle, except a commercial motor vehicle, school bus, or Type 1 motorcycle, a motor bicycle, or a moped, upon the highways, subject to the following restrictions:

(a) Except as provided in this subsection, no permittee may operate a motor vehicle unless accompanied by a person who has at least 2 years of licensed driving experience, who presently holds a valid regular license, as defined in s. 343.03 (3) (a), who occupies the seat beside the permittee and who is one of the following:

1. A qualified instructor who is 19 years of age or older. If the motor vehicle is equipped with dual controls, up to 3 other persons, in addition to the qualified instructor, may occupy seats in the motor vehicle other than the front seat.

2. The permittee's parent, guardian or spouse who is 19 years of age or older. In addition to the parent, guardian or spouse, the permittee's immediate family members may occupy seats in the motor vehicle other than the front seat.

3. A person who is 21 years of age or older. If the permittee is under 18 years of age, this subdivision applies only if the licensed person has been designated in writing to accompany the permittee by the permittee's parent or guardian prior to operation of the vehicle by the permittee.

(bm) Except as provided in par. (a), no permittee may operate a motor vehicle upon a highway in this state whenever any person is in the motor vehicle.

(cm) If the permittee is at least 16 years of age, in addition to the licensed accompanying operator, one other licensed person 25 years of age or more with at least 2 years' driving experience may occupy a seat in the motor vehicle other than the front seat.

(d) The permittee shall not operate a motor vehicle during the hours of darkness unless accompanied by:

1. A licensed person 25 years of age or more, with at least 2 years' licensed driving experience, occupying the seat beside the permittee; or

2. A qualified instructor.

(e) The permittee may operate a motor vehicle when accompanied by an authorized license examiner for the purpose of examining the permittee's ability to operate a motor vehicle.

(1m) **COMMERCIAL MOTOR VEHICLE AND SCHOOL BUS INSTRUCTION PERMITS; ISSUANCE, RESTRICTIONS.** Upon application therefor by a person at least 18 years of age who holds a valid operator's license issued under this chapter and who, except for lack of training in the operation of a commercial motor vehicle or school bus, is qualified to obtain authorization for the operation of such vehicle including having passed the applicable knowledge tests, the department may issue an instruction permit for commercial motor vehicle or school bus operation. A permit limited to commercial motor vehicle instructional operation entitles the permittee to operate only a commercial motor vehicle upon the highways. A permit limited to school bus instructional operation entitles the permittee to operate only a school bus upon the highways. Both permits are subject to the following restrictions:

(a) Except as provided in par. (am), the permittee may not operate a commercial motor vehicle or school bus unless accompanied by a qualified instructor or a licensed person 21 years of age or older with a valid license authorizing the person to operate such vehicle, occupying the seating position nearest to the driver. No passengers are allowed in the vehicle, except that when the accompanying operator is a qualified instructor up to 3 other permittees also being trained may occupy seats in the vehicle. The permittee may operate a commercial motor vehicle carrying property under this paragraph.

(am) 1. A permittee may operate a commercial motor vehicle or school bus, other than a vehicle type specified in s. 343.04 (2) (a), (c) or (f), within this state unaccompanied by a qualified instructor or a licensed person 25 years of age or older with at least 2 years of licensed driving experience in a representative vehicle and a valid license authorizing the person to operate such vehicle if the permittee has taken and passed the applicable knowledge tests and all of the following requirements are met:

a. The permittee is operating the vehicle in connection with a driver training course or program approved by the department.

b. The vehicle is being used by the permittee exclusively for driver training purposes and not for the purposes of carrying property or passengers.

c. Direct, uninterrupted audio or audiovisual electronic communication between a qualified instructor and the permittee is maintained at all times the permittee is operating the vehicle.

2. This paragraph shall apply to the extent permitted under federal law.

(b) Unless the permittee is at least 21 years of age, the instruction permit is not valid authorization for operation in interstate commerce and that lack of authorization shall be clearly indicated on the permit.

(c) The permittee may operate a commercial motor vehicle or school bus when accompanied by an authorized license examiner for the purpose of examining his or her ability to operate a commercial motor vehicle or school bus.

(d) No person holding an instruction permit issued under this subsection may operate a tank vehicle unless the tanks are empty and, if the tanks contained hazardous materials, purged or a vehicle transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73.

(2) **TRAINING CERTIFICATE REQUIRED.** Except for persons who qualify for a license under s. 343.08, the department shall not issue an instruction permit to anyone under 18 years of age, unless it has a certificate from the applicant's qualified instructor to the effect that the applicant is enrolled in an approved driver education and training course for the purpose of the practice driving phase.

(3) **DURATION; CANCELLATION.** An instruction permit to operate vehicles other than commercial motor vehicles or school buses is valid for 12 months except that it may be canceled upon receipt of information, by the secretary, of noncompletion or unsatisfac-

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tory completion of a driver education and training course by a permittee under the age of 18. An instruction permit to operate commercial motor vehicles or school buses is valid for 180 days.

(4) **INSTRUCTION PERMITS; TYPE 1 MOTORCYCLE, MOTOR BICYCLE AND MOPED.** (a) Subject to s. 343.16 (1) (a), upon application by a person who qualifies for issuance of a license under s. 343.06 (1) (c) and who wishes to qualify for the operation of a Type 1 motorcycle, the department may issue an instruction permit for the operation of "Class M" vehicles.

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

1. No passenger may accompany the permittee except that a person with at least 2 years of licensed driving experience and whose license is endorsed for Type 1 motorcycle operation may ride as a passenger-instructor.

2. The permittee may not operate a Type 1 motorcycle during hours of darkness unless accompanied by a licensed person 25 years of age or more and meeting the requirements of subd. 1.

(c) The permit for moped and motor bicycle operation shall be valid for 6 months and entitles the permittee to operate a moped or motor bicycle subject to restrictions specified by the department by rule.

*Cross-reference:* See also ch. Trans 129, Wis. adm. code.

(6) **SPECIAL INSTRUCTIONAL PERMITS.** This section does not apply to instructional permits issued under s. 343.075.

(7) **PENALTY FOR RESTRICTION VIOLATIONS.** (a) Notwithstanding s. 343.43 (1) (d) and (3m), any person who violates sub. (1g) (a), (bm), or (d) or (4) (b) 1. or 2. shall be required to forfeit \$50 for the first offense and not less than \$50 nor more than \$100 for each subsequent offense.

(b) Upon receiving notice of a person's conviction for a violation of sub. (1g) (a), (bm), or (d) or (4) (b) 1. or 2., the department shall notify any adult sponsor who has signed for the person under s. 343.15 (1) of the conviction.

**History:** 1971 c. 164; 1973 c. 199; 1977 c. 29 c. 1654 (7) (a), (c); 1977 c. 128, 273; 1979 c. 345; 1983 a. 243; 1985 a. 65, 202; 1987 a. 122; 1989 a. 87, 105, 359; 1991 a. 12, 269, 316; 1993 a. 16, 24, 399; 1995 a. 27 s. 9145 (1); 1997 a. 27; 1999 a. 9; 2001 a. 93; 2003 a. 33; 2005 a. 149, 294, 466; 2007 a. 97; 2009 a. 302; 2015 a. 123.

Although the liability of a passenger-teacher for the negligence of his student driver has generally been based on principles of agency, the passenger's liability may also arise from violation of an independent duty to supervise and control the automobile based upon his agreement, as an experienced driver, to instruct and supervise an inexperienced driver. *Hoeft v. Friedel*, 70 Wis. 2d 1022, 235 N.W.2d 918 (1975).

**343.075 Instructional permits for applicants for special restricted operators' licenses.** The department may require an applicant for a special restricted operator's license under s. 343.135 to first obtain an instructional permit if the department deems it advisable. The department shall determine the requirements for issuance of an instructional permit under this section and the restrictions, if any, on such permits.

**History:** 1979 c. 345.

**343.08 Restricted licenses for persons under 18 years of age.** (1) Upon application therefor, the department may issue a restricted license to a person who is at least 14 and less than 18 years of age if the following conditions, in addition to any others specified in this chapter, are fulfilled:

(a) The department must be satisfied that it is necessary for the applicant to operate an automobile, farm truck, dual purpose farm truck, Type 1 motorcycle powered with an engine of not more than 125 cubic centimeters displacement, Type 2 motorcycle, moped or motor bicycle owned and registered by the applicant's parent or guardian or a farm truck leased to the applicant's parent or guardian.

(b) The applicant, accompanied by a parent or guardian, must have appeared in person before an examining officer with a certificate of birth to show that the applicant is at least 14 years of age.

(c) The applicant must have passed an examination as specified in s. 343.16, including a test of the applicant's ability to safely operate the type of vehicle which the applicant is making application for license to operate.

(2) (a) A restricted license issued pursuant to this section is valid only until the licensee secures an operator's license issued pursuant to s. 343.03 or reaches 18 years of age and, except as provided in par. (b), entitles the licensee to operate an automobile, farm truck, dual purpose farm truck, Type 1 motorcycle powered with an engine of not more than 125 cubic centimeters displacement, Type 2 motorcycle, moped or motor bicycle owned and registered by the licensee's parent or guardian or a farm truck leased to the licensee's parent or guardian or any combination of these vehicles, depending on the restrictions placed by the department on the particular license.

(b) A license issued pursuant to this section does not authorize the licensee to operate any such vehicle during hours of darkness or to operate a vehicle for hire or in a city having a population of 500,000 or more or to operate a school bus or a commercial motor vehicle, including a farm truck or dual purpose farm truck defined as a commercial motor vehicle, or taxicab.

**History:** 1977 c. 29 s. 1654 (7) (a); 1977 c. 273; 1983 a. 223, 227, 243, 270, 538; 1985 a. 65; 1989 a. 105; 1991 a. 316.

**343.085 Probationary licenses to new drivers.** (1) (a) Except as provided in par. (b) and sub. (2), the department shall issue a probationary license to all applicants for an original license. The probationary license shall remain in effect as provided in s. 343.20 (1) (a).

(b) The department may not issue a probationary license to operate "Class D" vehicles under this section to an applicant who is under 18 years of age unless the applicant has held an instruction permit issued under s. 343.07 for not less than 6 months and, during the 6-month period immediately preceding application, has not committed a moving violation, specified by the department by rule, resulting in a conviction. The department may promulgate rules to waive the requirement of holding an instruction permit for not less than 6 months for qualified applicants who are licensed by another jurisdiction to operate "Class D" vehicles.

(2) (a) Any person moving to this state who has been licensed in another jurisdiction for at least 3 years, who presently holds a license, other than an instruction permit, from another jurisdiction which has not expired for more than 6 months and who has passed the person's 21st birthday is exempt from this section.

(b) Applicants issued a commercial driver license are exempt from this section.

(c) Any person entitled to a regular license under an agreement entered into under s. 343.16 (1) (d) is exempt from this section.

(2m) (a) Except as provided in this subsection, during the 9-month period after issuance of a probationary license under this section, no licensee under 18 years of age may operate a "Class D" vehicle upon a highway in this state:

1. If, in addition to the licensee, the vehicle is occupied by any person other than the following:

- a. Any number of members of the licensee's immediate family.
- b. A person who meets the requirements under s. 343.07 (1g) (a).
- c. Not more than one other person not described in subd. 1. a. and b.

2. Between the hours of 12 midnight and 5 a.m., unless the licensee's parent or guardian, or a person who meets the requirements under s. 343.07 (1g) (a), occupies the seat beside the licensee, or unless the licensee is traveling between his or her place of residence, school, and place of employment.

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(am) 1. Paragraph (a) does not apply to any licensee to whom all of the following apply:

a. The licensee is operating the motor vehicle in the service of an organized program that, without compensation, transports teenagers to their homes.

b. The licensee possesses documentation that identifies the program and the licensee and that authorizes the licensee to operate a motor vehicle in service of the program on the date and time of the operation. The documentation is valid only if signed by a person who is at least 25 years of age and associated with the program.

c. The licensee is accompanied by another licensee, other than a teenager who is being transported, who is in the motor vehicle in the service of the program described in subd. 1. a. and who possesses the documentation described in subd. 1. b.

d. The licensee is accompanied by not more than 3 passengers in the vehicle. The licensee described in subd. 1. c. shall not be counted under this subd. 1. d.

2. Paragraph (a) does not apply to any licensee operating the motor vehicle to or from a program described in subd. 1. a., if the licensee possesses documentation described in subd. 1. b. A licensee described in this subdivision may be accompanied by any number of persons also traveling to or from a program described in subd. 1. a.

(ar) Paragraph (a) does not apply to any licensee operating a motor vehicle for emergency purposes.

(b) 1. The department shall extend the restrictions under par. (a) for an additional 6-month period or until the licensee's 18th birthday, whichever occurs earlier, if any of the following occurs while the licensee is subject to the restrictions under par. (a):

a. The licensee commits a moving violation specified by the department by rule, resulting in a conviction of the licensee.

b. The licensee violates par. (a).

c. A court or the department suspends or revokes the licensee's operating privilege for any reason other than a mental or physical disability.

2. If the department extends a restriction period under subd. 1., the department shall immediately provide notice of the extension by 1st class mail to the person's last-known residence address.

(c) A period of restriction under this subsection does not run while a person's operating privilege is suspended or revoked.

(d) The restrictions under this subsection apply until the period of restriction expires or until the licensee reaches 18 years of age, whichever occurs first.

(e) Nothing in this subsection may be construed to create a separate cause of action against the parent or guardian of a probationary licensee under this subsection or against the owner of any vehicle operated by a probationary licensee under this section.

(3) The secretary may suspend a person's operating privilege under this section when such person has been assigned sufficient demerit points after conviction for traffic violations to require suspension under the rule adopted under sub. (5) and either holds a license issued under this section or by age comes under this section. This subsection applies only to a person holding a probationary license issued before September 1, 2000. This subsection does not apply on or after October 1, 2003.

(4) The secretary may require that a person be continued on probationary status beyond the period of first issuance if such person appears by the records of the department to have repeatedly violated any of the state traffic laws or any local ordinance in conformity therewith or any law of a federally recognized American Indian tribe or band in this state in conformity with any of the state traffic laws. A person may not be continued on probationary status due to a suspension under s. 343.30 (6).

(5) For the purpose of determining when to suspend or to continue a person on probationary status, the secretary may determine and adopt by rule a method of weighing traffic convictions by their

seriousness and may change such weighted scale from time to time as experience or the accident frequency in the state makes necessary or desirable. Such scale may be weighted differently for this licensee than the scale used to determine suspensions under s. 343.32. This subsection applies only to a person holding a probationary license issued before September 1, 2000. This subsection does not apply on or after October 1, 2003.

(6) (a) Notwithstanding s. 343.43 (1) (d) and (3m), any person who violates sub. (2m) (a) shall be required to forfeit \$50 for the first offense and not less than \$50 nor more than \$100 for each subsequent offense.

(b) Upon receiving notice of a person's conviction for a violation of sub. (2m) (a), the department shall notify any adult sponsor who has signed for the person under s. 343.15 (1) of the conviction.

**History:** 1971 c. 204; 1977 c. 29 s. 1654 (7) (a), (c); 1979 c. 306; 1979 c. 331 ss. 59, 72; 1981 c. 314; 1989 a. 105, 359; 1991 a. 39; 1997 a. 84, 237; 1999 a. 9, 185; 2005 a. 149, 294.

**343.10 Occupational licenses. (1) APPLICATION FOR OCCUPATIONAL LICENSE.**

(a) If a person's license or operating privilege is revoked or suspended under this chapter or s. 767.73, 938.34 (14q), 943.21 (3m), or 961.50 and if the person is engaged in an occupation, including homemaking or full-time or part-time study, or a trade making it essential that he or she operate a motor vehicle, the person, after payment of the fee provided in sub. (6), may file an application with the department setting forth in detail the need for operating a motor vehicle. No person may file more than one application with respect to each revocation or suspension of the person's license or operating privilege under this chapter or s. 767.73, 938.34 (14q), 943.21 (3m), or 961.50, except that this limitation does not apply to an application to amend an occupational license restriction.

(b) The application shall be in a form established by the department and shall identify the specific motor vehicle that the applicant seeks authorization to operate, including the vehicle classification and any required endorsements. The application shall include an explanation of why operating the motor vehicle is essential to the person's livelihood and identify the person's occupation or trade. The application shall identify the applicant's employer, and include proof of financial responsibility as specified in s. 343.38 (1) (c) covering the vehicle or vehicles that the applicant requests authorization to operate. The application shall identify the hours of operation and routes of travel being requested by the applicant in accord with the restrictions of sub. (5).

(2) **ELIGIBILITY.** (a) Except as provided in pars. (b) to (f), and subject to s. 343.165 (5), a person is eligible for an occupational license if the following conditions are satisfied:

1. Except for a revocation or suspension that arose out of the same incident or occurrence for which the person's license or operating privilege is currently revoked or suspended, the person's license or operating privilege was not revoked or suspended previously under this chapter or ch. 344 or s. 943.21 (3m) or 961.50 within the one-year period immediately preceding the present revocation or suspension, except as provided in s. 344.40.

2. The person files proof of financial responsibility as specified under s. 343.38 (1) (c) covering all vehicles for which the person seeks permission to operate.

4. At least 15 days have elapsed since the date of revocation or suspension, or, in the case of an appeal that is subsequently dismissed or affirmed, at least 15 days have elapsed since the date of revocation or suspension following the dismissal or affirmation of the appeal, unless another minimum waiting period or immediate eligibility is expressly provided by law.

(b) No occupational license may permit the operation of any motor vehicles for which the applicant did not hold valid authorization at the time of revocation or suspension of the person's license or operating privilege.

(c) No occupational license permitting the operation of a commercial motor vehicle may be granted to a person.

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(d) A person whose operating privilege is revoked under ch. 351 is not eligible for an occupational license except as provided in s. 351.07.

(dm) A person whose operating privilege is suspended or revoked under s. 343.30 (1q) (d) or 343.305 (10) (d) is not eligible for an occupational license.

(e) If the court orders a person to submit to and comply with an assessment and driver safety plan and if the person has 2 or more prior convictions, suspensions or revocations, as counted under s. 343.307 (1), no occupational license may be granted until the person has completed the assessment and is complying with the driver safety plan.

(f) If the court orders under s. 343.301 (1g) that the person's operating privilege for the operation of "Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device, no occupational license may be granted until the person pays the surcharge under s. 343.301 (5) and submits proof that an ignition interlock device has been installed in each motor vehicle to which the order under s. 343.301 applies. A person who is subject to an order under s. 343.301 (1g) (am) 2. need not submit proof that an ignition interlock device has been installed if he or she is participating in a program designated in the order, unless he or she is also subject to an order under s. 343.301 (1g) 1.

(3) DETERMINATION ON APPLICATION. (a) If satisfied that the person is eligible under sub. (2), the department shall consider the number and seriousness of prior traffic convictions in determining whether to issue an occupational license and what restrictions to specify. Notwithstanding s. 343.40, the denial by the department of an application for an occupational license is not subject to judicial review.

(b) The department shall inform a person whose application for an occupational license under sub. (1) is denied in whole or in part of the specific reasons for the denial and that he or she may file one petition for an occupational license under sub. (4).

(4) PETITION FOR OCCUPATIONAL LICENSE. (a) A person whose application for an occupational license under sub. (1) is denied in whole or in part may file a petition with the clerk of the circuit court in the county in which the person resides for an order authorizing the issuance of an occupational license to the person. No person may file a petition under this paragraph unless he or she first pays the fee specified in s. 814.61 (14) to the clerk of the circuit court. The person's petition shall include a copy of the person's current operating record under s. 343.23 (2) and the reasons why the person should be granted an occupational license. The court shall consider the number and seriousness of prior traffic convictions in determining whether to grant the petition and shall state, in writing, its reasons for granting or denying the petition. No person may file more than one petition with respect to a denial of an application for an occupational license under sub. (1).

(b) If the court grants the petition, the court shall issue an order authorizing the issuance of an occupational license to the person. The order for issuance of an occupational license shall include definite restrictions as to hours of the day, hours per week, type of occupation and areas or routes of travel to be permitted under the license as provided in sub. (5). A copy of the order shall be forwarded to the department. Upon receipt of the court order, the petitioner shall be considered an applicant by the department for purposes of this section. The occupational license issued by the department under this paragraph shall contain the restrictions ordered by the court. If the court denies the petition, the clerk of the court shall notify the department of the denial of the petition.

(c) The department shall not issue an occupational license to a person upon receipt of an order from a court under this subsection if the person appears by the records of the department to have filed more than one petition with a court for an occupational license under this subsection.

(5) RESTRICTIONS AND LIMITATIONS ON OCCUPATIONAL LICENSE. (a) *Restrictions.* 1. In addition to any restrictions appearing on the former operator's license of the applicant, the occupational

license shall contain definite restrictions as to hours of the day, not to exceed 12, hours per week, not to exceed 60, type of occupation and areas or routes of travel which are permitted under the license. The occupational license may permit travel to and from church during specified hours if the travel does not exceed the restrictions as to hours of the day and hours per week in this subdivision. The occupational license may permit travel necessary to comply with a driver safety plan ordered under s. 343.30 (1q) or 343.305 if the travel does not exceed the restrictions as to hours of the day and hours per week in this subdivision. The occupational license may contain restrictions on the use of alcohol and of controlled substances and controlled substance analogs in violation of s. 961.41.

2. If the applicant has 2 or more convictions, suspensions or revocations, as counted under s. 343.307 (1), the occupational license shall prohibit the applicant from driving or operating a motor vehicle while he or she has an alcohol concentration of more than 0.0.

3. The occupational license of the applicant shall restrict the applicant's operation under the occupational license to vehicles that are equipped with a functioning ignition interlock device if the court has ordered under s. 343.301 (1g) that the person's operating privilege for Class D vehicles be restricted to operating vehicles that are equipped with an ignition interlock device or has ordered under s. 346.65 (6) (a) 1., 1999 stats., that the motor vehicle owned by the person and used in the violation or improper refusal to be equipped with an ignition interlock device. A person to whom a restriction under this subdivision applies violates that restriction if he or she removes or disconnects an ignition interlock device, requests or permits another to blow into an ignition interlock device or to start a motor vehicle equipped with an ignition interlock device for the purpose of providing the person an operable motor vehicle without the necessity of first submitting a sample of his or her breath to analysis by the ignition interlock device, or otherwise tampers with or circumvents the operation of the ignition interlock device. Except as provided in s. 343.301 (3) (b), if the occupational license restricts the applicant's operation to a vehicle that is equipped with an ignition interlock device, the applicant shall be liable for the reasonable costs of equipping the vehicle with the ignition interlock device. This subdivision does not apply to an applicant who is subject to an order under s. 343.301 (1g) (am) 2. while the applicant is participating in a program designated in the order, unless he or she is also subject to an order under s. 343.301 (1g) (am) 1.

(b) *Limitations.* Occupational licenses are subject to the limitations specified in ss. 343.30 (1q) (b) and (h), 343.305 (8) (d) and (10) (b) and (em), 343.31 (3m), 343.32 (1m), 767.73 and 961.50.

(6) FEE. No person may file an application for an occupational license under sub. (1) unless he or she first pays to the department the fees specified in s. 343.21 (1) (k) and (n).

(7) DEPARTMENT TO ISSUE OCCUPATIONAL LICENSE. (b) Subject to s. 343.165 (5), the department shall issue an occupational license as soon as practicable upon receipt of an application to the department under sub. (1) or an order from a court under sub. (4) or s. 351.07 for such a license, if the department determines that the applicant is eligible under sub. (2).

(c) If the person is disqualified under s. 343.315 but otherwise eligible under sub. (2), the department shall issue an occupational license authorizing operation only of vehicles other than commercial motor vehicles.

(cm) If the occupational license includes the restriction specified in sub. (5) (a) 3., the department shall not issue the occupational license until the applicant provides evidence satisfactory to the department that any motor vehicle that the applicant will be permitted to operate has been equipped with a functioning ignition interlock device.

(d) An occupational license issued by the department under this subsection shall be in the form of a license that includes a photograph described in s. 343.14 (3), unless the exception under s. 343.14 (3m) applies.

(e) The occupational license issued by the department shall contain the restrictions required by sub. (5). The occupational license authorizes the licensee to operate a motor vehicle only when that operation is an essential part of the licensee's occupation or trade. If the department determines that the applicant is eligible under sub. (2), the department may impose such conditions and limitations upon the authorization to operate motor vehicles as in the secretary's judgment are necessary in the interest of public safety and welfare, including reexamination of the person's qualifications to operate a motor vehicle or a particular type thereof. The department may limit such authorization to include, without limitation, the operation of particular vehicles, particular kinds of operation and particular traffic conditions.

(f) The expiration date of the occupational license is the 2nd working day after the date of termination of the period of revocation or suspension as provided by law, or the expiration date determined under s. 343.20 (1m), whichever is earlier. The occupational license may be revoked, suspended or canceled before termination of that period. An occupational license is not renewable when it expires. If an occupational license expires and is not revoked, suspended or canceled, the licensee may obtain a new license upon that expiration but only if he or she complies with the conditions specified in s. 343.38. Revocation, suspension or cancellation of an occupational license has the same effect as revocation, suspension or cancellation of any other license.

(8) VIOLATION OF RESTRICTIONS. Any person who violates a restriction on an occupational license as to hours of the day, area, routes or purpose of travel, vehicles allowed to be operated, use of an ignition interlock device, sobriety or use of alcohol, controlled substances or controlled substance analogs shall be:

(a) Prosecuted under s. 343.44 (1) (a) if the occupational license was issued while the person's operating privilege was suspended.

(b) Prosecuted under s. 343.44 (1) (b) if the occupational license was issued while the person's operating privilege was revoked.

(9) NOTICE. The department shall inform a person whose operating privilege is revoked or suspended under this chapter of his or her right to apply to the department for issuance of an occupational license under this section.

**History:** 1973 c. 90, 218; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193; 1979 c. 102, 316, 355; 1981 c. 20; 1983 a. 27, 525, 526; 1985 a. 32 s. 3; 1985 a. 71, 337; 1987 a. 3; 1989 a. 31, 38, 105, 359; 1991 a. 39, 269, 277; 1995 a. 113, 201, 269, 401, 436, 448; 1997 a. 35, 84, 237; 1999 a. 109; 2001 a. 16 ss. 3409f, 3409g, 4060hw, 4060hy; 2003 a. 33, 80, 200, 326; 2005 a. 443 s. 265; 2007 a. 20, 94; 2009 a. 100, 103; 2011 a. 23, 32; 2015 a. 77, 389.

**Cross-reference:** See also ch. Trans 117, Wis. adm. code.

A court cannot impose restrictions on occupational licenses other than those in sub. (1), 1987 stats. [now sub. (5) (a)]. State v. Darling, 143 Wis. 2d 839, 422 N.W.2d 886 (Ct. App. 1988).

**343.11 Temporary license for persons previously licensed in another state.** (1) The department shall not issue a license to a person previously licensed in another jurisdiction unless such person surrenders to the department all valid operator's licenses possessed by the person issued by any other jurisdiction, which surrender operates as a cancellation of the surrendered licenses insofar as the person's privilege to operate a motor vehicle in this state is concerned. When such applicant surrenders the license to the department, the department shall issue a receipt therefor, which receipt shall constitute a temporary license to operate a motor vehicle for a period not to exceed 60 days if the applicant meets the standard required for eyesight and, in the opinion of the examiner, is not a dangerous hazard to the applicant and other users of the highways. The temporary license shall be surrendered to the examiner for cancellation by the department if the 3rd attempt at the driving test is failed and the applicant shall be required to secure a temporary instruction permit for further practice driving.

(2) Within 30 days following licensure in this state, the department shall destroy all surrendered licenses and report to the issuing jurisdiction that the licensee is now licensed in this state.

(2m) Within 30 days following surrender of a license under sub. (1), the department shall provide notice to the elections commission of the person's name and address, the name of the jurisdiction issuing the surrendered license, and the date on which the license was surrendered.

(3) Except as provided in sub. (1), the department may issue a receipt to any applicant for a license, which receipt shall constitute a temporary license to operate a motor vehicle while the application for license is being processed. Such temporary license shall be valid for a period not to exceed 60 days. If the application for a license is processed under the exception specified in s. 343.165 (7), the receipt shall include the marking specified in s. 343.03 (3r).

**History:** 1971 c. 204; 1975 c. 64; 1977 c. 29 s. 1654 (7) (a); 1977 c. 273; 1989 a. 105; 2003 a. 221; 2005 a. 451; 2007 a. 1; 2011 a. 23, 32; 2015 a. 118.

**343.12 School bus operators to obtain special authorization.** (1) (a) No person shall operate a school bus without having first applied for and received authorization from the department in the form of a school bus endorsement to the person's valid operator's license.

(b) A motor bus registered in compliance with s. 341.26 (7) and equipped as provided under ss. 347.25 (2) and 347.44 but not transporting children for any purpose is not a school bus within the meaning of this subsection while being used on a highway for purposes other than those specified in s. 340.01 (56) (a) or (am) if the flashing red or flashing red and amber warning lights are not used and all markings on the front and rear of the motor bus indicating that it is a school bus are removed or completely concealed.

(2) Except as provided in sub. (2m), the department shall issue or, except as provided in par. (h), renew a school bus endorsement to a person only if such person meets all of the following requirements:

(a) Subject to sub. (3), is at least 18 years and not more than 70 years of age.

(c) Holds a valid operator's license issued under this chapter.

(dm) Notwithstanding ss. 111.321, 111.322, and 111.335, has been subject to the background investigation specified in sub. (6) (a) and does not have a record of conviction or of adjudication of delinquency or operating privilege revocation that disqualifies the person from issuance or renewal of a school bus endorsement under sub. (7) or rules promulgated by the department under subs. (7) and (8).

(em) Is not, based upon the person's application, listed in the registry under s. 146.40 (4g) (a) 2.

(f) Has sufficient use of both hands and the foot normally employed to operate the foot brake and foot accelerator correctly and efficiently. Such use may be substantiated by competent medical proof submitted by the applicant.

(g) Has passed the physical examination required. Physical standards to be met may be established by the department.

(h) Prior to the initial issuance or renewal of the endorsement, takes and passes a special examination prescribed by the department and administered by the department or by a 3rd-party tester under s. 343.16 (1) (b) to determine his or her ability to safely operate a school bus. This special examination may include the examination required under sub. (3). The department may renew the endorsement without retesting the licensee, except under sub. (3).

(2m) The department shall issue a school bus endorsement to a person, authorizing operation of a school bus that is a commercial motor vehicle, only if such person meets all of the requirements specified in sub. (2) and, in addition, meets all of the following requirements:

(a) Has been or is at the same time issued a valid commercial driver license.

(b) Qualifies for the endorsement under s. 343.17 (3) (d) 3., including passing the knowledge and driving skills tests required for obtaining such an endorsement.



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(c) Passes a knowledge test in compliance with the requirements of 49 CFR 383.123 (a) (2).

(d) Passes a driving skills test in compliance with the requirements of 49 CFR 383.123 (a) (3). If the test specified under sub. (2) (h) and s. 343.16 (1) meets the requirements of 49 CFR 383.123 (a) (3), no additional driving skills test is required under this paragraph.

(3) Notwithstanding sub. (2) (a) and (g), the department may issue a school bus endorsement under sub. (2) to a person who is more than 70 years of age if the person meets the requirements specified in sub. (2) (c) to (f) and (h) before issuance of the endorsement and annually takes and passes a physical examination prior to issuance or renewal of the endorsement to determine that the person meets the physical standards established under sub. (2) (g). Notwithstanding sub. (2) (a) and (g), the department may issue a school bus endorsement under sub. (2m) to a person who is more than 70 years of age if the person meets the requirements specified in subs. (2) (c) to (f) and (h) and (2m) (a) to (d) before issuance of the endorsement and annually takes and passes a physical examination prior to issuance or renewal of the endorsement to determine that the person meets the physical standards established under sub. (2) (g).

(4) (a) Notwithstanding sub. (1), a person may operate a school bus in this state if the person is a nonresident holding a valid commercial driver license with an "S" endorsement and the school bus is a commercial motor vehicle or, if the school bus is not a commercial motor vehicle, the person is a resident of Iowa, Illinois, Michigan, or Minnesota holding a valid operator's license and any additional endorsements required by the person's home jurisdiction for the operation of a school bus.

(b) The department shall, by rule, establish standards for the employment by an employer of a person under par. (a) as an operator of a school bus in this state. The rules may require the person to meet the qualifications contained in sub. (2), (2m), or (3) and any rules of the department applicable to residents, except that the rules shall require the person to meet the qualifications contained in sub. (2) (dm) and (em). The rules shall also require the employer to perform the actions specified in s. 121.555 (3) (a) 1. and 3.

(6) (a) Notwithstanding ss. 111.321, 111.322, and 111.335, prior to the initial issuance or renewal of a school bus endorsement, the department shall conduct a background investigation of the applicant. In conducting the background investigation, the department shall obtain from the records maintained by the department of justice a criminal history search of the applicant. If the applicant has not resided in this state at any time within the 2 years preceding the date of the search, the department shall make a good faith effort to obtain additional criminal history information from any state in which the applicant has resided during this time period or from any other applicable federal or state agency. The department shall record in the applicant's file specified in s. 343.23 (2) (a) the date on which the background investigation was completed.

(b) The department may require an applicant for the initial issuance or renewal of a school bus endorsement to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints, or by other technologies approved by law enforcement agencies. The department of justice may provide for the submission of the fingerprint cards or fingerprints by other technologies to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions.

(c) The department shall require an applicant for an endorsement under this section to specify on the application whether the applicant is listed in the registry under s. 146.40 (4g) (a) 2.

(d) Notwithstanding ss. 111.321, 111.322, and 111.335, 4 years after the initial issuance or renewal of a school bus endorsement, the department of transportation shall obtain from the records maintained by the department of justice a criminal history

search of the person to whom the school bus endorsement is issued and, if applicable, take action under s. 343.20 (1) (d) 2.

(7) (a) Notwithstanding ss. 111.321, 111.322, and 111.335, the department may not issue or renew a school bus endorsement if, within the time period specified by the department by rule but not less than 2 years immediately preceding the date of application, the applicant has been convicted of a violation of any of the following state laws or 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:

1. Reckless driving under s. 346.62.
2. Operating a motor vehicle while operating privileges are suspended or revoked or while the operator is disqualified under s. 343.44 (1) (a), (b), or (d).
3. Second-degree reckless homicide under s. 940.06 if the offense results from the operation of a motor vehicle.
4. Homicide by intoxicated use of a vehicle under s. 940.09 (1).
5. Homicide by negligent operation of a vehicle under s. 940.10.
6. Injury by intoxicated use of a vehicle under s. 940.25 (1).
7. Causing injury by operating a motor vehicle under the influence of an intoxicant or other drug under s. 346.63 (2).
8. Causing injury by operating a commercial motor vehicle with a prohibited alcohol concentration under s. 346.63 (6).
9. Operating a motor vehicle under the influence of an intoxicant or other drug or with a prohibited alcohol concentration under s. 346.63 (1).
10. Operating a commercial motor vehicle with a prohibited alcohol concentration under s. 346.63 (5).
11. Operating a motor vehicle while under the legal drinking age with a prohibited alcohol concentration under s. 346.63 (2m).
12. Failure to stop and render assistance at the scene of a motor vehicle accident under s. 346.67 (1) (c).
13. Fleeing from or attempting to elude a traffic officer under s. 346.04 (3).
14. Operating a commercial motor vehicle or being on duty time while having any alcohol concentration, within 4 hours of consuming alcohol or being intoxicated, or while possessing alcohol under s. 346.63 (7) (a) if the applicant has been previously convicted of any offense under s. 346.63 (7) (a) or any local ordinance in conformity with s. 346.63 (7) (a) 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 s. 346.63 (7) (a) if the applicant had committed the offense in this state and been convicted of the offense under the laws of this state.

(b) Notwithstanding ss. 111.321, 111.322, and 111.335, the department may not issue or renew a school bus endorsement if, within 2 years immediately preceding the date of application, the applicant has had his or her operating privilege revoked under s. 343.305 (10) for refusal to submit to chemical testing or has been convicted in another jurisdiction or had his or her operating privilege in another jurisdiction suspended or revoked under any law of that jurisdiction prohibiting refusal of chemical testing that is comparable to s. 343.305.

