WISCONSIN DEPARTMENT OF TRANSPORTATION

Driver Training School & Instructor Guidelines

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Chapter One: General Driver Training School and Instructor Information

Purpose:

The purpose of this guide is to assist Driver School owners and instructors in preparing for required examinations, and operating in accordance with Wisconsin State Statutes and Administrative Rules.

Basis:

The WisDOT establishes policies and regulation for Driver Schools using guidelines based on the following:

- Wisconsin State Statutes 343, Subchapter VI "Licensing of Driver Schools and Instructors"
- Wisconsin Administrative Transportation Code 105 "Licensing of Driver schools and Instructors

Exceptions:

A driver school does not include any of the following:

- A high school or technical college that teaches driver training as part of its regular school program and whose course of study in driver training meets the criteria for a driver education course and has been approved by the DPI or the TCSB
- An institution of high learning that teaches driver training as part of its teacher-training program.
- A motorcycle training school that offers a basic or experienced rider training course approved by the department.
- Any driver training school that offers training exclusively in the operation of vehicles designed and manufactured for off-highway operation.
- An instructor.

WI Stat 343.60(1) (a)-(e)

Common Abbreviations:

BDS	Bureau of Driver Services
B-T-W	Behind-The-Wheel
CDTP	Cooperative Driver Testing Program
DEC	Driver Education Completion Application
DMV	Division of Motor Vehicles
DPI	Wisconsin Department of Public Instruction
DTS	Driver Training School
EAB	Educational Approval Board
FYR	Failure-To-Yield
FEIN	Federal Employee Identification Number
IP	Instruction Permit
MSF	Motorcycle Safety Foundation
ROW	Right-of-Way
SSN	Social Security Number
TCSB	Technical College System Board
VIN	Vehicle Identification Number
WAMS	Wisconsin Access Management System

Definitions:

Authorized Medical Practitioner – consist of any of the following:

- Physician licensed to practice medicine in any state
- Advanced practice nurse licensed to practice nursing in any state
- Physician assistant licensed or certified to practice in any state
- A chiropractor licensed to practice chiropractics in any state
- Christian Science practitioner residing in this state and listed in the Christian Science Journal.

WI Admin Code Trans 105.07(1)

Bond

- Schools shall file a bond or acceptable alternative (MV3755) with the WisDOT based on size and performance at original application and upon renewal. If a school is unable to meet its obligations as stated in the contract/agreement, the customer shall apply to the bond company. Points are assessed based on frequency and severity as specified in WI Admin. Trans Code 105.11. Certification of the bond must be filed with the WisDOT at renewal of license.

WI Stat 343.61(3m) (b)
WI Admin Code Trans 105.10(2)-(5)

Cooperative Driver Testing Program (CDTP)

- The WisDOT may enter into a cooperative driver testing agreement with the driving school to conduct knowledge and highway signs tests developed by the WisDOT and administered as provided by rule, and designed to evaluate the applicant's knowledge of instruction procedures, motor vehicle and traffic laws, safety equipment essentials, and functions of essential automotive equipment

WI State 343.61(5m)
WI Admin Code Trans 105.015

Customer

- An individual who is 18 years or older who is applying to or is enrolled at a Driver Training School for instruction in driving a motor vehicle.

Driver School/Driver Training School

- A business that gives instruction for compensation in the operation of motor vehicles. For further clarification, see Exceptions.

WI Stat 343.60(1)
WI Admin Code Trans 105.007(2)

Driver School Point System

- The WisDOT assesses points against a driver school or instructor that has violated any provision in the WI statutes 343.60 to 343.72 or any rules interpreting those statutes that constitute grounds for suspension or revocation of their license.

WI Admin Code Trans 105.11

Fraudulent Practices

- Fraudulent practices includes, but is not limited to any conduct or representation tending to give the impression that a license to operate a motor vehicle or any other license, registration or service granted by the secretary or WisDOT may be obtained by any means other than the means prescribed by law or by furnishing or obtaining the means by illegal or improper means; or requesting, accepting, exacting or collecting of money for such purpose.

WI State 343.60(2) (a) (b)

Instructor

- Any person employed by a driver school licensed under this chapter and who, for compensation, gives instruction in the operation of a motor vehicle

WI Stat 343.60(3)

Motor Vehicle Repair Shop

- A natural person, corporation, partnership or other business association or entity engaged in the motor vehicle repair business, but does not include a shop that repairs motor vehicles for a single business entity or for 2 or more entities subject to common control (must offer motor vehicle repair services to the general public.)

WI Admin Code Trans 105.06(11) (a)

Progressive Enforcement Actions

- A four level process for enforcing regulations as specified in WI Stat 343.60 – 343.72 based on assessed points against a driver school or instructor.

WI State 343.69(2)
WI Admin Code Trans 105.12(1) (a)-(d)

Driver School Classroom

- Any facility approved by the WisDOT and used to conduct driver training, but does not include a motor vehicle.

WI Stat 343.60(1g)

Driver School Office

- The location a t which the driver school business is conducted and approved by the WisDOT. It does not include any facility used only as a driver school classroom.

WI Stat 343.60(1m)

Student

- An individual under 18 years of age who is applying to or is enrolled at a driver school for instruction in driving a motor vehicle.

WI Admin Code Trans 105.007(4)

Substantiated

- In reference to a complaint, substantiated means that the complaint is written, was submitted to the school or instructor at issue, was not resolved within ten business days by the school or instructor, and directly involves a matter regulated by 343.62-343.75 or Trans 105, with probable cause to believe that violation occurred

WI Admin Code Trans 105.007(5)

Vehicle

- A 4-wheeled self-propelled device meeting federal motor vehicle safety standards with a minimum of capacity of 4 persons.

WI Admin Code Trans 105.007(6)

Vehicle less than 3 years old (as defined by the WisDOT's Dept. of General Counsel)

- In determining if a vehicle is less than three years old, use the following guidelines: if a vehicle is a 2003 model year vehicle, it becomes 3 years old on December 31.

Additional Reference Material:

In addition to this guide, all owners and instructors must familiarize themselves with the following:

- **Wisconsin State Statues 343, Subchapter VI "Licensing of Driver Schools and Instructors"**
- **Wisconsin Administrative Transportation Code 105 "Licensing of Driver Schools and Instructors"**

Chapter Two: Driver Training Schools

School License Types:

Requirements for Driver School License based on Type of Instruction

Required for Driver School License	Under age 18	Adults Only	Truck Driver
Customer (student) Contract/Agreement	Yes	Yes	Yes
Fee Schedule*	Yes	Yes	Yes
Customer (Student) Record*	Yes	Yes	Yes
Driver School Application and Fee (MV3110)	Yes	Yes	Yes
Course Summary*	Yes	No	EAB Approved
Office Certification (MV3683)	Yes	Yes	Yes
Driver Training School Classroom Certification (MV3684)	Yes (No for B-T-W Only)	No	No
Driver Training Vehicle Record (MV3264)	Yes	Yes	No
Insurance	Yes	Yes	Yes
Bond	Yes	Yes	Yes
Licensed Instructors (MV3112)	Yes	Yes	Yes

*Form must be developed by the school and submitted to the WisDOT for approval. Standardized forms are not available from the WisDOT

Contact Information:

Automobiles	Trucks	Motorcycles
Driver Training Schools **4802 Sheboygan Ave** **Madison WI 53707** **PO Box 7920** **Dotdrvrtranschool@dot.wi.gov** **Phone: 608/264-7495** **Contact: Amber Cunningham**	**CMV Truck Driver Training Schools** **Education Approval Board (EAB)** **30 W. Mifflin, 9th Floor** **Madison WI 53703** **Phone: 608/266-1996** **Contact: Zachary Galin** **&** **Dotdrvrtrnschoo@dot.wi.gov** **Phone: 608/264-7495** **Contact: Amber Cunningham**	**Effective 10/01/2006 Motorcycle licensing is exempt from WI Stats 343.60-343.75.** **To add this service contact:** **WisDOT – Bureau of Transportation Safety** **4802 Sheboygan Ave, Rm 551** **Madison WI 53707** **Phone: 608/266-7855** **Contact: Gregory Patzer** **Information Regarding Motorcycle Skills Test Waiver Contact:** **WisDOT – Driver Training Schools** **4802 Sheboygan Ave** **Madison WI 53707** **Dotdrvrtrnschool@dot.wi.gov** **Phone: 608/264-7495** **Contact: Amber Cunningham**

Chapter Three: Pre-Application

School Name Approval:

A driver school name must be approved in advance before an application is submitted. A School name will be denied if it is determined that it is duplicative, confusing or fraudulent.

WI Admin Code Trans 105.06(14)

The use of the words, "Wisconsin" or "State" in any firm name is prohibited

WI Stat 343.61(4) (c)

Home Office:

A driver school office in a home residence may be conditionally self-certified if the office is visited and approved by the WisDOT prior to filing a school license application, and all of the following requirements apply:

- Be a separate room with direct access to the exterior (schools licensed prior to January 1,2007 are exempt)
- Zoning verification allowing an office in a non-traditional business location
- Not allow students in the office unless accompanied by a parent or sponsor

WI Admin Code Trans 105.01(5)

Prohibited:

No person may operate a driver school, advertise, solicit bids for business, or provide services unless the person holds a valid driver school license issued by the WisDOT

WI Stat 343.61(1)

Conflict of Interest:

Screen applicants' current employment for possible conflict of interest.

See: Conflict of Interest Chart – Addendum B

Chapter Four: Completing the Application Process

Driver School Application Form (MV3110)

A Driver School Application (MV3110) needs to be completed and submitted with the required fees. All questions on the application must be answered. Questions not answered or required documentation that is missing will delay the issuance of the school license. Refer to the Driver Training School Checklist (MV3757) to ensure all required documentation is submitted with the application.

This form is used to make application for an original, renewal or duplicate school license and to identify the age group that will be instructed

- Adults only (18 years of age and over)
- Under 18 only
- Both, Adults and those Under 18
- Commercial Motor Vehicle (CMV)

When applying for an original school license, the following items must be submitted with the application forms:

- Application Form (MV3110)
- Copy of insurance policy (standard liability and vehicle)
- Bond
- Application(s) for instructors (MV3112)
- Contract/agreement (school must develop)
- Fee Schedule (school must develop)
- Copy of form used to record student records (school must develop)
- Driver Training School Office Certification (MV3683)
    a. Include a diagram of office on the reverse side of the form per WI Stat 343.61(2)(a)3
- Driver Training School Classroom Certification (MV3684)
    a. Include a diagram of each classroom location on the reverse side of the form per WI Stat 343.61(2)(a)3
- Course Summary for each type of lesson being offered
- Vehicle Record (MV3264) if behind-the-wheel instruction is offered

Information required in the application may include, but is not limited to:

- Name of applicant
- Present address of applicant
- Previous addresses of applicant in the last five years
- Description of applicant and description of facilities
- Training or experience instructing drivers
- The names of instructors and a list of driver training cars, if applying for a driver school license
- Any other information deemed relevant to the decision to grant or deny a license

WI Admin Code Trans 105.01(1)

Proof of Insurance

A driver school shall maintain a standard liability insurance policy in the name of the school, with the minimum insurance coverage specified by the WisDOT rule. The insurance policy shall require the insurer to notify the WisDOT not less than 30 days before the policy expires or is materially changed or cancelled.

