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# Budget Briefs

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## GRADUATED DRIVER LICENSING

The biennial state budget act (1999 Wisconsin Act 9), passed by the legislature and signed by Governor Tommy Thompson on October 27, 1999, creates a graduated licensing system for Wisconsin teenage drivers. The law requires that drivers under the age of 18 complete prescribed periods of supervised driving and abide by certain restrictions prior to receiving full driving privileges.

### BACKGROUND

Graduated licensing is a public safety response to disproportionately higher crash rates for teenage drivers. The purpose of these laws, which now exist in several states, is to introduce new drivers gradually to more complex and higher-risk driving situations by creating a multi-stage system that adds supervised driving requirements to the learner's permit and restricts full licensure until the new driver gains needed experience behind the wheel.

Although the conference committee for the biennial budget included graduated licensing in Act 9 during the final stages of budget passage, the proposal had already had two public hearings and extensive floor debate as 1999 Assembly Bill 52. Supporters of the program included the AAA Wisconsin, the State Medical Society, insurers, and parents. Teens and parents who were concerned about inconvenience and loss of mobility raised a variety of questions which resulted in many amendments to the original bill. The wording in the budget act is identical to engrossed AB-52, as it passed the Assembly by an 82-to-17 vote on May 19, 1999.

### GRADUATED LICENSING PROVISIONS

**Supervised Driving.** Under the new law, the minimum age to apply for an instruction permit in Wisconsin will remain 15 1/2 years, but the minimum period for holding the permit increases from seven days to six months. The law extends the validity of the instruction permit from the current six months to 12 months and increases the fee from \$20 to \$25.

When driving with a permit, the learner must be supervised from the front passenger seat by a licensed driver with at least two years' licensed driving experience. The supervisor must be either: 1) a parent, guardian, or spouse 19 or older, 2) a licensed driving instructor 19 or older, or 3) another qualified driver 21 or older, who is designated in writing by the minor's parent or guardian. The new law requires that a minor permit holder must complete at least 30 hours of behind-the-wheel driving experience, including a minimum of 10 hours at night. The law provides for a discount of up to five hours by allowing a maximum of five hours of driving under the supervision of a driving instructor to be double counted. (A number of the new permit provisions, enacted by Act 9, also apply to adults learning to drive.)

**Restricted License.** After a minimum of six months of driving without a traffic conviction with an instruction permit, a driver under the age of 18 may apply for a probationary regular driver's license that carries certain new restrictions for young drivers.

For the first nine months after issuance of the license (or until the driver reaches age 18 if that occurs sooner), the driver may drive without supervision but must observe certain restrictions about passengers and driving time. The law permits only one unspecified passenger, such as a teen friend, but it allows any number of immediate family members or any of the previously specified adults who could act as supervisors in the instruction permit stage to accompany the driver at any time. The minor driver cannot drive between 12 midnight and 5 a.m., except for trips between his or her residence and school or employment or in cases where the driver is accompanied in the front seat by one of the specified driving supervisors. Exceptions to the passenger and late night restrictions are made for drivers operating a vehicle in an organized teenage "safe-ride" program or driving in an emergency situation.

Violation of the time-of-day or passenger restrictions, conviction for a moving violation, as specified by Department of Transportation rule, or a license suspension or revocation will result in an extension of the passenger and time-of-day restrictions for another six months or until age 18, whichever occurs sooner.

**Regular Driver's License.** In the absence of violations or other conditions, a minor driver could complete the provisions of the graduated licensing law and receive a probationary regular driver's license as early as age 16 years, 9 months. (As is the case for any newly licensed adult driver, the regular license is considered probationary for the first two years after it is issued.) Under Act 9, a driver, regardless of age, who is convicted for a second moving violation during the probationary period must be assessed double demerit points; 12 points accumulated within a 12-month period will result in a mandatory 6-month license suspension.

## EFFECTIVE DATES

The graduated licensing provisions of Act 9 related to the instruction permit (except for the 6-month minimum holding period) will first apply to permits applied for on February 1, 2000. The other licensing provisions, including those related to the 6-month holding period for the instruction permit and restricted licensing for minor drivers, take effect September 1, 2000.

## FOR MORE INFORMATION

For copies of the changes to Sections 343.06, 343.07, 343.085, 343.17, 343.21, and 343.32, Wisconsin Statutes, contact the Legislative Reference Bureau at (608) 266-0342 or use the searchable text of 1999 Wisconsin Act 9 available at <http://folio.legis.state.wi.us>