(c) Notwithstanding ss. 111.321, 111.322, and 111.335, the department may not issue or renew a school bus endorsement if, within the time period specified by the department by rule but not less than 5 years immediately preceding the date of application, the applicant has been convicted of a violation of any of the following state laws or 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 follow-

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ing state laws if the person had committed the offense in this state and been convicted of the offense under the laws of this state:

1. First-degree intentional homicide under s. 940.01.
2. First-degree reckless homicide under s. 940.02.
3. Felony murder under s. 940.03.
4. Second-degree intentional homicide under s. 940.05.
5. Assisting suicide under s. 940.12.
6. Felony battery under s. 940.19 (2), (4), (5), or (6).
7. Sexual exploitation by a therapist under s. 940.22 (2).
8. Felony sexual assault under s. 940.225 (1), (2), or (3).
9. Abuse of a vulnerable adult under circumstances constituting a felony under s. 940.285 (2).
10. Abuse of a resident of a penal facility under s. 940.29.
11. Abuse or neglect of a patient or resident under circumstances constituting a felony under s. 940.295.
- 11m. Trafficking under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.
12. Sexual assault of a child under s. 948.02 (1) or (2).
13. Engaging in repeated acts of sexual assault of the same child under s. 948.025.
14. Physical abuse of a child under s. 948.03 (2).
- 14m. Engaging in repeated acts of physical abuse of the same child under s. 948.03 (5).
15. Sexual exploitation of a child under s. 948.05.
- 15m. Trafficking a minor under s. 948.051.
16. Causing a child to view or listen to sexual activity under s. 948.055.
17. Incest with a child under s. 948.06.
18. Child enticement under s. 948.07.
19. Use of a computer to facilitate a child sex crime under s. 948.075.
20. Soliciting a child for prostitution under s. 948.08.
- 20m. Sexual assault of a child placed in substitute care under s. 948.085.
21. Sexual assault of a student by a school instructional staff person under s. 948.095.
22. Felony exposing a child to harmful material or harmful descriptions or narrations under s. 948.11 (2) (a) or (am).
23. Possession of child pornography under s. 948.12.
24. Child sex offender working with children under s. 948.13 (2).
25. Neglecting a child under circumstances constituting a felony under s. 948.21.
26. Abduction of a child under s. 948.30.
27. Any felony crime in the commission of which a motor vehicle is used other than those crimes specified in this paragraph or par. (b).

(d) Notwithstanding ss. 111.321, 111.322, and 111.335, the department may not issue or renew a school bus endorsement if the applicant has been adjudicated delinquent on or after his or her 12th birthday for committing any crime or other offense specified under pars. (a) to (c) or by the department by rule under this subsection within the time period specified under pars. (a) to (c) or by the department by rule under this subsection.

(8) (a) The department shall promulgate rules specifying crimes or other offenses, in addition to those specified in sub. (7), the conviction for which, or adjudication of delinquency for which, disqualifies the applicant from initial issuance or renewal of a school bus endorsement and, for each such crime or offense, the time period within which the disqualification applies. The time period may be permanent but may not be less than the time period specified in sub. (7) (a) to (c) for a crime or other offense specified in sub. (7) (a) to (c). The disqualifying crimes or other offenses specified by the department shall apply notwithstanding

ss. 111.321, 111.322, and 111.335 and shall include crimes under chs. 940 and 944.

(b) Notwithstanding ss. 111.321, 111.322, and 111.335, the department may promulgate rules specifying any registry maintained by an agency of the state related to a person being reported or investigated for criminal activity, in addition to the registry specified in sub. (6) (c), the listing of the applicant on which disqualifies the applicant from initial issuance or renewal of a school bus endorsement.

(c) The department shall promulgate rules to implement and administer this section, including all of the following:

1. For each disqualifying crime or offense specified in sub. (7) (a) and (c), the time period within which the disqualification applies.

2. Procedures for obtaining additional criminal history information in compliance with sub. (6) (a) for applicants who have not resided in this state at anytime in the preceding 2 years. The department may by rule establish fees for obtaining such information that are not greater than the fees charged to the department in connection with acquiring such information.

(9) Any person who violates sub. (1) shall be:

(a) Fined not less than \$200 nor more than \$600 and may be imprisoned for not more than 6 months or both for the first such offense.

(b) Fined not less than \$300 nor more than \$1,000 and imprisoned for not less than 5 days nor more than 6 months for the 2nd offense occurring within 3 years.

(c) Fined not less than \$1,000 nor more than \$2,000 and imprisoned for not less than 10 days nor more than 6 months for the 3rd or subsequent offense occurring within 3 years.

**History:** 1971 c. 213 s. 5; 1973 c. 174, 218; 1975 c. 19, 199; 1977 c. 29 s. 1654 (7) (a); 1977 c. 125; 1977 c. 193 s. 17; 1977 c. 273, 418, 447; 1981 c. 71; 1981 c. 334 s. 25 (1); 1983 a. 175, 459, 480; 1985 a. 337; 1987 a. 3; 1989 a. 105, 176, 359; 1991 a. 39, 277; 1993 a. 16; 1995 a. 113; 2003 a. 33, 280, 326, 327; 2005 a. 253, 277; 2007 a. 116; 2013 a. 96; 2015 a. 366.

**Cross-reference:** See also ch. Trans 112, Wis. adm. code. Standards under sub. (2) (g) are not exempt from requirements under s. 111.34 (2) (b). *Bothum v. DOT*, 134 Wis. 2d 378, 396 N.W.2d 785 (Ct. App. 1986).

**343.125 Endorsements for transporting certain hazardous materials.** (1) In this section, “H” endorsement” means an endorsement specified in s. 343.17 (3) (d) 1m.

(2) The department may not issue or renew an “H” endorsement to a commercial driver license unless all of the following apply:

(a) The applicant has submitted to the department documentary proof, 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. A birth certificate bearing an official seal or other mark of authentication and issued by a state, county, or municipality within the United States or by a territory or possession of the United States.
3. A certification of birth abroad issued by the federal department of state.
4. A certificate of naturalization.
5. A certificate of U.S. citizenship.
6. A permanent resident card or alien registration receipt card.
7. Any other proof specified in 49 CFR 383.71 (a) (9).

(b) If the applicant submits proof described under par. (a) 6. or 7., the applicant submits his or her bureau of citizenship and immigration services alien registration number.

(c) The applicant has passed any knowledge test required by the department.

(d) The department of transportation has received notice from the federal transportation security administration of the federal department of homeland security that the applicant does not pose

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a security threat warranting denial of an “H” endorsement or that the applicant has received a waiver under 49 CFR 1572.143.

(3) (a) Except as provided in par. (b), an “H” endorsement shall expire 4 years after the licensee’s next birthday after the date of issuance or renewal.

(b) 1. The initial period for which an “H” endorsement is valid is the period from the date on which the “H” endorsement is issued until the earlier of the following dates:

a. The date on which the licensee’s commercial driver license expires. This subd. 1. a. does not apply if the licensee renews his or her commercial driver license at the same time that the “H” endorsement is issued.

b. The date 4 years before the date on which the licensee’s commercial driver license expires.

2. Notwithstanding subd. 1., if the period as determined under subd. 1. is less than 12 months, the initial period for which an “H” endorsement is valid is the period from the date on which the “H” endorsement is issued until the later of the dates specified in subd. 1. a. or b.

(4) Within 15 days after receiving notice from the federal transportation security administration of the federal department of homeland security, the department of transportation shall do all of the following:

(a) Update the department’s records to reflect the notice received, the issuance, denial, or cancellation of an “H” endorsement, and, if applicable, the expiration date of the “H” endorsement.

(b) Notify the commercial driver license information system of the notice received and the department’s action.

(c) Issue the “H” endorsement, if the department received notice described in sub. (2) (d) and the applicant is otherwise eligible for issuance of the “H” endorsement.

(d) Cancel or deny the “H” endorsement, if the notice is of a final administrative determination that the applicant or licensee poses a security threat warranting denial of an “H” endorsement.

(5) Notwithstanding s. 227.42, there is no right to a hearing on any cancellation or denial of an “H” endorsement under this section.

(6) Notwithstanding sub. (3) and s. 343.20 (1) (a), the department may require any person who holds a valid “H” endorsement on November 1, 2003, to apply for renewal of that endorsement, if that endorsement expires after November 1, 2008. The department shall provide the notice required under s. 343.20 (2) (b). The department may cancel the “H” endorsement of any person who fails to renew within the period specified by the department under this subsection. This subsection does not apply to “H” endorsements that are issued or renewed after November 1, 2003.

History: 2003 a. 33.

**343.13 Restricted licenses.** (1) The department upon issuing any license pursuant to this chapter may, whenever good cause appears, impose restrictions suitable to the licensee’s operating ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate, or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(2) Notwithstanding sub. (1), the department shall restrict the commercial driver license of any person to comply with 49 CFR 383.

(3) If a court has ordered that a person’s operating privilege be restricted for a period of time after the person’s operating privilege revocation period is completed to operating vehicles equipped with an ignition interlock device, the license shall include that restriction.

History: 1977 c. 29 s. 1654 (7) (a); 1989 a. 105; 2009 a. 103 s. 32; 2015 a. 123. Cross-reference: See also ch. Trans 112, Wis. adm. code.

**343.135 Special restricted operator’s license.**

(1) **ISSUANCE.** (a) Except as provided in par. (b), upon application therefor, the department shall issue a special restricted operator’s license to any person who meets the following requirements:

1. Is at least 14 years of age and is physically disabled or is at least 16 years of age.

2. Does not possess a valid operator’s license issued under this chapter.

3. Pays all required fees.

4. Has passed an examination which includes a test of the applicant’s eyesight, ability to read and understand highway signs regulating, warning and directing traffic, knowledge of the traffic laws and an actual demonstration of ability to exercise ordinary and reasonable control in the operation of the vehicle for which the special restricted license is to be issued. An applicant shall furnish the motor vehicle he or she will be operating for use in testing his or her ability to operate the vehicle. The department may waive the demonstration of ability to exercise ordinary and reasonable control in the operation of a moped or motor bicycle as provided in s. 343.16 (2) (d).

(b) The department may not issue a special restricted license to a person whose operating privilege is suspended or revoked.

(2) **SCOPE.** (a) A special restricted operator’s license may be issued only for the specific vehicle or type of vehicle described on the license. A license under this paragraph may not be issued to authorize operation of a commercial motor vehicle or a school bus. A special restricted operator’s license may be issued only for the following vehicles:

1. Motor bicycles or mopeds; or

2. Specially designed vehicles having a maximum speed of 35 miles per hour which the department authorizes to be operated on the highway.

(b) If a special restricted operator’s license is issued for operation of a vehicle described in par. (a) 2., the vehicle may be operated only by the following persons:

1. The holder of the restricted license.

2. A person licensed under this chapter who operates the vehicle for the limited purposes of repairing or testing the vehicle.

(3) **DESIGN OF LICENSE.** The special restricted license shall be of the same size and general design of the operator’s license, except that it shall bear the words “SPECIAL RESTRICTED LICENSE”. The information on the license shall be the same as specified under s. 343.17 (3) and the holder may affix a decal thereto as provided in s. 343.175 (3). All restrictions imposed under sub. (6) shall be listed on the license or on an attachment thereto.

(4) **PHYSICAL REQUIREMENTS.** The department may set such physical standards as it deems necessary for eligibility for licensing under this section. The standards shall include a vision standard.

(5) **EXAMINATION.** The department may require an applicant to submit to a medical examination to determine whether the applicant meets the standards set under sub. (4). The applicant shall pay the cost of any such examination.

(6) **RESTRICTIONS.** The department may impose such restrictions as it deems necessary on any license issued under this section. Such restrictions may include, but are not limited to, the type of vehicle, special equipment, time of day of operation, and specific geographic areas and streets or routes of travel. A vehicle operated under this section shall display a slow moving vehicle emblem as required under s. 347.245.

(7) **EXPIRATION; RENEWAL.** A special restricted operator’s license issued under this section shall expire 2 years after the date of issuance. Within 90 days prior to the expiration of a license, the

holder of the restricted license may renew the license by paying all required fees and passing the examination under sub. (1) (a) 4.  
**History:** 1979 c. 345; 1981 c. 138; 1983 a. 243; 1989 a. 105; 2007 a. 20.  
**Cross-reference:** See also ch. Trans 112, Wis. adm. code.

**343.14 Application for license. (1)** Every application to the department for a license or identification card or for renewal thereof shall be made upon the appropriate form furnished by the department and shall be accompanied by all required fees. Notwithstanding s. 343.50 (8) (b), names, addresses, license numbers, and social security numbers obtained by the department under this subsection shall be provided to the department of revenue for the purpose of administering ss. 71.93 and 71.935 and state taxes and to the department of workforce development for the sole purpose of enforcing or administering s. 108.22.

(2) The forms for application shall be determined by the department and shall include:

(a) The full legal name and principal residence address of the applicant;

(b) The applicant's date of birth, color of eyes, color of hair, sex, height, weight and race;

(bm) Except as provided in par. (br), the applicant's social security number.

(br) If the applicant does not have a social security number, a statement made or subscribed under oath or affirmation that the applicant does not have a social security number and is not eligible for a social security number. The statement shall provide the basis or reason that the applicant is not eligible for a social security number, as well as any information requested by the department that may be needed by the department for purposes of verification under s. 343.165 (1) (c). The form of the statement shall be prescribed by the department, with the assistance of the department of children and families. A license that is issued or renewed under s. 343.17 in reliance on a statement submitted under this paragraph is invalid if the statement is false.

(c) A statement as to whether the applicant has heretofore been licensed as an operator of any motor vehicle and, if so, when and by what jurisdiction;

(d) Whether any previous license or operating privilege has ever been suspended or revoked or whether application has ever been refused and, if so, the date and place of such suspension, revocation or refusal;

(e) If the application is made by a person under 18 years of age, documentary proof that the applicant is enrolled in a school program or high school equivalency program and is not a habitual truant as defined in s. 118.16 (1) (a), has graduated from high school or been granted a declaration of high school graduation equivalency or is enrolled in a home-based private educational program, as defined in s. 115.001 (3g). For purposes of this paragraph, "documentary proof" means the signature and verification of an adult sponsor as provided in s. 343.15 (1) or the applicant as provided in s. 343.15 (4) (b);

(em) If the application is made by a male who is at least 18 years of age but less than 26 years of age, the form shall notify the applicant that, by submitting the application to the department, the applicant gives his consent to be registered, if required by federal law, with the selective service system and that he authorizes the department to forward information to the selective service system under s. 343.234.

(es) Subject to sub. (2g) (a) 2. d. and s. 343.125 (2) (a) and (b), valid documentary proof that the individual is a citizen or national of the United States or an alien lawfully admitted for permanent or temporary residence in the United States or has any of the following:

1. Conditional permanent resident status in the United States.
2. A valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States.
3. An approved application for asylum in the United States or has entered into 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 for permanent residence in the United States or conditional permanent resident status in the United States.

(f) Subject to s. 343.165 (1), such further information as the department considers appropriate to identify the applicant, including biometric data, and such information as the department may reasonably require to enable it to determine whether the applicant is by law entitled to the license applied for;

(g) A question as to whether the applicant wishes to include his or her name as a donor of an anatomical gift in the record of potential donors maintained by the department. The form shall indicate the following:

1. The applicant is not required to respond to the question under this paragraph in order to obtain a license.

2. The purpose of maintaining the record of potential donors is to facilitate the determination of whether a person is a potential donor in the event of his or her death.

3. An affirmative response to the question under this paragraph does not in itself authorize an anatomical gift. To authorize an anatomical gift, an applicant shall comply with s. 157.06 or 343.175 (2);

(gh) A question as to whether the applicant wishes to designate an additional \$2 to support the efforts of Donate Life Wisconsin for the purposes described under s. 250.17 (1).

(h) A certification by the applicant that the motor vehicle in which the person takes the driving skills test is a representative vehicle of the vehicle group that the person operates or expects to operate; and

(im) In addition to the information required under this subsection, the application form for a commercial driver license shall include all of the following:

1m. A certification by the applicant that he or she either:

a. Meets all of the driver qualifications contained in either 49 CFR 391 or in an alternative federally approved driver qualification program established by the department by rule. The department may require the applicant to show the medical certificate of physical examination required by 49 CFR 391.43; or

b. Subject to s. 343.065 (1) (b), meets all of the driver qualifications for drivers in intrastate commerce as established by the department by rule and is applying for a commercial driver license valid only in this state for noninterstate operation.

2m. a. Notwithstanding par. (es), if the person is applying for a commercial driver license other than a license under s. 343.03 (3m), acceptable proof under 49 CFR 383.71 (b) (9) that the individual is a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States.

b. Notwithstanding par. (es), if the person is applying for a commercial driver license under s. 343.03 (3m), acceptable documentation under 49 CFR 383.71 (f) (2) (i).

(j) A statement as to whether the applicant is a veteran, as defined in s. 45.01 (12), and, if so, whether the applicant wishes to have his or her veteran status indicated on the license or identification card. If the applicant has indicated that he or she is a veteran and wishes to have his or her veteran status indicated on the license or identification card, the applicant shall provide verification from the department of veterans affairs or a county veterans service officer that the applicant is a veteran.

(2g) (a) Notwithstanding ss. 111.321, 111.322, and 111.335 and any other provision of law, in addition to the information required under sub. (2), the application form for an "H" endorsement specified in s. 343.17 (3) (d) 1m. shall include all of the information and statements required under 49 CFR 1572.5 (e), including all of the following:

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1. The list of disqualifying felony criminal offenses specified in 49 CFR 1572.103 (b).

2. A statement that the individual signing the application meets all of the following requirements:

a. The individual has not been convicted, or found not guilty by reason of insanity, of any disqualifying felony criminal offense described in subd. 1. in any jurisdiction during the 7-year period preceding the date of the application.

b. The individual has not been released from incarceration in any jurisdiction for committing any disqualifying felony criminal offense described in subd. 1. within the 5-year period preceding the date of the application.

c. The individual is not wanted or under indictment for any disqualifying felony criminal offense described in subd. 1.

d. The individual is a U.S. citizen who has not renounced that citizenship, or is lawfully admitted for permanent residence to the United States. If the applicant is lawfully admitted for permanent residence to the United States, the applicant shall provide the applicant's alien registration number issued by the federal department of homeland security.

3. A statement that the individual signing the application has been informed that s. 343.245 (2) (a) 1. and federal regulations under 49 CFR 1572.5 impose an ongoing obligation to disclose to the department within 24 hours if the individual is convicted, or found not guilty by reason of insanity, of any disqualifying felony criminal offense described in subd. 1., or adjudicated as a mental defective or committed to a mental institution, while he or she holds an "H" endorsement specified in s. 343.17 (3) (d) 1m.

4. Notwithstanding sub. (2) (br) and the provisions of any memorandum of understanding entered into under s. 49.857 (2), the applicant's social security number.

(b) Upon receiving a completed application form for an "H" endorsement specified in s. 343.17 (3) (d) 1m., the department of transportation shall immediately forward the application to the federal transportation security administration of the federal department of homeland security. The department of transportation 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 federal transportation security administration.

(2j) Except as otherwise required to administer and enforce this chapter, the department of transportation may not disclose a social security number obtained from an applicant for a license under sub. (2) (bm) to any person except to the department of children and families for the sole purpose of administering s. 49.22, to the department of workforce development for the sole purpose of enforcing or administering s. 108.22, to the department of revenue for the purposes of administering state taxes and collecting debt, or to the driver licensing agency of another jurisdiction.

(2m) The forms for application for a license or identification card or for renewal thereof shall include the information required under s. 85.103 (2).

(2r) Notwithstanding sub. (2j), the department may, upon request, provide to the department of health services any applicant information maintained by the department of transportation and identified in sub. (2), including providing electronic access to the information, for the sole purpose of verification by the department of health services of birth certificate information.

(3) Except as provided in sub. (3m), the department shall, as part of the application process, take a digital photograph including facial image capture of the applicant to comply with s. 343.17 (3) (a) 2. Except as provided in sub. (3m), no application may be processed without the photograph being taken. Except as provided in sub. (3m) and s. 343.165 (4) (d), in the case of renewal licenses, the photograph shall be taken once every 8 years, and shall coincide with the appearance for examination which is required under s. 343.16 (3).

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(3m) If the application for a license is processed under the exception specified in s. 343.165 (7), the application may be processed and the license issued or renewed without a photograph being taken of the applicant if the applicant provides to the department an affidavit stating that the applicant has a sincerely held religious belief against being photographed; identifying the religion to which he or she belongs or the tenets of which he or she adheres to; and stating that the tenets of the religion prohibit him or her from being photographed.

(4m) Subject to s. 343.17 (2), the department shall develop designs for licenses and identification cards which are resistant to tampering and forgery and licenses and identification cards issued on or after January 1, 1989, shall incorporate the designs required under this subsection.

(5) No person may use a false or fictitious name or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in an application for any of the following:

- (a) A license.
- (b) An identification card.

(6) The department shall disseminate information to applicants for a license relating to the anatomical donation opportunity available under s. 343.175. The department shall maintain a record of applicants who respond in the affirmative to the question under sub. (2) (g). In the event of the death of a person, at the request of a law enforcement officer or other appropriate person, as determined by the department, the department shall examine its record of potential donors and shall advise the law enforcement officer or other person as to whether a decedent is recorded as a potential donor.

(7) A person may notify the department in writing at any time if he or she wishes to include his or her name in the record of potential donors maintained by the department. A donor who revokes his or her gift and who has requested that his or her name be included in the record shall request the department in writing to remove his or her name from the record.

(9) Any person who violates sub. (5) may be fined not more than \$1,000 or imprisoned for not more than 6 months or both.

**History:** 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 124, 360, 447; 1979 c. 306; 1981 c. 20 s. 1848r; 1985 a. 227; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 105, 294, 298, 359; 1991 a. 269; 1993 a. 363; 1995 a. 113; 1997 a. 27, 119, 191; 1999 a. 9, 80, 88; 2001 a. 93; 2003 a. 33; 2005 a. 25, 59, 126; 2007 a. 20 ss. 3242 to 3254, 9121 (6) (a); 2009 a. 180; 2011 a. 23, 32; 2013 a. 17, 20, 36; 2015 a. 123.

A notice of approved deferred action status issued pursuant to the federal Deferred Action for Childhood Arrivals program constitutes satisfactory proof of legal presence. OAG 2–12.

### 343.15 Application of persons under 18; liability of sponsors; release from liability; notification of juvenile violation.

(1) (a) Except as provided in sub. (4), the application of any person under 18 years of age for a license shall be signed and verified by either of the applicant's parents, or a stepparent of the applicant or other adult sponsor, as defined by the department by rule. The application shall be signed and verified before a traffic officer, a duly authorized agent of the department or a person duly authorized to administer oaths. A signature and verification under this paragraph may be provided electronically in a format designated by the department.

(b) The adult sponsor under par. (a) shall sign and verify on the application that the person under 18 years of age is enrolled in a school program or high school equivalency program and is not a habitual truant as defined in s. 118.16 (1) (a), has graduated from high school or been granted a declaration of high school graduation equivalency or is enrolled in a home-based private educational program, as defined in s. 115.001 (3g).

(2) (a) In this subsection, "custody" does not mean joint legal custody as defined in s. 767.001 (1s).

(b) Any negligence or willful misconduct of a person under the age of 18 years when operating a motor vehicle upon the highways is imputed to the parents where both have custody and either par-

ent signed as sponsor, otherwise, it is imputed to the adult sponsor who signed the application for such person's license. The parents or the adult sponsor is jointly and severally liable with such operator for any damages caused by such negligent or willful misconduct. The liability imputed under this paragraph is limited to a maximum total of the higher of the following:

1. \$300,000 for all parents or adult sponsors to all parties arising from any one accident.
2. The limits of any insurance coverage provided to the minor under the parent's or adult sponsor's applicable insurance policies.

(3) Any adult who signed the application of a person under the age of 18 years for a license may thereafter file with the department a verified written request that the license of such minor be canceled. Within 10 days after the receipt of such request the department shall cancel the license. When the license has been so canceled, the adult who signed the application and the parents or guardian of such minor is relieved from the liability which otherwise would be imposed under sub. (2) by reason of having signed such application, or being a parent or guardian, insofar as any negligence or willful misconduct on the part of the minor while operating a motor vehicle subsequent to the cancellation concerned.

(4) (a) The department may issue a license to a person who is under 18 years of age even though an adult sponsor has not signed the application for license if such person is in one of the classes specified in this paragraph or in a substantially similar class specified by the department by rule and if a certificate of insurance to the effect that such person is covered by a motor vehicle policy of liability insurance meeting the requirements of s. 344.33 has been filed with the department. Such policy may be canceled or terminated only after notice as provided in s. 344.34.

1. A person who does not have a living parent.
2. A person who does not reside with his or her parents and who is a full-time student or earning a living.
3. A person who is a ward of the state, county, or court and who has been placed in a foster home or in the care of a religious welfare service.
4. A person who is married and whose spouse is under 18 years of age.

(b) A person who is not required to have an adult sponsor under par. (a) shall sign and verify on the application that he or she is enrolled in a school program or high school equivalency program and is not a habitual truant as defined in s. 118.16 (1) (a), has graduated from high school or been granted a declaration of high school graduation equivalency or is enrolled in a home-based private educational program, as defined in s. 115.001 (3g).

(5) When a citation for a moving traffic violation, under chs. 341 to 349 or under a local ordinance in conformity therewith, is issued to or a notice of revocation under s. 351.027 is sent to a person who is under 18 years of age and required to have a sponsor under this section, the issuing or filing agency shall, within 7 days, notify the person's sponsor or parents of the violation or notice. When the secretary suspends or revokes the operating privilege of a person who is under 18 years of age and who possesses a license and who is required to have a sponsor under this section or when the secretary receives notice that a court has suspended or revoked the operating privilege of such a person, the secretary shall, within 14 days after the suspension or revocation or receipt of the notice of suspension or revocation by the court, respectively, notify the person's sponsor or parents of the suspension or revocation.

**History:** 1971 c. 45; 1971 c. 213 s. 5; 1971 c. 223; 1973 c. 90; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 273; 1979 c. 215, 333, 338, 355; 1985 a. 71; 1987 a. 355; 1989 a. 105, 244; 1993 a. 162, 363, 446, 491; 1995 a. 100; 2009 a. 28; 2015 a. 55, 202.

A *Pierringer* release of a minor did not bar the plaintiff's action under sub. (2) against a sponsor. *Swanigan v. State Farm Insurance Co.* 99 Wis. 2d 179, 299 N.W.2d 234 (1980).

A *Pierringer* release of a minor barred an action for contribution by nonsettling defendants against a sponsor who was not joined in the action by the plaintiff. *Jackson v. Ozaukee County*, 111 Wis. 2d 462, 331 N.W.2d 338 (1983).

Sub. (2) does not violate the constitutional guarantees of due process or equal protection. *Mikaelian v. Woyak*, 121 Wis. 2d 581, 360 N.W.2d 706 (Ct. App. 1984).

Parent sponsors are liable under this section for punitive damages assessed against their child. Evidence of the sponsors' wealth is not admissible for purposes of assessing punitive damages against an underage driver. *Franz v. Brennan*, 150 Wis. 2d 1, 440 N.W.2d 562 (1989).

The suspension of a minor's license does not relieve the sponsoring adult from liability if after suspension of the license the minor, while operating without a license, causes injury. Relief from liability can only be had by applying for cancellation of the license under sub. (3). *Johnson v. Schliit*, 211 Wis. 2d 832, 565 N.W.2d 305 (Ct. App. 1997), 96–1304.

The scope of parental liability under this section does not extend to a child's conduct distinct from operating a vehicle. The child's shooting of a gun from a car while driving was outside the ambit of the statute. *Reyes v. Greatway Insurance Co.* 227 Wis. 2d 357, 597 N.W.2d 687 (1999), 97–1587.

Parents are both liable under this statute when one signs as a sponsor. It is irrelevant that one withdrew as the sponsor when the other signed the documents to assume sponsorship. *Beerbohm v. State Farm Mutual Automobile Insurance Co.* 2000 WI App 105, 235 Wis. 2d 182, 612 N.W.2d 338, 99–1784.

As sub. (2) (a) excludes joint legal custody under s. 767.001 (1s) from the meaning of custody under sub. (2) (b), custody in sub. (2) (b) can only mean the natural legal custody that married parents share. Because divorced parents do not share that type of custody, liability may not be imputed to the non-sponsoring parent under sub. (2) (b). *LaCount v. Salkowski*, 2002 WI App 287, 258 Wis. 2d 635, 654 N.W.2d 295, 02–0630.

### 343.16 Examination of applicants; reexamination of licensed persons. (1) REQUIRED TESTING OF KNOWLEDGE AND DRIVING SKILLS.

(a) *General.* Except when examination by a 3rd-party tester is permitted under pars. (b) to (c), the department shall examine every applicant for an operator's license, including applicants for license renewal as provided in sub. (3), and every applicant for authorization to operate a vehicle class or type for which the applicant does not hold currently valid authorization, other than an instruction permit. Except as provided in sub. (2) (cm) and (e), the examinations of applicants for licenses authorizing operation of "Class A", "Class B", "Class C", "Class D" or "Class M" vehicles shall include both a knowledge test and an actual demonstration in the form of a driving skills test of the applicant's ability to exercise ordinary and reasonable control in the operation of a representative vehicle. The department shall not administer a driving skills test to a person applying for authorization to operate "Class M" vehicles who has failed 2 previous such skills tests unless the person has successfully completed a rider course approved by the department. The department may, by rule, exempt certain persons from the rider course requirement of this paragraph. The department may not require a person who is applying for authorization to operate "Class M" vehicles and who has successfully completed a rider course approved by the Wisconsin department of transportation motorcycle safety program to hold an instruction permit under s. 343.07 (4) prior to the department's issuance of a license authorizing the operation of "Class M" vehicles. The department may not require a person applying for authorization to operate "Class M" vehicles who holds an instruction permit under s. 343.07 (4) to hold it for a minimum period of time before administering a driving skills test. The driving skills of applicants for endorsements authorizing the operation of commercial motor vehicles equipped with air brakes, the transportation of passengers in commercial motor vehicles or the operation of school buses, as provided in s. 343.04 (2) (b), (bm), (d) or (e), shall also be tested by an actual demonstration of driving skills. The department may endorse an applicant's commercial driver license for transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73, subject to s. 343.125, or for the operation of tank vehicles or vehicles towing double or triple trailers, as described in s. 343.04 (2) (a), (c) or (f), based on successful completion of a knowledge test. In administering the knowledge test, the department shall attempt to accommodate any special needs of the applicant. Except as may be required by the department for an "H" or "S" endorsement, the knowledge test is not intended to be a test for literacy or English language proficiency. This paragraph does not prohibit the department from requiring an applicant to correctly read and understand highway signs.

(b) *Third-party driving skills testing.* The department may contract with a person, including an agency or department of this state or its political subdivisions or another state, or a private employer of commercial motor vehicle drivers, to administer

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commercial motor vehicle skills tests required by 49 CFR 383.110 to 383.135, examinations required to be administered under s. 343.12 (2) (h), abbreviated driving skills tests required by sub. (3) (b), or driving skills tests required by par. (a) for authorization to operate “Class D” vehicles, or any combination of these tests and examinations. This paragraph does not apply with respect to a law enforcement agency eligible to contract with the department under par. (bm). A contract with a 3rd-party tester under this paragraph shall include all of the following provisions:

1. All tests and examinations conducted by the 3rd-party tester shall be the same as those given by the department.

2. The department, or the applicable federal agency or its representative with respect to testing for commercial driver licenses, may conduct random examinations, inspections, and audits of the 3rd-party tester without any prior notice.

3. At least biennially, the department shall conduct an on-site inspection of the 3rd-party tester to determine compliance with the contract and with department and federal standards for testing applicants for commercial driver licenses and with department standards for testing applicants for school bus endorsements and applicants for operators' licenses to operate “Class D” vehicles. The department shall also evaluate testing given by the 3rd-party tester by one of the following means:

a. Department employees shall take the tests and examinations actually administered by the 3rd-party tester as if the department employee were an applicant.

b. The department shall retest a sample of drivers who were examined by the 3rd-party tester to compare the pass and fail results.

c. The department shall score drivers along with the 3rd-party tester during skills tests to compare the scoring results.

4. Examiners of the 3rd-party tester shall meet the same qualifications and training standards as the department's license examiners to the extent established by the department as necessary to satisfactorily perform the skills tests required by 49 CFR 383.110 to 383.135, examinations required to be administered under s. 343.12 (2) (h), abbreviated driving skills tests required by sub. (3) (b), and driving skills tests required by par. (a) for authorization to operate “Class D” vehicles.

5. The department shall take prompt and appropriate remedial action against the 3rd-party tester in the event that the tester fails to comply with department or federal standards for commercial driver license testing, department standards for school bus endorsement testing or testing for operators' licenses to operate “Class D” vehicles, or any provision of the contract. Such action may include immediate termination of testing by the 3rd-party tester and recovery of damages.

6. The 3rd-party tester may not administer any test or examination of a person who has received instruction in driver training from the 3rd-party tester or from any person who controls, is controlled by, or is under common control with the 3rd-party tester.

(bm) *Third-party testing by certain law enforcement agencies.* The department may contract with any law enforcement agency, other than a local law enforcement agency of a municipality in which an examining station of the department is located, to administer knowledge, driving skills, and eyesight tests required by par. (a) and sub. (2) (b) and (c) for authorization to operate “Class D” vehicles. A contract with a 3rd-party tester under this paragraph shall include all of the following provisions:

1. All tests conducted by the 3rd-party tester shall be the same as those given by the department.

2. The department or its representative may conduct random examinations, inspections, and audits of the 3rd-party tester without any prior notice.

3. The department may conduct an on-site inspection of the 3rd-party tester to determine compliance with the contract and with department and federal standards for testing applicants for

operators' licenses to operate “Class D” vehicles. The department may also evaluate testing given by the 3rd-party tester by one of the following means:

a. Department employees may take the tests actually administered by the 3rd-party tester as if the department employees were applicants.

b. The department may retest a sample of drivers who were tested by the 3rd-party tester to compare the pass and fail results.

4. Examiners of the 3rd-party tester shall meet the same qualifications and training standards as the department's license examiners to the extent established by the department as necessary to satisfactorily perform the knowledge, driving skills, and eyesight tests required by par. (a) and sub. (2) (b) and (c) for authorization to operate “Class D” vehicles.

5. The department shall take prompt and appropriate remedial action against the 3rd-party tester in the event that the tester fails to comply with department or federal standards for testing for operators' licenses to operate “Class D” vehicles or with any provision of the contract, including immediate termination of testing by the 3rd-party tester.

(c) *Driver education course.* The department may, after consultation with the department of public instruction and the technical college system board, provide for administration of and certification of the results of the test of an applicant's knowledge of the traffic laws and ability to read and understand highway signs in conjunction with a course in driver education specified in this paragraph, by an instructor in that course. The test under this paragraph does not include that part of a driver's examination involving the actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle required for the issuance of a license other than an instruction permit. The test under this paragraph may be administered and certified by an instructor in any of the following:

1. A course in driver education in public schools approved by the department of public instruction.

2. A course in driver education in technical colleges approved by the technical college system board.

3. A course in driver education in nonpublic and private schools or tribal schools, as defined in s. 115.001 (15m), that meets the minimum standards set by the department of public instruction.

(d) *Foreign license reciprocity.* The chief administrator of the division of motor vehicles may, with the appropriate official of another country or of a province or other subdivision of another country, enter into a reciprocal agreement under which this state and the other country, province or other subdivision agree to waive any knowledge test and driving skills test of an applicant for an operator's license to operate “Class D” vehicles, as described in s. 343.04 (1) (d), or “Class M” vehicles, as described in s. 343.04 (1) (e), or both, if the applicant possesses a valid license to operate those vehicles, other than an instructional permit, issued by this state or the other country, province or other subdivision. The chief administrator may enter into an agreement under this paragraph only if the criteria for any knowledge test and driving skills test required by the other country, province or other subdivision for those types of vehicles are at least as stringent as the requirements of this state. The agreement shall specify all of the following:

1. That the department will issue a regular license, as described in s. 343.03 (3) (a), to any person moving to this state who has been licensed by the other country, province or other subdivision for at least 3 years, who presently holds a license to operate that type of vehicle, other than an instructional permit, from the other country, province or other subdivision and who is at least 21 years of age. Notwithstanding s. 343.03 (3) (a), a regular license issued under this subdivision may be endorsed to permit operation of Type 1 motorcycles, but may not be endorsed to permit operation of school buses. The department shall issue a probationary

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license under s. 343.085 to any other applicant who holds a valid operator's license issued by the other country, province or other subdivision.

2. That whenever the secretary has good cause to believe that an operator licensed under an agreement entered into under this paragraph is incompetent or otherwise not qualified to be licensed, the secretary may, upon written notice of at least 5 days to the licensee, require the licensee to submit to an examination including all or part of the tests specified in par. (a). Upon the conclusion of such examination the secretary shall take such action as is appropriate under this chapter, including cancellation of the license or permitting the licensee to retain the license subject to such restrictions as the secretary may order or without restrictions.

3. That the other country, province or other subdivision will treat operators licensed by this state similarly to how this state will treat operators licensed by the other country, province or other subdivision.

(2) **TESTING STANDARDS.** (a) *Rules.* The department shall promulgate rules setting testing standards for commercial driver license applicants. The testing standards shall comply with 49 CFR 383.71 to 383.135.