WI Stat 343.61(2) (a) 4
WI Stat 343.61(3m) (a)
WI Admin Code Trans 105.10(1)

Authorized Signatures

Names of all persons authorized to sign agreements, driver school certifications and school certifications of enrollment (MV3001)

WI Admin Code Trans 105.01(h)

Before mailing, check the application to make sure that:

- All required sections of the application are accurately completed
- All training and examinations requirements have been completed
- All required forms, records, course summary, vehicle inspection, insurance, certificate of bond, or the bond alternative, and other supporting documents have been submitted for review.

FEIN or SSN

In the case of an individual (a sole proprietorship) enter the Social Security Number as the FEIN. In the case of a person who is not an individual, enter a Federal Identification Number (FEIN). 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 individual does not have a social security number. The form of the statement shall be prescribed by the Department of Workforce Development. A license that is issued by the department in reliance on a statement submitted is invalid if the statement is false.

WI Stat 343.61(2) (a) (1) (1m) (2)

Fee for License

School License

The fee for a 24-month license is $190 and may be prorated accordingly if issued for less than 24 months. The monthly fee for a prorated school license is $7.92.

Classroom Certification

An applicant or licensee shall pay a one-time fee of $10 for each mailing address where one or more driver school classrooms are located.

WI Stat 343.61(3)

Office Certification Form (MV3684)

Whether located in a business area or home, the office must have:

- Adequate lighting, temperature control and ventilation
- Zoned properly for business use
- At least 1500 feet from any DMV road test site
- Access to restroom facilities
- Sufficient space with the equipment and personnel to properly maintain and store records required by WI Stat 343.71

WI Admin Code Trans 105.01(4)
WI Admin Code Trans 105.06(5)

Home Office

Additional Requirements for a home office include:

- Be visited and approved by a WisDOT representative prior to self-certification
- Be a separate room with direct access to the exterior (schools licensed prior to January 1, 2007 are exempt)
- Zoning verification allowing an office in a non-traditional business location
- Not allow students in the office unless accompanied by a parent of sponsor

WI Admin Code Trans 105.01(5)

Telephone

A driver school shall have a listed telephone number for the driver training school in the school's name. It cannot consist solely of a telephone answering service

WI Admin Code Trans 105.06(2) (e)

Branch Offices

A school may have more than one office location. All forms and fees required for opening a new office apply to a branch office including:

- Driver School Application (MV3110)
- Driver Training School Office Certification (MV3683)
- Fee for school license applies to each branch

All records for the branch office must be kept in that space.

Classroom Certification Form (MV3684)

At least one classroom is required if the school is licensed for under age 18 classroom instruction. Each classroom must meet the requirements specified by the department and have a separate DTS Classroom Certification on file.

Any facility to be used as a classroom shall be designated in writing by the licensee, and no instruction shall begin without written authorization by the Department. Authorization by the Department does not supersede local ordinances or the building heating and ventilation code established by the Department of Industry Labor, and Human Relations relating to public health, safety and sanitation.

WI Admin Code Trans 105.06(3)

Classroom space must meet the listed requirements. All requirements are mandatory and no exceptions are allowed:

WI Stat 343.61(2) is
WI Admin Code Trans 105.01(4)

- The classroom must either be located in an area zone commercial; or if not, a letter of approval from the local zoning authority must be submitted with the application.

WI Admin Code Trans 105.06(2) (b)
Vehicle Record Form (MV3264)

- The location of the classroom must be at least 1,500 feet from any DMV service center or DMV road test site.

WI Admin Code Trans 105.06(5)

- Size of room must be at least 20 square feet per occupant. The maximum number of students in one classroom is 35.
- Cleanliness
- Absence of conflicting noise, disturbances or distractions
- Audio-Visual materials (projector, chalkboard, VCR/TV, etc.)
- Adequacy of lighting, temperature control and ventilation
- Access to restroom facilities
- Written authorization from a public school if public school classrooms are used to provide instruction

WI Admin Code Trans 105.06(3)(a)(b)(c)(d)(e)(f))(g)

Classroom facilities need not be used exclusively for driver education if the other uses do not interfere with the proper conduct of instruction.

No more than 35 students may be placed in any class section without the department's approval. Class sections in excess of 35 students may be allowed only when facilities and lesson plans justify such instruction.

WI Admin Code Trans 105.06(4)

Vehicle Record Form (MV3264)

At least one driver training vehicle must be listed for any school that is licensed to provide behind-the-wheel instruction. Each vehicle must have a Driver Training Vehicle Record (MV3264) and proof of insurance on file at the department.

All driver training vehicles must be registered with the department with a brief description of each, including the make, model, and registration number, and shall be kept in safe working condition, as established by the department by rule.

WI Stat 343.72(11)

Required Equipment

Any vehicle used for behind-the-wheel training must:

- Be in good working condition
- Have approved dual controls not limited to a separate brake for the instructor located on the right side of the car so the instructor can safely operate the controls.

WI Stat 343.72(12)
WI Admin Code Trans 105.06(10)

- Have a right outside mirror positioned so that the instructor can view traffic from the rear.

WI Admin Trans Code 105.06(10)

- Have a sign visible to other vehicles from behind stating that the vehicle is a driver school vehicle. A sign only stating "Student Driver" is insufficient.

WI Stat 343.72(10)

Vehicles less than 3 years old or less than 100,000 miles may be inspected by a department examiner at any DMV service center. Sections A (Registration) and B (Inspection) on a Driver Training Vehicle Record (MV3264) must be submitted whenever a vehicle is added to the fleet.

WI Stat 343.72(12)

Vehicles – More than 3 years old or 100,000 mile

A licensee using a vehicle that is more than 3 years old or whose odometer reading is greater than 100,000 to conduct behind-the-wheel training must be inspected at a motor vehicle repair shop. The school must complete Section A (Driver Training Vehicle Record MV3264) and Section C by a mechanic. All requirements on the Driver Training Vehicle Record (MV3264) must be met.

WI Admin Code Trans 105.06 (11)

- Vehicle inspection must be submitted prior to the anniversary date of the last inspection.

Americans with Disability Act

As with any business, driver schools must meet federal standards to provide reasonable accommodations to persons with disabilities. Driver training cars may be equipped with special equipment for customers/students with disabilities in addition to the standard equipment requirements.

If needed to provide specialized services, non-standard vehicles will be reviewed on a case-by-case basis.

For any questions regarding customers with disabilities, ACT (ADA) contact Great Lakes ADA and accessible IT Center at 1-800-949-4232 or visit **www.adagreatlakes.org**

Insurance – Liability and Vehicle

A driver school shall maintain a standard business liability insurance policy and vehicle insurance in the name of the school with the minimum of insurance coverage specified by rule by the department.

WI Stat 343.61(3m)

The insurance policy must be in the name of the school or state "Doing Business As (DBA)" and the name of the school. The Vehicle Identification Number (VIN) of each covered vehicle must be listed on the certificate of insurance.

The department must be listed as the certificate holder or interested party as follows:

WIDOT
PO Box 7920
Madison WI 53707-7920

Certification of vehicle and business liability insurance must be filed with the Department. The insurance carrier must notify the department not less than 30 days before the policy expires or is materially changed or cancelled.

WI Admin Code Trans 105.10(1) (d) (e)

Vehicle

The insurance certificate must show the effective date of the policy. A driver school shall do all of the following:

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

WI Admin Code Trans 105.10(1) (a)

The amount of insurance required will be adjusted every 5 years in accordance with WI Admin Code Trans 105.10(1)(b).

WI Admin Code Trans 105.10(1) (b)

Business

- Maintain a standard liability insurance of not less than $500,000.

WI Admin Code Trans 105.10(1) (c)

Bond Application (MV3764)

A driver school shall file with the department a bond in the amount established by the department.

WI Stat 343.61(3m) (b)
WI Admin Code Trans 105.10(2-5)

The purpose of the bond is to permit the customer to apply to the bond company if obligations of the training contract cannot be met. The school shall file a bond or acceptable alternative based on size and performance.

The size of the school and points assessed during the last previous license period shall be used to calculate the bond amount. Refer to "Driver School and Instructor Point System Chart" for additional information **(ADDENDUM I)**

WI Admit Code Trans 105.10 (2) (3)

The initial bond is based on 0 demerit points and the number of students:

- 0 – 300 students = $5,000
- 301 – 1100 students = $10,000
- 1101 or more = $15,000

WI Admin Code Trans 105.10(2-5)

Bond Alternative Form (MV3755)

In lieu of purchasing a bond, a driver school may send a cashier's check in the amount of the bond to the department with a completed Driver Training School Bond Alternative form (MV3755) **(ADDENDIM J)**.

Deposits will be held for 18 months after the closing of a driver school period. Interest will not be paid on deposits made to the department.

Monies paid out from the bond must be repaid by cashier's check to department to return the bond to the original amount.

WI Admin Code Trans 105.10(2-5)

Contract/Agreement

Application shall be accompanied by a copy of the contract/agreement which constitutes the complete agreement for instruction of students/customers.

WI Admin Code Trans 105.01(3)

A copy of the contract/agreement must be submitted to the WisDOT for approval with the original application and will be kept on file. Since the contract/agreement is unique to each driving school, a standardized form is not available from the WisDOT.

To be approved, the contract/agreement form required to be filed by WI Stat 343.71 (1m) (b) shall:

- Be consecutively numbered
- Indicate the date of application
- Identify the name of the school
- Indicate the type(s) of lessons, lectures, tutoring or instruction to be given
- Fee to be charged or the word none if no charge
- The statement, "*This constitutes the entire agreement between the school and the customer or student and no verbal statement or promises will be recognized*"
- Signature of the customer
- If the student is under the age of 18, signature of the student's parent or guardian
- Address of student
- Signature of owner of school or his or her authorized representatives

WI Admin Code Trans 105.05(4)

A driver school may not instruct any student until a contract/agreement in a form approved by the WisDOT has been completed and signed by all parties.

WI Stat 343.71 (1m) (b)

A contract/agreement may not guarantee the issuance of a Wisconsin driver license.

WI Stat 343.72(7)

No licensee may agree to give unlimited lessons, nor represent or agree, orally or in writing, or as part of an inducement (lure) to sign any agreement to give instructions until the student obtains an operator's license

WI Stat 343.71(2m)

No Agreement may contain a "no refund" clause. It may include the following: "The school will not refund any tuition or part of tuition if the school is ready, willing and able to fulfill its part of the agreement."

WI Stat 343.71(3m)

Additional driving time may be used to replace observation time at the rate of 1 hour of driving replacing 2 hours of observation but the contract/agreement must clearly show the comparison cost.

Fee Schedule

Each school must develop its own fee schedule. A standard form is not available from the WisDOT.
Application for a driver school license shall be accompanied by a schedule of maximum fees and charges per hour for instruction of students.

WI Admin Code Trans 105.01(2)

Student Record

Each school must develop a form (paper and/or computer) to record student information. A standard form is not available from the WisDOT. A copy of the form developed by the school must be submitted for approval with the school driver license application.

The records shall be in the form of an individual student record for each person listed in the records required by WI Stat 343.71(1M).