(b) *Specific requirements.* The standards developed by the department under par. (c) shall provide that the examination for persons making their first application for an operator's license shall include, subject to sub. (3) (am), a test of the applicant's eyesight, ability to read and understand highway signs regulating, warning and directing traffic, knowledge of the traffic laws, including ss. 346.072 and 346.26, understanding of fuel-efficient driving habits and the relative costs and availability of other modes of transportation, knowledge of the need for anatomical gifts and the ability to make an anatomical gift through the use of a donor card issued under s. 343.175 (2), and an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle. The test of knowledge of the traffic laws shall include questions on the provisions of ss. 343.30 (1q), 343.303 to 343.31 and 346.63 to 346.655, relating to the operation of a motor vehicle and the consumption of alcohol beverages. The test of knowledge may also include questions on the social, medical and economic effects of alcohol and other drug abuse. The examination of applicants for authorization to operate 'Class M' vehicles shall test an applicant's knowledge of Type 1 motorcycle safety, including proper eye protection to be worn during hours of darkness. The department may require persons changing their residence to this state from another jurisdiction and persons applying for a reinstated license after termination of a revocation period to take all or parts of the examination required of persons making their first application for an operator's license. Any applicant who is required to give an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle shall furnish a representative vehicle in safe operating condition for use in testing ability.

(c) *Standards.* The department shall promulgate rules setting standards to govern driver license examinations and reexaminations. Such standards shall take into consideration any federal standards or requirements which may apply.

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

*Cross-reference:* See also s. Trans 129.03, Wis. adm. code.

(d) *Motor bicycle or moped waiver.* The department may promulgate rules authorizing a license examiner to waive the operating skill examination of a person applying for a license to operate a motor bicycle or moped if the applicant has the physical ability to operate the vehicle safely. The rules shall ensure that the applicant demonstrates knowledge of the traffic laws necessary for the safe operation of the vehicle.

(e) *Farm service industry employee waiver.* To the extent permitted under applicable federal law or regulation, the department may waive any knowledge test and shall waive the commercial driver license driving skills test of a person applying for an "F" endorsement, except as provided under s. 343.16 (5) or (6) (a).

(f) *Application by military license holder.* 1. In this paragraph, "military commercial driver license" means, notwithstanding s. 340.01 (7m) and (41m), an authorization from the national guard of any state, from a branch of the U.S. armed forces, or from forces incorporated as part of the U.S. armed forces, authorizing a person to operate vehicles that the department determines are equivalent to those described in s. 340.01 (8) (a) or (b).

2. An applicant for a commercial driver license who holds a military commercial driver license shall submit to the department, in addition to the application, the applicant's military commercial driver license and other documentation that the department considers necessary to determine the equivalent classes of vehicles under s. 343.04 (1) that the applicant's military commercial driver license authorizes the applicant to operate.

3. Notwithstanding pars. (a) to (c) and sub. (1) (a), with respect to equivalent classes of vehicles under s. 343.04 (1), the department shall treat an application for a commercial driver license submitted with a military commercial driver license and other related documentation the same as an application for that license submitted by a person holding a commercial driver license from another jurisdiction, except that the department shall waive the fees under s. 343.21 (1) (d) and (n) for the commercial driver license and any applicable endorsement, and shall require the applicant to take and pass the applicable knowledge tests, unless the applicant is exempt from, or eligible for a waiver of, these knowledge tests under 49 CFR 383.

(3) **TESTING UPON RENEWAL.** (a) Except as provided in s. 343.165 (4) (d), the department shall examine every applicant for the renewal of an operator's license once every 8 years. The department may institute a method of selecting the date of renewal so that such examination shall be required for each applicant for renewal of a license to gain a uniform rate of examinations. Subject to par. (am), the examination shall consist of a test of eyesight. The department shall make provisions for giving such examinations at examining stations in each county to all applicants for an operator's license. The person to be examined shall appear at the examining station nearest the person's place of residence or at such time and place as the department designates in answer to an applicant's request. In lieu of examination, the applicant may present or mail to the department a report of examination of the applicant's eyesight by an ophthalmologist, optometrist or physician licensed to practice medicine. The report shall be based on an examination made not more than 3 months prior to the date it is submitted. The report shall be on a form furnished and in the form required by the department. The department shall decide whether, in each case, the eyesight reported is sufficient to meet the current eyesight standards.

(am) 1. If an applicant for a probationary license authorizing operation of only "Class D" vehicles satisfies eligibility criteria established by the department under subd. 3., the applicant may apply for the license, and the department may issue the license, by any electronic means offered by the department. A license may be issued under this subdivision without a test of eyesight and without a photograph being taken.

2. If an applicant for the renewal of a license authorizing operation of only "Class D" vehicles is currently a probationary license holder and satisfies eligibility criteria established by the department under subd. 3., the applicant may apply for the license, and the department may renew the license, by any electronic means offered by the department. A license may be renewed under this subdivision without a test of eyesight and without a photograph being taken.



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3. The department shall establish criteria for eligibility for license issuance and renewal by electronic means under this paragraph.

(b) The department shall require each applicant for the renewal of an operator's license with an endorsement authorizing the operation of school buses to take and pass the knowledge test under sub. (1) and an abbreviated driving skills test including, but not limited to, pretrip inspection, the loading and unloading of passengers and railroad crossing procedures.

(4) **CONDUCT OF DRIVING SKILLS TEST.** (a) An applicant who holds an expired instruction permit, expired out-of-state license or who seeks to reinstate his or her operating privilege may drive a motor vehicle only when accompanied by an authorized license examiner for the purpose of examining the applicant's ability to operate a motor vehicle. Such applicant must be driven to and from the examining area by a licensed driver. This exception to the requirement to hold a valid operator's license does not apply to the operation of a commercial motor vehicle. For purposes of examining applicants for a special restricted operator's license under s. 343.135, the department may waive the requirements of this paragraph in any case in which it considers a waiver desirable.

(b) More than one authorized operator's license examiner or supervisor may ride with any licensed operator or applicant for an operator's license for the purpose of examining the person's ability to operate a motor vehicle.

(5) **MEDICAL OR OTHER SPECIAL EXAMINATIONS.** (a) The secretary may require any applicant for a license or any licensed operator to submit to a special examination by such persons or agencies as the secretary may direct to determine incompetency, physical or mental disability, disease, or any other condition that might prevent such applicant or licensed person from exercising reasonable and ordinary control over a motor vehicle. If the department requires the applicant to submit to an examination, the applicant shall pay for the examination. If the department receives an application for a renewal or duplicate license after voluntary surrender under s. 343.265 or receives a report from a physician, physician assistant, as defined in s. 448.01 (6), advanced practice nurse prescriber certified under s. 441.16 (2), or optometrist under s. 146.82 (3), or if the department has a report of 2 or more arrests within a one-year period for any combination of violations of s. 346.63 (1) or (5) or a local ordinance in conformity with s. 346.63 (1) or (5) or a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63 (1) or (5), or s. 346.63 (1m), 1985 stats., or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, the department shall determine, by interview or otherwise, whether the operator should submit to an examination under this section. The examination may consist of an assessment. If the examination indicates that education or treatment for a disability, disease or condition concerning the use of alcohol, a controlled substance or a controlled substance analog is appropriate, the department may order a driver safety plan in accordance with s. 343.30 (1q). If there is noncompliance with assessment or the driver safety plan, the department shall revoke the person's operating privilege in the manner specified in s. 343.30 (1q) (d).

(b) Whenever the department receives the results of a special examination required under this subsection, the department shall give fair consideration to the recommendation of the examining person or agency together with other evidence in determining if it is in the interest of public safety to issue, renew, deny or cancel a license. If a license is denied or canceled by the department after a special examination as provided in par. (a), such denial or cancellation shall be reviewed by a reviewing board upon written request of the applicant filed with the department within 10 days after receipt of notice of such denial or cancellation. Notice of denial or cancellation shall be in writing and contain specific reasons. The notice shall contain a statement that the applicant has 10 days within which to file a written request with the department for review of the department's decision by the reviewing board. The applicant shall have the right to appear personally before the

review board, to present witnesses and additional information, and to be represented by counsel. The department's representative may administer oaths, issue subpoenas for the attendance of witnesses and the production of relevant documents and may require a reexamination of the applicant. No law enforcement officer or other witness produced by the applicant to testify on the applicant's behalf shall be paid a witness fee nor shall any law enforcement officer called to appear for the department be paid any witness fee. A record including the recommendations of the board shall be made of the proceeding. If a license is denied or canceled, the applicant shall be given specific reasons in writing. Review boards shall consist of the department's representative and at least 2 members appointed by the secretary from a list of physicians licensed to practice medicine in this state and a list of optometrists licensed to practice optometry in this state. Optometrists shall be limited to reviewing cases concerning vision only. In cases concerning mental disability or disease at least one of the physicians shall have specialized training in psychiatry. In cases concerning seizure disorders at least one of the physicians shall have specialized training in neurology. The members of the board shall receive the per diem and expenses provided in s. 15.08 (7) which shall be charged to the appropriation under s. 20.395 (5) (cq). A decision of the department based on the recommendation of a reviewing board is subject to judicial review under s. 343.40.

(c) All reports, records or information furnished by or on behalf of an applicant or licensed operator under this subsection are confidential and shall be for the sole use of the department, the applicant or licensed driver, the review board and the courts in administering this section and are not admissible as evidence for any other purpose in any civil or criminal action. The applicant or licensed driver may give informed written consent for release of this information to others.

(d) Nothing in this subsection shall be interpreted to require the release of this information which was obtained under a pledge of confidentiality and such a clear pledge was made in order to obtain the information and was necessary to obtain the information.

(6) **SPECIAL RETESTING OF LICENSED OPERATORS.** (a) Except as provided in par. (am), whenever the secretary has good cause to believe that a licensed operator is incompetent or otherwise not qualified to be licensed, the secretary may, upon written notice of at least 5 days to the licensee, require the licensee to submit to an examination including all or part of the tests specified in sub. (1). Upon the conclusion of such examination the secretary shall take such action as is appropriate under this chapter, including cancellation of the license or permitting the licensee to retain the license subject to such restrictions as the secretary may order or without restrictions.

(am) If the secretary receives credible information that a person holding a commercial driver license committed fraud related to the issuance of the license, the secretary shall provide written notice to the person that the person is required to submit to an examination, including all or part of the tests required under sub. (1). A person receiving a notice under this paragraph shall, within 30 days of receiving notice, arrange to take the next available examination.

(b) Whenever the department requires an examination for renewal of an operator's license, it shall issue a receipt at the time of request for appearance for such examination which receipt shall constitute a temporary license to operate a motor vehicle for not to exceed 60 days pending such examination.

(7) **PENALTIES.** (a) Any person required by or pursuant to this section to submit to an examination who by any means secures the services of another person to appear in that person's place to take such examination may be fined not less than \$100 nor more than \$200 or imprisoned not more than 6 months or both.

(b) Any person who appears for an examination under this section in the place of another person required to take such examination may be fined not less than \$100 nor more than \$200 or imprisoned not more than 6 months or both for the first offense and may

be fined not less than \$200 nor more than \$500 or imprisoned not more than one year in county jail or both for the second or each subsequent offense thereafter.

**History:** 1971 c. 164 s. 83; 1973 c. 90, 176; 1975 c. 36, 199; 1977 c. 29 ss. 1456, 1654 (7) (a), (c); 1977 c. 273, 418; 1979 c. 34 ss. 1067m, 2102 (52) (a); 1979 c. 221, 345; 1981 c. 20; 1983 a. 74, 243, 534, 538; 1985 a. 65, 337; 1987 a. 3, 40, 215; 1989 a. 31, 105, 359; 1991 a. 21, 32, 39, 316; 1993 a. 16, 19, 183, 399; 1995 a. 27 s. 9145 (1); 1995 a. 113, 195, 448; 1997 a. 27, 84, 237; 1999 a. 32, 140; 2001 a. 105; 2003 a. 33; 2005 a. 187, 253, 466; 2007 a. 20, 68, 97, 162; 2009 a. 28, 302; 2011 a. 32, 161; 2013 a. 94; 2013 a. 166 s. 77; 2013 a. 371; 2015 a. 55, 123.

**Cross-reference:** See also ch. Trans 104, Wis. adm. code.

**343.165 Processing license and identification card applications.** (1) Subject to ss. 343.14 (3m) and 343.50 (4g), the department may not complete the processing of an application for initial issuance or renewal of an operator's license or identification card [January 1, 2013] and no such license or identification card may be issued or renewed, unless the applicant presents or provides, and, subject to sub. (7), the department verifies under sub. (3), all of the following information:

**NOTE:** Sub. (1) (Intro.) is shown as affected by 2015 Wis. Acts 193 and 197 and as merged by the legislative reference bureau under s. 13.92 (2) (i). The language in brackets was rendered surplusage by Act 193. Corrective legislation is pending.

(a) An identification document that includes either the applicant's photograph or both the applicant's full legal name and date of birth.

(b) Documentation showing the applicant's date of birth, which may be the identification document under par. (a).

(c) Proof of the applicant's social security number or, except as provided in s. 343.14 (2g) (a) 4., verification that the applicant is not eligible for a social security number.

(d) Documentation showing the applicant's name and address of principal residence.

(e) Subject to ss. 343.125 (2) (a) and (b) and 343.14 (2g) (a) 2. d., the documentary proof described in s. 343.14 (2) (es).

(2) (a) Subject to sub. (7), the department shall, in processing any application for an operator's license or identification card under sub. (1), capture a digital image of each document presented or provided to the department by an applicant. Images captured under this paragraph shall be maintained, in electronic storage and in a transferable format, in the applicant's file or record as provided under ss. 343.23 (2) (a) and 343.50 (8) (a).

(b) Subject to sub. (7), the department shall record in the applicant's file under s. 343.23 (2) (a) or record under s. 343.50 (8) (a) the date on which verification under subs. (1) and (3) is completed.

(3) (a) Except as provided in pars. (b) and (c) and subject to sub. (7), the department shall verify, in the manner and to the extent required under federal law, each document presented or provided to the department that is required to be presented or provided to the department by an applicant under sub. (1).

(b) The department may not accept any foreign document, other than an official passport, to satisfy a requirement under sub. (1).

(c) For purposes of par. (a) and sub. (1) (c), if an applicant presents a social security number that is already registered to or associated with another person, the department shall direct the applicant to investigate and take appropriate action to resolve the discrepancy and shall not issue any operator's license or identification card until the discrepancy is resolved. The department shall adopt procedures for purposes of verifying that an applicant is not eligible for a social security number.

(4) (a) Subsection (1) does not apply to an application for renewal of an operator's license or identification card [January 1, 2013] if in connection with a prior application [January 1, 2013] the applicant previously presented or provided, and the department verified under sub. (3) or (7), the information specified in sub. (1) and, if verified under sub. (3), the department recorded the date on which the verification procedures were completed as described in sub. (2) (b).

**NOTE:** Par. (a) is shown as affected by 2015 Wis. Acts 193 and 197 and as merged by the legislative reference bureau under s. 13.92 (2) (i). The language

in brackets was rendered surplusage by Act 193. Corrective legislation is pending.

(b) The department shall establish an effective procedure to confirm or verify an applicant's information for purposes of any application described in par. (a). The procedure shall include verification of the applicant's social security number or ineligibility for a social security number.

(c) Notwithstanding pars. (a) and (b), no operator's license displaying the legend required under s. 343.03 (3m) or identification card displaying the legend required under s. 343.50 (3) (a) may be renewed unless the applicant presents or provides valid documentary proof under sub. (1) (e) and this proof shows that the status by which the applicant qualified for the license or identification card has been extended by the secretary of the federal department of homeland security.

(d) With any license or identification card renewal following a license or identification card expiration established under s. 343.20 (1m) or 343.50 (5) (c) at other than an 8-year interval, the department may determine whether the applicant's photograph is to be taken, or if the renewal is for a license the applicant is to be examined, or both, at the time of such renewal, so long as the applicant's photograph is taken, and if the renewal is for a license the applicant is examined, with a license or card renewal at least once every 8 years and the applicant's license or identification card at all times includes a photograph unless an exception under s. 343.14 (3m) or 343.50 (4g) applies.

(5) The department may, by rule, require that applications for reinstatement of operator's licenses or identification cards, issuance of occupational licenses, reissuance of operator's licenses, or issuance of duplicate operator's licenses or identification cards [January 1, 2013] be processed in a manner consistent with the requirements established under this section for applications for initial issuance or renewal of operator's licenses and identification cards.

**NOTE:** Sub. (5) is shown as affected by 2015 Wis. Acts 193 and 197 and as merged by the legislative reference bureau under s. 13.92 (2) (i). The language in brackets was rendered surplusage by Act 193. Corrective legislation is pending.

(6) During the period in which the department processes an application under this section, the department may issue a receipt under s. 343.11 (3) or 343.50 (1) (c).

(7) (a) The department may process an application for, and issue or renew, an operator's license or identification card without meeting the requirements under subs. (2) and (3) if all of the following apply:

1. The operator's license contains the marking specified in s. 343.03 (3r) or the identification card contains the marking specified in s. 343.50 (3) (b).

2. The operator's license or identification card is processed and issued or renewed in compliance with applicable department practices and procedures that were in effect on December 31, 2012 [January 1, 2013].

**NOTE:** Subd. 2. is shown as affected by 2015 Wis. Acts 193 and 197 and as merged by the legislative reference bureau under s. 13.92 (2) (i). The language in brackets was rendered surplusage by Act 193. Corrective legislation is pending.

(b) In addition to other instances of original issuance or renewal, this subsection specifically applies to renewals occurring after [December 31, 2012] January 1, 2013, of operator's licenses or identification cards originally issued prior to January 1, 2013.

**NOTE:** Par. (b) is shown as affected by 2015 Wis. Acts 193 and 197 and as merged by the legislative reference bureau under s. 13.92 (2) (i). The date in brackets was inserted by Act 193 to replace an indeterminate date with the actual date, but is the incorrect date. The correct date, January 1, 2013, was inserted by 2015 Wis. Act 197. Corrective legislation is pending.

**History:** 2007 a. 20; 2011 a. 23, 32; 2015 a. 193, 197; s. 13.92 (2) (i). Who are you? Prove it! The Federal REAL ID Act and Its Fate in Wisconsin. Gary Wis. Law. Aug. 2008.

### 343.17 Contents and issuance of operator's license.

(1) **LICENSE ISSUANCE.** Subject to s. 343.165, the department shall issue an operator's license and endorsements, as applied for, to every qualifying applicant who has paid the required fees.

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(2) **LICENSE DOCUMENT.** The license shall be a single document, in one part, consisting of 2 sides. The document shall be, to the maximum extent practicable, tamper proof and shall contain physical security features consistent with any requirement under federal law.

(3) **CONTENTS.** (a) The front side of the license document shall include, without limitation, all of the following:

1. The full legal name, date of birth, and principal residence address of the person.

2. A photograph of the person, unless the exception under s. 343.14 (3m) applies.

3. A physical description of the person, including sex, height, weight and hair and eye color, but excluding any mention of race.

4. A unique identifying driver number assigned by the department.

5. The person's signature.

6. The classes of vehicles that the person is authorized to operate under par. (c), together with any endorsements or restrictions.

7. The name of this state.

8. The date of issuance of the license.

9. The date of expiration of the license.

10. A space for the sticker under s. 343.175 (3).

11. If the license authorizes the operation of certain commercial motor vehicles, the legend "Commercial Driver License", a readily recognizable abbreviation thereof or "CDL".

12. If the person is not the legal drinking age, as defined in s. 125.02 (8m), at the time of issuance of the license, a distinctive appearance specified by the department that clearly identifies to the public that the person was not the legal drinking age at the time of issuance of the license.

13. If the person is under 18 years of age at the time of issuance of the license, a distinctive appearance specified by the department that clearly identifies to the public that the person was under 18 years of age at the time of issuance of the license.

14. If the license contains the marking specified in s. 343.03 (3r), a distinctive appearance specified by the department that clearly distinguishes the license from other operator's licenses or identification cards issued by the department and that alerts federal agency and other law enforcement personnel that the license may not be accepted for federal identification or any other official purpose.

15. If the person is a veteran, has indicated that he or she wishes to have his or her veteran status indicated on the license, and has provided the verification required under s. 343.14 (2) (j), an indication that the person is a veteran.

(b) The reverse side of the license shall contain an explanation of any restriction codes or endorsement abbreviations used on the front of the license, in sufficient detail to identify the nature of the restrictions or endorsements to a law enforcement officer of this state or another jurisdiction. Except for a commercial driver license, a part of the reverse side of each license shall be printed to serve as a record of gift under s. 157.06 (2) (t) or a record of refusal under s. 157.06 (2) (u).

(c) The classifications on operator's licenses shall be as follows:

1. Classification "A", which authorizes the operation of "Class A" vehicles as described in s. 343.04 (1) (a). A driver who has passed the knowledge and driving skills tests for operating "Class A" vehicles shall receive a license authorizing the operation of "Class A", "Class B" and "Class C" vehicles if the person possesses any requisite endorsement.

2. Classification "B", which authorizes the operation of "Class B" vehicles as described in s. 343.04 (1) (b). A driver who has passed the knowledge and driving skills tests for operating "Class B" vehicles shall receive a license authorizing the operation of "Class B" and "Class C" vehicles if the person possesses any requisite endorsement.

3. Classification "C", which authorizes the operation of "Class C" vehicles as described in s. 343.04 (1) (c) if the person possesses any requisite endorsement.

4. Classification "D", which authorizes the operation of "Class D" vehicles as described in s. 343.04 (1) (d) if the person possesses any requisite endorsement.

5. Classification "M", which authorizes the operation of Type 1 motorcycles.

(d) The endorsements on operator's licenses shall be as follows:

1g. "F" endorsement, which authorizes a seasonal employee of a farm service industry employer who is eligible for a restricted commercial driver license under applicable federal law or regulation to operate "Class B" and "Class C" vehicles as described in s. 343.04 (1) (b) and (c) for a seasonal period not to exceed 180 days in any calendar year. This endorsement permits the transporting of liquid fertilizers in vehicles or implements of husbandry with total capacities of 3,000 gallons or less, solid fertilizers that are not transported with any organic substance or 1,000 gallons or less of diesel fuel, but no combination of these materials. The endorsement does not permit operation of a commercial motor vehicle beyond 150 miles of the farm service industry employer's place of business or, in the case of custom harvesters, the farm currently being served.

1m. "H" endorsement, which authorizes the driver to operate vehicles transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73.

2. "N" endorsement, which authorizes operating tank vehicles.

3. "P" endorsement, which authorizes operating vehicles designed to carry, or actually carrying, 16 or more passengers including the driver, except this endorsement does not authorize the operation of school buses unless the licensee also holds an "S" endorsement.

4. "S" endorsement, which authorizes operating school buses.

5. "T" endorsement, which authorizes operating commercial motor vehicles with double or triple trailers where the operation of such combination vehicles is permitted.

6. "X" endorsement, which is an optional endorsement that may be used to indicate that the licensee holds both "H" and "N" endorsements. The department may not issue or renew an endorsement under this subdivision after November 1, 2003.

(e) The standard restriction codes used on commercial driver licenses include:

1e. "E" restriction, which prohibits a person from operating commercial motor vehicles equipped with a manual transmission.

1m. "K" restriction, which restricts a person issued a license under s. 343.065 from operating commercial motor vehicles in interstate commerce.

2. "L" restriction, which prohibits a person from operating commercial motor vehicles equipped with air brakes.

3. "M" restriction, which prohibits a person from operating "Class A" passenger commercial motor vehicles.

4. "N" restriction, which prohibits a person from operating "Class A" and "Class B" passenger commercial motor vehicles.

5. "O" restriction, which prohibits a person from operating tractor-trailer commercial motor vehicles.

6. "V" restriction, which restricts a person from operating commercial motor vehicles without a medical variance.

7. "Z" restriction, which prohibits a person from operating commercial motor vehicles equipped with full air brakes.

(4m) **LENGTHY SPECIAL RESTRICTIONS.** If an operator's license is subject to restrictions that do not fit within the available space on the license document, the restrictions shall be provided to the licensee in a format determined by the department.

(5) **NO PHOTOS ON TEMPORARY LICENSES.** The temporary licenses issued under ss. 343.10, 343.11 (1) and (3), 343.16 (6) (b), and 343.305 (8) (a) shall be on forms provided by the department and shall contain the information required by sub. (3), except that temporary licenses under ss. 343.16 (6) (b) and 343.305 (8) (a) are not required to include a photograph of the licensee. This subsection does not apply to a noncitizen temporary license, as described in s. 343.03 (3m).

(6) **RULES.** Subject to subs. (2) and (3), the department shall promulgate rules setting the design and specifications for the license document and subsequent changes thereto.

**History:** 1971 c. 140; 1977 c. 29 s. 1654 (7) (a); 1977 c. 124, 272; 1979 c. 89, 306, 355; 1981 c. 20; 1985 a. 316 s. 25; 1989 a. 105, 298; 1991 a. 269; 1993 a. 19; 1995 a. 113; 1997 a. 27; 1999 a. 9, 140; 2003 a. 33; 2005 a. 126; 2007 a. 20, 106; 2011 a. 23, 32, 241; 2013 a. 17, 165; 2015 a. 77, 123.

**343.175 Organ donor information.** (1) **DEPARTMENT TO SOLICIT AND RECORD INFORMATION.** As part of every application for an original, duplicate, reinstated, reissued or renewal license or endorsement, the department shall inquire whether the applicant desires to be an organ donor. The department shall record the organ donor response in its file of the person. If a procurement organization, as defined in s. 157.06 (2) (p), reasonably identifies a person and requests the information recorded in the person's file under this subsection, the department shall promptly provide this information to the procurement organization.

(1r) **DEPARTMENT TO PROVIDE INFORMATION.** In addition to the inquiry under sub. (1), if the applicant is at least 15 and one-half years of age, the department shall orally state to the applicant that he or she has the opportunity to indicate his or her willingness to be an organ donor. If the applicant indicates that he or she is undecided in response to the inquiry under sub. (1), the department shall provide the applicant with written information that all organ procurement organizations and the department have together developed. If the applicant makes an affirmative response to the inquiry under sub. (1), the department shall request at that time that the applicant write on the license the information that is specified under sub. (2) (ar) and affix a sticker, as described in sub. (3), to the front side of the license document.

(2) **RECORD OF GIFT OR REFUSAL.** (a) Except as provided in par. (ag), a part of the reverse side of each license shall be printed to serve as a record of gift under s. 157.06 (2) (t) or a record of refusal under s. 157.06 (2) (u).

(ag) The department shall print a separate document to be issued to all persons issued a commercial driver license and make provisions so that the document may be attached to the reverse side of the license document along one edge. This document shall serve as a record of gift under s. 157.06 (2) (t) or a record of refusal under s. 157.06 (2) (u).

(ar) If the person desires to be an organ donor, he or she may so indicate in the space provided on the license. The donor may supply information in the space provided on the license, including the specific body parts or organs to be donated, the name of the donee, the purpose for which the gift is made and the physician whom the donor wishes to carry out the appropriate procedures. The anatomical gift described on the license shall be signed by the licensee.

(b) The licensee may revoke or amend his or her gift by crossing out the donor authorization in the space provided on the license or as otherwise prescribed in s. 157.06. The licensee may refuse to make an anatomical gift by so indicating in the space provided on the license or as otherwise prescribed in s. 157.06.

(c) Persons authorizing gifts of their body parts remain subject to s. 157.06.

(3) **ORGAN DONOR STICKER.** The department shall designate a space on the front side of the license document where the licensee

may affix a sticker which indicates that the licensee is a potential donor of body organs or parts for the purposes of transplantation, therapy, medical research or education. The sticker shall not be larger than one-half inch in diameter and shall not conceal any of the contents required by s. 343.17 (3). The sticker shall be of a distinctive design and supplied to the donor by a nationally recognized organization that enlists donors of body organs or parts for the purposes of transplantation, therapy, medical research or education.

**History:** 1989 a. 105, 298; 1995 a. 446; 2003 a. 33; 2007 a. 106.

**343.18 License to be carried; verification of signature.**

(1) Every licensee shall have his or her license document in his or her immediate possession at all times when operating a motor vehicle and shall display the license document upon demand from any judge, justice, or traffic officer.

(1m) A person charged with violating sub. (1) may not be convicted if he or she produces in court or in the office of the arresting officer a license theretofore issued to the licensee and valid at the time of his or her arrest.

(2) For the purpose of verifying the signature on a license, any judge, justice or traffic officer may require the licensee to write the licensee's signature in the presence of such officer.

(3) (a) Except as provided in par. (c), any person who violates sub. (1) shall forfeit not more than \$200.

(c) If the person is operating a commercial motor vehicle at the time of the violation, any person who violates sub. (1) shall forfeit not less than \$250 nor more than \$2,500.

**History:** 1989 a. 105; 1991 a. 316; 1997 a. 84; 2015 a. 77.

There is a public interest in permitting police to request a motorist's license and to run a status check on the license. *State v. Ellenbecker*, 159 Wis. 2d 91, 464 N.W.2d 427 (Ct. App. 1990).

Under *Ellenbecker*, it was reasonable for an officer who stopped a motorist whose vehicle and general appearance matched that of a criminal suspect to make a report of the incident, even if the officer had already decided that the driver was not the suspect. For that purpose, it was reasonable to ask for the motorist's name and identification. Once the motorist stated that he had no identification, there was a reasonable grounds for further detention. *State v. Williams*, 2002 WI App 306, 258 Wis. 2d 395, 655 N.W.2d 462, 02-0384.

**343.19 Duplicate licenses or identification cards.**

(1) If a license issued under this chapter or an identification card issued under s. 343.50 is lost or destroyed or the name or address named in the license or identification card is changed or the condition specified in s. 343.17 (3) (a) 12. or 13. no longer applies, the person to whom the license or identification card was issued may obtain a duplicate thereof or substitute therefor upon furnishing proof satisfactory to the department of full legal name and date of birth and that the license or identification card has been lost or destroyed or that application for a duplicate license or identification card is being made for a change of address or name or because the condition specified in s. 343.17 (3) (a) 12. or 13. no longer applies. If the applicant is a male who is at least 18 years of age but less than 26 years of age, the application shall include the information required under s. 343.14 (2) (em). If the original license or identification card is found it shall immediately be transmitted to the department.

(1m) If a license issued under this chapter has been surrendered under s. 343.265 and has not expired, the person to whom the license was issued may obtain a duplicate license upon furnishing to the department the applicable information under sub. (1) and complying with the requirements for reissuance of a license after surrender provided under s. 343.265 (2).

(2) No person may knowingly make a false statement or fail to return the original license or identification card to the department upon finding it or fail to comply with any other requirement of this section relating to an application for any of the following:

- (a) A duplicate license.
- (b) A duplicate identification card.

(4) Any person who violates sub. (2) may be fined not more than \$1,000 or imprisoned for not more than 6 months or both.

**History:** 1973 c. 218; 1977 c. 29 s. 1654 (7) (a); 1977 c. 360, 447; 1979 c. 306; 1981 c. 20 s. 1848; 1987 a. 27, 40; 1989 a. 105; 1991 a. 39, 269; 1997 a. 27; 1999 a. 9, 80; 2001 a. 93; 2007 a. 20.

**343.20 Expiration of licenses. (1)** (a) Except as otherwise expressly provided in this chapter, probationary licenses issued under s. 343.085 shall expire 2 years from the date of the applicant's next birthday. Licenses issued after cancellation shall expire on the expiration date for the prior license at the time of cancellation. Subject to s. 343.125 (3), all other licenses and license endorsements shall expire 8 years after the date of issuance. The department may institute any system of initial license issuance which it deems advisable for the purpose of gaining a uniform rate of renewals. In order to put such a system into operation, the department may issue licenses which are valid for any period less than the ordinary effective period of such license. If the department issues a license that is valid for less than the ordinary effective period as authorized by this paragraph, the fees due under s. 343.21 (1) (b) and (d) shall be prorated accordingly.

(c) The department may, by rule, require any person who is issued an operator's license that is valid for a period of more than 2 years to demonstrate continuing qualifications to hold a license under this chapter at 2-year intervals. The rules may include, without limitation, requiring examination under s. 343.16 (6) (a) or requiring current medical certification under s. 343.16 (5). The department rules shall require cancellation or suspension of the license for noncompliance and shall permit surrender of the operator's license under s. 343.265.

(d) 1. The department shall cancel an operator's license that is endorsed for the operation of school buses under s. 343.12 (3), regardless of the license expiration date, if the licensee fails to provide proof to the department of an annual physical examination determining that the person meets the physical standards established under s. 343.12 (2) (g). The licensee may elect to surrender the license under s. 343.265 (1m).

2. The department shall cancel an operator's license that is endorsed for the operation of school buses under s. 343.12, regardless of the license expiration date, upon receiving a record of conviction or of adjudication of delinquency or results of a criminal history search showing that the person has been convicted of, or adjudicated delinquent for, a crime or other offense specified under s. 343.12 (7) or rules of the department promulgated under s. 343.12 (7) and (8) after issuance or renewal of the endorsement or at a time when, if known by the department, the conviction or adjudication would have prevented issuance or renewal of the endorsement.

(f) The department shall cancel an operator's license, regardless of the license expiration date, if the department receives information from a local, state, or federal government agency that the licensee no longer satisfies the requirements for issuance of a license under ss. 343.14 (2) (es) and 343.165 (1) (e).

(1m) Notwithstanding sub. (1) (a), and except as provided in s. 343.165 (4) (c) and as otherwise provided in this subsection, a license that is issued to a person who is not a United States citizen or permanent resident and who provides documentary proof of legal status as provided under s. 343.14 (2) (es) 2., 4., 5., 6., or 7. shall expire on the date that the person's legal presence in the United States is no longer authorized or on the expiration date determined under sub. (1), whichever date is earlier. If the documentary proof as provided under s. 343.14 (2) (es) does not state the date that the person's legal presence in the United States is no longer authorized, sub. (1) shall apply except that, if the license was issued or renewed based upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es) 4. to 7., the license shall, subject to s. 343.165 (4) (c), expire one year after the date of issuance or renewal.

(2) (a) At least 30 days prior to the expiration of an operator's license, the department shall provide to the licensee notice of renewal of the license either by mail at the licensee's last-known

address or, if desired by the licensee, by any electronic means offered by the department. If the license was issued or last renewed based upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es) 4. to 7., the notice shall inform the licensee of the requirement under s. 343.165 (4) (c).

(b) Notwithstanding par. (a), at least 60 days prior to the expiration of an "H" endorsement specified in s. 343.17 (3) (d) 1m., the department of transportation shall provide a notice to the licensee either by mail at the licensee's last-known address or, if desired by the licensee, by any electronic means offered by the department of transportation that the licensee is required to pass a security threat assessment screening by the federal transportation security administration of the federal department of homeland security as part of the application to renew the endorsement. The notice shall inform the licensee that the licensee may commence the federal security threat assessment screening at any time, but no later than 30 days before expiration of the endorsement.

(c) Failure to receive notice to renew a license or endorsement shall not be a defense to a charge of operating a motor vehicle without a valid operator's license or endorsement.

(2m) The department shall include with the notice that it mails under sub. (2) information regarding the requirements of s. 347.48 (4) and information, as developed by all organ procurement organizations in cooperation with the department, that promotes anatomical donations and which relates to the anatomical donation opportunity available under s. 343.175.

(3) Any person who holds a valid license and who is unable to make a renewal application within the period declared by the department, due to serving with any branch of the armed services or as a member of the U.S. foreign service appointed under 22 USC 3942 (a) (1) or 3943, may apply for a renewal of the license at any time during such service or within 6 months after the date of discharge from such services.

(4) Any license issued under this chapter does not expire on the expiration date on the license if, on that expiration date, the licensee is on active duty in the U.S. armed forces and is absent from this state or is a member of the U.S. foreign service appointed under 22 USC 3942 (a) (1) or 3943 who is on active duty and is absent from this state. Any license extended under this subsection expires 30 days after the licensee returns to this state or 90 days after the licensee is discharged from active duty, whichever is earlier. If a license is renewed after an extension under this subsection, the renewal period shall begin on the day after the expiration date on the license.

**History:** 1977 c. 29 s. 1654 (7) (a); 1977 c. 273; 1979 c. 306; 1981 c. 20, 42, 71; 1989 a. 31, 105, 294; 1991 a. 13; 1995 a. 255, 446; 1997 a. 27, 237; 2001 a. 105; 2003 a. 33, 280; 2005 a. 126; 2007 a. 20; 2009 a. 28, 103; 2011 a. 32; 2013 a. 367; 2015 a. 55, 123, 323.

**343.21 License fees. (1)** The following fees, in addition to any driving skills test fee, shall be paid to the department for the issuance, renewal, upgrading and reinstatement of licenses, endorsements and instruction permits:

(a) For the initial issuance or renewal of a license authorizing only the operation of "Class D" motor vehicles, other than a probationary license under s. 343.085, \$24.

(ag) For the issuance of a probationary license under s. 343.085, \$18.

(b) For the initial issuance of authorization to operate "Class M" motor vehicles, \$12 in addition to any other fees due.

(bg) For the renewal of authorization to operate "Class M" motor vehicles, \$8 in addition to any other fees due.

(c) For the initial issuance or renewal of authorization to operate school buses that are not commercial motor vehicles, \$10.

(d) Except as provided in s. 343.16 (2) (f) 3., for the initial issuance or renewal of authorization to operate "Class A", "Class B" or "Class C" motor vehicles, or upgrading an existing regular license which only authorizes the operation of "Class D" motor vehicles, \$64. This fee includes issuance of any "H", "N", "P",

or "T" endorsements or "Class D" authorization applied for at the same time for which the applicant is qualified. Except as provided in s. 343.16 (2) (f) 3., an additional fee of \$5 is required for the issuance or renewal of any "S" endorsement applied for or renewed at the same time for which the applicant is qualified.

(e) For upgrading an existing commercial driver license to add an "H", "N", "P", or "T" endorsement, \$5, or, to add an "S" endorsement, \$10.

(f) For upgrading an existing commercial driver license to add authorization to operate another class of commercial motor vehicles, \$5.

(g) For removing a "K" restriction against operation of commercial motor vehicles in interstate commerce, the same fee as for a duplicate license.

(h) For removing an "L" restriction prohibiting operation of commercial motor vehicles equipped with air brakes, \$5.

(i) Except as provided in par. (im) or (ir), for an instruction permit, \$20.

(im) For an instruction permit authorizing the operation of "Class M" vehicles, \$22.

(ir) For an instruction permit authorizing the operation of "Class D" vehicles, \$25.

(j) For reinstatement of an operating privilege previously revoked or suspended, \$50.

(jm) For reinstatement of a previously disqualified authorization to operate a commercial motor vehicle, \$50. This fee is not applicable to disqualifications under s. 343.315 (2) (g).

(jr) In addition to any other fee under this subsection, for reinstatement of an operating privilege previously revoked or suspended under s. 343.305 (7) or resulting from the commission of an offense listed in s. 343.307, \$140.

(k) For an occupational license, \$40.

(L) For a duplicate license, \$4.

(m) For reinstatement of a previously canceled license or endorsement, \$50. This fee includes reinstatement of any classification or endorsement applied for at the same time for which the applicant is qualified.

(n) Except as provided in s. 343.16 (2) (f) 3., in addition to any other fee under this subsection, for the issuance, renewal, upgrading, or reinstatement of any license, endorsement, or instruction permit, a license issuance fee of \$10.

(o) In addition to any other fee under this subsection, \$2 for any person making a designation of an additional \$2 to support the efforts of Donate Life Wisconsin under s. 343.14 (2) (gh) or 343.50 (4). From the moneys received under this paragraph, 90 percent shall be deposited into the general fund and credited to the appropriation account under s. 20.435 (1) (g).

(1m) In addition to the fee specified in sub. (1) (a), (b), or (d), an applicant whose application for renewal of a license or authorization under sub. (1) (a), (b), or (d) is filed after the date of expiration of the license or authorization shall pay to the department a late fee of \$5.

(2) (a) In addition to the fees set under sub. (1), any applicant whose application for a permit, license, upgrade or endorsement, taken together with the applicant's currently valid license, if any, requires the department to administer a driving skills test of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle shall pay to the department an examination fee of \$20 for an examination in a commercial motor vehicle other than a school bus and \$15 for an examination in any other vehicle. Except with respect to examination in a "Class D" vehicle, payment of the examination fee entitles the applicant to not more than 3 tests of the applicant's ability to exercise reasonable control in the operation of a motor vehicle. If the applicant does not qualify for issuance of a license, upgraded license or endorsement in 3 such tests, then a 2nd examination fee in the same amount shall be paid, which payment entitles the applicant

to not more than 3 additional tests. For an examination in a "Class D" vehicle, a \$15 examination fee shall be paid for each examination.

(b) The operator shall pay to the department an examination fee of \$15 for conducting the special examination requested under s. 121.555 (2) (cm), except that if the examination is in a commercial motor vehicle other than a school bus the fee is \$20. Payment of the examination fee entitles the person to not more than 3 tests of the person's ability to safely operate the vehicle proposed to be used under s. 121.555 (1) (a). If the applicant does not pass the examination for safe operation of the vehicle in 3 such tests, then a 2nd examination fee in the same amount shall be paid, which payment entitles the person to not more than 3 additional tests.

(3) In addition to any fee required under sub. (1) (c), (d), or (e), the department may require payment to the department of any fee established by rule under s. 343.12 (8) (c) 2.

**History:** 1973 c. 90, 309; 1975 c. 5; 1977 c. 29 ss. 1459, 1654 (7) (a); 1977 c. 273; 1979 c. 221, 306; 1981 c. 20, 71; 1983 a. 243; 1985 a. 29, 65; 1987 a. 3, 358; 1989 a. 105; 1991 a. 39; 1993 a. 16; 1995 a. 113; 1997 a. 27; 1999 a. 9; 2003 a. 280; 2007 a. 20; 2009 a. 28, 100; 2011 a. 32; 2013 a. 20; 2015 a. 55.

### 343.22 Notice of change of address or name.

(2) Whenever any person, after applying for or receiving a license under this chapter, or an identification card under s. 343.50, moves from the address named in the application or in the license or identification card issued to him or her or is notified by the local authorities or by the postal authorities that the address so named has been changed, the person shall, within 30 days thereafter, do one of the following:

(a) Apply for a duplicate license or identification card showing on the application the correct full legal name and address. The licensee or identification card holder shall return the current license or identification card to the department along with the application for duplicate.

(b) In lieu of applying for a duplicate license or identification card, notify the department in writing of his or her change of address. This paragraph does not apply to persons issued a commercial driver license.

(2m) Whenever any person, after applying for or receiving a license under this chapter, or an identification card under s. 343.50, is notified by the local authorities or by the postal authorities that the address named in the application or in the license or identification card issued to him or her has been changed and the person applies for a duplicate license or identification card under sub. (2), no fees shall be charged under s. 343.21 (1) (L) and (n) or 343.50 (5m) and (7) for the duplicate license or identification card.

(3) When the name of a licensee or identification card holder is changed, such person shall, within 30 days thereafter, apply for a duplicate license or identification card showing the correct full legal name and address. The licensee or identification card holder shall return the current license or identification card to the department along with the application for a duplicate. If the licensee holds more than one type of license under this chapter, the licensee shall return all such licenses to the department along with one application and fees for a duplicate license for which the licensee may be issued a duplicate of each such license.

(4) Any person who fails to comply with any of the requirements of this section may be required to forfeit not more than \$50.

**History:** 1973 c. 129, 218, 336; 1977 c. 29 s. 1654 (7) (a); 1977 c. 273, 360, 447; 1979 c. 306; 1981 c. 20 s. 1848r; 1985 a. 14; 1989 a. 105; 1991 a. 39; 2003 a. 33; 2007 a. 20.

### 343.23 Records to be kept by the department.

(1) The department shall maintain a record of every application for license, permit, or endorsement received by it and of every suspension, revocation, cancellation, and disqualification by the department and shall maintain suitable indexes containing:

(a) All applications denied and on each thereof note the reason for such denial;

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(b) All applications granted; and

(c) The name of every person whose license or operating privilege has been suspended, revoked, or canceled, or who is disqualified, by the department and note thereon the reason for such action.

(2) (a) The department shall maintain a file for each licensee or other person containing the application for license, permit or endorsement, a record of reports or abstract of convictions, any demerit points assessed under authority of s. 343.32 (2), the information in all data fields printed on any license issued to the person, any notice received from the federal transportation security administration concerning the person's eligibility for an "H" endorsement specified in s. 343.17 (3) (d) Im., the status of the person's authorization to operate different vehicle groups, a record of any out-of-service orders issued under s. 343.305 (7) (b) or (9) (am), a record of the date on which any background investigation specified in s. 343.12 (6) (a) or (d) was completed, a record of the date on which any verification specified in s. 343.165 (1) and (3) was completed, all documents required to be maintained under s. 343.165 (2) (a), and a record of any reportable accident in which the person has been involved, including specification of any type of license and endorsements issued under this chapter under which the person was operating at the time of the accident and an indication whether or not the accident occurred in the course of any of the following:

1. The person's employment as a law enforcement officer as defined in s. 165.85 (2) (c), fire fighter as defined in s. 102.475 (8) (b), or emergency medical technician as defined in s. 256.01 (5).

2. The licensee's employment as a person engaged, by an authority in charge of the maintenance of the highway, in highway winter maintenance snow and ice removal during either a storm or cleanup following a storm. For purposes of this subdivision, "highway winter maintenance snow and ice removal" includes plowing, sanding, salting and the operation of vehicles in the delivery of those services.

3. The licensee's performance of duties as a first responder, as defined in s. 256.01 (9).

(am) 1. The file specified in par. (a) shall include the following:

a. For a person holding a commercial driver license issued by the department, a record of any disqualification by another jurisdiction of the person from operating a commercial motor vehicle for at least 60 days or of the revocation, suspension, or cancellation by another jurisdiction of the person's commercial driver license for at least 60 days, and the violation that resulted in the disqualification, revocation, suspension, or cancellation, as specified in any notice received from the other jurisdiction.

b. For a person holding a commercial driver license issued by the department, a record of any violation in another jurisdiction of any law of that jurisdiction, including any local law of that jurisdiction, or of any law of a federally recognized American Indian tribe or band in that jurisdiction, in conformity with any law of this state relating to motor vehicle traffic control, other than a parking violation, as specified in any notice received from that jurisdiction. The department shall record this information within 10 days after receipt of the notice.

c. For a person holding a commercial driver license issued by this state or another jurisdiction, a record of each violation, while operating any motor vehicle, of any state law or local ordinance of this state or any law of a federally recognized American Indian tribe or band in this state in conformity with any law of this state relating to motor vehicle traffic control, other than a parking violation. The department shall record the information under this subdivision within 10 days after the date of conviction.

2. In maintaining the department's file specified in subd. 1. and par. (a), the department may not conceal, withhold, or mask from the department's file, or otherwise allow in any way a person to avoid the department's recording in the department's file of, any information required to be recorded in the department's file under

49 CFR 384.225 and 384.226, regardless of whether the person has obtained deferral of imposition of judgment, been allowed to enter a diversion program, or otherwise obtained delayed or suspended judgment or alternative sentencing from a court.

(b) The information specified in pars. (a) and (am) must be filed by the department so that the complete operator's record is available for the use of the secretary in determining whether operating privileges of such person shall be suspended, revoked, canceled, or withheld, or the person disqualified, in the interest of public safety. The record of suspensions, revocations, and convictions that would be counted under s. 343.307 (2) shall be maintained permanently. The record of convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f), (j), and (L), and all records specified in par. (am), shall be maintained for at least 3 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years after a licensee transfers residency to another state such record may be transferred to another state of licensure of the licensee if that state accepts responsibility for maintaining a permanent record of convictions for disqualifying offenses. Such reports and records may be cumulative beyond the period for which a license is granted, but the secretary, in exercising the power of suspension granted under s. 343.32 (2) may consider only those reports and records entered during the 4-year period immediately preceding the exercise of such power of suspension. The department shall maintain the digital images of documents specified in s. 343.165 (2) (a) for at least 10 years.

Cross-reference: See also ch. Trans 100, Wis. adm. code.

(3) (a) The department shall maintain a file, for each person convicted of a violation as defined by s. 343.30 (6) (a), containing a record of reports of convictions of violations as defined by s. 343.30 (6) (a) and suspensions and revocations under s. 343.30 (6). The department may purge the record of any such conviction 24 months after it is reported.

(b) The department record of a person's conviction for exceeding a posted speed limit shall include the number of miles per hour in excess of the posted speed limit, as reported to the department.

(4) The department shall purge all of the following from the file of a person:

(a) Notwithstanding subs. (1) and (2) (b), any record of an administrative suspension upon receipt of a report from the court hearing the action arising out of the same incident or occurrence that the action has been dismissed or the person has been found innocent of the charge arising out of that incident or occurrence, except that the record of an administrative suspension for a person holding a commercial driver license may be purged only upon receipt of a court order.

(b) Any record of issuance of an out-of-service order under s. 343.305 (7) (b) or (9) (am) upon receipt of a report from the court hearing the action arising out of the same incident or occurrence that the action has been dismissed or the person has been found innocent of the charge of violating s. 346.63 (7) arising out of that incident or occurrence. In the case of a nonresident, the department shall also inform the state of licensure of the dismissal or finding of innocence.

(5) The department shall maintain the files specified in this section in a form that is appropriate to the form of the records constituting those files. Records under sub. (1) and files under sub. (2) shall be maintained in an electronic and transferable format accessible for the purpose specified in s. 343.03 (6) (a).

History: 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 273; 1979 c. 331; 1981 c. 178; 1983 a. 74; 1987 a. 3; 1989 a. 31, 105, 133, 359; 1991 a. 277; 1993 a. 65; 1995 a. 113, 184, 338; 1997 a. 35, 84, 237; 1999 a. 32, 109; 2001 a. 38, 109; 2003 a. 30, 33, 280, 320; 2007 a. 20, 130; 2009 a. 28, 100; 2011 a. 258.

**343.234 Department to furnish information to the selective service system.** Notwithstanding any other provision in this chapter, the department shall forward to the selective service system, in electronic format, any information on an appli-

cation for a driver's license, permit, or identification card submitted under this chapter by a male who is at least 18 years of age but less than 26 years of age that is requested by the selective service system for the purpose of registering the applicant with the selective service system. This section does not apply if the selective service system does not register applicants with the selective service system on the basis of information forwarded under this section.

History: 2001 a. 93.

### 343.235 Access to license and identification card records. (1) In this section:

(a) "Agent" means an authorized person who acts on behalf of or at the direction of another person.

(b) "Insurer" has the meaning given in s. 600.03 (27).

(c) "Personal identifier" has the meaning given in s. 85.103 (1).

(d) "State authority" has the meaning given in s. 19.62 (8).

(2) In providing copies under s. 19.35 (1) (a) of any written information collected or prepared under this chapter which consists in whole or in part of the personal identifiers of 10 or more persons, the department may not disclose a personal identifier of any person who has made a designation under s. 85.103 (2) or (3).

(3) Subsection (2) does not apply to any of the following:

(a) A law enforcement agency, a state authority, a district attorney, a driver licensing agency of another jurisdiction, a federal governmental agency, or the commission to perform a legally authorized function.

(b) An insurer authorized to write property and casualty or life, disability or long-term care insurance in this state or an agent of the insurer, if the insurer or agent uses the personal identifiers for purposes of issuing or renewing a policy and related underwriting, billing or processing or paying a claim. Notwithstanding sub. (5), no insurer, or agent of an insurer, may disclose to another person for marketing purposes any personal identifier received under this paragraph.

(5) Any person who has received under sub. (3) a personal identifier of any person who has made a designation under s. 85.103 (2) or (3) shall keep the personal identifier confidential and may not disclose it except for a purpose applicable to that person under sub. (3).

(6) (a) Any person who discloses a personal identifier in violation of this section may be required to forfeit not more than \$500 for each violation.

(b) Any person who requests or obtains a personal identifier from the department under this section under false pretenses may be required to forfeit not more than \$500 for each violation.

(c) Paragraphs (a) and (b) do not apply to a legal custodian under s. 19.33 of the department.

History: 1991 a. 269; 1999 a. 88; 2007 a. 20, 27; 2009 a. 180.

### 343.237 Access to license and identification card photographs and fingerprints. (1) In this section:

(ag) "Federal law enforcement agency" means a governmental unit of one or more persons employed by the federal government for the purpose of preventing and detecting crime and enforcing federal laws, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

(ar) "Law enforcement agency of another state" means a governmental unit of one or more persons employed by a state other than this state or by a political subdivision of a state other than this state for the purpose of preventing and detecting crime and enforcing laws or ordinances of that state or a political subdivision of that state, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

(b) "Wisconsin law enforcement agency" has the meaning given in s. 175.46 (1) (f).

(2) Any photograph taken of an applicant under s. 343.14 (3) or 343.50 (4), and any fingerprint taken of an applicant under s. 343.12 (6) (b), may be maintained by the department and, except

as provided in this section and s. 165.8287, shall be kept confidential. Except as provided in this section and s. 165.8287, the department may release a photograph or fingerprint only to the person whose photograph or fingerprint was taken or to the driver licensing agency of another jurisdiction.

(3) The department shall provide a Wisconsin law enforcement agency or a federal law enforcement agency with a print or electronic copy of a photograph taken on or after September 1, 1997, of an applicant under s. 343.14 (3) or 343.50 (4), or a printed or electronic copy of a fingerprint taken of an applicant under s. 343.12 (6) (b), if the department receives a written request on the law enforcement agency's letterhead that contains all of the following:

(a) The name of the person whose photograph or fingerprint is requested.

(b) The name of the person making the request and the law enforcement agency that employs the requester.

(c) A statement signed by a division commander or higher authority within the law enforcement agency that the photograph or fingerprint is requested for any of the following purposes:

1. An investigation of unlawful activity.
2. A missing person investigation.
3. The identification of an accident victim.
4. The identification of a deceased person.

(d) For requests for photographs only, a statement that the request is not made solely to obtain a photograph for use as part of a photo lineup or photo array.

(e) If the requester is a federal law enforcement agency, a statement that the agency agrees to comply with all of the requirements under this section.

(4) If a law enforcement agency of another state or the commission makes a request meeting all the requirements specified for a request by a Wisconsin law enforcement agency or a federal law enforcement agency under sub. (3), the department shall comply with the request if all of the following apply:

(a) The law enforcement agency of the other state or the commission agrees to comply with all of the requirements under this section.

(b) The other state or the commission allows Wisconsin law enforcement agencies similar or greater access to similar information from that state or the commission.

(4m) The department shall attach to each copy of a photograph or fingerprint provided under this section the notation: "This photograph is subject to the requirements and restrictions of section 343.237 of the Wisconsin Statutes." or "This fingerprint is subject to the requirements and restrictions of section 343.237 of the Wisconsin Statutes."

(5) Any law enforcement agency that has in its possession a copy of a photograph or fingerprint provided to it under sub. (3) or (4) shall destroy any copies of the photograph or fingerprint in its possession when the photograph or fingerprint is no longer necessary for the investigatory or identification purpose specified in its request for the copy of the photograph or fingerprint.

(6) For each copy of a photograph or fingerprint provided under sub. (3) or (4), the department shall record and maintain the written request for the copy of the photograph or fingerprint and may not disclose any record or other information concerning or relating to the written request to any person other than a court, district attorney, county corporation counsel, city, village, or town attorney, law enforcement agency, the applicant or identification card holder or, if the applicant or identification card holder is under 18 years of age, his or her parent or guardian.

(7) The department may not charge a fee for providing a copy of any photograph or fingerprint to a Wisconsin law enforcement agency under this section.

(8) (a) Any law enforcement agency that receives a photograph or fingerprint provided to a law enforcement agency under this section shall keep the copy of the photograph or fingerprint



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confidential and may disclose it only if disclosure is necessary to perform a law enforcement function and the person to whom the copy of the photograph or fingerprint is disclosed agrees to comply with par. (c).

(b) If a law enforcement agency discloses a copy of a photograph or fingerprint to another person under par. (a), the copy of the photograph or fingerprint shall have attached to it the notation specified in sub. (4m).

(c) Any person who receives a copy of a photograph or fingerprint from a law enforcement agency under par. (a) shall destroy any copies of the photograph or fingerprint in his or her possession when the photograph or fingerprint is no longer necessary to perform the law enforcement function for which the photograph or fingerprint was disclosed.

(9) Not later than August 1, 1998, and annually thereafter, the department of transportation and the department of justice jointly shall submit a report to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) concerning the copies of photographs provided under this section, including the agencies to whom and the purposes for which the copies of the photographs were provided. The department of transportation and the department of justice shall consult with other interested persons when preparing a report under this subsection.

(10) Any person who willfully discloses a copy of a photograph or fingerprint in violation of this section may be required to forfeit not more than \$500 for each violation. Each copy disclosed constitutes a separate offense.

**History:** 1997 a. 119, 237; 2001 a. 41; 2003 a. 36, 280; 2007 a. 20, 27; 2009 a. 167.

**343.24 Department to furnish operating record.**

(1) The department shall upon request furnish any person an abstract of the operating record of any person. The abstract shall be certified if certification is requested. Such abstract is not admissible in evidence in any action for damages arising out of a motor vehicle accident.

(2) Except as provided in pars. (b) and (c), the department shall charge the following fees to any person for conducting searches of vehicle operators' records:

(a) For each file search, \$5.

(b) For each computerized search, \$5. The department may not charge this fee to any governmental unit, as defined in s. 895.51 (1) (dm).

(c) For each search requested by telephone, \$6, or an established monthly service rate determined by the department. The department may not charge this fee to any governmental unit, as defined in s. 895.51 (1) (dm).

(d) For providing a paper copy of an abstract, \$2.

(2m) If the department, in maintaining a computerized operating record system, makes copies of its operating record file database, or a portion thereof, on computer tape or other electronic media, copies of the tape or media may be furnished to any person on request. The department may also furnish to any person upon request records on computer tape or other electronic media that contain information from files of uniform traffic citations or motor vehicle accidents and that were produced for or developed by the department for purposes related to maintenance of the operating record file database. The department shall charge a fee of \$5 for each file of vehicle operators' records contained in the tape or media. The department shall charge a fee of not more than \$5 for each file of uniform traffic citations or motor vehicle accidents contained in the tape or media. Nothing in this subsection requires the department to produce records of particular files or data in a particular format except as those records or data are made by the department for its purposes.

(3) The department shall not disclose information concerning or related to a violation as defined by s. 343.30 (6) to any person other than a court, district attorney, county corporation counsel, city, village, or town attorney, law enforcement agency, driver

licensing agency of another jurisdiction, or the minor who committed the violation or his or her parent or guardian.

(4) (a) In this subsection:

1. "Agent" means an authorized person who acts on behalf of or at the direction of another person.

2. "Insurer" has the meaning given in s. 600.03 (27).

3. "Personal identifier" has the meaning given in s. 85.103 (1).

4. "State authority" has the meaning given in s. 19.62 (8).

(b) In furnishing 10 or more operating records to a person under sub. (1) or (2m), the department may not disclose a personal identifier of any person who has made a designation under s. 85.103 (2) or (3).

(c) Paragraph (b) does not apply to any of the following:

1. A law enforcement agency, a state authority, a district attorney, a driver licensing agency of another jurisdiction, or a federal governmental agency, to perform a legally authorized function.

2. An insurer authorized to write property and casualty or life, disability or long-term care insurance in this state or an agent of the insurer, if the insurer or agent uses the names or addresses for purposes of issuing or renewing a policy and related underwriting, billing or processing or paying a claim. Notwithstanding par. (e), no insurer, or agent of an insurer, may disclose to another person for marketing purposes any personal identifier received under this subdivision.

(e) Any person who has received under par. (c) a personal identifier of any person who has made a designation under s. 85.103 (2) or (3) shall keep the personal identifier confidential and may not disclose it except for a purpose applicable to that person under par. (c).

(f) 1. Any person who discloses a personal identifier in violation of this subsection may be required to forfeit not more than \$500 for each violation.

2. Any person who requests or obtains a personal identifier from the department under this subsection under false pretenses may be required to forfeit not more than \$500 for each violation.

3. Subdivisions 1. and 2. do not apply to a legal custodian under s. 19.33 of the department.

**History:** 1975 c. 297 s. 9; Stats. 1975 s. 343.24; 1977 c. 29 s. 1654 (7) (e); 1979 c. 221, 331, 355; 1989 a. 105; 1991 a. 269; 1993 a. 16, 490; 1995 a. 113; Sup. Ct. Order No. 99-04, 228 Wis. 2d xxiii (2000); 1999 a. 88, 185; 2001 a. 16; 2007 a. 20; 2009 a. 28.

**Cross-reference:** See also ch. Trans 195, Wis. adm. code.

**343.245 Duties of commercial motor vehicle drivers; employer responsibilities; penalties. (1) DEFINITIONS.** In this section:

(a) "Employee" means any operator of a commercial motor vehicle who is either directly employed by or under lease to an employer, including a full-time, regularly employed driver, a volunteer driver, a casual, intermittent or occasional driver, a leased driver, and an independent, owner-operator contractor while in the course of operating a commercial motor vehicle.

(b) "Employer" means any person, including the state or a political subdivision thereof, who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle.

(2) NOTIFICATIONS BY DRIVER. (a) *Notification of convictions.*

1. "To state." A person, after applying for or receiving a commercial driver license issued by this state, who is convicted of violating in a motor vehicle any law of this state or local ordinance adopted in conformity therewith or a law enacted by a federally recognized American Indian tribe or band in this state which is in conformity with any law of this state, or the law of another jurisdiction, relating to motor vehicle traffic control, other than parking violations, shall notify the department of the conviction in the manner specified by the department within 30 days after the date of conviction. Notwithstanding any other provision of law, a person who holds an "H" endorsement specified in s. 343.17 (3) (d) 1m. shall notify the department within 24 hours if the person is

convicted, or found not guilty by reason of insanity, of any disqualifying felony criminal offense described in s. 343.14 (2g) (a) 1., or adjudicated as a mental defective or committed to a mental institution.

2. 'To employers.' An employee, after applying for or receiving a commercial driver license issued by this state, who is convicted of violating in a motor vehicle any law of this state or local ordinance adopted in conformity therewith or a law enacted by a federally recognized American Indian tribe or band in this state which is in conformity with any law of this state, or the law of another jurisdiction, relating to motor vehicle traffic control, other than parking violations, shall notify his or her current employer in writing of the conviction within 30 days after the date of conviction.

(b) *Notification of suspensions, revocations and cancellations.* An employee whose commercial driver license is suspended, revoked or canceled by a state, or who loses the privilege to operate a commercial motor vehicle in any state for any period, including being disqualified from operating a commercial motor vehicle or subject to an out-of-service order, shall notify his or her current employer of that fact before the end of the first business day after the day on which the employee receives notice of the suspension, revocation, cancellation, disqualification or out-of-service order.

(c) *Notification of previous employment.* An applicant for employment as a commercial motor vehicle driver shall provide, at the time of application, information on his or her employment history as a commercial motor vehicle driver as requested by the prospective employer, certified as true and complete by the applicant, including all of the following information for the 10 years preceding the date of application:

1. The names and addresses of any previous employers for which the applicant was a commercial motor vehicle driver.
2. The dates of employment with each employer in subd. 1.
3. The reason for leaving each employer in subd. 1.

(3) **EMPLOYER RESPONSIBILITIES.** (a) Every employer shall request each applicant for employment as a commercial motor vehicle driver to provide the information specified in sub. (2) (c), and no employer may employ as a commercial motor vehicle driver an applicant who refuses or otherwise fails to provide true and complete information.

(b) No employer may knowingly allow, permit or authorize an employee to operate a commercial motor vehicle during any period when the employee:

1. Has had his or her commercial driver license suspended, revoked or canceled by any state;
2. Is disqualified from operating a commercial vehicle;
3. Is subject to an out-of-service order in any state;
4. Has more than one operator's license, except during the 10-day period beginning on the date on which the employee is issued an operator's license; or
5. Does not possess a valid commercial driver license properly endorsed to permit operation of the vehicle.

(c) No employer may knowingly allow, permit, or authorize an employee to operate a commercial motor vehicle in violation of any federal, state, or local law, rule, or regulation relating to railroad crossings.

(4) **PENALTIES.** (a) Except as provided in pars. (b) and (c), any person who violates sub. (2) or (3) shall forfeit not more than \$2,500.

(b) Any person who violates sub. (3) (b) shall be fined not less than \$2,750 nor more than \$25,000 or imprisoned for not more than 90 days or both.

(c) Any person who violates sub. (3) (c) shall forfeit not more than \$10,000.

**History:** 1989 a. 105; 1991 a. 39; 1993 a. 16; 1995 a. 113; 2001 a. 16, 109; 2003 a. 33; 2009 a. 28, 326.

**Cross-reference:** See also ch. Trans 118, Wis. adm. code.

**343.247 Employer notification program.** (1) In this section:

(a) "Employee" has the meaning given in s. 343.245 (1) (a) and also includes any person whose employment responsibilities include the operation of any motor vehicle.

(b) "Employer" has the meaning given in s. 343.245 (1) (b) and also includes any person, including the state or a political subdivision thereof, who employs a person whose employment responsibilities include the operation of any motor vehicle.

(2) (a) The department shall establish by rule an employer notification program to permit an employer to register the name of an employee and be notified by the department whenever a conviction or suspension, revocation, cancellation, disqualification or out-of-service order is recorded on the operating record of the employee. An employer may withdraw an employee's name from the program at any time.

(b) The department shall establish and collect reasonable fees from employers in the program sufficient to defray the costs of instituting and maintaining the program, including the registration and withdrawal of employees. The fee for each notification by the department to an employer under par. (a) shall be \$5.

**History:** 2009 a. 326 ss. 2 to 4.

### SUBCHAPTER III

#### CANCELLATION, REVOCATION AND SUSPENSION OF LICENSES

**343.25 Cancellation of licenses.** The secretary shall cancel a license:

(1) Whenever the secretary determines that the license or endorsement was issued upon an application which contains a false statement as to any material matter; or

(2) Within 10 days after receiving a written request from a person who signed the application of a person under 18 years of age, or a notice of cancellation or termination of insurance, as provided in s. 343.15; or

(3) When the license is held by a person under 18 years of age and the secretary receives satisfactory evidence of the death of the adult who signed the application for the license; or

(4) When the person holding the license falls into one of the classes of persons to whom the law prohibits issuance of a license or a particular endorsement; or

(5) Whenever the secretary determines that a person has secured a license or endorsement, or attempted to secure a license or endorsement, by hiring or permitting another to appear in the person's place to take an examination or otherwise gaining or attempting to gain a passing score on an examination by fraud or otherwise obtain a commercial license or endorsement by fraud; or

(6) Whenever the secretary determines that a license has been altered and returned for cancellation under s. 343.43 (2); or

(7) When a person who has been ordered to submit to an examination under s. 343.16 or to appear for either group or individual counseling or examination under s. 343.32 (2) fails or refuses to do so. Such cancellation shall continue until compliance with the order has been made or the order is rescinded.

**History:** 1975 c. 5, 199; 1977 c. 29 s. 1654 (7) (c); 1989 a. 105, 359; 2015 a. 123.

**343.26 License after cancellation.** (1) Except as provided in sub. (2), any person whose license has been canceled, whether the license has been canceled by the secretary or stands canceled as a matter of law, may apply for a new license at any time. Upon receipt of the application and all required fees, and after processing the application as provided in s. 343.165, the department shall issue or refuse issuance of the license as upon an original application. The department may, but need not, require the applicant to submit to an examination as provided in s. 343.16.

# APPENDIX GDL-2: S. 346.89, WIS. STATS. INATTENTIVE DRIVING

Updated 2015–16 Wis. Stats. Published and certified under s. 35.18. May 3, 2017.

37 Updated 15–16 Wis. Stats.

RULES OF THE ROAD 346.915

(c) No person shall drive any motor vehicle upon a highway so loaded or with any object so placed or suspended in or upon the vehicle so as to obstruct the driver's clear vision through the rear window unless such vehicle is equipped with an outside rear view mirror meeting the requirements of s. 347.40.

(d) Signal lamps used by authorized emergency vehicles shall not be considered a violation of this section.

(4) The windshield, side wings and side and rear windows of a motor vehicle shall be kept reasonably clean at all times.

Sub. (3) (a) creates an absolute prohibition on "any sign, poster or other nontransparent material upon the front windshield . . ." By contrast, sub. (4) states: "The windshield, side wings and side and rear windows of a motor vehicle shall be kept reasonably clean at all times." There is "no reason why the legislature would choose to ban oil change stickers, often no more than one or two square inches in size and placed in a top corner of a windshield, but require that same area of a windshield be only "reasonably" clean." Instead, sub. (3) (a) is interpreted to prohibit the attachment of signs, posters, and other items of a similar nature to the front windshield of a motor vehicle. *State v. Houghton*, 2015 WI 79 364 Wis. 2d 234, 868 N.W.2d 143, 13–1581.

Sub. (3) (b), which requires that an object obstruct a driver's clear view to be a violation, does not mean that every object in a driver's clear view is a violation. Rather, sub. (3) (b) requires a material obstruction, even if minor, in order to be considered a violation of the statute. *State v. Houghton*, 2015 WI 79 364 Wis. 2d 234, 868 N.W.2d 143, 13–1581.

**346.89 Inattentive driving.** (1) No person while driving a motor vehicle may be engaged or occupied with an activity, other than driving the vehicle, that interferes or reasonably appears to interfere with the person's ability to drive the vehicle safely.

(3) (a) No person may drive, as defined in s. 343.305 (1) (b), any motor vehicle while composing or sending an electronic text message or an electronic mail message.

(b) This subsection does not apply to any of the following:

1. The operator of an authorized emergency vehicle.
2. The use of any device whose primary function is transmitting and receiving emergency alert messages and messages related to the operation of the vehicle or an accessory that is integrated into the electrical system of a vehicle, including a global positioning system device.
3. An amateur radio operator who holds a valid amateur radio operator's license issued by the federal communications commission when he or she is using dedicated amateur radio 2-way radio communication equipment and observing proper amateur radio operating procedures.

4. The use of a voice-operated or hands-free device if the driver of the motor vehicle does not use his or her hands to operate the device, except to activate or deactivate a feature or function of the device.

(4) (a) Subject to sub. (3), no person who holds a probationary license issued under s. 343.085, or an instruction permit issued under s. 343.07, may drive, as defined in s. 343.305 (1) (b), any motor vehicle while using a cellular or other wireless telephone, except to report an emergency.

(b) 1. In this paragraph:

a. "Commercial motor vehicle" has the meaning given in 49 CFR 390.5.

b. "Drive" means the exercise of physical control over the speed and direction of a motor vehicle while it is in motion or is temporarily stationary because of traffic, a traffic control device, or other momentary delay.

c. "Mobile telephone" has the meaning given in 49 CFR 390.5.

2. Subject to sub. (3), except to report an emergency to law enforcement officials or other emergency service providers, no person may drive any commercial motor vehicle while using a hand-held mobile telephone in any the following manners:

a. Using at least one hand to hold a mobile telephone or any connected accessory to conduct a voice communication.

b. Dialing or answering a mobile telephone by pressing more than a single button.

c. Reaching for a mobile telephone in a manner that requires the driver to maneuver so that he or she is no longer in a seated driving position.

(4m) No person may drive, as defined in s. 343.305 (1) (b), any motor vehicle while using a cellular or other wireless telephone, including using the telephone for a purpose other than communication, where persons engaged in work in a highway maintenance or construction area or in a utility work area are at risk from traffic, except to report an emergency. This subsection does not apply to the use of a voice-operated or hands-free device if the driver of the motor vehicle does not use his or her hands to operate the device, except to activate or deactivate a feature or function of the device.

(5) Subject to subs. (3) and (6), no person while driving a motor vehicle, other than an authorized emergency vehicle, a commercial motor vehicle described in s. 340.01 (8), or a tow truck, may operate or be in a position to directly observe any electronic device located within the vehicle that is activated and that is providing entertainment primarily by visual means. This subsection does not prohibit a person from using a cellular telephone for purposes of verbal communication.

(6) Subsection (5) does not apply to any of the following:

(a) Any global positioning system device.

(b) The display by any device of information related to the operation, navigation, condition, radio, or safety of the vehicle or that is intended to be used to enhance the driver's view forward, behind, or to the sides of a motor vehicle.

(c) The display by any device of information related to traffic, road, or weather conditions.

(d) Any device in a vehicle that permits the vehicle driver to monitor vehicle occupants seated rearward of the driver.

(e) Any device installed or mounted, either permanently or temporarily, in the vehicle that, with respect to the vehicle operator, functions as provided in par. (a), (b), (c), or (d) while simultaneously providing entertainment visible only from passenger seats of the vehicle.

History: 2009 a. 220; 2011 a. 164; 2013 a. 350; 2015 a. 123, 308.

**346.90 Following emergency vehicle.** The operator of any vehicle other than one on official business shall not follow an authorized emergency vehicle responding to a call or alarm closer than 500 feet or drive into or park his or her vehicle within the block where, or within 300 feet of the driveway entrance or similar point of access to a driveway or road on which, fire apparatus has stopped in response to an alarm. The personal vehicles of members of a volunteer fire department answering the alarm are considered on official business.

History: 1975 c. 253, 421.

**346.91 Crossing fire hose.** No person without the consent of the fire department official in command may drive a vehicle over any unprotected hose of a fire department when such hose is laid down on any street or private driveway to be used at any training exercise, scene of an emergency, or alarm of emergency.

History: 1985 a. 187; 2005 a. 144.