Each record shall indicate:

- Name – Last, first and middle initial
- Home address
- Date of birth
- Contract/agreement number
- Dates, types, duration and fees charged for lecture, tutoring, period of instruction or other service relating to instructions in the operation of motor vehicles
- Name and license number of the instructor having given each lesson or period of instruction or service relating to instruction in the operation of motor vehicles, and identification of the vehicle in which any behind-the-wheel instruction was given.

  WI Admin Code Trans105.05 (3)
- Schools participating in the Cooperative Driver Testing Program (CDTP) under WI Admin Code Trans 105.015 shall also record the knowledge and highway signs scores for all tests attempted in the student record.

  WI Stat 343.71(1m) (a)

Owner/Manager

The owner/manager must have passed the Driver School and Instructor's test with a score of at least 80%

WI Admin Code Trans 105.01(6)

Instructor

At least one licensed instructor must be listed for all license types. Each Instructor must submit a separate Driver Instructor Application (MV3112).

No person, including a person holding a driver school license, may act as an instructor in a driver school unless the person holds a valid instructor's license issued by the department. No driver school may employ any person as an instructor unless the person holds a valid instructor's license issued by the department.

WI Stat 343.62(1)

The school is responsible for checking a potential applicant's driving record. To check a driving record:

- Request applicant to provide a copy of their driving record from the department.

Information on how to obtain a copy of their record can be found at:

http://www.dot.wisconsin.gov/drivers/drivers/points/abstract.htm

There is a $5.00 fee per record check. See: Instructors – Qualifications

See: Interpreting Driving Records for the Purpose of Determining Eligibility
(ADDENDUM P)

Course Summary

A licensed driver school may not offer courses in driver education specified in WI Stat 343.06 without first obtaining the department's approval which shall be evidenced by an endorsement on the license certificate. The endorsement shall specify whether the licensee is authorized to provide classroom instruction or behind-the-wheel instruction, or both to persons under age 18 years of age.

WI Admin Code Trans 105.07

Summary of Curriculum for Each Type of Course Offered

Submit a course summary/outline (suggest no more than 2 pages) for each course offered (classroom, behind-the-wheel, 10 hour refresher, and/or 40 hour instructor). Send only the Course Summary to the department with the Driver Training School Application and keep the lesson plans on file at the school office. Each summary shall specify a minimum of one main topic or more for each hour of instruction. To be approved, all required topics as indicated below must be included in the summary for classroom and/or behind-the-wheel instruction.

WI Admin Code Trans 105.07(1) (b)
WI Admin Code Trans 105.07(1) (b) 3

Classroom

The classroom course is only required for students under 18 years of age.

WI Admin Code Trans 105.07

The course summary shall specify a minimum of one main topic or more for each hour.

WI Admin Code Trans 105.07(1) (b) (1)

The course must include but is not limited to the following:

- Responsibility
- Vehicle mechanical/control features
- Vehicle ownership responsibilities
- Environmental dynamics
- Pre-driving skills/maneuvers
- City driving
- Freeway driving
- Rural driving
- Hazards of farm animals and machinery
- Hazards of railroad crossings
- Psychophysical aspects (alcohol, mood, health, etc)
- Organ and tissue donation (30 min)
- Traffic citizenship and highway safety progress
- Traffic citizenship and highway safety progress
- Awareness of motorcycles, bicycles, and pedestrians
- Move Over Law

WI Stat 343.71(5) (a) (b) (c)
WI Admin Code Trans 105.07(1) (b) 1

Behind-The-Wheel
The course summary must indicate the number of driving hours/observation hours (6/6, 7/4, 8/2, 9/0)

The behind-the-wheel course shall cover, but is not limited to the following:

- Introduction to the automobile
- Left and right turns
- Backing and Y-Turns
- Parking
- City driving
- Rural Driving (including multiple lanes and freeways, if possible)
- Hazards of farm animals and machinery
- Hazards of railroad crossings

WI Stat 343.71(5) (a) (c)
WI Admin Code Trans 105.07(2)

Required Hours of Instruction

Classroom
In order to be eligible for approval, a classroom phase of instruction shall consist of 30 clock hours in the classroom, extending over a minimum of 3 weeks for each student at no more than 2 clock hours per day.

A break is permissible between the first and second hour. Time specified for breaks does not count towards the 30 clock hour requirement.

A course is not approved when students begin the class on alternate days. All students must be present for every session except if a student is absent for any legitimate reason, the absence and the make-up session must be marked on the student's record.

WI Admin Code Trans 105.07(1) (b) 3

Behind the Wheel
A licensee may not begin behind-the-wheel training with a new student unless certified proof of completion of an approved classroom phase is on file with the agreement in the licensee's office. However, this does not apply if the student is either enrolled in an approved behind-the-wheel phase at a different school or has completed the approved course.

WI Admin Code Trans 105.07(3)

Behind-the-wheel instruction must contain 6 clock hours of actual driving and 6 clock hours observing another student/customer operate the vehicle. Only 1 hour of driving and 2 hours of observation are allowed per day. The course must extend over a minimum of 3 weeks.

WI Admin Code Trans 105.07(2) (b)

Additional driving time may be used to replace observation time at the rate of 1 hour of driving replacing 2 hours of observation. The contract/agreement must clearly show the comparison cost

WI Admin Code Trans 105.07(2) (b) 2

- Driving time may also be replaced by time using a driving simulator at the rate of 4 hours simulator training equaling 1 hour of behind-the-wheel training. Provided all training is with the same school and instructor. Only three hours of driving time can be substituted by time in the driving simulator
- Separate lesson summaries must be approved for each time of BTW instruction based on the chart below:

Driving Hours	Observation Hours
6	6
7	4
8	2
9	0

Concurrent Classroom and Behind-the-Wheel

A school may give classroom and behind-the-wheel training concurrently only if both are given by the same school.

WI Admin Code Trans 105.07(2) (a)

Observation hours may be accrued concurrently with classroom instruction as long as the total number of observation hours per day does not exceed the 2-hour maximum

Background Check

Completed by the WisDOT upon receipt of application materials [prior to making a determination of eligibility
A factor that will affect the determination is the outcome of the criminal background check completed for each individual identified in the application including: owners, partners, managers, associates, directors and instructors.

WI Stat 343.61(2m) (b)

WI Admin Code Trans 105.035

See: Driver School owner(s)/manager(s) and instructor(s) background checking chart (Addendum H)

Licensing Determination

Before mailing, check the application to make sure that:

- All required sections of the application are accurately completed
- All training and examination requirements have been completed
- All required forms, records, course summary, vehicle inspection, insurance, certificate or bond or the bond alternative, and other supporting documents have been submitted for review.
- Enclose a check or money order for all applicable fees payable to: Registration Fee Trust.

The length of time required for a determination is based on the completeness of the application. A determination of eligibility for a driver school and/or a driver instructor license will be made within 5 business days once the application materials are complete and accurate.

WI Admin Code Trans 105.09(2)

Licensing Denials

The department may not issue or renew a driver school license if any of the following applies:

WI Stat 343.61(2m)

- The applicant or licensee or any officer, director, partner or other person directly interested in or actively involved in the driver school business was a former holder of, or actively involved in a driver school business operating under, a license issued under this section or a similar license issued by another jurisdiction

or was directly interested in or a party actively involved in another driver school which held a license under this section or a similar license issued by another jurisdiction or was the former holder of an instructor license issued under WI Stat 343.62, and any such license was revoked or suspended

WI Stat 343.61(2m) (a)

- The applicant or licensee or any officer, director, stockholder, partner or any person directly interested in or actively involved in the driver school business has been convicted of a felony, or any other disqualifying offense as established by rule by the department, in this state, or in another jurisdiction, including a conviction under the law of a federally recognized American Indian tribe or band in this state, for an offense that if committed in this state would be a felony or disqualifying offense, unless the person so convicted has been officially pardoned.

  WI Stat 343.61(2m) (b)

- The applicant or licensee does not have a driver school office

  WI Stat 343.61(2m) (c)

- The applicant or licensee is not the true owner of the driver school

  WI Stat 343.61(2m) (d)

- The applicant or licensee fails to provide a FEIN or SSN or a statement under oath that the individual does not have a SSN.

  WI Stat 343.61(2m) (e)

- The applicant has made a material false statement or concealed a material fact in an application.

  WI Stat 343.61(2m) (f)

- Failure to secure and/or maintain insurance and bond as required

  WI Admin Code Trans 105.10
  WI Stat 343.61(3m) (a) (b)

Hearing

If the WisDOT denies an application for original issuance or renewal of a driver school license or revokes, suspends, cancels, or restricts any such license, the WisDOT shall notify the applicant or licensee in writing of the action by sending notice of the action by registered or certified mail to the last known address of the licensee or applicant.

Any person who is aggrieved by a decision of the WisDOT may, within 10 days after the date of receiving notice of the WisDOT's action, request a review of the action by the division of hearings and appeals in the department of Administration under chapter 227.

This does not apply to denials, cancellations, restrictions, suspensions, or revocations of licensees due to delinquent court-ordered support payments or delinquent taxes.

WI Stat 343.69(1)

Chapter Five: Operating a Licensed Driver Training School

Driver School License (Display)

The licensee shall display the certificate in the licensee's driver school office, but is not required to display the certificate in any driver school classroom.

WI Stat 343.61(4)

License Renewal

The required fee for any driver school license or for any annual renewal thereof is $95.00. A driver school license expires on the date stated on the license, but not later than 24 months after the date on which the license is issued. The department may institute any system of initial license issuance that it considers advisable for the purpose of gaining a uniform rate of renewals.

WI Stat 343.61(3) (a) 1, 2

Bond

Certification of bond must be filed with the department at renewal of the school license.

WI Admin Code Trans 105.10(5)

School License Duplicate

If any driver school license is lost, the department shall issue a replacement upon receipt of a completed application (MV3110) satisfactory proof of eligibility, satisfactory proof of loss, and a $10 fee.

WI Stat 343.61(3) (c)

Optional Services

Cooperative Driver Testing Program – Students

Cooperative Driver Testing Program for Students

Any licensed driver school may be authorized by the department to provide testing, limited to knowledge and sign tests, for students of the driver school who are under the age of 18 and for driver school instructors. Authorized driver schools providing such testing shall meet the standards and follow procedures established by the department.

WI Stat 343.61(5m)

WI Admin Code Trans 105.015

Cooperative Driver Testing Program – Instructors

Cooperative Driver Testing Program for Instructors

The applicant completes a knowledge test developed by the department and administered as provided by rule, and designed to evaluate the applicant's knowledge of instruction, procedures, motor vehicle and traffic laws, safety equipment requirements, and functions of essential automotive equipment, and the applicant passes the test with a score of at least 80%. An applicant who fails to receive a passing score may be reexamined except that an applicant who fails to pass the test after 2 successive attempts may not be reexamined until one year has elapsed since the date of the last test.

A driver school that has accumulated 2 or more points in the past 24 months under WI Admin Code Trans 105.11 may not enter into a testing program with the department. The agreement is voluntary and can be terminated by either the department or the driver school.

WI Stat 343.61(5m)
WI Admin Code Trans 105.015(1) (2) (3)

The department may by rule provide for an alternative requirement for the issuance of an instructor license in lieu of taking and passing the test under this subdivision. A school that is participating in the cooperative driver testing program under WI Stat 343.16(1) (c) may provide the knowledge and highway as required to its own instructors.

See: Cooperative Driver Testing Program **(ADDENDUM L)**
General Provisions for Participation in the CDTP
Intent to Participate in Class D Knowledge & Signs Testing

WI Admin Code Trans 105.015(3)

40-Hour Instructor Training Course

Driving schools may request approval to provide the 40-hour course used to train driver education instructors. For application information, contact the department and request Training for Perspective Instructors: 40- Hour Course.

WI Admin Code Trans 105.07(5)

Advertising

No person may operate a driver school, advertise, solicit bids for business, or provide services unless the person holds a valid driver school license issued by the department.

WI Stat 343.61(1)

No driver school may represent that completion of a course of instruction will guarantee that the student will pass the driving skills test administered by the WisDOT.

WI Stat 343.72(5m)

Licensees may not publish, advertise, or create the impression that a license is guaranteed or assured. The display of a sign such as a "Licensed Secured Here" is forbidden.

WI Stat 343.72(7)

Licensees not authorized to teach students less than 18 years of age may not advertise in a manner that states or implies that such services are provided.

WI Admin Code Trans 105.06(6)

Licensees may advertise only by the school name shown on the license.

WI Admin Code Trans 105.06(7)

School Changes

School License

The department shall charge a $10 fee for any change to a license certificate, including a change in the location of a driver school office.

WI Stat 343.61(3) (d)

Authorized Signatures

If there is a change in authorized signature(s) after the license has been issued, the school must submit on school letterhead a statement that signature is no longer authorized or that a new signature is being added.

WI Admin Code Trans 105.01(1) (h)

Address

Any change in address of any driver school office or driver school classroom must be reported to and approved by the department. A driver school may maintain driver school classrooms at locations other than the driver school office.

WI Stat 343.61(4) (b)

Submit a new Driver School Application (MV3110) and a new Office Certification form (MV3683) and/or new Classroom Certification form (MV3684). There is a $10.00 fee payable as a check or money order issued to: Registration Fee Trust. Each new office space or classroom must meet all requirements to be approved.

WI Stat 343.61(3) (c)

Ownership

Submit a new Driver School Application (MV3110), with required fee, and a bill of sale showing the Transfer of ownership. Include all other agreements or documents relative to department requirements. If the lesson plans were not purchased by the new owner, a new Course Summary must be submitted with the Driver School Application. When approved, a Driver School License will be issued in the new owner's name.

WI Admin Code Trans 105.06(14)

School Name

The name must be submitted to the department for approval prior to the change being made. A Driver School Application (MV3110) and Instructor Application (MV3112) must be submitted with a fee of $10.00 and $5.00 per instructor to re-issue the licenses using a new school name. Once the school name has been approved, the school must submit a copy of all forms and documents reflecting the new name for department approval.

WI Admin Code Trans 105.06(14)

Vehicle Requirements on-going- Inspections

All vehicle requirements that are part of the original application for a driver school license continue to apply.

All driver training vehicles must be registered with the department with a brief description of each, including the make, model, and registration number, and shall be kept in safe working condition, as established by the department. The department shall promulgate rules authorizing them to place any driver training vehicle out of service for a vehicle equipment violation or for failure to file, with the department, proof of insurance for the vehicle.

WI Stat 343.72(11)

Each vehicle used for behind-the-wheel instruction must be inspected and certified that it meets established safety standards, documented by the completion of a Driver Training Vehicle Record (MV3264) within 30 days of being put into service. An authorized representative of the department may make random inspections to assure compliance with department requirements.

WI Stat 343.72(11)

Vehicles less than 3 years old or less than 100,000 miles may be inspected by a department examiner at any DMV service center.

Vehicles – More than 3 years old or 100,000 mile

The vehicle must:

- Be certified to meet all manufacture specifications for the vehicle type, model, and year, within 30 days of being put into service.

- Have the inspection completed by a motor vehicle repair shop. A "motor vehicle repair shop" means a natural person, corporation, partnership or other business association or entity engaged in the motor vehicle repair business, but does not include a shop that repairs motor vehicles for a single business

entity or for 2 or more entities subject to common control. (this is interpreted as if the shop only does repair work on the vehicles owned only by their business or businesses, not for the general public, the inspection would not be acceptable)

- Have an annual inspection certified by an authorized service facility. The inspection shall be done before the annual anniversary date of the certification that the vehicle was put into service. The safety certification shall be on the Driver Training Vehicle Record (MV3264).

WI Admin Code Trans 105.06(11)

Unsafe Vehicles

If the department deems a vehicle of any age unsafe, the vehicle shall be ordered out of service until it is repaired. If the only vehicle in the school fleet is ordered out of service, the school may not perform behind the wheel instruction until the vehicle is certified as safe. Use of a vehicle after being ordered out of service shall result in demerit points being assessed.

WI Admin Code Trans 105.06(12)

Required Equipment

- Be in good working condition
- Approved dual controls include but are not limited to separate brake for the instructor located on the right side of the car so the instructor can safely operate the controls

WI Admin Trans Code 105.06(10)

- A right outside mirror positioned so that the instructor can view traffic from the rear

WI Admin Trans Code 105.06(10)

- Sign(s) must be visible from the rear of the vehicle stating that it is a driving school vehicle or listing the name of the school. The sign "student Driver" alone is not sufficient. The sign must be displayed whenever the vehicle is being used for driver education.

WI Stat 343.72(10)

Replacing a Vehicle by Purchase or Lease

A driver school must supply information to the department immediately upon the purchase or lease of each driver school training car.

WI Admin Code Trans 105.06(8)

The information required is a brief description of the vehicle including the: make, model, and vehicle identification number (VIN). The vehicle must be inspected within 30 days of being put into service.

WI Stat 343.72(11)
WI Admin Code Trans 105.06(11) (a)

No Longer in Service

A school must notify the department when a vehicle is replaced or no longer in service. The school may note this information on the Driver School Vehicle Record (MV3264) for the replacement vehicle or submit a notice in writing on the school's letterhead.

Random Inspections

An authorized departmental representative may visit classroom sessions and ride in driver training cars during instruction for the purpose of evaluating the teacher's preparation, knowledge of the submit matter, and teaching ability, and determining if the approval course is being followed. An authorized representative of the department may make random inspections to assure compliance with vehicle requirements.

WI Admin Code Trans 105.02(6)
WI Admin Code Trans 105.06(10)

Insurance – Current business and Vehicle Liability

A driver school shall maintain standard business liability and vehicle insurance policies in the name of the school, with the minimum insurance coverage specified by rule by the department. Currently at $500,000/$500,000/$50,000 for vehicle and $500,000 for business liability; The insurance policy shall require the insurer to notify the department not less than 30 days before the policy expires or is materially changed or canceled.

WI Stat 343.61(3m) (a)
WI Admin Code Trans 105.10(1) (a)

The insurance policy must be in the name of the school or state, "Doing Business as (DBA)" and the name of the school. WisDOT, 4802 Sheboygan Ave, P.O Box 7920, Madison WI 53707-7920 must be listed as the certificate holder or interested party. The insurance company may submit an insurance certificate listing the Vehicle Identification Number (VIN) of each covered vehicle.

Beginning of January 2007, the amount of the vehicle insurance will be adjusted every 5 years by multiplying the requirements amounts by the percentage increase of the consumer price index.

WI Admin Code Trans 105.10(1) (b)

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

WI Admin Code Trans 105.10(1) (e)

Bond – Amount Renewal of License

The amount of bond is based on the number of demerit points accrued during the previous licensing period and the number of students who completed last renewal period.

Number of points in 24 Months	0	1 – 2	3 – 6	7 or more
School size based on signed completion slips for the period.				
0 – 300	$5,000	$10,000	$15,000	$30,000
301-1100	$10,000	$15,000	$20,000	$45,000
1101 or more	$15,000	$20,000	$25,000	$60,000

WI Admin Code Trans 105.10(2-5)

See: Driver School and Instructor Point System Chart (Addendum I)

Contract/Agreement

No driver school or instructor may provide lessons, lectures, tutoring or other services relating to instructions in the operation of a motor vehicles unless a written agreement in a form approved by the Department has been signed by the student's parent or guardian if under 18 years of age or by the customer if 18 years of age or older.

WI Stat 343.71(1m) (b)

The driver school is to give the original copy of the contract/agreement to the customer or parent/guardian and keep a duplicate copy on file.

WI Stat 343.71(1m) (b)

The driver training school is required to keep a file of every contract/agreement required by WI Stat 343 for a minimum of 4 years.

WI Admin Code Trans 105.05(2) (a)

No licensee may agree to give unlimited driver lessons, nor represent or agree orally or in writing or as part of an inducement to sign any agreement, to give instructions until the student obtains an operator's license.

WI Stat 343.71(2m)

Fee Schedule – Changing

Fees for driver school services may not exceed those listed on the fee schedule on file at the department. The fee schedule may be amended at any time provided such changes are filed with the department not later than the effective date.

WI Admin Code Trans 105.06(9)

Receipts

A driver school must issue receipts for all fees collection.

WI Admin Code Trans 105.06(1)

Records Entries

Within 3 business days of signing a contract/agreement between the school and the student, the following information must be recorded in the Student Record:

- Student's last name, first name, and middle initial;
- Student's date of birth
- Student's home address
- The contract or agreement number

WI Admin Code Trans 105.05(2) (b)

Within 3 business days after the last instruction or other service has been received by the student, the total number of hours of lessons, lectures, tutoring, and other instruction of services of any kind relating to motor vehicle operation instructions must be recorded.

WI Admin Code Trans 105.05(2) (c)

Schools that are participating in the cooperative driver testing program

The knowledge and highway sign scores for all tests attempted shall be entered in the student record within 1 business day.

WI Admin Code Trans 105.05(3)

Behind the Wheel

It may be helpful for a driver school to record each customer's instruction permit number and expiration date as part of the customer's school record.

Records – Availability

The records required by WI Stat 343.71 shall be made available for inspection at all reasonable times to an authorized representative of the department.

WI Admin Code Trans 105.05(1)

A file containing a copy of every agreement

WI Stat 343.71(1m) (b)

These records shall be kept for 4 years in a readily accessible format.

WI Admin Code Trans 105.05(2) (a)

Records – Lost or Destroyed

The loss, mutilation or destruction of required records shall be immediately reported to the department by affidavit stating:

- Date of loss or destruction
- Circumstances

If the circumstances of the loss warranted a report to a local law enforcement agency or fire department, indicate to whom and when the loss was reported.

WI Admin Code Trans 105.05(6)

Instructor no Longer Employed

If an instructor is no longer employed with a driver school, the instructor shall surrender his or her license to the driver school. The driver school shall destroy the instructor's license and notify the department in writing to cancel the license.

WI Admin Code Trans 105.04(5)

Lesson Plans

Complete lesson plans are to be kept on file at the driver school office but not submitted to the department in lieu of the Course Summary.

WI Admin Code Trans 105.07(1) (b) 3

When preparing lesson plans, along with any other references, refer to the WI Drivers Handbook for detailed information.

All licensees must ascertain from state license examiners the route over which road tests are given and no licensee may instruct in those areas, except that driver schools may operate on a division of motor vehicle skills test route if comparable training location opportunities are not otherwise available in the locale.

WI Stat 343.72(6)

Classroom and Behind-The-Wheel at Different Schools

Classroom instruction can be completed at a high school and behind-the-wheel at a driver school as long as the high school has certified the classroom completion following the procedure described.