**346.915 Following snowplows.** (1) In this section, "snowplow" means a vehicle that is operated by a person employed by or on behalf of an authority in charge of the maintenance of the highway to perform highway winter maintenance snow and ice removal, including plowing, salting, and sanding, during either a storm or cleanup following a storm and which is using lamps described in s. 347.26 (7).

(2) (a) The operator of any vehicle that is not a snowplow may not follow a snowplow closer than the following distances, if the snowplow is engaged in highway winter maintenance snow and ice removal, as described in sub. (1), and is using lamps described in s. 347.26 (7):



# APPENDIX GDL-3: CH. TRANS 102, WIS. ADM. CODE OPERATOR'S LICENSES AND IDENTIFICATION CARDS

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DEPARTMENT OF TRANSPORTATION

Trans 102.02

## Chapter Trans 102

### OPERATOR'S LICENSES AND IDENTIFICATION CARDS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) A change in license restrictions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Shall include the following descriptive legends:

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

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

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

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

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

**History:** Cr. Register, September, 1982, No. 321, eff. 10-1-82; r. and recr. Register, December, 1990, No. 420, eff. 1-1-91; CR 14-061; renum. 102.04 (intro.) to 102.04 (1), cr. (2) Register May 2015 No. 713, eff. 6-1-15; correction in (2) made under s. 35.17, Stats., Register April 2017 No. 736.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) For the convenience of the license applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

3. A US passport;

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

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

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

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

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

9. A U.S. certificate of naturalization;

10. A certificate of U.S. citizenship;

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

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

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

b. Issued in Wisconsin.

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

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

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

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

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

18. An armed forces of the United States common access card or DD Form 2 identification card issued to military personnel;

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

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

(c) For an identification card, to establish a name other than the name that appears on a supporting document, the person may provide evidence acceptable to the administrator 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 his or her name for a dishonest or fraudulent purpose or to the injury of any other person. The department shall mark an identification card issued under this subdivision in the manner described in s. 343.03 (3r), Stats.

**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 his or her legally correct name.

(d) The administrator shall approve a name change requested by a person who cannot provide documentation under par. (a) 17. of a lawful change of name but who does one of the following:

1. Provides proof of identity specified in sub. (4) in the new name, and the administrator receives from the federal social security administration evidence or confirmation of the name change.

2. Applies for an identification card and provides an affidavit declaring all facts required under par. (c) to prove a name change under the common law of Wisconsin.

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

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

2. Valid U.S. passport.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. The person is a Wisconsin resident.

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

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

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

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

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

**(5) PROOF OF SOCIAL SECURITY NUMBER.** (a) Each person who applies for an operator's license or identification card is required to provide his or her social security number, except that Class D and M license applicants may be issued licenses without social security numbers as provided in pars. (b) and (c) and a person requesting an identification card without charge for purposes of voting may be issued an identification card receipt under s. 343.50 (1) (c), Stats., without a social security number as provided in pars. (b) or (bm). The department may verify the number with the federal social security administration prior to acceptance for issuance of an operator's license or identification card, may delay issuance of a license if verification cannot be completed at the time of application, or may cancel a license if verification is requested after license issuance and the person does not provide verification. The original social security card or other documentation satisfactory to the department to prove the person's social security number shall be presented to the examiner for verification of the number, when any of the following apply:

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

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

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

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

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

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

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

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

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

(d) Any person issued an identification card without charge for purposes of voting without a social security number as provided in par. (a) is required to provide his or her social security number on any subsequent application for an instruction permit or operator's license, unless another exception applies to that application.

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

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

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

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

(b) 1. If a person applies for and requests an identification card without charge for the purposes of voting and the person's proof of name and date of birth under sub. (3) or of proof of U.S. citizenship under sub. (3m) is unavailable, the person may make a written petition to the administrator for an exception to the requirement for which proof is unavailable. The department shall provide appropriate translation for any person who is unable to read or understand the petition process instructions and related communications under this subsection or sub. (6m). The petition shall include the person's statement under oath or affirmation of all of the following: that the person is unable to provide documentation under sub. (3) or proof of U.S. citizenship under sub. (3m); that the documents are unavailable to the person; and of his or her name, date of birth, place of birth, and such other birth record information requested by the department, or the person's alien or U.S. citizenship and immigration service number or U.S. citizenship certificate number.

2. Upon receiving a petition that meets the requirements under subd. 1., the department of transportation shall forward the petition to the central office of its division of motor vehicles for processing. The administrator shall provide the person's birth record information to the department of health services, for the sole purpose of verification by the department of health services of the person's birth certificate information or the equivalent document from another jurisdiction, other than a province of the Dominion of Canada, or to a federal agency for the sole purpose of verifying the person's certificate of birth abroad issued by the U.S. department of state, or of verifying the person's alien or U.S. citizenship and immigration service number or U.S. citizenship certificate number. The administrator shall open a file containing the petition and shall create therein a report with a dated record of events, including all communication to or with the applicant. The department of transportation may not complete processing of the application prior to receiving verification under this subdivision, except as provided in subd. 3.

3. If the department of transportation does not receive verification under subd. 2. within 30 days or receives notice under subd. 2., that the birth information provided in the application does not match that of the birth record custodian, the department of transportation shall promptly notify the person in writing of that failure to verify and request the person contact the department of transportation within 10 days. If the person does not respond within 10 days, the department of transportation shall send the person a second letter with substantially similar contents. If the person does not respond to the second letter within 10 days and the department of transportation knows the person's telephone number, the department of transportation shall call the person on the telephone and notify the person that the birth information was not verified and request the person provide additional information within 10 days. If 30 days have elapsed since the date of the first letter sent under this subdivision without contact from the person, the department of transportation shall suspend the investigation and send written notice that the person has not responded, that the department of transportation has no further leads for it to locate or

obtain secondary documentation or verification of birth information, that the department of transportation has suspended its investigation or research until such time as the person contacts the department of transportation, and that if within 180 days after the date of the written notice the person fails to contact the department of transportation the petition will be denied and no further identification card receipts will be issued under sub. (6m). If the person fails to contact the department of transportation within 180 days after the department of transportation suspends the investigation, the administrator shall deny the petition in writing and shall inform the person that the department of transportation will resume the investigation if the person contacts the department of transportation to discuss the petition. Whenever the applicant contacts the department of transportation to discuss the petition, the investigation under this subdivision shall begin anew, notwithstanding any prior denial due to the person's failure to timely respond. The applicant shall act in good faith and use reasonable efforts to provide additional information that could reasonably lead the department of transportation to discover correct birth information or secondary documentation as described in subd. 3g., to assist the department of transportation in processing the application. The administrator shall investigate the petition and any additional information provided under this subdivision with prompt and due diligence and shall use reasonable efforts to locate and obtain the secondary documentation by pursuing leads provided by the person. Investigations may only be completed within the division of motor vehicles' central office by employees whose regular job duties include investigation and fraud detection and prevention. If the investigation discovers new or corrected birth information, the department of transportation shall resubmit the new or corrected birth information to the department of health services for verification under subd. 2. The department of transportation shall pay any actual, necessary fees required by the record custodian to obtain the secondary documentation.

3g. If the department of health services does not verify the birth record information within 30 days, the department of transportation may issue an identification card to the person only if the department of transportation receives verification under subd. 2., if the person provides proof required under sub. (3) or (3m), or if the department of transportation receives other secondary documentation acceptable to the administrator and deemed sufficient under subd. 3., which may include the following:

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

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

(c) The administrator may delegate to the deputy administrator or to a bureau director, as described in s. 15.02 (3) (c) 2., Stats., whose regular responsibilities include driver licensing and identification card issuance, the authority to accept or reject such extraordinary proof of name, date of birth, or U.S. citizenship under this subsection.

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

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

(f) If the administrator, or delegate described in par. (c), determines that an applicant has knowingly made a false statement or

knowingly concealed a material fact or otherwise committed a fraud in an application, petition or additional information, the department of transportation shall immediately suspend the investigation, shall notify the person in writing of the suspension and the reason for the suspension, and refer any suspected fraud to law enforcement.

(g) A person whose petition is suspended or denied due to a failure to respond timely may revive the petition at any time by contacting the department to discuss the petition application. If a person revives a petition the department shall immediately issue, and shall continue to reissue, an identification card receipt to the person as provided in sub. (6m), except that the department shall first require the person to take a photograph if required under sub. (6m).

(h) The administrator shall grant a petition if he or she concludes, on the basis of secondary documentation or other corroborating information, that it is more likely than not that the name, date of birth and U.S. citizenship provided in the application is correct.

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

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

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

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

**Note:** Form MV3432, Receipt.

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

**(6m) TEMPORARY IDENTIFICATION CARD RECEIPT.** (a) *Issuance process.* The department shall issue an identification card receipt under s. 343.50 (1) (c), Stats., to any person who has applied for an identification card without charge for the purposes of voting and who makes a written petition under s. Trans 102.15 (5m). The department shall issue the receipt not later than the sixth working day after the person made the petition and shall deliver the receipt by first-class mail, except that if a petition is filed or revived within 7 days before or 2 days after a statewide election the department shall issue a receipt not later than 24 hours after the petition is filed or revived and shall deliver the receipt by overnight or next-day mail. The department shall issue a new receipt to the person not later than 10 days before the expiration date of the prior receipt, and having a date of issuance that is the same as the expiration date of the prior receipt. The department shall issue no receipt to a person after the denial of a petition under sub. (5m) (b) 3., unless the person revives an investigation under sub. (5m) (g). The department shall continue to reissue identification card receipts to a person unless the department cancels the identification card receipt upon the circumstances specified in s. 343.50 (10), Stats., upon the issuance of an operator's license or identification card to the person, upon the person's request, upon the denial of the application, upon return to the department of a receipt as non-deliver-

able, upon the person's failure to contact the department to discuss the petition for a period of 180 days or more, or whenever the department receives information that prohibits issuance of an identification card under s. 343.50 (1) (c), Stats. The department shall require the person to take a photograph prior to reissuing an identification card receipt if the photograph of the person on file with the department is 8 or more years old.

**Note:** Because the Department must issue an identification card receipt for voting purposes to any person who makes a qualified application under s. Trans 102.15 (5m), the Department may not deny issuance of an identification card receipt due to a name or date of birth mismatch, spelling error or other typographical error on a supporting document, nor due to the inability to confirm or correct information with another federal, state or local governmental agency.

(b) *Contents.* An identification card receipt issued under this subsection shall constitute a temporary identification card while the application is being processed under s. Trans 102.15 (5m) and shall be valid for a period not to exceed the period specified in s. 343.50 (1) (c), Stats. The department shall clearly mark the receipt "FOR VOTING PURPOSES ONLY" as validated for use for voting as provided in ss. 5.02 (6m) (d) and 6.79 (2) (a), Stats. A receipt issued under this subsection shall contain the information specified under s. 343.17 (3), Stats., including the date of issuance, the expiration date, the name and signature of the person to whom it was issued and, except as authorized in s. 343.50 (4g), Stats., a photograph of the individual to whom it was issued, and may contain such further information as the department deems necessary.

(c) *Replacement.* The department shall issue a replacement identification card receipt under par. (a) upon request of the person to whom it is issued if the receipt is lost or destroyed.

(d) *Cancellation or refusal.* Notwithstanding par. (a), the department shall cancel or refuse to issue an identification card receipt under this subsection upon the circumstances specified in s. 343.50 (10), Stats., upon the issuance of an operator's license or identification card to the person, upon the person's request, upon the denial of the application, upon return to the department of a receipt as non-deliverable, or whenever the department receives information that prohibits issuance of an identification card under s. 343.50 (1) (c), Stats.

(e) *Address changes.* Whenever any person, after receiving an identification card receipt under this subsection, moves from the address named in the application or in the receipt issued to him or her or is notified by the local authorities or by the postal authorities that the address so named has been changed, the person shall, within 30 days, notify the department of his or her change of address. Upon receiving a notice of change of address, the department shall promptly issue a new receipt under par. (a) showing the correct address and having the expiration date of the prior receipt.

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

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

renum. (3) (c) to (5m) (c) and am., cr. (3) (d), (5m) (title), (b), (e), am. (6) (intro.) Register May 2015 No. 713, eff. 6-1-15; 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.

**Trans 102.16 Operator's license and license endorsement issuance periods.** (1) ORIGINAL, REINSTATED AND PROBATIONARY LICENSES. Reinstated licenses, probationary licenses, and original licenses other than instruction permits and license endorsements shall expire 2 years from the licensed person's next birthday, or on the date that the person's legal presence in the United States is no longer authorized, whichever occurs sooner. If the expiration date of a person's probationary license is the date the person's legal presence in the United States is no longer authorized, and the person's legal presence is extended, the department may reissue the probationary license with an expiration date of the latest date determined under this section at the time of initial issuance or the date that the person's legal presence in the United States is no longer authorized, whichever occurs sooner. The department may not, as a consequence of expiration dates based on the person's legal presence in the United States, require any person to possess a probationary license beyond the latest date determined under this section at the time of initial issuance.

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

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

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

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

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

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

(4) LICENSE RENEWAL. No person may renew:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Trans 102.18 Identification card and issuance period.** (1) Original and reinstatement identification cards expire 4 years from the identified person's next birthday, or on the date that the person's legal presence in the United States is no longer authorized, whichever occurs sooner.

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

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

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

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

**Trans 102.18**

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

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

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

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

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

**Note:** See s. 343.07, Stats.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(e)** Does not hold a CDL.

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

**(g)** Is at least 18 years of age.

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

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

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

**(c)** Was convicted of speeding in excess of 15 miles per hour over the applicable speed limit or any one violation listed as a disqualifying offense or serious traffic violation under s. 343.315 (2) (a), (e), (f) or (g), Stats., regardless of whether the person was operating a commercial motor vehicle at the time of the offense.

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

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

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

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

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

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

1. A standard driver license application form.
2. A certification of the driver's eligibility for the license.
3. The required fee.

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

**Note:** Driver License Application and renewal forms (MV3001 and MV3005) and Driver Certification forms (MV3586) may be obtained at any Division of Motor Vehicle Services Center or from the Wisconsin Department of Transportation, Bureau of Driver Services, License Issuance Unit, P.O. Box 7918, Madison, WI 53707-7918.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Note:** See s. Trans 102.16.

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

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

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

**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. Schwolitz*, 57 Wis. 2d 764 (1973), for general guidance on the copying of identification cards.

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

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

(a) "Adult" means a person who is 18 years of age or older.

(b) "Foster parent" means a person licensed to operate a foster home or treatment foster home under s. 48.62, Stats.

(c) "Guardian" means the person named by the court having the duty and authority of guardianship.

(d) "Minor" means a person less than 18 years of age.

(e) "Parent" means either a biological parent, a husband who has consented to the artificial insemination of his wife under s. 891.40, Stats., or a parent by adoption. If the child is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, Stats., "parent" includes a person adjudged in a judicial proceeding to be the biological father. "Parent" does not include any person whose parental rights have been terminated.

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

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

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

(a) The minor's parent, stepparent or guardian.

(b) The minor's spouse.

(c) The minor's grandparent, brother, sister, aunt, uncle or foster parent if the minor does not reside with any of the persons identified in par. (a).

(d) The person with whom a foreign exchange student resides if the foreign exchange student is from outside the United States and is not residing with any of the persons identified in par. (a).

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

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

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

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

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

a manner that complies with federal guidelines issued pursuant to those regulations.

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

(a) "CDL class, endorsement or restriction" means authorization to operate class A, B or C commercial motor vehicles, any endorsement described in s. 343.17 (3) (d), Stats., or any restriction specified in ss. 343.17 (3) (d) or (e), Stats.

(b) "Local unit of government" means a county, city, village, town, school district, county utility district, sanitary district, metropolitan sewage district, or other public body created by or pursuant to state law.

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

- (a) Active duty military personnel.
- (b) Members of the military reserves.
- (c) Members of the national guard on active duty, including personnel on full-time national guard duty.
- (d) Personnel on part-time national guard training.
- (e) National guard military technicians.

**Note:** National guard military technicians are civilians who are required to wear military uniforms. 49 CFR 383.3 (c).

(f) Active duty U.S. Coast Guard personnel.

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

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

(a) The person is operating a farm vehicle that is being used to transport agricultural products, farm machinery, farm supplies or any combination of these goods to or from a farm.

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

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

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

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

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

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

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

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

**Note:** The original federal waiver permitted operation of vehicles only in response to emergencies or in the routine performance of other duties. The federal government removed that restriction in promulgating 49 CFR 383.3(d)(2), thereby extending the waiver for other non-routine functions such as parades and vehicle repair. This rule making adopts this extended waiver pursuant to the authority provided in s. 343.055 (5), Stats.

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

- (a) The person is an employee of a local unit of government with a population of 3000 or less.
- (b) The person holds a valid license authorizing the operation of class "D" vehicles.
- (c) The person is operating within the boundaries of the local unit of government.
- (d) One of the following:

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

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

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

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



# APPENDIX MC-1: MOTORCYCLE REGISTRATIONS BY COUNTY

## Complete List of Counties in the State of Wisconsin

### Motorcycle Registration Data by County

### Training Was Offered In The County During The Month(s) Selected:

*(NOTE: Some Counties May Have More Than One Sponsoring Training Site And/Or Location)*

*Scheduled Classes May Vary With Demand And Classes May Be Added Or Cancelled As Demand Dictates*

	Yes, there is a Training Site in the County	No, there is not a Training Site in the County	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18
Adams		1,719												
Ashland	873		x						x	x	x	x	x	x
Barron	3,171		x						x	x	x	x	x	x
Bayfield		1,171												
Brown	15,007		x						x	x	x	x	x	x
Buffalo		1,087												
Burnett		1,207												
Calumet		3,437												
Chippewa		4,450												
Clark		2,053												
Columbia		3,915												
Crawford		1,005												
Dane	21,330		x						x	x	x	x	x	x
Dodge		6,475												
Door		3,440												
Douglas	2,413		x						x	x	x	x	x	x
Dunn		2,739												
Eau Claire	5,060		x						x	x	x	x	x	x
Florence		330												
Fond du Lac	6,906		x						x	x	x	x	x	x
Forest		635												
Grant	3,679		x						x	x	x	x	x	x
Green		2,983												
Green Lake		1,247												
Iowa		1,574												
Iron		460												
Jackson		1,613												
Jefferson		5,864												
Juneau		2,091												
Kenosha	8,734		x						x	x	x	x	x	x
Kewaunee		1,994												
La Crosse	6,044		x						x	x	x	x	x	x
Lafayette		1,057												
Langlade	1,276		x						x	x	x	x	x	x
Lincoln		2,321												
Manitowoc	7,293		x						x	x	x	x	x	x
Marathon	8,728		x						x	x	x	x	x	x
Marinette		3,448												
Marquette		1,239												
Menoninee		65												
Milwaukee	27,172		x						x	x	x	x	x	x
Monroe	3,339		x						x	x	x	x	x	x
Oconto		3,616												
Oneida	2,904		x						x	x	x	x	x	x
Outagamie	12,931		x						x	x	x	x	x	x
Ozaukee	5,537		x						x	x	x	x	x	x
Pepin		582												
Pierce		2,877												
Polk		3,106												
Portage		3,912												
Price		1,160												
Racine		10,712												
Richland		1,304												
Rock	9,458		x						x	x	x	x	x	x
Rusk		912												
Sauk	4,309		x						x	x	x	x	x	x
Sawyer		927												
Shawano	2,871		x						x	x	x	x	x	x
Sheboygan	9,355		x						x	x	x	x	x	x
Saint Croix	5,973		x						x	x	x	x	x	x
Taylor		1,469												
Trempealeau		2,263												
Vernon	1,914		x						x	x	x	x	x	x
Vilas		1,786												
Walworth		7,870												
Washburn		1,068												
Washington		9,550												
Waukesha	23,094		x						x	x	x	x	x	x
Waupaca		4,069												
Waushara		1,977												
Winnebago	10,427		x						x	x	x	x	x	x
Wood	5,489		x						x	x	x	x	x	x
(no county)	884													
<b>TOTALS</b>	<b>216,171 (With)</b>	<b>118,779 (Without)</b>												

## APPENDIX MC-2: MOTORCYCLE CRASHES INVOLVING ANOTHER MOTOR VEHICLE 2015

County	Motorcycle Crashes Involving Another Motor Vehicle (2015)	Target Area
ADAMS	2	
ASHLAND	3	
BARRON	9	
BAYFIELD	4	
BROWN	44	
BUFFALO	6	
BURNETT	2	
CALUMET	10	
CHIPPEWA	3	
CLARK	5	
COLUMBIA	10	10
CRAWFORD	7	
DANE	87	87
DODGE	12	12
DOOR	9	
DOUGLAS	10	
DUNN	8	
EAU CLAIRE	16	
FLORENCE	2	
FOND DU LAC	17	
FOREST	0	
GRANT	7	
GREEN	4	4
GREEN LAKE	1	
IOWA	2	
IRON	1	
JACKSON	3	
JEFFERSON	12	12
JUNEAU	7	
KENOSHA	41	41
KEWAUNEE	0	
LA CROSSE	31	
LAFAYETTE	2	
LANGLADE	3	
LINCOLN	4	
MANITOWOC	19	

County	Motorcycle Crashes Involving Another Motor Vehicle (2015)	Target Area
MARATHON	14	
MARINETTE	13	
MARQUETTE	2	
MENOMINEE	1	
MILWAUKEE	235	235
MONROE	4	
OCONTO	6	
ONEIDA	6	
OUTAGAMIE	39	
OZAUKEE	13	13
PEPIN	0	
PIERCE	13	
POLK	5	
PORTAGE	10	
PRICE	0	
RACINE	42	42
RICHLAND	3	
ROCK	31	31
RUSK	0	
ST. CROIX	6	
SAUK	14	
SAWYER	1	
SHAWANO	8	
SHEBOYGAN	17	
TAYLOR	2	
TREMPEALEAU	4	
VERNON	4	
VILAS	1	
WALWORTH	18	18
WASHBURN	1	
WASHINGTON	26	26
WAUKESHA	70	70
WAUPACA	4	
WAUSHARA	4	
WINNEBAGO	44	
WOOD	6	

TOTAL 1,070 601 56.2%

# APPENDIX OP-1: PARTICIPATION IN *CLICK IT OR TICKET* NATIONAL MOBILIZATION

Wisconsin will participate in the Click It or Ticket mobilization during fiscal year 2018.

Planned participants in fiscal year 2017 include:

Adams County Sheriff's Off.	Edgerton Police Dept.	Lodi Police Dept.
Arena Police Dept.	Ellsworth Police Dept.	Lone Rock Police Dept.
Baldwin Police Dept.	Endeavor Police Dept.	Madison (City) Police Dept.
Baraboo Police Dept.	Everest Metro. Police Dept.	Madison (Town) Police Dept.
Barneveld Police Dept.	Fennimore Police Dept.	Marathon County Sheriff's Off.
Bayfield County Sheriff's Off.	Fort Atkinson Police Dept.	Marinette Police Dept.
Bayside Police Dept.	Fountain City Police Dept.	Marquette County Sheriff's Dept.
Belleville Police Dept.	Franklin Police Dept.	Marquette University Police Dept.
Black River Falls Police Dept.	Fredonia Marshal	Marshall Police Dept.
Boscobel Police Dept.	Germantown Police Dept.	Mauston Police Dept.
Brodhead Police Dept.	Grand Rapids Police Dept.	Mayville Police Dept.
Brooklyn Police Dept.	Grant County Sheriff's Off.	Mellen Police Dept.
Brown Deer Police Dept.	Hammond Police Dept.	Menomonie Police Dept.
Brownsville Police Dept.	Highland Police Dept.	Mequon Police Dept.
Buffalo County Sheriff's Off.	Hillsboro Police Dept.	Merrillan Police Dept.
Burlington Police Dept.	Hortonville Police Dept.	Middleton Police Dept.
Burnett County Sheriff's Dept.	Independence Police Dept.	Milton (City) Police Dept.
Butler Police Dept.	Iowa County Sheriff's Off.	Milwaukee Police Dept.
Cedarburg Police Dept.	Iron River (Town) Police Dept.	Mineral Point Police Dept.
Chilton Police Dept.	Jackson Police Dept.	Minocqua Police Dept.
Chippewa County Sheriff's Off.	Jefferson Police Dept.	Mishicot Police Dept.
Chippewa Falls Police Dept.	Johnson Creek Police Dept.	Mondovi Police Dept.
Clark County Sheriff's Dept.	Juneau County Sheriff's Off.	Monroe County Sheriff's Off.
Columbus Police Dept.	Juneau Police Dept.	Montello Police Dept.
Crawford County Sheriff's Dept.	Kewaskum Police Dept.	Mukwonago (Town) Police Dept.
Cross Plains Police Dept.	La Crosse Police Dept.	Mukwonago (Village) Police Dept.
Dane County Sheriff's Off.	La Farge Police Dept.	Muscoda Police Dept.
Dane Police Dept.	La Pointe Police Dept.	Necedah Police Dept.
DeForest Police Dept.	Lafayette County Sheriff's Off.	Neillsville Police Dept.
Dickeyville Police Dept.	Lake Delton Police Dept.	Nekoosa Police Dept.
Dodgeville Police Dept.	Lancaster Police Dept.	New Glarus Police Dept.
Eagle Police Dept.	Lannon Police Dept.	New Holstein Police Dept.
East Troy (Village) Police Dept.	Linden Police Dept.	New Lisbon Police Dept.

New Richmond Police Dept.  
North Hudson Police Dept.  
Norwalk Police Dept.  
Norway Police Dept.  
Oakland (Town) Police Dept.  
Oconomowoc Police Dept.  
Onalaska Police Dept.  
Ontario Police Dept.  
Osseo Police Dept.  
Owen Police Dept.  
Ozaukee County Sheriff's Off.  
Palmyra Police Dept.  
Pepin County Sheriff's Dept.  
Pewaukee (Village) Police Dept.  
Pierce County Sheriff's Dept.  
Plain Police Dept.  
Platteville Police Dept.  
Port Edward Police Dept.  
Port Washington Police Dept.  
Portage Police Dept.  
Poynette Police Dept.  
Readstown Police Dept.  
Richland Center Police Dept.

Richland County Sheriff's Off.  
Ridgeway Police Dept.  
River Hills Police Dept.  
Roberts Police Dept.  
Rome (Town) Police Dept.  
Sauk County Sheriff's Off.  
Sharon Police Dept.  
Shawano County Sheriff's Dept.  
Sheboygan County Sheriff's Off.  
Shorewood Hills Police Dept.  
Slinger Police Dept.  
Spring Green Police Dept.  
St. Nazianz Police Dept.  
Stanley Police Dept.  
Sturtevant Police Dept.  
Summit Police Dept.  
Sun Prairie Police Dept.  
Thorp Police Dept.  
Tomah Police Dept.  
Trempealeau Police Dept.  
Twin Lakes Police Dept.  
Union Center Police Dept.  
UW - Eau Claire Police Dept.

UW - Milwaukee Police Dept.  
UW - Parkside Police Dept.  
UW - Whitewater Police Services  
Verona Police Dept.  
Walworth County Sheriff's Dept.  
Walworth Police Dept.  
Washburn Police Dept.  
Waterloo Police Dept.  
Watertown Police Dept.  
Waukesha County Sheriff's Off.  
Waunakee Police Dept.  
Waupaca County Sheriff's Off.  
Waupun Police Dept.  
Wausau Police Dept.  
Waushara County Sheriff's Dept.  
Williams Bay Police Dept.  
Wilton Police Dept.  
Wisconsin Dells Police Dept.  
Wisconsin Rapids Police Dept.  
Wisconsin State Patrol  
Wonewoc Police Dept.  
Wood County Sheriff's Off.

## APPENDIX OP-2: CHILD RESTRAINT INSPECTION STATIONS

County	2010 Census Population	Population of Counties with Stations	Number of Inspection Stations	Rural	Urban	Low Income (13% or greater in poverty)	Minority Populations (>8% or a Tribal Health Department)
Adams	20,875	20,875	2	2		2	
Ashland	16,157	16,157	3	3		3	3
Barron	45,870	45,870	1	1			
Bayfield	15,014		0	0			0
Brown	248,007	248,007	7		7		7
Buffalo	13,587	13,587	1	1			
Burnett	15,457	15,457	2	2		2	2
Calumet	48,971	48,971	1		1		
Chippewa	62,415	62,415	1		1		
Clark	34,690	34,690	2	2		2	
Columbia	56,833	56,833	1		1		
Crawford	16,644	16,644	1	1		1	
Dane	488,073	488,073	10		10		10
Dodge	88,759	88,759	3	3			
Door	27,785	27,785	2	2			
Douglas	44,159	44,159	1		1	1	
Dunn	43,857	43,857	1	1		1	
Eau Claire	98,736	98,736	2		2	2	
Florence	4,423	4,423	2	2			
Fond du Lac	101,633	101,633	2		2		
Forest	9,304	9,304	1	1		1	1
Grant	51,208	51,208	2	2		2	
Green	36,842	36,842	1		1		
Green Lake	19,051		0	0			
Iowa	23,687		0		0		
Iron	5,916	5,916	2	2		2	
Jackson	20,449	20,449	3	3			3
Jefferson	83,686	83,686	6	6			
Juneau	26,664	26,664	1	1		1	
Kenosha	166,426	166,426	2		2		2
Kewaunee	20,574	20,574	1		1		
La Crosse	114,638	114,638	7		7	7	
Lafayette	16,836		0	0			
Langlade	19,977	19,977	1	1		1	
Lincoln	28,743	28,743	2	2			
Manitowoc	81,442		0	0			
Marathon	134,063	134,063	4		4		

County	2010 Census Population	Population of Counties with Stations	Number of Inspection Stations	Rural	Urban	Low Income (13% or greater in poverty)	Minority Populations (>8%) or a Tribal Health Department
Marinette	41,749	41,749	2	2			
Marquette	15,404	15,404	1	1			
Menominee	4,232	4,232	1	1		1	1
Milwaukee	947,735	947,735	13		13	13	13
Monroe	44,673	44,673	2	2			
Oconto	37,660	37,660	1		1		
Oneida	35,998	35,998	2	2			
Outagamie	176,695	176,695	5		5		
Ozaukee	86,395	86,395	4		4		
Pepin	7,469	7,469	1	1			
Pierce	41,019	41,019	3		3		
Polk	44,205	44,205	2	2			
Portage	70,019	70,019	2	2			
Price	14,159		0	0		0	
Racine	195,408	195,408	2		2		2
Richland	18,021	18,021	1	1		1	
Rock	160,331	160,331	1		1	1	1
Rusk	14,755	14,755	1	1		1	
Saint Croix	84,345	84,345	1		1		
Sauk	61,976	61,976	4	4			
Sawyer	16,557	16,557	1	1		1	1
Shawano	41,949	41,949	1	1			1
Sheboygan	115,507	115,507	1		1		1
Taylor	20,689		0	0			
Trempealeau	28,816	28,816	1	1			
Vernon	29,773	29,773	2	2		2	
Vilas	21,430		0	0		0	0
Walworth	102,228	102,228	2	2			2
Washburn	15,911	15,911	1	1		1	
Washington	131,887	131,887	3		3		
Waukesha	389,891	389,891	5		5		
Waupaca	52,410	52,410	1	1			
Waushara	24,496	24,496	1	1			
Winnebago	166,994	166,994	3		3		
Wood	74,749	74,749	4	4			4
Totals	5,686,986	5,474,678	153	71	82	49	54
<b>Percent of Total</b>		<b>96%</b>		<b>46%</b>	<b>54%</b>	<b>32%</b>	<b>35%</b>

# APPENDIX OP-3: CHILD PASSENGER SAFETY TECHNICIAN TRAINING SESSIONS

## Federal Fiscal Year 2018

Eau Claire; 1 class; 15 students; October 4-7, 2017  
Glendale; 1 class; 15 students; November 6-8, 2017  
Wausau; 1 class; 15 students; December 4-6, 2017  
Grand Chute; 1 class; 15 students; February 12-15, 2018  
Viroqua; 1 class; 15 students; March 19-22, 2018  
Janesville; 1 class; 15 students; May 14-17, 2018  
Madison; 1 class; 15 students; May 29-31, 2018  
Milwaukee area; 1 class; 15 students; June 18-21, 2018  
Eau Claire; 1 class; 15 students; August 7-9, 2018  
Racine County; 1 class; 15 students; September 26-29, 2018  
Wausau; 1 class; 15 students; November 2018

# APPENDIX OP-4: APPENDIX OP-4 S. 347.48, WIS. STATS. SAFETY BELTS AND CHILD SAFETY RESTRAINT SYSTEMS

Updated 2015–16 Wis. Stats. Published and certified under s. 35.18. May 3, 2017.

## 347.46 EQUIPMENT OF VEHICLES

Updated 15–16 Wis. Stats. 14

thrown by the rear wheels. Such rear fenders or mudguards shall meet the following minimum specifications:

(a) The fenders or mudguards shall cover the tire or multiple tires they are protecting starting at the top from a line drawn vertically through the center of the axle and extending rearward and downward so that the fender or mudguard under any condition of operation or loading of the vehicle has a ground clearance of not more than one third of the horizontal distance from the center of the rearmost axle to the fender or mudguard;

(b) The fenders or mudguards shall be at least as wide as the tire or multiple tires they are protecting;

(c) If the vehicle is so designed and constructed that the rear wheels are covered in the manner specified in pars. (a) and (b) by means of fenders, body construction or other means of enclosure, then no special mudguards are required. Otherwise, the vehicle shall be equipped with special mudguards to the extent necessary to meet the requirements of pars. (a) and (b).

Cross-reference: See also ss. *Trans 305.22* and *305.53*, Wis. adm. code.

**347.47 Drawbars, trailer hitches and mobile home couplings.** (1) No person shall operate a vehicle towing or drawing another vehicle or vehicles on a highway if the drawbar or other connection between any 2 vehicles exceeds 12 feet in length.

(2) No person shall operate a motor vehicle drawing a trailer, semitrailer, recreational vehicle, or mobile home upon a highway unless the hitch and coupling attaching the trailer, semitrailer, recreational vehicle, or mobile home to the vehicle by which it is drawn is of such construction as to cause such trailer, semitrailer, recreational vehicle, or mobile home to follow in direct line with the propelling vehicle without dangerous side swing or wobble. The hitch and coupling, the surface to which they are attached, and the connections, shall be of sufficient strength to prevent failure under all conditions of operation. The hitch is that part of the connecting mechanism, including the coupling platform and its attaching members or weldments, which is attached to the towing vehicle. The coupling is that part of the connecting mechanism, including the coupling and its attaching members or weldments, which is attached to the trailer, recreational vehicle, or mobile home and by which connection is made to the hitch. If a device is used between the trailer proper and the coupling such as a pole, such device shall also meet the requirements of this section.

(3) In addition to the hitch and coupling specified in sub. (2), every towed vehicle shall be coupled to the towing vehicle by means of safety chains, leveling bars or cables. This requirement does not apply to a semitrailer having a connecting device composed of a 5th wheel and kingpin assembly, nor to a pole or pipe dolly. The safety chains, leveling bars or cables shall have only the necessary slack to permit proper turning and safety chains or cables shall be so connected to the towed and towing vehicle to prevent the drawbar from dropping to the ground if the hitch or coupling disengages. Two separate lengths of safety chain, leveling bars or cable shall be required on all trailers and mobile homes; however, the department may authorize use of such other appropriate equipment or methods approved by nationally recognized organizations which recommend safety standards for motor vehicles.

(4) Trailer, semitrailer, recreational vehicle, and mobile home couplings and the safety chains, leveling bars or cables shall be of such minimum strength, design and type as established by published rule of the department.

History: 1971 c. 88; 1977 c. 29 ss. 1654 (7) (e); 1979 c. 34; 2007 a. 11.

Cross-reference: See also ch. *Trans 308* and s. *Trans 305.52*, Wis. adm. code.

**347.475 Airbags, prohibited practices.** (1) In this section, "airbag" means an inflatable restraint system that is designed to be installed and to operate in a motor vehicle to deploy by inflating upon an impact of the vehicle with another object.

(2) No person may, either personally or through an agent, sell, install, reinstall, or distribute any previously deployed airbag.

This subsection does not apply to the sale of a motor vehicle with a previously deployed airbag unless the deployment is concealed or disguised.

(3) No person may, either personally or through an agent, remove, disconnect, tamper with, or otherwise circumvent the operation of any airbag, except for the purpose of testing, repairing, or maintaining an airbag, salvaging an undeployed airbag, disposing of a deployed airbag, or replacing a deployed airbag with a functional airbag. This subsection does not apply to the installation or use of an on-off switch by any person who is authorized by federal law or regulation to install or use an on-off switch for an airbag.

(4) No person may, either personally or through an agent, install a cover or otherwise conceal or disguise a missing airbag or a previously deployed airbag.

History: 2001 a. 28.