- Provide a statement on school letterhead that the classroom instruction has been completed with the date of completion and hours

Also, classroom instruction can be completed at a driver training school and behind-the-wheel at a high school as long as the driver school has certified the classroom completion following the procedure described.

The driver school should not issue a Completion Certificate (MV3192) for completion of the classroom portion only. Instead the school should either:

- Provide a statement on school letterhead that the classroom instruction has been completed with the date of completion and hours

  OR

- Complete the classroom portion of the Completion Certificate (MV3192) provided by the behind-the-wheel school/instructor.

If the classroom portion of driver education was competed in another state, it may be possible for the customer to finish behind-the-wheel training in Wisconsin without repeating the classroom portion. The customer must have proof of completion of classroom instruction.

Verify the dates of classroom instruction. If it has been more than 13 months since classroom was completed, the student must take a refresher classroom course before beginning the behind-the-wheel course.

Classroom Refresher Course

A school that is currently licensed to provide driver education to students under age 18 may apply to provide the refresher course by submitting the following:

- Cover letter on school letterhead requesting approval to provide Refresher Course
- A course summary showing ten hours of driver education instruction listing what will be taught. Each lesson shall be a maximum of 2 hours in length excluding breaks. A break of no more than 10 minutes is permissible between the first and second hour. Time specified for breaks does not count towards the 10- hour requirement.

No licensee may agree to give refresher lessons, unless the student states that he or she has had previous experience operating a motor vehicle.

WI Stat 343.72(1)

The school may choose relevant lessons from their regular curriculum and submit the same plans (i.e. the first 5 lessons that are provided in the regular curriculum are also used for the refresher course) or the school may design separate lesson plans for the refresher course

Each lesson should be a maximum of 2 hours in length (excluding breaks). A break is permissible between the first and second hour. Time specified for breaks does not count towards the 10-hour requirement.

A school will be notified by the department when the Refresher Course has been approved.

Completion Certificates (MV3192)

No driver school may represent that completion of a course of instruction will guarantee that the student will pass the driving skills test administered by the department. A driver school may only represent by means of a certificate of completion that the student has satisfactorily completed the required course.

WI Stat 343.72(5m)

It is the responsibility of the driver training school to:

- Issue the certificate to students under 18 years of age upon completion of both the classroom and behind-the-wheel instruction and when all required fees have been paid.

WI Admin Code Trans 105.07(1) (c)

All Driver Education completions should be submitted via the Driver Education Completion Application.

For more information on the DEC application, please contact Driver Training Schools at 608-264-7495.

Non-Completion

When a student fails to satisfactorily complete the course or does not meet the requirements outlined in the signed contract/agreement with the school, the school must send the student/sponsor a letter via mail and allow the student 10 business days to correct the issue or surrender their permit. If the student does correct the issue or surrender their license after the ten businesses, the school must submit a cancel via DEC.

If the school must submit a cancel via the Driver Education Completion Application, the schools must file the 10 day warning letter with the student's record card.

Driver School Point System

The department may access points against a driver school that has violated any provision or rule that constitute grounds for the suspension, revocation, or denial of their license. The department will evaluate the offense and shall send a warning letter prior to an advisory letter. The school may respond within 10 days.

WI Admin Code Trans 105.11

Points assessed against an instructor shall also be assessed against the driver training school.

See: Driver School and Instructor Point System Chart **(ADDENDUM I)**

Progressive Enforcement Actions

A process of enforcing regulations in WI Stat 343.60 – 343.72 and rules interpreting these statutes

The process is based on the total number of demerit points assessed within the past 24 months and consists of four levels.

- Level 1. An advisory letter may be sent to the driver school or instructor asking for corrective action.
- Level 2. The department may conduct an on-site inspection or audit. An advisory letter shall be sent. If a situation is unresolved after time specified in the advisory letter, the Department may issue a conditional license under WI Stat 343.61 or 343.62 restricted to classroom instruction only. Vehicles used by the driver school may also be ordered out of service, if the violation is related to the vehicle inspection. The restricted license may remain in effect until the situation is resolved.
- Level 3. A warning letter will be sent. The licenses may be revoked, suspended or denied for 90 days.
- Level 4. The licenses shall be revoked, suspended, or denied for 4 months to one year, based on point accumulation.

WI Admin Code Trans 105.12

See: Progressive Enforcement Actions **(ADDENDUM O)**

Complaints

Driver school customers, parents or other interested parties may contact our office with substantiated complaints. In general, a standard policy of resolving complaints fairly is followed.

WI Stat 343.69(2)

When a contact is made with our office regarding a complaint against a driver training school or instructor, the complainant will need to complete a Complaint Form for Driver Training Schools/Instructors (MV3756) detailing the nature of the complaint and must provide evidence substantiating the claim. All complaints are to be submitted on the form.

When a written complaint is received, the department will notify the driver school involved in writing.

See: Progressive Enforcement Actions **(ADDENDUM O)**

Audits

To ensure compliance with the Wisconsin state statutes and polices regarding the licensing of Driver Training Schools, the department may send an authorized representative of the department to conduct audits and random inspections of licensed driver schools, classrooms and driver training vehicles.

WI Admin Code Trans 105.02(4)
WI Admin Code Trans 105.06(10)

Failure to comply with a request for an audit may result in suspension or revocation of the driver school license.

In Person Audit

A department representative may audit a driving school in person. An appointment would generally be made in advance although random inspections may be conducted as well.

The representative may request to see the following:

- Driver School office. The office should be located at the address on the most current license and meet all requirements as listed on the Driver School Office Certification (MV3683) submitted to and on file at our office. The driver school license must be posted in the school office.
- All required records are to be readily available and up-to-date.
- Copies of customer (student) contract/agreement and all records for all customers (students) that have received instruction within the past 4 years
- Copies of the course outline and required lesson plans (curriculum) used for classroom and behind-the-wheel training.
- Resource materials (textbooks, equipment, videos, etc.) that are referred to in the lesson plans and used in classroom training.
- All driver training vehicles currently in use. All vehicles that are in use should have current inspection and insurance information on file in our office.
- All classrooms that are currently in use. The classrooms will be inspected to ensure they meet all requirements as listed on the Classroom Certification (MV3684).

Paper Audits

- To ensure that the department has accurate and up-to-date information about each licensed driver school the department may require schools to submit to the following for review:
- Copies of the course summary and lesson plans used for classroom and behind-the-wheel training.
- Copy of current contract/agreement used with customer
- Copy of existing fee schedule and forms used to record customer information
- A list of current driver training vehicles and current inspections and insurance information for each vehicle if not already on file.
- A list of current classroom locations and classroom certifications.
- A current list of instructors and the names and signatures of school representatives who are authorized to sign the Driver School License Application (MV3001) and the Completion Certificates (MV3192).
- Other forms, records, and written information used in the operation of the school.

Result of Audit

A driver school will be notified of any deficiencies discovered during the course of an audit. The school will be offered a reasonable time period in which to correct problem areas which does not affect the safety of the customer.

Revocations – Suspensions – Cancellations – Denial of Renewal

The department may suspend, revoke, or cancel any driver school license issued under WI Stat 343.61 or under WI Sat. 343.62, or subject to WI Stat 343.61 and 343.62, refuse to renew a driver school license if, during any period, any of the following applies:

- The licensee has made a material false statement or concealed a material fact in connection with the application for a license or the renewal of a license.

  WI Stat 343.66(1) (a)

- The licensee or any partner, member, manager, or officer of the licensee has been convicted of a felony, or any other disqualifying offense as established by rule by the department, in this state, or in any other jurisdiction, including a conviction under the law of a federally recognized American Indian tribe or band in this state, for an offense that if committed in this state would be a felony or disqualifying offense, unless the person so convicted has been officially pardoned.

  WI Stat 343.66(1) (b)

- The licensee has failed to comply with any of the requirements of WI Stat 343.60 – 343.72 or rules promulgated under those sections.

  WI Stat 343.66(1) (c)

- The licensee or any partner, member, manager or officer of the licensee has been guilty of fraud or fraudulent practices in relation to the business conducted under the license or in relation to securing for himself or herself or another a license to operate a motor vehicle, or guilty of inducing another person to resort to fraud or fraudulent practices in relation to securing for himself or herself or another the license to operate a motor vehicle.

  WI Stat 343.66(1) (d)

- The licensee has knowingly employed, as an instructor, a person who does not meet the requirements under WI Stat 343.62.

  WI Stat 343.66(1) (e)

- The licensee has failed to maintain insurance as required by the department under WI Stat 343.61(3m)(a)

  WI Stat 343.66(1) (f)

The secretary shall deny, restrict, limit or suspend any driver school license issued under WI Stat 343.61 or under WI Stat 343.62 or refuse to renew a driver school 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, or who fails to comply, after appropriate notice, with a subpoena or warrant issued by the Department of Workforce Development or a county child support agency under WI Stat 59.53(5) and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under WI Stat 49.857.

WI Stat 343.66(2)

The secretary shall suspend or revoke a driver school license issued under WI Stat 343.61 or an instructor's license issued under WI Stat 343.62, if the Department of Revenue certifies under WI Stat 73.0301 that the licensee is responsible for delinquent taxes. A licensee whose driver school license or instructor's license is suspended or revoked for delinquent taxes is entitled to a notice under WI Stat 73.0301(2)(b) 1. 2. and a hearing under WI Stat 73.0301(5) (a) but is not entitled to any other notice or hearing.

WI Stat 343.66(3)

If a driver's school or instructor's license is revoked, canceled, or suspended, the licensee shall surrender all driver school and instructor licenses to the department and no portion of the license fee shall be refunded.

WI Stat 343.66(4)

See: Progressive Enforcement Actions **(ADDENDUM Q)**

Hearings

If the department denies an application for original issuance or renewal of a driver school license or revokes, suspends, cancels, or restricts any such license, the department shall notify the applicant or licensee in writing of the action by sending notice of the action by registered or certified mail to the last known address of the licensee or applicant.

Any person who is aggrieved by a decision of the department may, within
10 days after the date of receiving notice of the department's action, request review of the action by the division of hearings and appeals in the Department of Administration under chapter 227.

This does not apply to denials, cancellations, restrictions, suspensions, or revocations of licensees due to delinquent court-ordered support payments or delinquent taxes.

WI Stat 343.69 (1)

School Closing – Going out of Business

Surrender School License

A driver school that is no longer in business or who receives an order of suspension, revocation or refusal to renew must return to the department:

- The driver school license
- Instructor licenses for all instructors employed by the school
- A copy of the last Completion Certificate (MV3192) issued
- Any remaining Completion Certificates (MV3192), which have not been issued.

WI Admin Code Trans 105.04(2)

Instructor(s) to Surrender License

Instructors cannot continue to be an instructor when they are not employed by a school. Instructors will be sent information about the school closing and that they are required to surrender their licenses.

WI Admin Code Trans 105.04(5)

Maintain Records

A driver school that is no longer in business should maintain all records for a period of 4 years from the date of school closure. The school must file with our office the name, address, and telephone number of a person who can be contacted regarding schools records.

WI Admin Code Trans 105.05(2) (a)

Refund of School License Fee

Any fees paid to the department for any denied application or license that is revoked, canceled, or suspended are non-refundable.

WI Stat 343.66(4)

School Re-Opens

School Re-Opens

If a school later re-opens, it must file a new application and re-submit all supporting forms, records, course summary, inspections, insurance, bond, and pay all fees required for an original application.

Chapter Six: Licensing Instructors

Requirements by Type of Instruction

No person, including a person holding a driver school license, may act as an instructor in a driver school unless the person holds a valid instructor's license issued by the WisDOT. No driver school may employ any person as an instructor unless the person holds a valid instructor's license issued by the WisDOT.

WI Stat 343.61(1)

Requirements	Under 18 years	Over 18 years Only	Truck Driver
Application and Fee (MV3112 Section A)	Yes	Yes	Yes
Training (40 hour, DPI certified, or 9 credits in DE)	Yes	No	No
Medical Certification (MV3112 Section B)	Yes	Yes	Yes
Tests (MV3112 Section D)			
Knowledge Test	Yes	Yes	Yes
Road Test	Yes	Yes	Yes
Instructor Test	Yes	Yes	No
Oral Test	Yes	Yes	Yes
High Way Signs Test	Yes	Yes	Yes
Brake Reaction Test	Yes	Yes	No
Vision	Yes	Yes	Yes
Hearing	Yes	Yes	Yes

Conflict of interest

Applicants' current employment may cause a conflict of interest
See: Conflict of Interest Chart (Addendum B)

Qualifications

Preliminary Qualifications

- Be 19 years of age or older
- Hold a valid, regular (non-probationary) driver license that is valid for the classes in which the instructor will provide training
- Have 2 years of licensed driving experience

  WI Stat 343.62(4) (a) 3
- Have a satisfactory driving record.

  WI Stat 343.62(4) (a) 8
- If ever licensed outside of Wisconsin, review a driver record abstract from each state

A person's driving record shall not be considered satisfactory to hold an instructor's license if that person:

- Has accumulated more than 6 demerit points during a 1 year period as determined by the department. The department shall deny the instructor's license until one year lapses from the date of the most recent violation that resulted in the person's accumulation of more than 6 demerit points.
- Has been involved in 2 or more accidents in a 1-year period where the crash report indicates that such person may have been causally negligent. If there is no traffic citation resulting in a conviction associated with the crash, the person is not considered negligent.

- Has had his or her operator's license revoked, suspended or cancelled for a traffic violation other than a parking violation, at any time during the past 4 years, based on the conviction date or upon the effective date of the withdrawal of operating privileges, whichever is earlier.

WI Admin Code Trans 105.03(1)

Qualifications

- Must pass all required examinations: instructor test, knowledge test, oral test, road test and medical exam. Proof of passing examinations must be submitted. For additional information see: Licensing Instructors – examinations
- Provide a social security number or an affidavit stating that the applicant does not have a social security number

WI Stat 343.62(4) (a) 6

- Satisfactorily complete 40 clock hours of classroom instruction in a safety and driver education as given by an approved driving school instructor training program

WI Admin Code Trans 105.07(5)

- Does not have a disqualifying conviction according to the Driver School Owner(s)/Manager(s) and Instructor(s) background checking chard (addendum H)

WI Stat 343.62(4) (a) 9
WI Admin Code Trans 105.035

Completion of Application (MV3112)

A license that is issued by the department in reliance on a statement submitted is invalid if any statement is false.

WI Stat 343.62(2am) (b)

Fee – License

The fee for an instructor's license is $50 (24 months) and may be prorated if the license is issued for less than 24 month. (The fee submitted on an original application will be $2/month from the month of application until the expiration of the Driver School License.)

WI Stat 343.62(3) (a) 1, 2

Training Exemption – 40 hour course

Instructors who at the time of application are certified to teach driver education secondary schools or technical colleges by current rules of the DPI or TCSB

WI Admin Code Trans 105.07(5) (c)

Instructors of customers 18 years of age or older

Examinations for License

Tests are required of all applicants for original instructor's license and whose licenses have lapsed for one or more years.

WI Admin Code Trans 105.02(1)

Required tests are dependent on the type of instruction being taught for Class A, B, C, or D license.

WI Admin Code Trans 105.02(1)

If an applicant fails any test after 2 successive attempts, the applicant must wait 1 year from the date of the last test to retest.

WI Stat 343.62(4) (a) 2

The department may require retesting of currently licensed instructors either as part of a routine retesting program or when it has reasonable cause to doubt the continued competency of any individual instructor.

WI Admin Code Trans 105.02(1)

Driver Instructor Test

This test must be taken at a DMV service center and may be administered orally. No appointment is necessary. The test will evaluate the applicant's comprehension level of WI Stat 343.60 – 343.72 and WI Admin Trans Code 105. An applicant must receive a minimum score of 80% to pass.

Knowledge Test

This test may be taken at any DMV service center (no appointment necessary) or at the instructor's school if participating in the CDTP.

The test is designed to evaluate the applicant's knowledge of motor vehicle and traffic laws, safety equipment requirements, and functions of essential automotive equipment. A passing score is 80%.

WI Stat 343.62(4) (a) 1

Oral Test

The applicant must describe to an examiner all safety equipment and essential automotive equipment in the vehicle. An appointment is necessary and can be scheduled with the district headquarters office.

WI Stat 343.62(4) (a) 1

Road Test

The road test must be completed in a vehicle similar to the one that will be used for instruction. The applicant shall take the road test administered by the department. The road test shall be scored in the same manner as tests given for the type of operator's licenses the applicant will instruct and shall also include an actual demonstration of procedures and techniques used for instructing drivers.

WI Stat 343.62(4) (a) 2
WI Admin Code Trans 105.02(1)

Medical Requirements

Class D Instructors

Medical Examination

An applicant for an instructor's license shall have a medical statement completed within the 24 months prior to the application date by an authorized medical practitioner on a form supplied by the department (MV3112, section B). If the applicant has a medical condition that impacts safe operation, the department may request medical documentation more frequently based on Trans 112.

WI Admin Code Trans 105.02(4)

An authorized medical practitioner is any of the following licensed to practice in any state:

- Physician licensed to practice medicine in any state
- Advanced practice nurse licensed to practice nursing in any state
- Physician assistant licensed or certified to practice in any state
- A chiropractor licensed to practice chiropractic in any state
- Christian Science practitioner residing in this state and listed in the Christian Science Journal

WI Stat 343.62(4) (a) 4
WI Admin Code Trans 105.007(1)

Please note, a federal medical certificate cannot replace section B of the MV3112 for instructors who will be instructing in a class D vehicle.

CDL Instructors

A CDL training instructor is required to have a valid Federal Medical card, unless they are grandfathered or otherwise exempt from the Federal Medical standards.

Vision and Hearing

- Visual acuity requirements are 20/40 in either eye and at least 20/100 in the other eye
- Field of vision must be 70% or more in both eyes
- Color perception must be normal
- Meet the depth perception standard of 20% stereopsis
- Hearing must be adequate with or without hearing aid

Denials

License will be denied unless a complete application is received, all examinations (skills and medical) have been successfully completed, satisfactory driving record and criminal background check.

Classroom Only License

An instructor who has held an instructor's license for both behind-the-wheel and classroom training, but is no longer eligible for an operator's license because of a medical condition, may upon request to the department by the school, obtain a classroom-only license.

WI Admin Trans Code 105.02(2)

The department may not issue an instructor's license that is restricted to classroom instruction to applicants who do not meet some of the requirements specified by the department unless the applicant satisfies standards established by the department relating to the ability of the applicant to communicate clearly and concisely, and to control the classroom environment and behavior and establishing any further certification require by the department.

WI Stat 343.62(4) (a) 9(b)

Adults Only Instructors

Licensees may employ instructors who are licensed to teach adults only, so long as those instructors are not involved directly or indirectly in the instruction of persons under 18 years of age.

WI Admin Trans Code 105.07(4) (c)

Expiration

An instructor's license expires on the date stated on the license, but not later than 24 months after the date on which the license is issued.

WI Stat 343.62(3) (a) 2

Renewal of License (MV3112)

Complete Sections A and B unless the license has expired for 1 or more years. An instructor's license must be renewed every 24 months. Renewal requires a new Driver Instructor Application (MV3112) be completed and submitted with a fee of $50 to the department. The driving school must also be renewed prior to the issuance of an instructor's license.

Renewal requires completion of at least one approved traffic safety related workshop or conference of 4-6 hours per licensing period.

WI Admin Code Trans 105.07(7)

Applicants whose license has expired for 1 year or more must complete all tests required for an original application.

WI Admin Trans Code 105.02(1)

Applicants whose license has been expired for 4 or more years must meet complete all of the required tests and the same training requirements as that of a new instructor.

WI Admin Trans Code 105.07(6)

Duplicate of Lost or Stolen License; Reissued License

Instructor needs to submit to the department application (MV3112) and fee of $5

WI Stat 343.62(3) (b)
WI Admin Code Trans 105.04(1)

Criminal Convictions

For the purpose of determining fitness of a person to hold an instructor license, the department shall consider all relevant arrests and convictions and will make further examinations and checks as determined necessary.

WI Admin Code Trans 105.035

See: Driver School Owner(s)/Manager(s) and Instructor(s) Background Checking Chart **(ADDENDUM H)**

Audits

An authorized department representative may visit classroom sessions and ride in driver training cars during instruction for the purpose of evaluating the teacher's preparation, knowledge of the subject matter, and teaching ability, and determining if the approved course is being followed.

WI Admin Code Trans 105.02(4)
WI Admin Code Trans 105.06(10)

Demerit Point system

The department may assess points against an instructor that has violated any provision or rule that constitute grounds for the suspension, revocation, or denial of their license. The department will evaluate the offense and before recording points, notify the instructor of the reason for the proposed action. The instructor may respond within 10 days from the date of notification.

WI Admin Code Trans 105.11

If points are assessed as the result of a complaint regarding an instructor, the demerit points will be issued to both the instructor and the school.

WI Admin Code Trans 105.12(1) (b)

See: Driver School and Instructor Point System Chart **(ADDENDUM I)**

Progressive Enforcement Actions

A process of enforcing regulations in WI Stat 343.60 – 343.72 and rules interpreting these statutes

See: Progressive Enforcement Actions **(ADDENDUM O)**

Suspensions and Revocations

A person's driving record shall not be considered satisfactory to hold an instructor's license if that person:

- Has accumulated more than 6 demerit points during a 1 year period, as determined by the department, the department shall suspend the instructor's license for a period of 1 year. The period of suspension shall be measured from the date that the department receives notice of the most recent conviction or date of withdrawal whichever is earlier.

- Has been involved in 2 or more accidents in a 1-year period where the crash report indicates that such person may have been causally negligent. If there is no traffic citation resulting in a conviction associated with the crash, the person is not considered negligent.

- Has had his or her operator's license revoked, suspended or cancelled for a traffic violation other than a parking violation, at any time during the past 4 years, based on the conviction date or upon the effective date of the withdrawal of operating privileges, whichever is earlier.

WI Admin Code Trans 105.03(1)

Hearing

If the department denies an application for original issuance or renewal of an instructor's license, or revokes, suspends, cancels, or restricts any such license, the department shall notify the applicant or licensee in writing of the action by sending notice of the action by registered or certified mail to the last known address of the licensee or applicant.
Any person who is aggrieved by a decision of the department under this subsection may, within 10 days after the date of receiving notice of the department's action, request review of the action by the division of hearings and appeals in the Department of Administration under chapter 227.