## 347.48 Safety belts and child safety restraint systems.

(1) SAFETY BELTS REQUIRED. (a) No person may buy, sell, lease, trade or transfer a motor vehicle other than an automobile at retail from or to Wisconsin residents unless the vehicle is equipped with safety belts installed for use as required under 49 CFR 571, and no such vehicle may be operated in this state unless such belts remain installed.

(b) No person may buy, sell, lease, trade or transfer an automobile that is required under 49 CFR 571 to be equipped with safety belts from or to a resident of this state unless the front designated seating positions of the automobile are equipped with safety belts installed for use as required under 49 CFR 571 and unless each rear outboard designated seating position of the automobile is equipped with a safety belt consisting of a combination of a pelvic and upper torso restraint that conforms to standards for a Type 2 seat belt assembly under 49 CFR 571.209, and no automobile may be operated in this state unless such belts remain installed. Nothing in this section applies to antique reproductions.

(2) TYPE AND MANNER OF INSTALLING. All such safety belts must be of a type and must be installed in a manner approved by the department. The department shall establish specifications and requirements for approved types of safety belts and attachments thereto. The department will accept, as approved, all seat belt installations and the belt and anchor meeting the society of automotive engineers' specifications.

(2m) REQUIRED USE. (a) In this subsection, "properly restrained" means wearing a safety belt approved by the department under sub. (2) and fastened in a manner prescribed by the manufacturer of the safety belt which permits the safety belt to act as a body restraint.

(b) If a motor vehicle is required to be equipped with safety belts in this state, no person may operate that motor vehicle unless the person is properly restrained in a safety belt.

(c) If a motor vehicle is required to be equipped with safety belts in this state, no person may operate that motor vehicle unless each passenger who is at least 8 years old and who is seated at a designated seating position in the front seat required under 49 CFR 571 to have a safety belt installed or at a designated seating position in the seats, other than the front seats, for which a safety belt is required to be installed is properly restrained.

(d) If a motor vehicle is required to be equipped with safety belts in this state, no person who is at least 8 years old and who is seated at a designated seating position in the front seat required under 49 CFR 571 to have a safety belt installed or at a designated seating position in the seats, other than the front seats, for which a safety belt is required to be installed may be a passenger in that motor vehicle unless the person is properly restrained.

(dm) Paragraphs (b), (c) and (d) do not apply to the operation of an authorized emergency vehicle by a law enforcement officer or other authorized operator under circumstances in which compliance could endanger the safety of the operator or another.

(dr) Paragraph (b) does not apply to the operator of a vehicle while on a route which requires the operator to make more than 10

2015–16 Wisconsin Statutes updated through 2017 Wis. Act 6 and all Supreme Court and Controlled Substances Board Orders effective on or before May 3, 2017. Published and certified under s. 35.18. Changes effective after May 3, 2017 are designated by NOTES. (Published 5–3–17)



stops per mile involving an exit from the vehicle in the scope of his or her employment. Paragraphs (c) and (d) do not apply to a passenger while on a route which requires the passenger to make more than 10 stops per mile involving an exit from the vehicle in the scope of his or her employment.

(e) The department shall, by rule, exempt from the requirements under pars. (b) to (d) persons who, because of a physical or medical condition, cannot be properly restrained in a safety belt.

**Cross-reference:** See also ch. Trans 315, Wis. adm. code.

(f) 1. This subsection does not apply if the motor vehicle is a taxicab or is not required to be equipped with safety belts under sub. (1) or 49 CFR 571.

2. This subsection does not apply to a privately owned motor vehicle while being operated by a rural letter carrier for the delivery of mail or while being operated by a delivery person for the delivery of newspapers or periodicals.

3. This subsection does not apply to a motor vehicle while being operated by a land surveying crew while conducting a land survey along or upon the highway.

7. This subsection does not apply to a farm truck or dual purpose farm truck while being used in conjunction with the planting or harvesting of crops and not being operated upon the highway.

(g) Evidence of compliance or failure to comply with par. (b), (c) or (d) is admissible in any civil action for personal injuries or property damage resulting from the use or operation of a motor vehicle. Notwithstanding s. 895.045, with respect to injuries or damages determined to have been caused by a failure to comply with par. (b), (c) or (d), such a failure shall not reduce the recovery for those injuries or damages by more than 15 percent. This paragraph does not affect the determination of causal negligence in the action.

(gm) A law enforcement officer may not take a person into physical custody solely for a violation of this subsection or sub. (1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department.

**(3m) SAFETY BELT INFORMATION PROGRAM.** The department shall develop and administer a public information program to promote safety belt awareness and use.

**(4) CHILD SAFETY RESTRAINT SYSTEMS REQUIRED; STANDARDS; EXEMPTIONS.** (ag) In this subsection:

1. "Child booster seat" means a child passenger restraint system that meets the applicable federal standards under 49 CFR 571.213 and is designed to elevate a child from a vehicle seat to allow the vehicle's safety belt to be properly positioned over the child's body.

2. "Designated seating position" has the meaning given in 49 CFR 571.3.

3. "Properly restrained" means any of the following:

a. With respect to par. (as) 1. and 2., fastened in a manner prescribed by the manufacturer of the child safety restraint system which permits the system to act as a body restraint but does not include a system in which the only body restraint is a safety belt of the type required under sub. (1).

b. With respect to par. (as) 3., wearing a safety belt consisting of a combination lap belt and shoulder harness approved by the department under sub. (2) and fastened in a manner prescribed by the manufacturer of the safety belt so that the safety belt properly fits across the child's lap and the center of the child's chest in a manner appropriate to the child's height, weight, and age that permits the safety belt to act as a body restraint.

c. With respect to par. (as) 4., fastened in a manner prescribed by the manufacturer of the system which permits the system to act as a body restraint.

(am) No person may transport a child under the age of 8 in a motor vehicle unless the child is restrained in compliance with par. (as) in a safety restraint system that is appropriate to the child's age and size and that meets the standards established by the department under this paragraph. The department shall, by rule, estab-

lish standards in compliance with applicable federal standards, including standards under 49 CFR 571.213, for child safety restraint systems.

(as) A child under the age of 8 years who is being transported in a motor vehicle shall be restrained as follows:

1. If the child is less than one year old or weighs less than 20 pounds, the child shall be properly restrained in a rear-facing child safety restraint system, positioned at a designated seating position in a back passenger seat of the vehicle if the vehicle is equipped with a back passenger seat.

2. Subject to subd. 1., if the child is at least one year old and weighs at least 20 pounds but is less than 4 years old or weighs less than 40 pounds, the child shall be properly restrained as provided in subd. 1. or properly restrained in a forward-facing child safety restraint system, positioned at a designated seating position in a back passenger seat of the vehicle if the vehicle is equipped with a back passenger seat.

3. Subject to subds. 1. and 2., if the child is at least 4 years old but less than 8 years old, weighs at least 40 pounds but not more than 80 pounds, and is not more than 57 inches in height, the child shall be properly restrained as provided in subd. 2. or properly restrained in a child booster seat.

4. Subject to subds. 1. to 3., if the child is less than 8 years old, the child shall be properly restrained as provided in subds. 1. to 3. or properly restrained in a safety belt approved by the department under sub. (2).

(b) The department may, by rule, exempt from the requirements under pars. (am) and (as) any child who because of a physical or medical condition or body size cannot be placed in a child safety restraint system, child booster seat, or safety belt.

(c) This subsection does not apply if the motor vehicle is a motor bus, school bus, taxicab, moped, motorcycle or is not required to be equipped with safety belts under sub. (1) or 49 CFR 571.

(d) Evidence of compliance or failure to comply with pars. (am) and (as) is admissible in any civil action for personal injuries or property damage resulting from the use or operation of a motor vehicle but failure to comply with pars. (am) and (as) does not by itself constitute negligence.

**History:** 1975 c. 337; 1977 c. 29 s. 1654 (7) (a); 1981 c. 327; 1983 a. 285; 1987 a. 132 ss. 3 to 6, 11; 1987 a. 399; 1989 a. 22; 1991 a. 26, 39, 198, 269; 1997 a. 190; 2005 a. 106; 2009 a. 28; 2011 a. 111.

**Cross-reference:** See also ch. Trans 310 and s. Trans 305.27, Wis. adm. code. "Seat belt negligence" and "passive negligence" are distinguished. Jury instructions regarding seat belts are recommended. A method for apportioning damages in seat belt negligence cases is adopted. *Foley v. City of West Allis*, 113 Wis. 2d 475, 335 N.W.2d 824 (1983).

A common law action for contribution may not be brought against a person who violates sub. (2m) (g). *Gaertner v. Holcka*, 219 Wis. 2d 436, 580 N.W.2d 271 (1998), 96-2726.

A statute requiring the wearing of seat belts in motor vehicles would be constitutional. 58 Atty. Gen. 241.

The seat belt defense — state of the law. *Kircher*, 53 MLR 172.

The seat belt defense — the trial lawyer's view. *Bowman*, 53 MLR 191.

Practical defense problems — the expert's view. *Huelke*, 53 MLR 203.

The seat belt as a cause of injury. *Snyder*, 53 MLR 211.

**347.485 Protective headgear for use on Type 1 motorcycles.** (1) (a) No person who holds an instructional permit under s. 343.07 (4) or who is under 18 years of age may operate or ride upon a Type 1 motorcycle on any highway unless the person is wearing protective headgear of a type which meets the standards established for motorcycle operation in 49 CFR 571.218 and the chin strap is properly fastened.

(am) No person may operate a Type 1 motorcycle when carrying a passenger under 18 years of age unless the passenger is wearing protective headgear.

(b) No person may sell or offer for sale any protective headgear for use by a driver or passenger on a Type 1 motorcycle, not meeting the standards established for motorcycle operation in 49 CFR 571.218.

# APPENDIX OP-5: 2009 WISCONSIN ACT 28 2291, 2292, 9450

## State of Wisconsin



2009 Assembly Bill 75

Date of enactment: **June 29, 2009**  
Date of publication\*: **June 29, 2009**

## 2009 WISCONSIN ACT 28

(Vetoed in Part)

AN ACT relating to: state finances and appropriations, constituting the executive budget act of the 2009 legislature.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1k.** 5.05 (2m) (d) 1. of the statutes is amended to read:

5.05 (2m) (d) 1. No individual who serves as the legal counsel to the board or as a division administrator for the board may have been a lobbyist, as defined in s. 13.62 (11). No such individual may have served in, ~~or have been a candidate, as defined in s. 11.01 (1), for,~~ a partisan state or local office.

**SECTION 2q.** 7.08 (11) of the statutes is created to read:

7.08 (11) COORDINATION WITH AND ASSISTANCE TO LOCAL OFFICIALS. Allocate and assign sufficient members of its staff to coordinate their activities with local election officials and maintain their availability to respond to inquiries from local election officials for each statewide election and each recount in progress.

**SECTION 3.** 7.33 (1) (c) of the statutes is amended to read:

7.33 (1) (c) "State agency" has the meaning given under s. 20.001 (1) and includes an authority created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234, or 237.

**SECTION 4.** 7.33 (4) of the statutes is amended to read:

7.33 (4) Except as otherwise provided in this subsection, each local governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon proper application under sub. (3), permit each of its employees to serve as an election official under s. 7.30 without loss of fringe benefits or seniority privileges earned for scheduled working hours during the period specified in sub. (3), without loss of pay for scheduled working hours during the period specified in sub. (3) except as provided in sub. (5), and without any other penalty. For employees who are included in a collective bargaining unit for which a representative is recognized or certified under subch. V or VI of ch. 111, this subsection shall apply unless otherwise provided in a collective bargaining agreement.

**SECTION 5.** 13.101 (6) (a) of the statutes is amended to read:

13.101 (6) (a) As an emergency measure necessitated by decreased state revenues and to prevent the necessity for a state tax on general property, the committee may reduce any appropriation made to any board, commission, department, or the University of Wisconsin System, or to any other state agency or activity, by such amount as it deems feasible, not exceeding 25% of the appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (af), (aq), (ar), and (au), 20.435 ~~(6)~~ (7) (a) and ~~(7)~~ (da), and 20.437 (2) (a) and (dz) or for forestry purposes under s. 20.370

\* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

operator has in effect a motor vehicle liability policy with respect to the vehicle or provides proof that a different exception under sub. (1) applies with respect to the vehicle.

2. The person on whose behalf the bond was filed or deposit made has died, has become permanently incapacitated to operate a motor vehicle, or no longer maintains a valid operator's license.

3. The person on whose behalf the bond was filed or deposit made no longer owns any motor vehicle registered with the department.

(b) The secretary may not consent to the cancellation of any bond filed under sub. (1) (a) or to the return of any deposit of money or securities made under sub. (1) (d) if any action for damages upon the bond or deposit is then pending or any judgment against the person, for which a claim may be made against the bond or deposit, is then unsatisfied. If a judgment is in excess of the amounts specified in s. 344.33 (2), for purposes of this paragraph the judgment is considered satisfied when payments in the amounts specified in s. 344.33 (2) have been made. An affidavit of the applicant that the applicant satisfies the provisions of this paragraph is sufficient for the department to consent to the cancellation of a bond or to return any deposit, in the absence of evidence in the records of the department contradicting the affidavit.

**344.64 Fraudulent, false, or invalid proof of insurance.** No person may do any of the following for purposes of creating the appearance of satisfying the requirements under s. 344.62 (2):

(1) Forge, falsify, counterfeit, or fraudulently alter any proof of insurance, policy of insurance, or other insurance document, or possess any forged, falsified, fictitious, counterfeit, or fraudulently altered proof of insurance, policy of insurance, or other insurance document.

(2) Represent that any proof of insurance, policy of insurance, or other insurance document is valid and in effect, knowing or having reason to believe that the proof of insurance, policy of insurance, or other insurance document is not valid or not in effect.

**344.65 Violations.** (1) (a) Any person who violates s. 344.62 (1) may be required to forfeit not more than \$500.

(b) Except as provided in par. (c), any person who violates s. 344.62 (2) may be required to forfeit \$10.

(c) No person charged with violating s. 344.62 (2) may be convicted if the person produces proof that he or she was in compliance with s. 344.62 (1) at the time the person was issued a uniform traffic citation for violating s. 344.62 (2). This proof may be produced either at the time of the person's appearance in court in response to the citation or in the office of the traffic officer issuing the citation.

(2) Any person who violates s. 344.64 may be required to forfeit not more than \$5,000.

(3) A traffic officer may not stop or inspect a vehicle solely to determine compliance with s. 344.62 or a local ordinance in conformity therewith. This subsection does not limit the authority of a traffic officer to issue a citation for a violation of s. 344.62 or a local ordinance in conformity therewith observed in the course of a stop or inspection made for other purposes, except that a traffic officer may not take a person into physical custody solely for a violation of s. 344.62 or a local ordinance in conformity therewith.

**344.66 Rules.** The department shall promulgate rules, and prescribe any necessary forms, to implement and administer this subchapter.

**344.67 Notice.** The department shall include with each operator's license issued under ch. 343 notification of the requirements and penalties under this subchapter.

**SECTION 2968.** 345.05 (1) (a) of the statutes is renumbered 345.05 (1) (am).

**SECTION 2969.** 345.05 (1) (ag) of the statutes is created to read:

345.05 (1) (ag) "Authority" means a transit authority created under s. 66.1038 or 66.1039.

**SECTION 2970.** 345.05 (2) of the statutes is amended to read:

345.05 (2) A person suffering any damage proximately resulting from the negligent operation of a motor vehicle owned and operated by a municipality or authority, which damage was occasioned by the operation of the motor vehicle in the course of its business, may file a claim for damages against the municipality or authority concerned and the governing body ~~thereof of the municipality, or the board of directors of the authority~~, may allow, compromise, settle and pay the claim. In this subsection, a motor vehicle is deemed owned and operated by a municipality or authority if the vehicle is either being rented or leased, or is being purchased under a contract whereby the municipality or authority will acquire title.

**SECTION 2991.** 347.48 (2m) (gm) of the statutes is amended to read:

347.48 (2m) (gm) ~~Notwithstanding s. 349.02, a law enforcement officer may not stop or inspect a vehicle solely to determine compliance with this subsection or sub. (1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department. This paragraph does not limit the authority of a law enforcement officer to issue a citation for a violation of this subsection or sub. (1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department observed in the course of a stop or inspection made for other purposes, except that a~~ Δ law enforcement officer may not take a person into physical custody solely for a violation of this subsection or sub. (1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department.

Vetoed  
In Part

## 2009 Assembly Bill 75

- 559 -

## 2009 Wisconsin Act 28

**SECTION 2992.** 347.50 (2m) (a) of the statutes is amended to read:

347.50 (2m) (a) Any person who violates s. 347.48 (2m) (b) or (c) and any person 16 years of age or older who violates s. 347.48 (2m) (d) may shall be required to forfeit \$10.

**SECTION 2992e.** 348.175 of the statutes is amended to read:

**348.175 Seasonal operation of vehicles hauling peeled or unpeeled forest products cut crosswise or abrasives or salt for highway winter maintenance.** The transportation of peeled or unpeeled forest products cut crosswise or of abrasives or salt for highway winter maintenance in excess of gross weight limitations under s. 348.15 shall be permitted during the winter months when the highways are so frozen that no damage may result thereto by reason of such transportation. If at any time any person is so transporting such products or abrasives or salt upon a class "A" highway in such frozen condition then that person may likewise use a class "B" highway without other limitation, except that chains and other traction devices are prohibited on class "A" highways but such chains and devices may be used in cases of necessity. ~~The officers or agencies in charge of maintenance of highways, upon~~ On the first day that conditions warrant their determination of such frozen condition and freedom of damage to such highways by transportation, ~~the officers or agencies in charge of maintenance of highways~~ shall declare particular highways, or highways within areas of the state, as eligible for increased weight limitations, and each declaration shall be effective as of 12:01 a.m. on the 2nd day following the declaration. Such declaration shall include the maximum weight on each axle, combination of axles and the gross weight allowed. Any person transporting any such product over any highway of this state under this section is liable to the maintaining authority for any damage caused to such highway. This section does not apply to the national system of interstate and defense highways, except for that portion of USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as I 39 between USH 51 and I 90/94.

**SECTION 2992m.** 348.175 of the statutes, as affected by 2005 Wisconsin Act 167 and 2009 Wisconsin Act ... (this act), is repealed and recreated to read:

**348.175 Seasonal operation of vehicles hauling peeled or unpeeled forest products cut crosswise or abrasives or salt for highway winter maintenance.** The transportation of peeled or unpeeled forest products cut crosswise or of abrasives or salt for highway winter maintenance in excess of gross weight limitations under s. 348.15 shall be permitted during the winter months when the highways are so frozen that no damage may result thereto by reason of such transportation. If at any time any person is so transporting such products or abra-

sives or salt upon a class "A" highway in such frozen condition then that person may likewise use a class "B" highway without other limitation, except that chains and other traction devices are prohibited on class "A" highways but such chains and devices may be used in cases of necessity. On the first day that conditions warrant their determination of such frozen condition and freedom of damage to such highways by transportation, the officers or agencies in charge of maintenance of highways shall declare particular highways, or highways within areas of the state, as eligible for increased weight limitations, and each declaration shall be effective as of 12:01 a.m. on the 2nd day following the declaration. Such declaration shall include the maximum weight on each axle, combination of axles and the gross weight allowed. Any person transporting any such product over any highway of this state under this section is liable to the maintaining authority for any damage caused to such highway. This section does not apply to the national system of interstate and defense highways, except for that portion of I 39 between USH 51 and I 90/94.

**SECTION 2992s.** 348.21 (3g) (intro.) of the statutes, as affected by 2007 Wisconsin Act 20, section 3435n, and 2007 Wisconsin Act 97, section 179, is repealed and recreated to read:

348.21 (3g) (intro.) Any person who, while operating a vehicle combination that is transporting raw forest products, violates s. 348.15 or 348.16 or any weight limitation posted as provided in s. 348.17 (1) or in a declaration issued under s. 348.175 or authorized in an overweight permit issued under s. 348.26 or 348.27 may be penalized as follows:

**SECTION 2992w.** 348.25 (4) (intro.) of the statutes is amended to read:

348.25 (4) (intro.) Except as provided under s. 348.26 (5), (6), or (7) or 348.27 (3m), (4m), (9), (9m), (9r), (9t), (10), (12), (13), or (15) permits shall be issued only for the transporting of a single article or vehicle which exceeds statutory size, weight or load limitations and which cannot reasonably be divided or reduced to comply with statutory size, weight or load limitations, except that:

**SECTION 2993.** 348.25 (8) (e) of the statutes is amended to read:

348.25 (8) (e) The officer or agency authorized to issue a permit under s. 348.26 or 348.27 may require any applicant for a permit under s. 348.26 or 348.27 to pay the cost of any special investigation undertaken to determine whether a permit should be approved or denied and to pay an additional fee established by the department by rule per permit if a department telephone call in procedure or Internet procedure is used. ~~The fee shall approximate the cost to the department for providing this service to persons so requesting.~~

**SECTION 2993c.** 348.27 (4m) of the statutes is created to read:

**Vetoed In Part** (14r) MILWAUKEE COUNTY TAX. The repeal and recreation of section 77.70 (1), (2), and (3) of the statutes takes effect on October 1, 2009.

**Vetoed In Part** (14u) BURNETT COUNTY TAX. The repeal and recreation of section 77.70 (1) of the statutes takes effect on October 1, 2009.

(14x) LOCAL PROFESSIONAL BASEBALL PARK DISTRICT. The repeal and recreation of section 77.705 of the statutes takes effect on October 1, 2009.

**SECTION 9450. Effective dates; Transportation.**

(1) COMMERCIAL DRIVER LICENSES AND COMMERCIAL MOTOR VEHICLES.

(a) The treatment of sections 343.03 (7) (c), 343.16 (1) (b) 2., 343.20 (2) (b), 343.23 (4) (a), 343.245 (4) (b), 343.315 (1), (1g), (2) (a) (intro.), 5., and 8., (am), (b), (bm), (c), (e), (f) (intro.) and 2., (fm), (h), (i), (j) (intro.), and (L), (3) (b) and (bm), and 343.44 (1) (c), (2) (bm), and (4r) of the statutes, the amendment of section 343.23 (2) (b) of the statutes, and SECTION 9350 (1) of this act take effect on the first day of the 7th month beginning after publication.

(b) The repeal and recreation of section 343.23 (2) (b) of the statutes takes effect on the first day of the 7th month beginning after publication, or on the date on which the creation of section 343.165 of the statutes by 2007 Wisconsin Act 20 takes effect, whichever is later.

(2) NO FEE IDENTIFICATION CARDS.

(a) The treatment of sections 343.43 (1) (a) and 343.50 (5m) (by SECTION 2961) of the statutes, the repeal of section 343.35 (1) (b) of the statutes, the renumbering and amendment of sections 343.35 (1) (a) and 343.50 (5) of the statutes, the creation of section 343.50 (5) (a) 2. of the statutes, and SECTION 9350 (2) of this act take effect on the first day of the 4th month beginning after publication.

(b) The repeal and recreation of section 343.50 (5) of the statutes takes effect on the first day of the 4th month beginning after publication, or on the date on which the creation of section 343.165 of the statutes by 2007 Wisconsin Act 20 takes effect, whichever is later.

(3) TRANSIT AUTHORITIES. The repeal and recreation of section 40.02 (28) of the statutes takes effect on January 1, 2010.

(4) SECOND ENDANGERED RESOURCES LICENSE PLATE. The treatment of sections 20.370 (1) (fs), 25.29 (1) (f), 25.40 (1) (a) 25., 341.14 (6r) (b) 1. (by SECTION 2811) and 12., 341.14 (6r) (c) (by SECTION 2918), 341.14 (6r) (e) (by SECTION 2820), 341.14 (6r) (f) 59., and 341.14 (6r) (fm) 7. (by SECTION 2824) of the statutes takes effect on the first day of the 7th month beginning after publication.

(6) PRIMARY ENFORCEMENT OF SAFETY BELTS. The treatment of sections 347.48 (2m) (gm) and 347.50 (2m) (a) of the statutes and SECTION 9350 (4) of this act take effect on the day after publication.

(6q) SAFETY BELT PERFORMANCE GRANT FUNDS. SECTION 9150 (5c) of this act takes effect on the day after publication.

(7q) RECONCILIATION PROVISION RELATED TO PRIMARY ENFORCEMENT OF SEAT BELTS. SECTION 9150 (14q) of this act takes effect on the day after publication.

(10) AUTOMATED VEHICLE TITLE RECORDS. The treatment of sections 341.01 (2) (ac) and 342.09 (4) of the statutes takes effect on the first day of the 4th month beginning after publication.

(11) ELECTRONIC PROCESSING OF TITLE LIENS.

(a) The treatment of sections 342.20 (2) and (3), 342.22 (2), and 342.245 of the statutes, the renumbering and amendment of sections 342.19 (2) and 342.22 (1) of the statutes, and the creation of sections 342.19 (2) (a) 2. and 342.22 (1) (b) of the statutes take effect on July 1, 2010.

(b) The treatment of sections 25.40 (1) (a) 3. (by SECTION 669), 84.59 (2) (b) (by SECTION 1927), 341.255 (4), and 342.14 (2) of the statutes takes effect on January 1, 2010.

(12) OPERATING RECORD SEARCH FEE. The treatment of section 343.24 (2) (intro.), (b), (c), and (d) of the statutes and SECTION 9350 (8) of this act take effect on January 1, 2010.

(14c) VILLAGE OF FOOTVILLE GRANT. The repeal of section 20.395 (2) (jr) of the statutes takes effect on July 1, 2011.

(14d) VILLAGE OF BELLEVUE GRANT. The repeal of section 20.395 (2) (jq) of the statutes takes effect on July 1, 2011.

(14f) OVERWEIGHT PERMITS FOR STH 31. The treatment of sections 348.25 (4) (intro.) and 348.27 (4m) of the statutes takes effect on the first day of the 4th month beginning after publication.

(14g) VEHICLE WEIGHT LIMITS AND RAW FOREST PRODUCTS PERMITS.

(a) The amendment of sections 348.175 and 348.27 (9m) (a) 1. of the statutes takes effect on the first day of the 2nd month beginning after publication.

(b) The repeal and recreation of sections 348.175, 348.21 (3g) (intro.), and 348.27 (9m) (a) 1. of the statutes takes effect on January 1, 2011.

(14v) OPTIONAL VEHICLE FLEET REGISTRATION. The treatment of sections 25.40 (1) (a) 3. (by SECTION 669d), 84.59 (2) (b) (by SECTION 1927d), and 341.307 of the statutes and SECTION 9150 (9u) of this act take effect on July 1, 2010.

(15v) COMPULSORY FINANCIAL RESPONSIBILITY FOR MOTOR VEHICLE OPERATION.

(a) The treatment of sections 25.40 (1) (a) 27., 165.755 (1) (b), 302.46 (1) (a), 344.14 (2) (L), 344.25 (7), 757.05 (1) (a), 814.63 (1) (c), 814.63 (2), 814.65 (1), 814.85 (1) (a), and 814.86 (1) (by SECTION 3240m) and

# APPENDIX OP-6: CPS TARGETING METHODOLOGY

## Process and Assumptions:

1. In order to estimate the number of people eligible per county to receive “free car seats,” within a county, the number of infants from zero to four years of ages, enrolled in the Women, Infants, and Children (WIC) program, within a particular county, during 2015 were used as a proxy for the cohort population. (Assumes WIC enrollees are a valid proxy for all children eligible for “free car seats”)
2. In order to establish crash experience trends by county, for the cohort described in item 1 of the assumptions, the number of injured (‘K’, ‘A’, ‘B’, ‘C’) individuals ranging in age, from one to four, for the years 2005 through 2015, involved in motor vehicles crashes was used. (Assumes crash experience for ages 1-4 is a valid proxy for ages 0-4, given that crash experience for ages less than one-year of age are unavailable)
3. Of the number of injuries computed in item 2 of the assumptions, each injury type was weighted in the following manner:
  - A. ‘K’ (Killed) injuries and ‘A’ (Incapacitating) injuries multiplied by 20
  - B. ‘B’ injuries multiplied by 10
  - C. ‘C’ injuries multiplied by 5

The type of weighting scheme used above is the same weighting scheme presently being used in the targeting of law enforcement grants. (Assumes that weighting crashes in the same manner, as they are weighted, when establishing a targeting list for law enforcement grants is a valid method of weighting the crash experience data)
4. Established that 40 counties were to be selected for CPS Targeting. (Assuming that grant monies available will be sufficient to fund 40 counties adequately, given the counties will be stratified using an Urban-Rural Continuum with 9 minor categories, grouped together into 3 major categories)

5. Established 3 major groupings, through the process of merging together counties with similar characteristics, based upon the Urban-Rural Continuum, where counties with an Urban-Rural Continuum assignment of 1-3 metro were re-assigned as Category I, 4-6 non-metro counties re-assigned as Category II, and 7-9 non-metro counties, re-assigned as Category III. These reassignments will adequately represent the degree of sheer volume delineation, between county of similar urban-rural characteristics, needed for “free car seats”, without getting into the unneeded county level of granularity, if the 1-9 categories were used. (Assuming, a more relatively urbanized county will need more “free car seats” by volume, than a county considered of a more rural nature, by the continuum. Each of the three groups has the number of WIC clients summed for their particular Category, which was then divided by the number of WIC clients statewide, providing a percentage of the WIC Clients represented, by each of the three Categories.

**Ex. Category I** (representing counties in the 1, 2, and 3 Urban-Rural Continuum) had 95,759 WIC clients in 2015, out of 127,402 statewide, representing 75.16% of the client base.

**Category II** (representing counties in the 4, 5, and 6 Urban-Rural Continuum) had 24,314 WIC clients in 2015, out of 127,402 statewide, representing 19.08% of the client base.

**Category III** (representing counties in the 7, 8, and 9 Urban-Rural Continuum) had 7,329 WIC clients in 2015, out of 127,402 statewide, representing 5.75% of the client base.

These percentages are used later in the process, not for selecting particular counties, but for allocating financial resources, once particular counties have been selected, within each of the three categories.

6. Assigned a select number of counties from each of the 3 Categories, in order to meet the 40 county number established in item 4 of the assumptions

- A. 18 counties from Categories 1-3 of the Urban-Rural Continuum (representing approximately 5% per county, on average, as a portion of the 75.16% WIC client base)
- B. 13 counties from Categories 4-6 of the Urban-Rural Continuum (representing approximately 2% per county, on average, as a portion of the 19.08% WIC client base)
- C. 9 counties from Categories 7-9 of the Urban-Rural Continuum (representing approximately 1% per county, on average, as a portion of the 19.08% WIC client base)

The percentages mentioned in parentheses were actually computed and decided upon later in the process, after making-sure that 80 plus percent of the statewide 2015 WIC client would be accounted for through a 40 county grant distribution. I am also allowing for a 1-2 percent difference between the injury weighting percentage and the actual 80 percent plus statewide WIC client coverage for grant distribution, to allow flexibility, plus reflect various discrepancies within counties, between their crash experience for the 0-4 age group and their WIC populations of the same age group. The specific counties selected were based upon their crash experience relative to the zero to four age group, which will be described in item 7, of the assumptions. (Assuming that the assignment of more counties to the most urbanized counties will account for a higher number of eligible participants for the “free car seat” program)

- 7. As noted in item 6, above, an attempt to cover counties containing, at least 80 plus percent of the 2015 statewide WIC population, for “free car seat” grant distribution was desired to be achieved, through the use of crash experience data, by weighting 2005-2015 historical data, which involved injuries (‘K’, ‘A’, ‘B’, ‘C’) to children 1-4 years of age (Please note ages < 1 year are unavailable, because of present database discrepancies).

Please see item 3, above for how each county in the state had their injury data weighted for the 1-4 age group. Once, the historical data had been weighted, it was then summarized by county.

The counties were then ordered, within their Category (of I, II, or III), in a descending manner, with the top 18 counties selected from Category I, the top 13 from Category II, and the top 9 from Category III.

(Assuming the crash experience for the 1-4 age group is representative of the 0-4 age group, for the same county. I am also making the assumption that the overall crash experience, within a county for the 0-4 age group is same for both WIC and non-WIC populations, thus can provide a proxy for the WIC population of the same county, though I realize discrepancies do occur, especially regarding counties with a higher level of average household income, with a low standard deviation between those incomes, for the households in that county, where the crashes for the zero to four age group overall, do not correlate on a one-to-one basis with WIC client crashes for the same age group, in the county.)

- 8. Each county selected then had a weighted crash injury score created as a percentage of the Category group’s selected counties’ injury score total. The county’s Category weighted injury score is then multiplied, by the category’s percentage of statewide WIC clients (Please see the examples in item 5, above for a particular Category’s percentage of statewide WIC clients), creating the percentage of grant monies allocated, a particular county may receive, through the use of the targeting process.

The following are the counties targeted, their Weighted Injury Scores, the percentage their weighted injury scores constitute as a part of their Category, the percentage of the statewide WIC clients that are made up of all of the counties (including those not selected), within the Category and the recommended percentage of the total “free car seat” grant targeting monies, to be allocated to that county.

Please also note, as mentioned in the Process and Assumptions above a county with a high average household income, with a low standard deviation between those incomes, may not be reflective of a similar county in the context of WIC, because you have a smaller WIC population, relative to crashes in the county as whole, for the 0-4 age group.

# APPENDIX TR-1: TRAFFIC RECORDS COORDINATING COMMITTEE MEMBERSHIP LIST

Member Organizations Name, Title	Voting Member Core Safety Database
<b>DOT</b>	
State Highway Safety Office	V
Corsi, Larry, Grants Supervisor	Crash
State Highway Safety Office Co-Chair (alt)	
Moorman, Evan, Program and Policy Analyst	Crash
Office of Policy, Finance, and Improvement	
Amberson, James, Program and Policy Analyst (Advanced)	
Bureau of Transportation Safety	V
Romanski, Randy, BOTS Section Chief	Crash
Wisconsin State Patrol	V
Harvey, Dave, State Patrol Sergeant	Citation or Adjudication
Wisconsin State Patrol (Traffic and Criminal Software/TRaCS Program)	
Wolfe, Paul, State Patrol Lieutenant	
Department of Motor Vehicles, Bureau of Driver Services	V
Schwartz, Darlene, IS Supervisor 2	Driver
Department of Motor Vehicles, Bureau of Driver Services	
McGinn, Reed, Legislative Liaison	Vehicle
Division of Transportation Investment Management /Bureau of State Highway Programs (alt)	V
Schildt, Kelly, Program and Policy Supervisor	Roadway
Division of Transportation Investment Management/Bureau of State Highway Programs-TRADAS (alt)	
Ries, Tom, DMS Section Chief (Incoming, pending acceptance)	Roadway
Division of Business Management/Bureau of Information Technology Services - GIS	V
Moline, Mitch, GIS Architect	Crash
Division of Transportation System Development/Bureau of Traffic Operations, Traffic Analysis and Safety Unit	V
Szymkowski, Rebecca, Traffic Analysis and Safety Unit Supervisor	Roadway
Division of Transportation System Development/Bureau of Traffic Operations, Traffic Analysis and Safety Unit (alt)	
Porter, Brian, CE Trans Advanced	Roadway



<b>Member Organizations</b>	<b>Voting Member</b>
<b>Name, Title</b>	<b>Core Safety Database</b>
<b>State Agencies and Organizations</b>	
Department of Justice/Crime Information Bureau (Transaction Information for the Management of Enforcement System)	V
Doberstein, Courtney, TIME and Technical Supervisor	Citation or Adjudication
Department of Justice, Crime Information Bureau Fortunato, Dennis, Deputy Director	Citation or Adjudication
Wisconsin Circuit Court Access Olson, Andrea, Customer Service Manager	V Citation or Adjudication
Wisconsin Circuit Court Access (alt.) Hicks, Kim	
Department of Health Services/Division of Public Health-EMS Happel, Chuck, Data Manager	V Emergency Medical Services/Injury Surveillance System
Department of Health Services/Division of Public Health-EMS Newlun, James,	V Emergency Medical Services/Injury Surveillance System
Department of Health Services/Division of Public Health-EMS (alt.) BHIP Miller, Richard, Data Manager for Health Care Information	V Emergency Medical Services/Injury Surveillance System
Menominee Tribal Police Department Warrington, Warren, Master Sergeant	
Department of Health Services Zemke (incoming), Molly, Outreach Specialist	Division of Public Health Emergency Medical Services/Injury Surveillance System
<b>UW</b>	
University of Wisconsin, Center for Health Systems Research and Analysis Bigelow, Wayne, Consulting Scientist	Emergency Medical Services/Injury Surveillance System
University of Wisconsin Traffic Operations and Safety Lab Bill, Andi, Traffic Safety Engineer Research Program Manager	V Crash
University of Wisconsin Traffic Operations and Safety Lab (alt.) Parker, Steven, Information Technology Program Manager	Vehicle
<b>Local Agencies &amp; Organizations</b>	
Jefferson County Highway Department/Wisconsin County Highway Association Udovich, Brian, Operations Manager	Roadway
Wisconsin Chapter of the American Planning Association Peterson, Gary, Planner	
Onalaska Police Department Berg, Tim, Sergeant	V Citation or Adjudication
Dane County Sheriff's Office Heil, Jeff, Lieutenant	V Citation or Adjudication

**Member Organizations**

**Voting Member  
Core Safety Database**

**Name, Title**

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Madison Police Department (alt.)	V
Reilly, Deanna, Police Officer	

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Medical College of Wisconsin, Crash Injury Research and Engineering Network	V
Halloway, Dale, Study Coordinator	Emergency Medical Services/Injury Surveillance System

**Federal Partners**

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National Highway Traffic Safety Administration  
Welter, Jeff, Regional Coordinator

---

Federal Highway Association /WI Division  
Jolicoeur, David,

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Federal Motor Carrier Safety Administration /WI Division  
Oesterle, Mark

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Federal Motor Carrier Safety Administration /WI Division  
Gessler, Mark

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# APPENDIX TR-2: STATE TRAFFIC RECORDS STRATEGIC PLAN



## 2018 Strategic Plan for Traffic Safety Information System Improvements

Scott Walker,  
Governor

Dave Ross,  
Secretary of the Wisconsin Department of Transportation  
& Governor's Representative for Highway Safety

April, 11, 2017

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### INTRODUCTION

On December 4th, 2015, President Obama signed into law P.L. No. 114-94, the new surface transportation reauthorization bill known as the “Fixing America’s Surface Transportation Act” (otherwise known as the “FAST Act.” The bill replaces the “Moving Ahead for Progress in the 21st Century Act” (otherwise known as “MAP-21”), which was signed into law on July 6th, 2012. The FAST Act contains sections that require the collection, management, distribution, and analysis of transportation safety data by local, state, or federal agencies.