This does not apply to denials, cancellations, restrictions, suspensions, or revocations o f licensees due to delinquent court-order payments or delinquent taxes

WI Stat 343.69(1)
WI Admin Code Trans 105.09(3)

No Longer Employed by a School

If an instructor is no longer employed by a driver school, the instructor shall surrender his or her license to the driver school. The driver school must destroy the instructor's license and notify the department in writing to cancel this license.

WI Admin Code Trans 105.04(5)

Changing Schools

If an instructor changes employment from one school to another, the instructor license must be surrendered to the school who must notify the department. The instructor must submit a new Instructor Application (MV3112) based on employment at a new school and pay the fee of $5.00 made payable to: Registration Fee Trust.

WI Admin Code Trans 105.04(5)

Chapter Seven: Working With Students and Customers

Agreement

A driver school may not instruct any customer/student until a contract/agreement in a form approved by the department has been completed and signed by all parties.

WI Stat 343.71(1m) (b)

Attendance

Each new class should begin as a group with all students present. Except for legitimate emergencies, all students should be present for each successive session. If absent, the student's record must indicate "absent" and the date.

WI Admin Code Trans 105.07(2) (a)

Make – Up Sessions

If the entire group is absent or a session is cancelled, the session must be re-scheduled.

Students must make up any missed sessions

Possible methods for make-up sessions include:

- A substantial written assignment on a topic covered in the missed session. The written assignment should include the date missed, topic covered, date submitted, and the student's name. The assignment should be held at least one year for review.

- Equal time in a private lesson or attending a class with another group that is covering the material missed.

- The student's record should be noted with the date and instructor for the make-up session.

WI Admin Code Trans 105.07(2) (a)

Behavior

A student may be dismissed from the class for disruptive behavior.
The school may refuse to refund all or part of the fee if there is a statement to that effect in the contract/agreement.

It may be beneficial to clearly define the schools policy regarding behavior of students/customers.

Concurrent Classroom and Behind-The-Wheel

Classroom instruction and behind-the-wheel instruction may be given concurrently only if both phases are given by the same school.

WI Admin Code Trans 105.07(2) (a)

Home Office

Students may not be in the office unless accompanied by a parent or guardian.

WI Admin Code Trans 105.01(5) (a)

Instruction Permit

Application (MV3001)

- The student's information (page 2) needs to be filled out in its entirety before an instructor can certify the student is enrolled in driver's education.

- Only the current MV3001 form will be accepted by the DMV. To ensure you have the current form or to obtain the current form, visit the WisDOT Website.

Sponsorship Required for less than 18 years of age
Withdrawal of Sponsorship – In order to withdraw sponsorship, the student's current sponsor must fill out and submit an MV3118.

Other current forms and publications regarding teen drivers can be found on the WisDOT website.

- General information found on the Parents and Sponsors of Teen Driver Page Include:
  - Frequently Asked Questions
  - Getting a Driver License
  - GDL (graduated drivers license) – FAQS
  - GDL – How and Why it Works (text version)
  - GDL – Requirements and Restrictions
  - GDL – Teen Risk
  - Instruction Permit, Probationary License and Regular License
  - Nation Teen Driver Safety Week
  - Parent-Teen Safe Driving Contract
  - Points and Convictions
  - Supervised Driving Log
  - Violations Prohibiting Issuance of Original probationary License
  - Young Driver Sponsorship

- Related Pages
  - Cell Phone – Driving and the law – Know the Facts
  - Class D Road Test Study Guide
  - Driver Behaviors
  - Driver Handbooks and Manuals
  - Driver Training Schools
  - Facts and Figures
  - GDL Saves Lives
  - Schedule a Road Test Appointment
  - Wisconsin Crash Facts

Behind-The-Wheel Only Instruction

Under 18 years of age

For behind-the-wheel only instruction, a licensee may not begin behind-the- wheel training with a new student unless certified proof of completion of an approved classroom course is on file with the agreement in the licensee's office. However, this does not apply if the student is either enrolled in an approved behind-the-wheel phase at a different school or has completed the approved course.

WI Admin Code Trans 105.07(2) (b) (3)

Completion Certificate (MV3192)

A Driver School Certification completion certificate is issued to students who satisfactorily complete the required instruction in both the classroom and behind-the-wheel training and all financial obligations of his or her contract.

WI Admin Code Trans 105.07(1) (c)

A school may issue the certificate in-person or by mail sent to the student's home address. The student must sign the form.

The student must present this certificate to a DMV examiner at the time him or her reports for a skills test.

DEC Completion

The Driver Education Completion (DEC) Application allows you to communicate directly with the Division of Motor Vehicles. You will use DEC to submit student's driver education completions (classroom and behind the wheel, classroom only/behind the wheel only via transfers), student drops and failure to yield right of way completions.

After January 1st, of 2014, Driver School Completion Certificates shall be submitted via the Driver Education Completion Application. All driver training schools and instructors who need access to DEC will need to do the following in order to obtain access:

1. Complete the DEC memorandum of understanding (MOU) – See addendum G
2. Create a WAMS account - https://on.wisconsin.gov/WAMS/home
3. Complete the Driver Education Completion User Enrollment form.

Once all three steps have been successfully completed, the driver training school/instructor will be notified via e-mail when they are able to start submitting completions via DEC.

Wisconsin Graduated Driver - Supervised Driving Log

Wisconsin Graduate Driver Licensing Supervised Driving Log
HS-303/7/2006 (Form located in the Motorists' Handbook)

Students under 18 years of age
Parents must certify that their student has obtained a minimum of 30 hours of supervised driving, with at least 10 hours at night. This form is provided for the parent's convenience to keep tracking of driving time and experience. Each hour of supervised driving experience, while accompanied by a qualifying instructor, may be considered as 2 hours of driving experience, with a maximum of 5 instructor-supervised hours to be counted in this manner.

To learn other relevant information regarding teen drivers please visit the Parents and Sponsors of Teen Drivers Page located on the WisDOT website.

License Requirements

Motorists' Handbook is available in English, Spanish, and Abridged

- English: BDS 126
- Spanish BDS 119
- Abridged BDS 124

Status of Driving Privileges

A student may not obtain an instruction permit if driving privileges are revoked, suspended or cancelled.

In some cases, the period of the suspension or revocation does not begin until after making an application for a license or permit.

If a problem driver status is suspected, the student may check driving status on the department's website:

http://www.dot.wisconsin.gov/drivers/drivers/gdl/gdlpoints.htm

Replacement of Instruction Permit

The original instruction permit is valid for 12 months. A person can renew the permit for an additional 12 months, or replace a lost or stolen permit, by completing a Driver License Application (MV3001) and paying the required fee.

If under 18 years of age, the student must provide the same information as required for the original instruction permit

Classroom Refresher under Age of 18

A student who enrolls for a behind-the-wheel course must show that he/she has completed the classroom portion of driver education within the past 13 months.

If it has been more than 13 months since the student completed the classroom training, the student must complete a 10-hour refresher course before enrolling in the behind-the-wheel course.

The refresher course must be completed prior to the start of the behind-the- wheel course. If the refresher course is completed at another school, the behind-the-wheel course cannot begin until proof of the refresher course completion is provided.

A driver school may provide the refresher course after approval.

A driver school may not agree to give refresher training to persons under age 18, unless proof is provided that the student has already completed the 30-hour classroom course

The student Certificate of Completion (MV3192) should indicate that a refresher course was provided.

Non-Completion of Course

A student under 18 years of age may either voluntarily surrender an instruction permit, or it may be cancelled by the department.

If a student under 18 years of age drops the course before completion and does not enroll with another school, or surrender the instruction permit to the department, the driver school will notify the department and the instruction permit will be cancelled.

To obtain another instruction permit prior to the age of 18, when the instruction permit has been cancelled, the student must:

- Complete a new Driver License Application (MV3001)
- Prove re-enrollment in a driver education course
- Take required test
- Pay a reinstatement fee

To obtain another instruction permit prior to the age of 18, when the instruction permit has been surrendered, the student must:

- Complete a new Driver License Application (MV3001)
- Prove re-enrollment in a driver education course
- Pay a duplicate fee

School Closing – Customer/Student Options

If a licensed driver training school closes, students have the following options:

1. Begin the driver training at a new school if the terminating school does not provide documentation to the new school of what instruction was completed.

OR

2. If less than 18 years of age, receive credit for completed hours of driver training instruction when documentation of instruction is provided by the terminating school to the new school. The student shall complete the remaining training with another school to meet the required driver education requirement.

WI Admin Code Trans 105.04(3) (a) 1, 2

If the driver school does not refund the fees for the training paid for but not provided, the customer or his or her parent or legal guardian may contact the entity that provided the bond requirements under WI Admin. Trans Code 105.10 for a refund of fees.

WI Admin Code Trans 105.04(3) (b)

Addendums

Addendum A - Conflict of Interest Chart

USE THIS GUIDE TO DETERMINE IF THERE IS A CONFLICT OF INTEREST				
	MAKING APPLICATION FOR-CONFLICT OF INTEREST (YES OR NO)			
CURRENTLY EMPLOYED BY	3rd Party Tester (Regulated by Bureau of Field Services - (BFS)	Traffic Safety School, Multiple Offender, Group Dynamics (instruction offered through the Technical Colleges and regulated by DOT)	Basic Motorcycle Rider (BRC), Experienced Rider Course (ERC), (instruction offered through the Technical Colleges and regulated by DOT)	Driver Training School Owner or Instructor – Class D, CMV - Truck, Class M, (regulated by DOT)
STATE PATROL (Per State Patrol, always check with employer)	YES	NO (WI ADMIN CODE TRANS 106)	NO IF TEACH ONLY-CANNOT ADMISTER TESTS	YES OWNER OR INSTRUCTOR
Bureau of Field Services (BFS)	YES (WI ADMIN TRANS CODE 115.03)	NO (WI ADMIN TRANS CODE 106)	NO (WI ADMIN TRANS CODE 129)	YES OWNER OR INSTRUCTOR
Department of Transportation (DOT), Division of Motor Vehicles (DMV)	YES (WI ADMIN TRANS CODE 115.03)	NO (WI ADMIN TRANS CODE 106)	NO (WI ADMIN TRANS CODE 129)	YES OWNER OR INSTRUCTOR
HIGHSCHOOL	NO	NO (WI ADMIN TRANS CODE 106)	NO (WI ADMIN TRANS CODE 129)	NO
TECHNICAL COLLEGE	NO	NO (WI ADMIN TRANS CODE 106)	NO (WI ADMIN TRANS CODE 129)	NO
COOPERATIVE EDUCATIONAL SERVICES AGENCY (CESA)	NO	NO (WI ADMIN TRANS CODE 106)	NO (WI ADMIN TRANS CODE 129)	NO
3RD Party Tester (regulated by BFS)	NA	NO	NO	NO – Class D & M YES – CMV - Truck

Addendum B - Driver School Owner(s)/Manager(s) and Instructor(s) Background Check Chart