23 U.S.C. 405(c), provides the basis for Section 405(c) State Traffic Safety Information System Improvements Grants. Such grants are the vehicle by which the federal government assists states with the crucial task of improving identified deficiencies in their various data systems.

In order to assure that the required data are properly, efficiently, and effectively collected, as well as well-managed and available to support increasingly data-driven traffic safety programs, 23 U.S.C. 405(c)(3)(C) requires each state to craft and update comprehensive Traffic Safety Information Systems (TSIS) strategic plans for the improvement of all the safety data systems in the state.

Wisconsin’s TSIS Strategic Plan, developed with input from data collectors, program managers, and users, can be used to guide the most cost-effective use of resources to result in the greatest quality improvements to the state’s data in terms of accessibility, completeness, timeliness, uniformity, accessibility, and integration.

## BACKGROUND

In the past, Wisconsin has met the criteria for participation in the 23 U.S.C. 405(c) State Traffic Safety Information Systems Improvements Grant Program under the 2012 surface transportation reauthorization bill, called “MAP-21.” The FAST Act of 2015 has now superseded MAP-21, and Wisconsin must follow the FAST Act regulations for fiscal year 2018 grants.

The committee which organizes this Traffic Safety Information System Improvement Plan (TSISP) is the Traffic Records Coordinating Committee (TRCC). This committee dates to 2005 when the state underwent a traffic records assessment (TRA). It was decided that a TRCC could most efficiently spearhead traffic records projects and serve as a vehicle for promoting digital excellence. The TRCC is composed of a diverse group of individuals from government, academia, law enforcement, the private sector, the insurance industry, and the healthcare and EMS fields. The TRCC has been led by the state highway safety office (in Wisconsin’s case, the Bureau of Transportation Safety, or BOTS). The group meets at least every quarter for approximately three hours. While this plan has existed in an independent manner for well over a decade, it has always been created in concert with other plans, and its content has informed related plans. For example, Wisconsin’s three-year strategic highway safety plans (SHSPs) have been updated under the leadership of the Wisconsin Department of Transportation’s Traffic Safety Council. Members of the TRCC have been involved in drafting the SHSP section addressing data and information improvements for decision making, and many SHSP contributors are also TRCC members. The state’s SHSP has an anticipated completion date of June 1st, 2017 and so objectives and projects for both plans have been coordinated this year as much as possible.

This plan is broadly consistent with earlier plans, including the 2010-2014 and the 2015-2019 plans. The primary objectives of the 2010-2014 Strategic Plan for Traffic Records Improvement were automation of crash data, improved incident location, development of a state ambulance run reporting system, and increased access to safety data. The TRCC recommended that funds be used primarily for the adoption of the national model TraCS law enforcement data collection. Such a system allowed—and continues to allow—officers all throughout the state to enter crash information into a centralized portal.

The 2015-2019 TSISP diverged from the 2010-2014 plan in that it more closely matched the data projects called for by the 2014-2016 Strategic Highway Safety Plan (SHSP). It broadly continued, however, in its funding priorities: significant monies were used to support TraCS expansion and training, as well as the introduction of a new crash form and data warehouse (the data warehouse only mandated internet submissions from law enforcement agencies as of Jan 1st, 2017). There were several projects which also strengthened the connections between crash data on one hand, and hospital and EMS data on the other, and smaller projects that focused on improving the access and visualization of safety data for traffic safety professionals. This 2018 plan focuses on similar priorities and projects.

It is important to note that in past years, such plans have had multi-year scales. This year, following NHTSA guidelines, a one-year time scale was adopted. This will allow BOTS to develop a more focused plan that can be more responsive to the rapidly changing technologies and shifting needs of TRCC members. As such, a new 2019 plan will be developed near the end of FFY 2018.

## I. STRATEGIC PLANNING PROCESS

### A. Participants

**TRCC Policy Group** This is the group responsible for oversight of the state’s highway safety data systems. This policy-level group is composed of agency heads or division administrators who have authority and charge of overseeing the planning and improvement of safety data systems and/or who are collectors or users of these data. This group can meet on an ad-hoc basis to review the work of the TRCC Technical Group, and to set state policy to result in a statewide data improvement program that assures coordination of efforts and sharing of data. Members represent the Departments of Administration, Transportation (Highways, Motor Vehicles, and State Patrol, including its Bureau of Transportation Safety that is the state highway safety office for the State of Wisconsin), Health Services, Justice (Office of Justice Assistance), as well as the Office of State Courts. Members and affiliations are listed in Appendix 1, “TRCC Policy Group.” The Members are customarily presented with a draft Charter for review and adoption during the plan approval process.

**TRCC Technical Group** This group is comprised of a core group of members who have met quarterly since the TRCC was organized under TEA-21 in 1999 and additional members who represent new users and/or collectors of these data. The TRCC Technical Group comprises the main group that plans the state's data projects and management systems. The group is quite large, with representatives who are managers of crash, exposure, roadway, citation/adjudication, driver, vehicle, and injury control/EMS data. Furthermore, data users and analysts in the fields of public health, highway safety, and roadway engineering also contribute to this group. Members and affiliations are listed in Appendix 2, "TRCC Technical Group."

**TRCC Technical Group Subcommittees or Workgroups**, as required. The purpose of these subgroups is to provide more specific attention to the subgroups of: crash data; exposure data; roadway data; citation/adjudication data; driver data; vehicle data; and injury control/EMS data. Time was given for members of these subgroups to meet during TRCC Technical Group meetings, but members were also encouraged to meet at other times when possible.

## **B. Identification of "Deficiencies" in State Traffic Records Data**

So as to gather information about the status of current data systems and expand and improve upon these, BOTS analysts and TRCC Technical Group members took the following steps:

1. TRCC members described the files and functions they agreed were components of the state's Traffic Safety Information System (Appendix 3, "Wisconsin's Existing Data Sources"). Furthermore, on March 2nd, 2017, the TRCC Technical Group met and reviewed existing sources of data in different sub-groups in order to determine the different data sources requiring improvements in the following arenas: TRCC members went through three different rotations in which the available traffic records data was analyzed in the following areas:

- Accuracy
- Completeness
- Timeliness
- Uniformity
- Accessibility

- Integration of a core highway safety database

In the TRCC meeting, suggestions were collaboratively compiled and then sent back out to the group in the following weeks.

2. The TRCC Technical Group reviewed past recommendations of the TRCC Public Safety Incident Location Work Group, recommendations of the WisDOT Crash Data Improvements Workgroup, the 2015 Traffic Records Assessment, and portions of other assessment documents. Deficiencies were then discussed within BOTS; BOTS analysts encouraged TRCC Technical Group members to reference in particular the 2015 TRA, which provides a recent snapshot on the status of traffic records.

## **C. Process for Establishing Improvement Objectives**

After determining what would be beneficial for state data systems, the TRCC Technical Group used the following information for establishing objectives that can reasonably be accomplished in FFY 2018.

- Requirements and priorities from the 2014-2016 Strategic Highway Safety Plan Issue Areas.
- 2016 Highway Safety Plan (HSP) priorities and planned expenditures.
- TRCC member knowledge of the data files they manage and/or use, and feedback that they receive from users.

Such knowledge was then balanced against the 2017 405(c) funds and the projected 2018 405(c) funds to create TRCC-specific goals and goals corresponding to TRA recommendations.

## **D. Process for Selecting Specific Projects for 405(c) Funding**

1. During the third quarter of FFY 2017 (because of the funding cycle), the TRCC technical group reviewed the identified deficiencies in data quality and discussed changes in the environment, resources, progress of funded and unfunded projects, and new technologies that might affect priorities for funding. The technical group then determined which of these deficiencies can be addressed by upcoming projects.

- BOTS staff requested that those proposing the projects complete a spreadsheet detailing how grants will assist the state's traffic record data. The worksheet asked applicants to describe the project, outline the division/department proposing it, note whether or not the project was new or was a continuation of existing projects, and to describe the projects itself and how it would fulfill the goals of timeliness, completeness, accuracy, consistency, accessibility, and data integration (Appendix 4, "Sample Worksheet"). A series of 13 TRCC goals were created, which corresponded to the proposed projects. Moreover, the TRA recommendations were taken into account and each project responds to a particular deficiency in the state data.
2. Each project was related to the data deficiencies noted in Section (B) above. Timelines will be approved for project objectives that can reasonably be accomplished between in FFY 2018, given existing resources plus 405(c) funds. Accountability will be clearly identified in each project application.

### **E. Steps for Monitoring and Reporting Progress in Achieving Project Objectives**

1. Each 405(c) funded project plan will include performance indicators to measure the success or failure of the project in terms of progress from baselines to quality improvement objectives. Project sponsors will be required to provide quarterly reports reviewed at the TRCC quarterly meetings, and, when requested, at subcommittee meetings.
2. Matrices for measuring progress will be produced by the state highway safety office (SHSO) based upon project reports, and will be reviewed by the technical group at its quarterly meetings.
3. Summary quarterly reports will be forwarded to the TRCC Policy Group.
4. An annual report will be prepared near the end of FFY 2018 for review and approval of the technical group, and then forwarded to the TRCC policy group for review and signature.
5. The signed report will be forwarded to NHTSA.

### **F. Process for Modifying or Replacing Objectives**

- The Wisconsin TSIS Plan is intended to be an active document that will reflect new issues, new technologies and changing environments. As such, the TRCC technical group will review the existing objectives and will begin gathering information about changes in the political environment, technology and strategic resources.
- As soon as information is available about the progress of funded projects, and no less than quarterly, this information will be reviewed by the Technical Group. Significant changes in the environment and/or progress of projects will form the basis for proposed changes in objectives. Historically, this has resulted in annual updates to Wisconsin's Traffic Records Strategic Plan. Going forward, a new plan will be created each year.
- Any proposed changes will be forwarded to the TRCC Policy Group for signoff and subsequently will be included in the Annual Report and annual update of the Strategic Plan. Changes in the measurement methodologies of existing plans will be incorporated into subsequent TSIS plans when projects span multiple years.

## **II. STRATEGIC PLANNING VISION, MISSION, PRINCIPLES, AND GOALS**

### **A. Vision**

Integrated planning for Wisconsin's public health, safety and security information systems results in traffic safety information that is timely, accurate, and complete, and thus meets the needs of many types of users; this information is readily accessible in formats that meet the needs of these users, is consistent between organizations and with national standards, and can be integrated with other types of data and with information from other jurisdictions.

### **B. Mission**

The State of Wisconsin provides for the safety and welfare of its citizens through development and implementation of science-based and periodically reviewed public health, safety and security regulations, programs and activities, and promotes the use of technology to

support agency missions and make government more accessible, responsive, and accountable.

The State of Wisconsin Traffic Records Coordinating Committee (TRCC), a group consisting of collectors, managers, and users of all components of Wisconsin's Traffic Safety Information System (TSIS), serves as a forum for discussion of records issues, reviews proposed changes in state TSIS improvement activities before they are implemented, reviews new technology and annually plans, and monitors and analyzes safety information improvement projects.

### C. Principles

Data components of Wisconsin's Traffic Safety Information System are collected by many organizations and agencies for their individual business purposes. The usefulness of these many types of data for highway safety programming and analysis depends upon their availability and quality. Decisions made about changes to any one component of the system may have many down-stream consequences. The following principles guide this group and this specific plan:

- Issues of cost of collection and storage should be discussed and decided on a state-level basis.
- Data should be entered and stored once but used many times.
- Data should be linked and shared between systems.
- Data should meet national standards (MMUCC, NEMESIS, MIRE, etc.)
- Data quality is defined by the user; business needs of the collector and/or manager should not be paramount in making quality determinations.

### D. Traffic Safety Information Systems Strategic Plan Goals

#### Goal 1:

Maintain and continue to improve the now-updated DT4000 crash data warehouse in areas of timeliness, completeness, accuracy, consistency, accessibility, and data integration. Ensure that this data source conforms as much as possible to MMUCC (Model Minimum Uniform Crash Criteria) and to MIRE (Model Inventory of Roadway Elements). Furthermore, BOTS's Crash Records Unit (CRU) should continue to improve the data quality and integration possibilities of the DT4002 (the self-reported crash used for minor

crashes). The Crash Records Unit of BOTS should be supported in their attempts to automate the data input for both forms—and associated linkages—as much as possible.

**Goal 2:** Organize and assist law enforcement training to improve the completeness and accuracy of the new DT4000 crash data form (as well as citation and adjudication forms). Such training should include periodic field training by CRU. Keep the system up-to-date over the coming years by promoting strategic and planned upgrades to the system. Continue to assist law enforcement agencies (LEAs) with any questions they have.

#### Goal 3:

Coordinate traffic safety information with related public health, safety, and security information to minimize duplication of effort and inefficient use of resources, and to enable multi-factorial analyses. To this end, the DOT should expand and deepen outreach to the Department of Health Services (DHS) and the Department of Children and Families (DCF).

#### Goal 4:

Improve the link between crash data on the one hand, and EMS data/hospital records on the other. This will help state analysts quantify and study the health impacts of crashes, the importance of rapid and effective EMS service in determining positive health outcomes, and the relationship between proximate hospitals and health outcomes. Furthermore, this will allow researchers to understand the unique health risks from certain types of crashes (thus improving health outcomes).

#### Goal 5:

Improve the interoperability, data completeness, data timeliness, and ease of use of WisTransPortal (the querying and visualization tool that was built by the Transportation Operations and Safety Laboratory (TOPS) for use in traffic safety commissions (TSCs). All of these improvements will increase the use of this tool by TSCs, thereby boosting the effectiveness of these bodies and the local analysis of traffic crashes that they bring.

#### Goal 6:

Focus on improving the data sources that users can bring into WisTransPortal's Community Maps system (which is popularly used at TSCs by BOTS staff, law enforcement liaisons (LEs), and law enforcement agencies (LEAs). Moreover, linkages between the

DT4000 crash reports and Community Maps should be made automatically.

**Goal 7:**

Continue strategic investments in data gathering regarding risky driving behaviors in Wisconsin, such as the use of alcohol, opioids, and cell phones while driving. Such data will be helpful in the analyzing of such behaviors over the coming years (and the impacts of interventions and policy changes).

**Goal 8:**

Ensure TRCC involvement at all stages in future strategic planning efforts, by establishing a forum for discussion, by the TRCC of all issues and initiatives to be addressed in the new Plan including the findings of the Traffic Records Assessment. TRCC members should consider the TRA a living document, and should measure projected projects against its goals.

**Goal 9:**

Support efforts to collect high-quality bicycle and pedestrian exposure data, which can include latent demand factors. Such data is as of yet unavailable, and this data limitation hinders effective safety analysis.

**Goal 10:**

The TRCC should support efforts to research and eventually implement predictive crash analytics programs (advanced computer statistics and mapping programs that allow users to predict where and when different types of crashes are most likely to occur). Such programs can improve law enforcement visibility (to prevent crashes), and decrease law enforcement response times when such crashes occur.

**Goal 11:**

Support efforts within DOT divisions that are focused on connecting roadway and crash data. Such efforts will bolster traffic safety analysis being conducted by DOT engineers.

**Goal 12:**

Strive to present information as visually as possible; this will allow research to be more widely adopted within and outside the DOT.

**Goal 13:**

Create simple data architecture and linkages (as much as possible). If datasets and systems are already in existence, strive to adopt strategies to simplify the structure of the database.

**E. State Data System Recommendations from the TRA**

**1. Strategic Planning Recommendation**

- a. Strengthen the TRCC's abilities for strategic planning to reflect best practices identified in the Traffic Records Program Assessment Advisory.

**2. Crash Recommendations**

- a) Improve the applicable guidelines for the Crash data system to reflect best practices identified in the Traffic Records Program Assessment Advisory.
- b) Improve the data quality control program for the Crash data system to reflect best practices identified in the Traffic Records Program Assessment Advisory.

**3. Vehicle Recommendations**

- a. Improve the procedures/ process flows for the Vehicle data system to reflect best practices identified in the Traffic Records Program Assessment Advisory.
- b. Improve the data quality control program for the Vehicle data system to reflect best practices identified in the Traffic Records Program Assessment Advisory.

**4. Driver Recommendations**

- a. Improve the data quality control program for the Driver data system to reflect best practices identified in the Traffic Records Program Assessment Advisory.

**5. Roadway Recommendations**

- a. Improve the applicable guidelines for the Roadway data system to reflect best practices identified in the Traffic Records Program Assessment Advisory.
- b. Improve the data dictionary for the Roadway data system to reflect best practices identified in the Traffic Records Program Assessment Advisory.
- c. Improve the data quality control program for the Roadway data system to reflect best practices identified in the Traffic Records Program Assessment Advisory.



## 6. Citation / Adjudication Recommendations

- a. Improve the applicable guidelines for the Citation and Adjudication systems to reflect best practices identified in the Traffic Records Program Assessment Advisory.

## 7. EMS / Injury Surveillance Recommendations

- a. Improve the description and contents of the Injury Surveillance systems to reflect best practices identified in the Traffic Records Program Assessment Advisory.
- b. Improve the interfaces with the Injury Surveillance systems to reflect best practices identified in the Traffic Records Program Assessment Advisory.
- c. Improve the data quality control program for the Injury Surveillance systems to reflect best

practices identified in the Traffic Records Program Assessment Advisory.

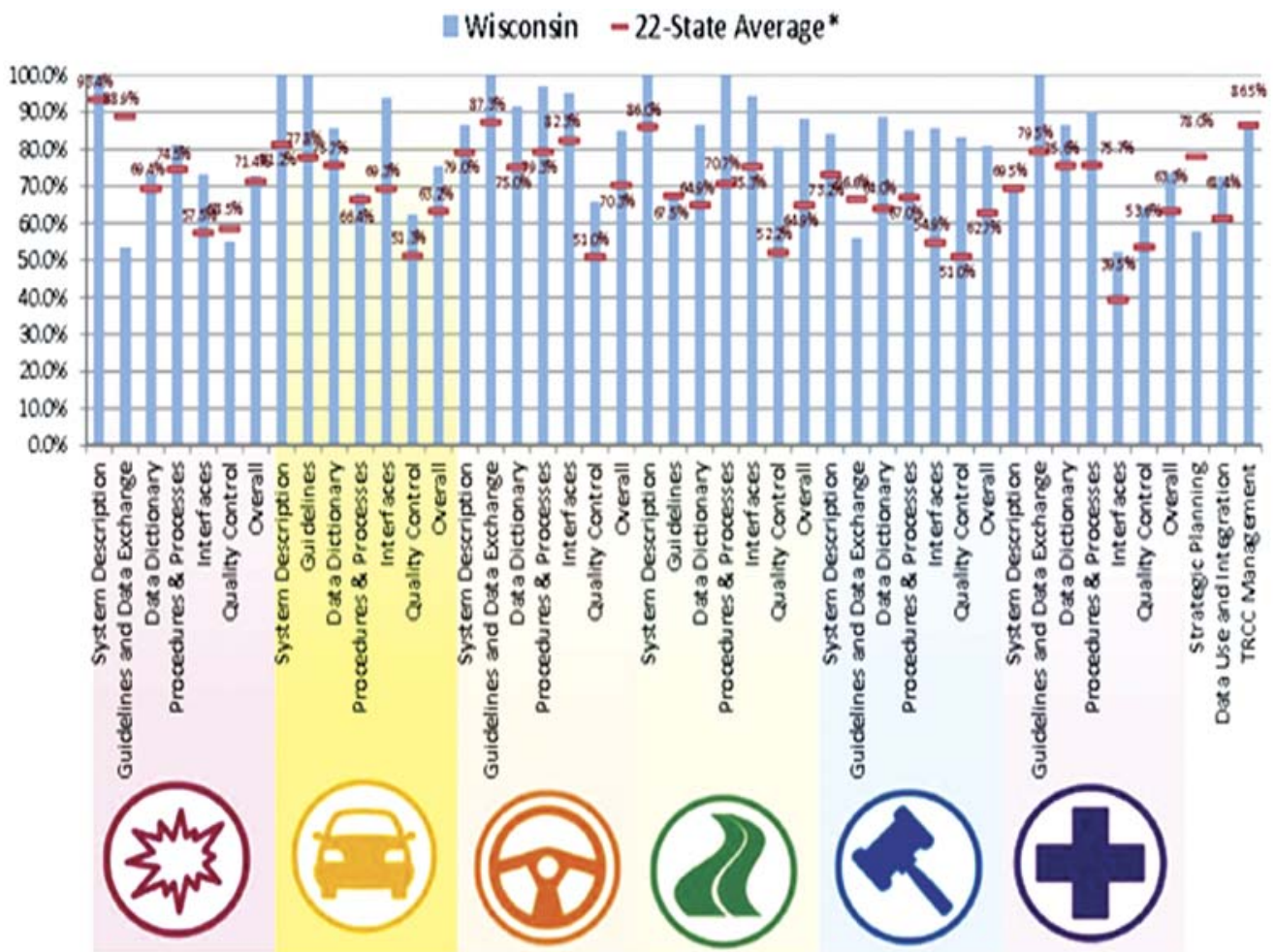
## 8. Data Use and Integration Recommendations

- a. Improve the traffic records systems capacity to integrate data to reflect best practices identified in the Traffic Records Program Assessment Advisory.

### F. Identified Deficiencies in the State's Traffic Records

Along with the above recommendations, the TRA produced a helpful visual that demonstrates the current ranking of the state in regards to record keeping. This was used to determine deficiencies in the state record system.

FIGURE 1: IDENTIFIED TRAFFIC RECORDS DEFICIENCIES



### III. TRAFFIC SAFETY INFORMATION SYSTEMS STRATEGIC PLAN PROJECTS

#### PROJECT NAME: COMMUNITY MAPS IMPROVEMENTS

**File/Database Name:** WisTransPortal

**File/Database Type:** Oracle

**Project Description:** Strategic Community Maps improvements and updates.

**New Project or Extension of Existing Project?** Enhancement

**Lead Division or Department:** BOTS/TOPS (UW-Madison)

**Lead Contact, Name, Number, and Email:** Steven Parker, (sparker@engr.wisc.edu and 608/265-4921)

**Improve Accessibility?** Yes, this project will help with visualizing crash information at county traffic safety commissions. Such data will also be useful for the public at large and for researchers (at DOT and outside).

**Improve Integration with other Data Sources?** Yes, this project improves Integration between crash databases and fatal notification systems on the one hand, and Community Maps on the other. It will also examine unique overlays that will add visualization options in Community Maps, while improving understanding about the relationship between the built environment and crashes.

**Improve Data Timeliness?** Yes, this project will automate the migration of MV4000 data into Community Maps, thereby assisting LEAs and LELs in crash analysis.

**Improve Data Completeness?** Yes, this will ensure data completeness in the user-friendly Community Maps system. Moreover, as people use the data they will see the importance for data completeness, leading to a virtuous circle for the data in general. Specifically, this project will allow TOPS to include all types of crashes in Community Maps (the current system focuses largely on fatal and serious injury crashes).

**Improve Consistency/Uniformity of Data?** Yes, this project facilitates review at the TSC and by LEAs. As such, the quality of the data is checked and re-checked, and becomes more visible.

**Improve Data Accuracy?** Yes, this completely automatic data pull will assist improve accuracy.

**Unique Project Advantages?** This project would complete the feedback loop between crash report and county TSC review and back to the state.

**Anticipated Budget:** \$55,000.

**TRCC Goals Fulfilled:** Goals 5, 6, and 12

**TRA Recommendations Fulfilled:** 2(a) and 8(a)

**TRA Deficiencies Addressed:** Will improve Wisconsin's score on the "Interfaces" and "Quality Control" section of the Wisconsin Assessment Snapshot (the "Crash" database).

**Performance Measures:** Two main measurements will be used.

- 1.) Usage of Community Maps (number of unique visitors and "Advanced Users" to the site) (accessibility);
- 2.) The percentage of fatal crashes that are populated within the Community Maps interface (completeness and accuracy)

#### PROJECT NAME: WISTRANSPORTAL PREDICTIVE CRASH R & D

**File/Database Name:** WisTransPortal

**File/Database Type:** Oracle

**Project Description:** This project would allow TOPS to continue researching and developing best practices for predicting where and under what conditions crashes occur. This would allow LEAs—and the State Patrol in particular—to expend resources in the most efficient manner possible by being in place where and when crashes are most likely to occur. This visibility will lessen risky driver behaviors and may also allow for better crash outcomes by lessening response times.

**New Project or Extension of Existing Project?** Extension.

**Lead Division or Department:** DSP and the UW TOPS lab.

**Lead Contact, Name, Number, and Email:** Andi Bill, (bill@wisc.edu and 608-890-3425)

**Improve Accessibility?** Yes, this project will support the accessibility of high-quality data because it will allow LEAs to visualize where, when, and how crashes are most likely to occur (in a dynamic map layer).

**Improve Integration with other Data Sources?** Yes, TOPS will investigate bringing in other data sets to enhance the data algorithm and improve knowledge.

**Improve Data Timeliness?** Yes, this project would get data into the hands of LEAs ASAP. It will also help with real-time (and even future) crash predictions.

**Improve Data Completeness?** Yes, as people use the data they will see the importance for data completeness. This will provide even further encouragement for LEAs to submit crash reports in a timely manner.

**Improve Consistency/Uniformity of Data?** Yes, this project facilitates a data driven approach to traffic safety enforcement.

**Improve Data Accuracy?** Yes, as LEAs use the data more and more, they will see the importance for data accuracy. Therefore, this will support more accurate reporting.

**Unique Project Advantages?** Again, this project would complete a feedback loop between crash reporting and LEAs. It would also allow LEAs to act more proactively to prevent crashes, rather than by responding to them.

**Anticipated Budget:** \$55,000.

**TRCC Goals Fulfilled:** Goal 5 and 12

**TRA Recommendations Fulfilled:** 1(a), 2(a), 2(b), 3(a), 3(b), 4(a), 5(a), 5(b), 5(c), and 6(a)

**TRA Deficiencies Addressed:** Will improve Wisconsin's score on the "Data Use and Integration" of the "Crash" section within the TRA Wisconsin Assessment Snapshot.

**Performance Measures:** Number of troopers within the State Patrol who have access to predictive analytics software (can be measured based on the number of leadership having access to the software and the number of troopers in the field) (accessibility).

## **PROJECT NAME: WISTRANSPORTAL DATA WAREHOUSE MODELING**

**File/Database Name:** WisTransPortal

**File/Database Type:** Oracle

**Project Description:** This project would allow TOPS to simplify and improve the web architecture of the WisTransPortal data warehouse.

**New Project or Extension of Existing Project?** Extension.

**Lead Division or Department:** DSP and the UW TOPS lab.

**Lead Contact, Name, Number, and Email:** Steven Parker, (sparker@engr.wisc.edu and 608-265-4921)

**Improve Accessibility?** Yes, it will help improve access to the other data sets, allowing a more effective data pull.

**Improve Integration with other Data Sources?** Yes, the data warehouse modeling will allow superior data integration with other data sources. This more efficient architecture will pay dividends in upcoming years by creating a more stable web architecture that can be integrated with any future data sources.

**Improve Data Timeliness?** No.

**Improve Data Completeness?** Not currently, but the improved architecture will allow an easier expansion of the crash data records (if this is required in the future).

**Improve Consistency/Uniformity of Data?** No.

**Improve Data Accuracy?** No.

**Unique Project Advantages?** This project would ensure that the pipeline projects are coordinated and enhanced. Therefore, this project is a foundational project that will improve the efficiency and functionality of future projects.

**Anticipated Budget:** \$25,000.

**TRCC Goals Fulfilled:** Goal 5 and 13

**TRA Recommendations Fulfilled:** 2(a), 2(b), 3(a), 3(b), 4(a), 5(a), 5(b), 5(c), and 8(a)

**TRA Deficiencies Addressed:** Will improve Wisconsin's score on the "Procedures and Processes" and "Quality Control" sections within the "Injury/EMS" portion of the TRA Wisconsin Assessment Snapshot.

**Performance Measures:** This project will be assessed based upon the number of linkages required for standard queries and the number of new connections allowed through the new web architecture (integration).

## **PROJECT NAME: CODES CROSS-BORDER DATABASE LINKAGES AND IMPROVEMENTS**

**File/Database Name:** CODES (Crash Outcome Data and Evaluation System) Database

**File/Database Type:** Injury Surveillance

**Project Description:** This project will improve and strengthen linkages between Wisconsin crash data and Wisconsin and Minnesota hospital and ED data in order to evaluate injuries to persons involved in motor vehicle related crashes in Wisconsin. This will strengthen data quality in this arena, particularly in counties bordering Minnesota and Illinois.

**New Project or Extension of Existing Project?** Extension.

**Lead Division or Department:** Center for Health Systems Research & Analysis, University of Wisconsin-Madison

**Lead Contact, Name, Number, and Email:** Wayne Bigelow, (wayne@chsra.wisc.edu and 608- 334-8228)

**Improve Accessibility?** Yes. CODES, primarily through information products available on its website, provides access to linked crash/health outcome information for everyone. No passwords or special status is required. CODES provides information at the state level, county level, and city/village level through detailed annual reports. Additionally, interested parties can develop complex information through the online REPORT BUILDER software, which provides a variety of health outcome measures which can be downloaded to Excel or in XML for use with spreadsheets and database programs. Finally, CODES public use data is available for analysts and researchers who want to perform more detailed analyses.

**Improve Integration with other Data Sources?** Yes. CODES is, by its nature, the integration of multiple sources of data. These include crash data, inpatient hospital data, and ED data from multiple states. Additionally, population data about counties and cities in Wisconsin are integrated into annual Community Crash Reports. Adding inpatient information from Iowa will be part of FFY 2018 efforts.

**Improve Data Timeliness?** No. CODES requires multiple data inputs from other sources, including WDOT, DHS, and the Wisconsin Hospital Association. Additionally, given the nature of information products developed by CODES, the project data is constructed on an annual basis.

**Improve Data Completeness?** Yes. By integrating multiple data sources for the purpose of injury surveillance and reporting, CODES does have more complete

data than would otherwise be available. Also, by developing complex information -- such as injury class groupings, injury severity scores, and estimated medical and other costs -- CODES provides information regarding crash victims' health outcomes that would simply be unavailable otherwise.

**Improve Consistency/Uniformity of Data?** No. CODES depends on other sources for data. As such, it depends on those sources for the consistency and uniformity of the data.

**Improve Data Accuracy?** No. It is a composite data source, with its accuracy dependent upon other data sources.

**Unique Project Advantages?** By integrating multiple sources of data from varied programs, CODES provides a more detailed and complete overview of health outcomes for the state, counties and cities than would otherwise be available. Wisconsin is the only state to have this capability and so the TRCC could support the state's leadership in this regard.

**Anticipated Budget:** \$130,000 including operating and capital. The only unknown is the cost of acquiring ICD-10-CM injury severity conversion information from AAAM.

**TRCC Goals Fulfilled:** Goals 3, 4, and 13.

**TRA Recommendations Fulfilled:** 7(a), 7(b), 7(c), and 8(a)

**TRA Deficiencies Addressed:** Will improve Wisconsin's score on the "Procedures and Processes," "Quality Control," and "Interfaces" sections within the "Injury Control/EMS" portion of the TRA Wisconsin Assessment Snapshot.

**Performance Measures:**

- The number of reports per year showing cross-border hospital stays that are produced by the Center for Health Systems Research & Analysis (completeness).
- The number of additional injury severity measures (and the number of years with which these are made available) to existing records (linkages and completeness).
- The percentage of SAS datasets that can be replaced by the new SQL system (accessibility).

## PROJECT NAME: CODES DATABASE

**File/Database Name:** CODES (Crash Outcome Data and Evaluation System) Database

**File/Database Type:** Injury Surveillance

**Project Description:** The Department of Health Service's Office of Health Informatics (OHI) matches traffic crash victims identified on the DT4000 to hospital inpatient and emergency department records and ambulance run records. The de-identified linked records are passed to another DOT contractor for analyses and data dissemination (through SAS reports). The linked records are also available to BOTS staff.

**New Project or Extension of Existing Project?** Extension of existing time series that adds the record linkages for the 2016 crash reports.

**Lead Division or Department:** Department of Health Services, Division of Public Health, Office of Health Informatics

**Lead Contact, Name, Number, and Email:** Richard Miller, (richard.miller@dhs.wisconsin.gov, and 608-267-3858)

**Improve Accessibility?** Yes. This will allow 1) DOT/BOTS staff to directly access linked crash/patient/ambulance run records; and 2) Health care providers and the general public to access aggregate information from these linked records.

**Improve Integration with other Data Sources?** Yes. This project integrates crash records with hospital patient and ambulance run records.

**Improve Data Timeliness?** Yes. This CODES linkage project has the goal of delivering linked records by the end of June, 2018. This is a month sooner than the anticipated delivery for linked 2016 records in late July 2017.

**Improve Data Completeness?** Yes, if hospital patient records are obtained from Illinois and/or Michigan hospitals and integrated into the linkage process.

**Improve Consistency/Uniformity of Data?** No. Since these data sources already follow national standards, improvements depend on the development of each data system's reporter training and record editing and correcting efforts. Data system development is part of other TRCC projects.

**Improve Data Accuracy?** Yes. In the context of record linkage processes, improved accuracy means reducing

false positive and false negative matches. The record matching procedures are always under a continuous quality improvement review each year.

**Unique Project Advantages?** The matched and combined crash/patient/ambulance run records create a uniquely valuable data resource for traffic crash injury analyses. The final diagnoses in the patient records definitively document the nature and severity of crash-related injuries. The patient records also provide data quality feedback on the accuracy and completeness of injury reporting in the crash and ambulance run records. The ambulance run records document the effectiveness of the coordination between law enforcement and EMS.

**Anticipated Budget:** \$50,000 plus 25% match from DHS.

**TRCC Goals Fulfilled:** Goals 3, 4, and 13.

**TRA Recommendations Fulfilled:** 7(a), 7(b), 7(c), and 8(a)

**TRA Deficiencies Addressed:** Will improve Wisconsin's score on the "Procedures and Processes," "Quality Control," and "Interfaces" sections within the "Injury Control/EMS" portion of the TRA Wisconsin Assessment Snapshot.

**Performance Measures:** The percentage of successful matches between inpatient records and injury-related ED visit records on the one hand, and individuals in crash reports on the other (linkages and completeness).

## PROJECT NAME: HOSPITAL PATIENT DATA SYSTEM IMPROVEMENTS

**File/Database Name:** Hospital Patient Data System: Inpatient Discharges and Emergency Department Visits

**File/Database Type:** Injury Surveillance (using SAS Datasets and an SQL Server)

**Project Description:** Continue development of data system to improve timeliness, completeness, accessibility and integration of hospital patient records

**New Project or Extension of Existing Project?** Extension with new initiatives and continued addition of new records.

**Lead Division or Department:** Department of Health Services, Division of Public Health, Office of Health Informatics

**Lead Contact, Name, Number, and Email:** Richard Miller, (richard.miller@dhs.wisconsin.gov, and 608-267-3858)

**Improve Accessibility?** Yes: 1) DOT may acquire hospital patient data with execution of a data use agreement; 2) OHI will transition the hospital patient data archive from SAS datasets to SQL Server. This will improve access for DHS staff.

**Improve Integration with other Data Sources?** Yes: 1) OHI will match and link hospital patient records to EMS records in the WARDS system; 2) OHI will update the patient-based linkages within and between inpatient and ED visit records; 3) OHI will automate the integration of hospital patient records with vital records' death records in the SQL Server environment.

**Improve Data Timeliness?** Yes: 1) OHI will automate much of the quarterly processing by taking advantage of the capabilities of the new SQL Server platform. This will enable access to each update on the day received; 2) OHI will implement new agreements with the Minnesota and Iowa hospital associations for quarterly, rather than annual, data files.

**Improve Data Completeness?** Yes: 1) OHI will add standard measures of injury severity to the hospital patient records in the SQL server archive; 2) OHI will acquire software that creates standard measures of injury severity for records with ICD-10 format diagnosis codes; 3) OHI will continue ongoing efforts to obtain inpatient and ED visit records on Wisconsin residents treated in Illinois and Michigan hospitals.

**Improve Consistency/Uniformity of Data?** No. This is a difficult dimension to improve upon because hospital patient data conform to the uniform billing standards and the records are heavily edited and corrected to ensure conformity.

**Improve Data Accuracy?** No. This is a difficult dimension to improve upon because hospital patient data conform to the uniform billing standards and the records are heavily edited and corrected to ensure conformity.

**Unique Project Advantages?** 1) Hospital patient records are the core data source for injury surveillance. They capture virtually all serious injuries and include the nature and cause of injury; 2) Hospital patient records are regulated by state statute, which strongly ensures their completeness, timeliness, accuracy, and completeness; 3) OHI has a long track record of

continuous quality improvement in this data system; 4) OHI is able to make patient data widely available on an individual record or aggregate data basis.

**Anticipated Budget:** \$50,000 plus 25% match

**TRCC Goals Fulfilled:** Goals 3, 4, and 13.

**TRA Recommendations Fulfilled:** 7(a), 7(b), 7(c), and 8(a)

**TRA Deficiencies Addressed:** Will improve Wisconsin's score on the "Guidelines and Data Exchange" and "Quality Control" portions within the "Injury Control/EMS" section of the TRA Wisconsin Assessment Snapshot.

**Performance Measures:** The percentage of datasets migrated from SAS files to a new SQL server.

## PROJECT NAME: WARDS & TRAUMA UPDATE AND INTEGRATION PROJECT

**File/Database Name:** WARDS Elite and Trauma Update and Integration Critical Care Module Addition

**File/Database Type:** Hosted database

**Project Description:** This project will allow for the training of healthcare users to capture the necessary data relating to the ambulance run report data (this data links EMS and hospital data together to evaluate the quality of the former and its effects on recovery). Specifically, a new NHTSA-initiated database system—NEMESIS v3—can capture more data fields, but the new system requires training to those entering the data. At least 21 trainings will be held and importantly, local trainers will be identified so that the training can be locally—and sustainably—led and funded in the future.

**New Project or Extension of Existing Project?** Extension of existing project.

**Lead Division or Department:** Department of Health Services, EMS Section

**Lead Contact, Name, Number, and Email:** Chuck Happel, (Charles.Happel@wisconsin.gov, and 608-267-3858)

**Improve Accessibility?** No.

**Improve Integration with other Data Sources?** Yes. By providing training on data entry, this project assures that the data will be able to be more efficiently

combined with other data sources and with fewer mistakes.

**Improve Data Timeliness?** No.

**Improve Data Completeness?** Yes. The new database being used (NEMESIS v3) allows for the collection of more fields that allow for the linking of EMS and hospital data to assess the quality of the EMS care. Unfortunately, this new database requires training to ensure that data accuracy is suffering for data comprehensiveness.

**Improve Consistency/Uniformity of Data?** Yes. This project will improve competency of those entering the data, reducing errors and boosting consistency.

**Improve Data Accuracy?** No.

**Anticipated Budget:** \$40,000

**TRCC Goals Fulfilled:** Goals 3, and 13.

**TRA Recommendations Fulfilled:** 7(a), 7(b), 7(c), and 8(a)

**TRA Deficiencies Addressed:** Will improve Wisconsin's score on the "Procedures and Processes," "Quality Control," and "Interfaces" sections within the "Injury Control/EMS" portion of the TRA Wisconsin Assessment Snapshot.

**Performance Measures:**

- Percent data accuracy in the Trauma Registry (accuracy).
- Percent reduction in staff time spent keying in data (timeliness).
- The percentage change in the number of fields available in the WARDS ELITE section (completeness).

**PROJECT NAME:  
IMPLEMENTATION OF 2018 WI  
BEHAVIORAL RISK FACTOR SURVEY**

**File/Database Name:** Wisconsin Behavioral Risk Factor Survey

**File/Database Type:** Injury Surveillance/EMS, Driver/Vehicle, and Exposure.

**Project Description:** This annual survey—conducted through the UW Survey Center—is based off of some 5,000 responses and leads to insights into the prevalence of seatbelt use, alcohol- and drug-impaired driving, and general alcohol consumption. This year, BOTS will coordinate with DHS to provide questions

specifically related to distracted driving, and opioid usage, among other issues. These will allow BOTS analysts to gain a clearer picture of these use of these new habits.

**New Project or Extension of Existing Project?**

Extension with new questions, added focusing on the most salient public health issues (see above).

**Lead Division or Department:** Department of Health Services, Division of Public Health, Office of Health Informatics

**Lead Contact, Name, Number, and Email:** Richard Miller, (richard.miller@dhs.wisconsin.gov, and 608-267-3858)

**Improve Accessibility?** No.

**Improve Integration with other Data Sources?** No.

**Improve Data Timeliness?** Possibly. Data on seatbelt use, opioid use, and distracted driving exposure will allow BOTS analysts to conduct studies and establish recent baselines to be used moving forward.

**Improve Data Completeness?** Yes; as noted, while the State of Wisconsin has high-quality data on some of these metrics, others remain fairly understudied because of the relative newness of the activity. Thus, this will offer more accurate—and timely—data.

**Improve Consistency/Uniformity of Data?** No.

**Improve Data Accuracy?** No. This is a difficult dimension to improve upon because hospital patient data conform to the uniform billing standards and the records are heavily edited and corrected to ensure conformity.

**Unique Project Advantages?** Yes.

**Anticipated Budget:** \$20,000 plus 25% match from DHS.

**TRCC Goals Fulfilled:** Goal 7 and 9.

**TRA Recommendations Fulfilled:** 4(a)

**TRA Deficiencies Addressed:** Will improve Wisconsin's score on the "Quality Control" and "Procedures and Processes" sections within the "Driver" portion of the Wisconsin Assessment Snapshot.

**Performance Measures:** The number and breadth of new questions within the survey having to do with drugged driving, general opioid usage, and distracted driving.

## PROJECT NAME: DMV CITATION UPGRADES

**File/Database Name:** Citation Database

**File/Database Type:** Citation/Adjudication Databases

**Project Description:** The Department of Motor Vehicles (DMV) has been running into duplicate citations for the last couple of years due to running out of 7 digit citation numbers. The DMV is reworking the paper citation to match the electronic version of the citation and will need to order new booklets of the paper citations. The project also consists of the DMV adding a second alpha character at the beginning of the previous 7 digit citation number making it an 8- digit citation number, eliminating duplication possibilities.

- Law Enforcement Agencies will no longer have the need to reissue a citation because the first citation was a duplicate. This new numbering scheme will give us enough citation numbers to last over 20 years.
- Courts will no longer receive calls from the DMV stating that they received a duplicate citation and they would need to contact Law Enforcement and have them issue a new citation and delete the original.

### **New Project or Extension of Existing Project?**

Extension of existing project (extension of the Crash Records migration project from DMV to DSP).

**Lead Division or Department:** Department of Motor Vehicles (DMV), Bureau of Driver Services (BDS)

**Lead Contact, Name, Number, and Email:** Brad Babler (608-267-9811)

**Improve Accessibility?** No.

**Improve Integration with other Data Sources?** Yes. This project will ensure that the paper citation files are consistent and can be integrated with the electronic citation files.

**Improve Data Timeliness?** No.

**Improve Data Completeness?** No.

**Improve Consistency/Uniformity of Data?** Yes. Data duplicates will become far less common.

**Improve Data Accuracy?** No.

**Unique Project Advantages?** This is a very inexpensive and quick fix that will serve the DMV for 20+ years.

**Anticipated Budget:** \$5,000 (one time amount)

**TRCC Goals Fulfilled:** Goals 2 and 13

**TRA Recommendations Fulfilled:** 6(a)

**TRA Deficiencies Addressed:** Will improve Wisconsin's score on "Quality Control", and "Procedures and Processes," sections within the "Citation/Adjudication" portion of the Wisconsin Assessment Snapshot.

### **Performance Measures:**

- Number of reissued citations from law enforcement agencies.
- Number of outgoing calls from the DMV to the courts requesting new citation forms.

## PROJECT NAME: FINAL TRACS UPGRADES FOR SELECT AGENCIES

**File/Database Name:** Citation and Crash Database

**Project Description:** TraCS—Traffic and Criminal Software—is an application originally developed through a collaboration between the State of Iowa and the FHWA—that allows law enforcement agencies to visualize and easily record the locations of other law enforcement entities, thus improving efficiency and coverage. It also allows officers to share common data among crash, citation, and OWI forms.

### **New Project or Extension of Existing Project?**

Extension of existing project

**Lead Division or Department:** Department of State Patrol (DSP)

**Lead Contact, Name, Number, and Email:** Larry Corsi (608 709-0081 and Larry.Corsi@dot.wi.gov)

**Improve Accessibility?** Yes.

**Improve Integration with other Data Sources?** Yes.

**Improve Data Timeliness?** No.

**Improve Data Completeness?** No.

**Improve Consistency/Uniformity of Data?** Yes.

**Improve Data Accuracy?** No.

**Unique Project Advantages?** This project will allow DSP to provide targeted installation grants to the remaining few law enforcement agencies in the state that have not yet implemented TraCS. This is especially important to small agencies who need to coordinate



enforcement with other agencies, but who struggle to afford the up-front cost of such systems.

**Anticipated Budget:** \$25,000

**TRA Recommendations Fulfilled:** 2(a), 6(a), and 8(a)

**TRA Deficiencies Addressed:** Will improve Wisconsin's score on "Quality Control", and "Procedures and Processes," sections within the "Citation/Adjudication" portion of the Wisconsin Assessment Snapshot.

**Performance Measures:**

- Percentage of law enforcement agencies in Wisconsin that utilize TraCS.
- The number of law enforcement agencies removed from the waitlist.

**PROJECT NAME:  
TRAVEL STIPEND FOR BI-ANNUAL  
DMV TraCS TRAINING**

**File/Database Name:** Driver, Crash, and Vehicle Databases

**Project Description:** This funding provides for two individuals from the Wisconsin DMV to attend two different conferences relating to TraCS software. This will help DMV workers improve crash report work flows and validation rules, and learn the new TLT (TraCS location tool).

**New Project or Extension of Existing Project?** Extension (DMV workers have attended many TraCS conferences over the past years).

**Lead Division or Department:** Department of Motor Vehicles (DMV)

**Lead Contact, Name, Number, and Email:** Darlene Schwartz

**Improve Accessibility?** Yes.

**Improve Integration with other Data Sources?** Yes.

**Improve Data Timeliness?** Possibly

**Improve Data Completeness?** Yes.

**Improve Consistency/Uniformity of Data?** Yes.

**Improve Data Accuracy?** No.

**Anticipated Budget:** \$6,000

**TRA Recommendations Fulfilled:** 2, 3, 4, and 6

**TRA Deficiencies Addressed:** Will improve Wisconsin's score on the "Procedures and Processes" and "Quality Control" portion of the "Crash," "Vehicle," "Driver," and "Roadway" databases.

**Performance Measures:**

- The number of additional DMV employees able to attend conferences as a result of this funds (anticipated to be 2). Attendees from the DMV will produce brief write-ups or presentations detailing what they learned and will share this with TRCC members

**IV. Signature**

The undersigned individual approves the State of Wisconsin's 2018 Traffic Safety Information System Strategic Plan, supports the State's application for federal funds and will commit the resources of their organizations to its success, as witnessed by the signatures on this document as of this date: \_\_\_\_\_ April 2017.

**David Pabst**, Director  
Bureau of Transportation Safety  
Wisconsin Department of Transportation  
State Highway Safety Coordinator

**V. Traffic Records Coordination Contact Information**

**Larry Corsi**, Grants Supervisor  
WisDOT Bureau of Transportation Safety  
4802 Sheboygan Avenue, Room 551  
P.O. Box 7936  
Madison, WI 53707-7936  
Phone (608) 266-3154  
Larry.Corsi@dot.wi.gov

**APPENDICES**

1. TRCC Policy Group Members and Affiliation
2. TRCC Technical Group Members, File, Function and Affiliation
3. Wisconsin's Existing Data Sources and Questionnaire (Filled out by TRCC Members on 3-2-2017)
4. Sample Worksheet (Filled out by TRCC Members on 4-5-2017)

## APPENDIX 1

### TRCC Policy Group Members and Affiliation

#### Dave Ross

Secretary of the Department of Transportation  
Governor's Representative for Highway Safety  
(Roadway, Crash, Driver, Citation/Conviction,  
Vehicle Files)

#### David Pabst, Director

WisDOT Bureau of Transportation Safety  
State Highway Safety Coordinator

#### Linda Seemeyer

Secretary of the Department of Health Services  
State Health Officer and Administrator  
(Injury Files – Ambulance Run, Emergency  
Department, Hospital Discharge, Trauma Registry)

**Jason A. Smith**, Acting Administrator  
Department of Justice, Division of Criminal Investi-  
gation

#### J. Denis Moran

Director of State Courts Office

#### David Cagigal,

Chief Information Officer, Administrator  
Department of Administration, Division of Enter-  
prise Technology

#### Brian M. Satula, Administrator

Department of Military Affairs, Division of  
Emergency Government

## APPENDIX 2

### TRCC Technical Group Members, File, Function, and Affiliation

Member Organizations Name, Title	Voting Member Core Safety Database
<b>DOT</b>	
State Highway Safety Office	V
Corsi, Larry, Grants Supervisor	Crash
State Highway Safety Office Co-Chair (alt)	
Moorman, Evan, Program and Policy Analyst	Crash
Office of Policy, Finance, and Improvement	
Amberson, James, Program and Policy Analyst (Advanced)	
Bureau of Transportation Safety	V
Romanski, Randy, BOTS Section Chief	Crash
Wisconsin State Patrol	V
Harvey, Dave, State Patrol Sergeant	Citation or Adjudication
Wisconsin State Patrol (Traffic and Criminal Software/TRaCS Program)	
Wolfe, Paul, State Patrol Lieutenant	
Department of Motor Vehicles, Bureau of Driver Services	V
Schwartz, Darlene, IS Supervisor 2	Driver
Department of Motor Vehicles, Bureau of Driver Services	
McGinn, Reed, Legislative Liaison	Vehicle

<b>Member Organizations Name, Title</b>	<b>Voting Member Core Safety Database</b>
Division of Transportation Investment Management /Bureau of State Highway Programs (alt) Schildt, Kelly, Program and Policy Supervisor	V Roadway
Division of Transportation Investment Management/Bureau of State Highway Programs-TRADAS (alt) Ries, Tom, DMS Section Chief (Incoming, pending acceptance)	Roadway
Division of Business Management/Bureau of Information Technology Services - GIS Moline, Mitch, GIS Architect	V Crash
Division of Transportation System Development/Bureau of Traffic Operations, Traffic Analysis and Safety Unit Szymkowski, Rebecca, Traffic Analysis and Safety Unit Supervisor	V Roadway
Division of Transportation System Development/Bureau of Traffic Operations, Traffic Analysis and Safety Unit (alt) Porter, Brian, CE Trans Advanced	Roadway

### **State Agencies and Organizations**

Department of Justice/Crime Information Bureau (Transaction Information for the Management of Enforcement System) Doberstein, Courtney, TIME and Technical Supervisor	V Citation or Adjudication
Department of Justice, Crime Information Bureau Fortunato, Dennis, Deputy Director	Citation or Adjudication
Wisconsin Circuit Court Access Olson, Andrea, Customer Service Manager	V Citation or Adjudication
Wisconsin Circuit Court Access (alt.) Hicks, Kim	
Department of Health Services/Division of Public Health-EMS Happel, Chuck, Data Manager	V Emergency Medical Services/Injury Surveillance System
Department of Health Services/Division of Public Health-EMS Newlun, James,	V Emergency Medical Services/Injury Surveillance System
Department of Health Services/Division of Public Health-EMS (alt.) BHIP Miller, Richard, Data Manager for Health Care Information	V Emergency Medical Services/Injury Surveillance System
Menominee Tribal Police Department Warrington, Warren, Master Sergeant	
Department of Health Services Zemke (incoming), Molly, Outreach Specialist	Division of Public Health Emergency Medical Services/Injury Surveillance System

### **UW**

University of Wisconsin,Center for Health Systems Research and Analysis Bigelow, Wayne, Consulting Scientist	Emergency Medical Services/Injury Surveillance System
University of Wisconsin Traffic Operations and Safety Lab Bill, Andi, Traffic Safety Engineer Research Program Manager	V Crash
University of Wisconsin Traffic Operations and Safety Lab (alt.) Parker, Steven, Information Technology Program Manager	Vehicle

**Member Organizations****Voting Member****Name, Title****Core Safety Database****Local Agencies & Organizations**

Jefferson County Highway Department/Wisconsin County Highway Association	
Udovich, Brian, Operations Manager	Roadway
Wisconsin Chapter of the American Planning Association	
Peterson, Gary, Planner	
Onalaska Police Department	V
Berg, Tim, Sergeant	Citation or Adjudication
Dane County Sheriff's Office	V
Heil, Jeff, Lieutenant	Citation or Adjudication
Madison Police Department (alt.)	V
Reilly, Deanna, Police Officer	
Medical College of Wisconsin, Crash Injury Research and Engineering Network	V
Halloway, Dale, Study Coordinator	Emergency Medical Services/Injury Surveillance System
<b>Federal Partners</b>	
National Highway Traffic Safety Administration	
Welter, Jeff, Regional Coordinator	
Federal Highway Association /WI Division	
Jolicoeur, David,	
Federal Motor Carrier Safety Administration /WI Division	
Oesterle, Mark	
Federal Motor Carrier Safety Administration /WI Division	
Gessler, Mark	

**APPENDIX 3****Wisconsin's Existing Data Sources and Questionnaire (Filled out by TRCC Members on 3-2-2017)****CRASHES**

- DT4000 (either in the DB2 or w/in Transportal)
- Large Truck and Bus Crash File (within the DSP Motor Carrier and Inspection Section)
- Motor Carrier Management Information System (within the DSP Motor Carrier and Inspection Section)
- SafetyNet (commercial vehicle crashes) (stored at DTIM)

**EXPOSURE**

- TRADAS (DTIM/Bureau of State Highway Programs)

- Statewide Traffic Operations Center Volume, Speed, and Occupancy Data/VSPPOC (stored at DTSD Southeast Region)
- VMT data from the Forecasting Division

**ROADWAY**

- Highway Performance Monitoring System (HPMS)
- State Trunk Network (GIS database of centerline files) (DTIM)
- Local Control Management Database
- State Deficiency File
- Bridge Information System
- TRADAS (DTIM)
- Wisconsin Information System for Local Roads (WISLR) (stored at DTIM)

**CITATION OR ADJUDICATION**

- State Citation File (stored at DMV)
- Alcohol and Drug Tests (DOT and State Hygiene Lab)
- Alcohol Breath Test Data (DSP/BOTS Chemical Test Section)
- Wisconsin Incident-Based Reporting System (WIBRS) (stored at Office of Justice Assistance Statistical Analysis Center)
- WI District Attorney’s Information Technology and Prosecutor Technology for Case Tracking (PROTECT) (Department of Administration)
- Consolidated Court Automation Project (CCAP) (State Courts Office)
- Court-Ordered Withdrawal System (COWS) (DMV/Bureau of Driver Services)
- Wisconsin Law Enforcement Network (WILENET) (DOJ)
- Transaction Information for Management of Enforcement (TIME) system (located at the WI DOJ/Crime Information Bureau)

**VEHICLE**

- Vehicle Registration Information (DMV/Bureau of Vehicle Services)
- Commercial Registration Information (International Registration Program) (DMV)

**ACCESSIBILITY**

1. Are the above data sources as accessible as they can be for the following recipients? Some of the records are confidential, and not intended for certain groups. Place names of data sources next to the recipients below:

a. Staff at DOT

\_\_\_\_\_  
\_\_\_\_\_

b. Outside government entities (including UW)

\_\_\_\_\_  
\_\_\_\_\_

c. The public

\_\_\_\_\_  
\_\_\_\_\_

d. The media

\_\_\_\_\_  
\_\_\_\_\_

e. Other relevant groups?

\_\_\_\_\_  
\_\_\_\_\_

- International Fuel Tax Association (DMV)

**DRIVER**

- State Driver Record File
- Problem Driver Pointer System (DMV/Bureau of Driver Services)
- Motor Carrier Management Information Systems (WSP/Motor Carrier and Inspection Section)
- SAFETYNET (WSP/Motor Carrier and Inspection Section)

**INJURY CONTROL/EMS**

- Wisconsin Ambulance Run Data System (WARDS) (DHS)
- Wisconsin Emergency Department Visit Data (through Richard Miller DHS/DPH)
- Wisconsin Hospital Inpatient Discharge Data (Richard Miller Department of Health Service /Department of Public Health)
- State Trauma Care System Registry
- CasePoint Coroner Data System(Department of Health Services, Division of Public Health, Bureau of Community Health Promotion)
- Crash Outcome Data Evaluation System (CODES) (housed at Center for Health Systems Research and Analysis, College of Engineering at UW-Madison)

2. Are there certain limitations on the data access (for reasons of privacy say), that are no longer necessary? Conversely, are there fields within the data that are open to certain groups (i.e. the public) that should be now restricted?

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3. For each of the data sources and each of the recipients, think of the procedures for accessing the data. Is the data pull done manually or is it automatic? If done manually, are there strategies that could be utilized to make this process more automatic? Think of the people/groups you would need to talk to in order to make this happen.

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4. Think of the web portals used to access the data. What are some examples of portals that are unclear/confusing and which could be simplified? List below.

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## INTEGRATION

1. Is each data source linkable with others (think specifically about specific data sets as much as possible)? Have you recently tried to link data sheets together, but lacked a common field? Please write down specific examples here.

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2. If the data is linked, how is it linked (automatic or manually)? Is it time-intensive to perform these linkages? What are ways that you and your group can think of to ease and improve linkages?

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3. Is the data geo-coded or inherently geographic? This could help with GIS analysis. Think of databases you have looked at that were not geo-coded but which could have been. Please list below.

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## TIMELINESS

1. How current is the data (after an event)? If digital or oral requests for data need to be made, what is the lag time for this and does this seriously impede analysis?

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2. How often is relevant data updated? Is this done automatically or an ad-hoc basis?

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3. If the data needs to be changed, who is responsible for changing it, how long does that process take, and is there a lag time to when that data is updated for all users? How many approvals are required to change data and are there ways to reduce the number of necessary approvals, while still maintaining data accuracy?

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4. Are there ways to speed up the timeliness of your work group's data? What resources would be needed to accomplish this? Think specifically of bottlenecks in the reporting process here.

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## COMPLETENESS

1. Are data sources complete internally (by this, we mean: Are data sheets containing all the fields and rows that they should be)? Think of specific data sheets that have impeded your analysis by missing certain fields/columns/rows.

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2. Are data sources externally complete (by this, we mean: Are data sources are missing entire sheets that may be helpful to your group)? Pinpoint, as much as possible, the individual, or at least general office division that you would need to talk to about this.

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3. Does the data geographically cover the necessary area? If sampling is done, is it representative of the sampling frame? Is the data temporally complete?

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## CONSISTENCY/UNIFORMITY

1. Is relevant data adhering to national and state standards? How often do staff review possible changes in standards?

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## ACCURACY/LACK OF ERRORS

1. Is relevant data entered manually or automatically? If entered manually, what steps does your group have in place to validate the accuracy of data internally (within your division, for example)? How often is this done and do you think that this frequency is adequate? If done automatically, are there automatic validation procedures in place?

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2. What validation processes do you have to verify the accuracy of data sources that arrive from outside divisions or even outside the DOT? If no validation procedures are currently being used, think about simple validation procedures that could efficiently put in place. How you could make other relevant members of your division aware of these best practices?

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3. Are data sources generally precise enough (either for your own usage or to hit Federal/State/internal requirements)?

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## APPENDIX 4

*Sample Worksheet (Filled out by TRCC Members on 4-5-2017)*

<b>PROJECT NAME:</b>	<b>File/Database Name:</b>	<b>File/Database Type:</b>	<b>Project Description:</b>	<b>New Project or Extension of Existing Project?</b>
<b>Lead Division or Department:</b>	<b>Lead Contact, Name, Number, and Email:</b>	<b>Improve Accessibility?</b>	<b>Improve Integration with other Data Sources?</b>	<b>Improve Data Timeliness?</b>
<b>Improve Data Completeness?</b>	<b>Improve Consistency/ Uniformity of Data?</b>	<b>Improve Data Accuracy?</b>	<b>Unique Project Advantages?</b>	<b>Anticipated Budget:</b>
<b>TRCC Goals Fulfilled:</b>	<b>TRA Recommendations Fulfilled:</b>	<b>TRA Deficiencies Addressed:</b>	<b>Performance Measures:</b>	



# APPENDIX TR-3: SECTION 405C QUANTITATIVE IMPROVEMENT

## State Traffic Safety Information System Improvements Grant Interim Progress Report

State: Wisconsin | Report Date: 05/26/2017 Submitted by: Chokkalingam Muthumari

System to be Impacted	<input checked="" type="checkbox"/> CRASH _DRIVER _VEHICLE _ROADWAY _CITATION/ADJUDICATION _EMS/INJURY _OTHER specify:
Performance Area(s) to be Impacted	<input type="checkbox"/> ACCURACY _TIMELINESS <input type="checkbox"/> COMPLETENESS _ACCESSIBILITY <input checked="" type="checkbox"/> UNIFORMITY _INTEGRATION _OTHER Specify: Maintain high quality data that conforms to Model Minimum Uniform Crash Criteria (MMUCC) Guidelines.
Performance Measure used to track improvement(s)	<b>Narrative Description of the Measure</b> This new MV4000 crash database project improved access to Wisconsin crash data for research and planning purposes and to maintain high quality data that conforms to Model Minimum Uniform Crash Criteria (MMUCC) guidelines. This new development will help streamline the resolve process; help comply with emerging federal reporting requirements, crash mapping, and network-wide safety analysis capabilities.
Relevant Project(s) in the State's Strategic Plan	<b>Title, number and strategic Plan page reference for each Traffic Records System improvement project to which this performance measure relates</b> We initiated the New MV4000 - Crash Database and Resolve System Implementation project on Jan 1, 2015. This project replaced the existing WisDOT Mainframe Accident System. It facilitated the implementation of a revised MV4000 police crash report (DT4000) and went live on Jan 1, 2017 as per the plan and took full advantage of the Badger TraCS10 TraCS Locator Tool (TLT). This project estimated cost was \$2,317,904, funded by DMV, DTIM, DTSD and DSP. DMV Badger TraCS, BITS and TOPS Lab teams worked on this project and BOTS coordinated the project. DSP funded (\$655,968) this project through 405c fund.
Improvement(s) Achieved or Anticipated	<b>Narrative of the Improvement(s)</b> Improvements can be measured by how many attributes from "New MV4000 - Crash Database and Resolve System" are matching with MMUCC guidelines. The New MV4000 - Crash Database and Resolve System Implementation project went live on Jan 1, 2017 on time and under budget. The Crash Database and Resolve System is operational and stable.
Specification of how the Measure is calculated I estimated	<b>Narrative Description of Calculation I Estimation Method</b> By comparing the previous year MMUCC Compliance % with current year MMUCC Compliance % provides the best measure of the current improvements.
Date and Baseline Value for the Measure	As of Dec 2006 (MMUCC 2nd edition), the overall WI attribute score rose to 53.1% (334 out 629 matching attributes) and the previous version was 47.8% (301 of 629 matching attributes). As of Jan 1, 2015, the MMUCC Compliance % was same as Dec 2006. As of Jan 1, 2017, the MMUCC Compliance is 93.8%. Please find more information below.
Date and Current Value for the Measure	Based on a preliminary assessment of our Data Dictionary that University of Alabama conducted based on the GHSA MMUCC (4th addition) Mapping Spreadsheet, the MMUCC Compliance % for "New MV4000 - Crash Database and Resolve System" is 93.8%.
Regional Reviewer's Conclusion	Check one <input type="checkbox"/> Quantitative performance improvement has been documented <input type="checkbox"/> Quantitative performance improvement has not been documented <input type="checkbox"/> Not Sure.
If "has not" or "not sure": What remedial guidance have you given the State?	
Comments	DTSD - Division of Transportation System Development. DTIM - Division of Transportation Investment Management. DMV - Division of Motor Vehicle. DSP - Division of State Patrol. The old crash form MV4000 is renamed as DT4000 from Jan 1, 2017 onwards.

## Regional Review 405c Interim Report Narrative

The Wisconsin Department of Transportation (WisDOT), in collaboration with local law enforcement representatives and other stakeholders, has embarked on an agency wide initiative to improve crash data collection and safety analysis capabilities by updating the existing Wisconsin MV4000 crash report form. The redesigned form (DT4000) was rolled out on January 1, 2017 and serving as the basis for a new crash database management system. Several important changes made to new crash report form including a requirement for all Law Enforcement Agencies (LEAs) to submit crash reports electronically through the Wisconsin Badger TraCS system and an internal WisDOT reorganization that transferred stewardship of the crash data from the Division of Motor Vehicles to the Division of State Patrol. This article provides a summary of important information about the crash report redesign and what it means for analysts and other end users of Wisconsin crash data.

## What is it?

A new crash report form (DT4000) and a new crash database is developed to more fully capture the conditions at the crash scene. The new form and database is developed using national standards from US DOT (<http://www.mmucc.us>) to improve safety from a national perspective. Additionally, the new form will allow for more direct safety comparisons from state to state. **BOTS and TOPS travelled statewide and trained around 1000 Law Enforcement Officers (LEOs) from July to November 2016.** The Badger TraCS online help manual and trainings are updated to ease the transition by law enforcement to the new crash report form. The new form includes several new fields, including 77 at the crash level, 36 at the vehicle level, and 35 at the person level. At the same time 14 existing fields are deleted from the crash level, and four are deleted from the vehicle level. Additionally, at the crash level 11 fields are added to the existing fields, 15 existing fields have additions at the vehicle level, and 18 fields have additions at the person level. An example of an existing field with additional choices being added is the location of a pedestrian at a crash. On the existing form there are 5 choices for an officer at the scene of a crash to select. The new DT4000 includes 15 choices. A comparison is shown below.

Pedestrian Location (Existing MV4000)	Non-Motorist Location at Time of Crash (New MV4000)
Blank	Blank
In Crosswalk	<ul style="list-style-type: none"> <li>→ Intersection – Marked Crosswalk</li> <li>→ Intersection – Unmarked Crosswalk</li> <li>→ Midblock – Marked Crosswalk</li> <li>→ Median/Crossing Island</li> </ul>
In Roadway	<ul style="list-style-type: none"> <li>→ Travel Lane – Other Location</li> <li>→ Bicycle Lane</li> <li>→ Shoulder/Roadside</li> <li>→ Intersection – Other</li> </ul>
Not In Roadway	<ul style="list-style-type: none"> <li>→ Driveway Access</li> <li>→ Non-Trafficway Area</li> </ul>
On Sidewalk	<ul style="list-style-type: none"> <li>→ Shared-Use Path or Trail</li> <li>→ Sidewalk</li> </ul>
	<ul style="list-style-type: none"> <li>→ Other</li> <li>→ Unknown</li> </ul>

## Why is it important?

The updates to the MV4000 and crash database will be used to improve safety on Wisconsin roadways.

Currently, \$12 million is granted to law enforcement to improve safety on the roads. Crash history is also a critical input for state and local safety engineering project planning and is an increasingly important requirement for FAST (Fixing Americas Surface Transportation) performance measures. With more complete information about traffic crashes and a more complete crash database, unsafe roadways can be more easily and accurately identified, and the problems can be rectified with the ultimate goal of achieving zero deaths on Wisconsin roadways: Zero In Wisconsin.

### Examples:

**EMS Run Number:** The EMS run number is an important addition to the newly revised DT4000 because it allows for easier linkage between the crash information completed by the law enforcement officers on the DT4000, and hospital data from medical practitioners. The hospital data contains the health outcome of the patient and can provide more accurate and complete understanding of injury severity and the costs of traffic crashes.

## What are the problems and how to address?

The old MV4000 crash report form did not contain specific fields for some common crash characteristics that would be beneficial to improving the safety of roadways in Wisconsin. Some of these characteristics not specifically on the old MV4000 include guardrail crashes, roundabout crashes, and cell phone use during a crash. **Previously**, to determine whether one of these attributes is involved in a crash, report forms need to be evaluated carefully and thoroughly, specifically the narrative written by the officer at the scene of the crash.

The newly designed DT4000 and crash database contain additional fields and choices for an officer to select from. These new fields will make a more complete picture of the crash scene, both from the roadway characteristics (if a guardrail was involved, if the crash was at a roundabout) and from a human factors perspective (what the crash victims were doing at the time of the crash/ what caused the crash).

The addition of guardrails and more intersection control choices (roundabouts, signals, stop signs) allows for safety analyses to be completed more easily, and ensures that all crashes, or crash types, at a particular location are accounted for.

Additionally, several fields were slightly changed to add more information allowing for a more complete picture of what happened before the crash (such as where the driver was located on the roadway and whether they were distracted, intoxicated, etc.), during the crash (such as the manner of collision, and the belt usage or safety equipment used by the crash victim, if any), and a more complete picture of what happened to the crash victim(s) after a crash occurred (such as their injury severity, the EMS run number, and health outcomes assessed by medical practitioners).

## What are the potential impacts to existing analysis processes?

The new crash report form and database provides more complete and descriptive information about the crash scene, and **introduced several challenges for existing processes**. Applications that incorporate crash data from the Wisconsin Department of Transportation and/or the Traffic Operations and Safety (TOPS) Laboratory are modified to accommodate the new set of elements. **In addition, multiyear analyses that span the new and old forms are changed to crash report form field definitions and field choices**. WisDOT provided guidance to align new and old data elements with the rollout of the new crash report form.

What it's not? The new crash report form and database were created for a more complete understanding of every crash to benefit the safety of the roadway. The new form is not created for insurance purposes.

For more information please refer to the site below or email to [crash.database@dot.wi.gov](mailto:crash.database@dot.wi.gov).

[http://www.topslab.wisc.edu/programs/safety/projects/Crash\\_Database\\_Improvement/](http://www.topslab.wisc.edu/programs/safety/projects/Crash_Database_Improvement/)

### **MMUCC Mapping Process as of 11/01/2016 (same on 01/01/2017).**

- NHTSA and the GHSA have put out literature on how to map MMUCC compatibility, as well as an excel spreadsheet tool to make the process easier.

- This tool is divided into each of the 4 element types, and lists each MMUCC element with its corresponding attributes.
- Next to each attribute is a box to input a 1 if the attribute maps, or a 0 if it does not.

### Crash Data Elements

Target Data: M ~UCC		Ability to Map?	Source: Wisconsin
Data Element	Data Attribute (Subfield 1)	1=Yes 0=No	Data Element! Data Attribute
C12 Light Condition	Daylight	1	Daylight (Light Condition)
	Dawn	1	Dawn (Light Condition)
	Dusk	1	Dusk (Light Condition)
	Dark-Lighted	1	Dark/Lighted (Light Condition)
	Dark-Not Lighted	1	Dark/unlit (Light Condition)
	Dark-Unknown Lighting	1	Dark-Unknown Lighting (Light Condition)
	Other	0	
	Unknown	0	

- The tool has a sheet that displays the results, breaking them into 3 categories:
  - ALL 110 elements
  - Elements collected at the scene
  - Linked or Derived elements
- The updated WI MMUCC compatibility:

### Wisconsin Percent Mappable in Relation to MMUCC 4th Edition

#### 93.8% Total Percent Mappable for All Elements

97.7% Crash Percent Mappable

94.2% Vehicle Percent Mappable

93.8% Person Percent Mappable

86.8% Roadway Percent Mappable

#### 94.5% Total Percent Mappable for Elements "Collected at Scene"

96.3% Crash Percent Mappable

94.2% Vehicle Percent Mappable

93.2% Person Percent Mappable

#### 92.3% Total Percent Mappable for Elements "Linked or Derived"

100.0% Crash Percent Mappable

95.9% Person Percent Mappable

86.8% Roadway Percent Mappable