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

Convictions within the Past 10 Years from Date of Application	
Statute	**Description**
948.21	Abandonment of a child – neglecting a child
948.23	Concealing death of a child (at birth)
948.30	Abduction of another's child, constructive custody
948.35	Solicitation of a child to commit a felony
961.42(1)	Keep or maintain any place for drug use, manufacture, keeping or delivering
961.41(1)(1)(1()(j)	Manufacture, Distribution or delivery of drugs
961.41(1m)(a) to (1m)(j)	Possession with intent to manufacture, distribute or deliver drugs
961.41(4)(am)	Distribution or delivery or attempt to deliver or distribute an imitation controlled substance
961.455	Using a child for illegal drug distribution or manufacturing
961.46	Distribution of controlled substances to persons under age 18
944.17	Sexual gratification
944.30	Prostitution
944.31	Patronizing prostitutes
944.32	Soliciting prostitutes
944.33	Pandering
944.21	Disarming a peace officer
943.201	Unauthorized use of individual's personal identifying information or documents
940.02	1st degree reckless homicide
940.06	2nd degree reckless homicide
940.09	Homicide by intoxicated use of vehicle or firearm
943.32	Robbery
948.09	Sexual intercourse with a child age 16 or older

Convictions within the Past 5 Years from Date of Application	
Statute	**Description**
944.15	Public fornication
944.20	Lewd and lascivious behavior
944.21	Obscene material or performance
944.23	Making lewd, obscene or indecent drawings
944.25	Sending obscene or sexually explicit electronic messages
944.25(1)	Injury by intoxicated use of a vehicle
941.26	Possession of machine guns or other weapons
941.28	Possession of short-barreled shotgun or rifle
941.29	Possession of firearm by felon
941.295	Possession of electric weapon
941.296	Use or possession of a handgun and an armor-piercing bullet during crime
941.298	Firearm silencer
941.30	Recklessly endangering safety
941.31	Possession of explosives
941.325	Placing foreign objects in edibles
943.02	Arson of buildings, damage of property by explosives
943.03	Arson of property other than buildings
943.04	Arson with intent to defraud
943.06	Molotov cocktails
944.10	Burglary
943.28	Loan sharking
943.30	Threats to injure or accuse of crime
94.38 (1) or (2)	Forgery
946.415	Failure to comply with officer's attempt to take a person into custody
946.43	Assaults by prisoners
946.44	Assisting or permitting escape
946.47	Harboring or aiding felons
946.48	Kidnapped or missing persons; false information
946.60	Destruction of documents subject to subpoena
946.65	Obstructing justice
947.015	Bomb scare
961.41 (1n)	Possession of piperdine
961.41 (3g)(f)	Possession – gamma-hydroxybutric acid, gamma-butyrolactone, ketamine or flunitrazepam
961.41 (1x)	Conspiracy
961.41 (2)(a) to (d)	Counterfeit substances
961.41(3g)	Possession of controlled substance
961.43 (1)(2)	Acquiring or obtaining passion of controlled substance by fraud or forgery – counterfeit substance or packaging
961.67	Possession or disposal of waste from manufacture of methamphetamine
940.10	Homicide by negligent operation of a vehicle
940.19(2),(4), (5) or (6)	Battery, substantial battery or aggravated battery
940.195	Batter to a pregnant woman or unborn child
940.21	Mayhem

941.38	Criminal gang member solicitation and contact
940.23	Reckless injury
940.285	Abuse of vulnerable adults
940.295	Abuse and neglect of patients and residents
948.40	Contributing to the delinquency of a minor
948.55	Leaving or storing a loaded firearm within reach or easy access of a child
948.605	Possession of a firearm in a school zone

Convictions within the Past 2 Years from Date of Application	
Statute	**Description**
940.12	Assisting suicide
941.01	Negligent operation of a motor vehicle
941.20	Endangering safety by use of a dangerous weapon
941.37	Obstructing emergency or rescue personnel
943.07	Criminal damage to railroads
941.11	Unsafe burning of a building

Addendum C - Driver School and Instructor Point System Chart

WI STATE STAT 343.60-343.72, WI ADMIN TRANS RULE 105.11

The Department may assess points against a driver school or instructor that has violated any provision or rule that constitute grounds for the suspension, revocation, or denial of their license. The Department will evaluate the offense and may send a warning letter prior to an advisory letter.

The school or instructor must respond within 10 days.

Points	Offense	Consequence
6	Having one's school or instructor's license withdrawn.	The licenses issued shall be revoked, suspended or denied for 4 months to one year, based on point accumulation.
6	Having 6 or more substantiated customer complaints within a license period (2 years)	The licenses issued shall be revoked, suspended or denied for 4 months to one year, based on point accumulation
6	Providing documentation or information to the department on any matter regulated by subchapter VI of Chapter 343 or Trans 105 which contains a false statement as to any material matter	The licenses issued shall be revoked, suspended, or denied for 4 months to one year based on point accumulation
6	Permitting actions that could harm the customer physically or financially	The licenses issued shall be revoked, suspended or denied for 4 months to one year, based on point accumulation.
6	Performing work duties after consuming any alcohol, controlled substance or any other drug that impairs ability to drive a motor vehicle	The licenses issued shall be revoked, suspended or denied for 4 months to one year, based on point accumulation.
6	Failing to comply with DMV warning letter	The licenses issued shall be revoked, suspended or denied for 4 months to one year, based on point accumulation.
6	Substantiated complaint from a parent, legal guardian, customer of inappropriate conduct or actions with the customer	The licenses issued shall be revoked, suspended or denied for 4 months to one year, based on point accumulation.
6	Violating ss. 343.60 to 343.72 that significantly harm highway safety	The licenses issued shall be revoked, suspended or denied for 4 months to one year, based on point accumulation.
6	Instructing at a driver training school without the proper license	The licenses issued shall be revoked, suspended or denied for 4 months to one year, based on point accumulation.
4	Not complying with renewal criteria within 30 days of written request by DMV	A warning letter will be sent. The licenses issued shall be revoked, suspended or denied for 90 days.
4	Having 5 substantiated customer complaints	A warning letter will be sent. The licenses issued shall be revoked, suspended or denied for 90 days.
4	Continuing to use a vehicle that is out of service for driver training	A warning letter will be sent. The licenses issued shall be revoked, suspended or denied for 90 days.
4	Have not filed school insurance and/or bond with the department	A warning letter will be sent. The licenses issued shall be revoked, suspended or denied for 90 days.
4	Failing to resolve audit violations or discrepancies in the time specified	A warning letter will be sent. The licenses issued shall be revoked, suspended or denied for 90 days.
4	Filing complaints about another school that are not substantiated	A warning letter will be sent. The licenses issued shall be revoked, suspended or denied for 90 days.
4	Insolvency or bankruptcy	A warning letter will be sent. The licenses issued shall be revoked, suspended or denied for 90 days.
4	Failing to timely pay debts owed to the state	A warning letter will be sent. The licenses issued shall be revoked, suspended or denied for 90 days.

4	Violating 343.60 to 343.72, stats., that result in unfair advantage to a school or harm another school	A warning letter will be sent. The licenses issued shall be revoked, suspended or denied for 90 days.
2	Having 4 substantiated customer complaints within the license period	The department may conduct an on-site inspection/audit. Letter will be sent. If situation is unresolved the department may issue a conditional license, restricting only classroom instruction.
2	Not filing required vehicle inspections with the department	The department may conduct an on-site inspection/audit. Letter will be sent. If situation is unresolved the department may issue a conditional license, restricting only classroom instruction.
2	Not notifying the department when students are no longer enrolled	The department may conduct an on-site inspection/audit. Letter will be sent. If situation is unresolved the department may issue a conditional license, restricting only classroom instruction.
2	Having a significant discrepancy in business records	The department may conduct an on-site inspection/audit. Letter will be sent. If situation is unresolved the department may issue a conditional license, restricting only classroom instruction.
2	Providing a student with a signed MV3001 document prior to receipt of a signed contract or agreement.	The department may conduct an on-site inspection/audit. Letter will be sent. If situation is unresolved the department may issue a conditional license, restricting only classroom instruction.
2	Violation of 343.60 to 343.72, stats., that do not harm the customer or impact highway safety	The department may conduct an on-site inspection/audit. Letter will be sent. If situation is unresolved the department may issue a conditional license, restricting only classroom instruction.
1	Three substantiated customer complaints within a license period	An advisory letter will be sent to driving school/instructor asking for corrective action.
1	Violation of 343.61(4)(d), Stats., relating to office location and facility location	An advisory letter will be sent to driving school/instructor asking for corrective action.

All administrative licensing suspensions, revocations, denials or conditional licenses issued may be appealed under chapter 227 statutes.

How points will affect required bond amount:

Calculations

School size based on signed completion slips for the period.	Number of points in 24 Months	0	1 – 2	3 – 6	7 or more
0 – 300	$5,000	$10,000	$15,000	$30,000	
301-1100	$10,000	$15,000	$20,000	$45,000	
1101 or more	$15,000	$20,000	$25,000	$60,000	

Addendum D - Progressive Enforcement Actions

Before recording points, the department shall notify the school or instructor of the reason for pros posed action. The school or instruct may respond within 10 days. Upon due consideration the department shall act and may do the following:

- Record points assessed to driver school under Trans 105.11
- Record points assessed to instructors, including points assessed by a driver school the instructor has worked for or owned previously. Points assessed to instructor may also be assessed to a school
- Issue a conditional license when appropriate
- Record less than the assessed points

Then, based on the points assessed to the driver school(s) and or instructor(s) under Trans 105.11 in the past 24 months, the following enforcement actions shall apply:

- **Level one** enforcement action – one point assessed
    - An advisory letter may be sent to the driving school or instructing, asking for corrective action
- **Level two** enforcement action – 1-3 points assessed
    - The department may conduct an on-site inspection/audit
    - An advisory letter shall be sent
    - If situation is not resolved in 10 days, the department may issue a conditional license under ss. 343.61 or 343.62, restricting to classroom instruction only
    - Vehicle may be ordered out of service if violation is related to the vehicle inspection
    - The restricted license will remain in effect until situation is resolved
- **Level three** enforcement action – 4 -5 points assessed
    - A warning letter will be sent
    - Licenses issued under ss. 343.61 or 343.62 shall be revoked, suspended or denied for 90 days.
- **Level four** enforcement action – 6 or more points
    - The license issued under ss. 343.61 or 343.62 shall be revoked, suspended or denied for 4 months to 1 year based on point accumulation.

Addendum E - Interpreting Driving Records for the Purpose of Determining Eligibility

Interpreting Driving Records for the Purpose of Determining Eligibility

Driving Schools should screen applicants for Instructor Licenses to insure that they have a satisfactory driving record as required by WI Stats 343.62(4) (a) 8 and defined by WI Admin Code Trans 105.03.

If an applicant for an instructor's license has:

1) Accumulated more than 6 demerit points in a one-year period, measured from the dates of the violations which resulted in the accumulation of demerit points, in the year preceding application, the department shall deny the instructor's license until one year elapses from the date of the most recent violation that resulted in the person's accumulation of more than 6 demerit points.
2) Been involved in 2 or more accidents in a one-year period where the crash report indicates that such person may have been causally negligent *(if there is no traffic citation resulting in* a *conviction associated with the crash, the person is not considered negligent.)* The department shall deny the instructor's license until one year elapses from the date of the most recent accident where the crash report indicates that such person may have been causally negligent.
3) Had his or her operator's license revoked, suspended or cancelled for a traffic violation other than a parking violation, at any time during the past 4 years, based on the conviction date or upon the effective date of the withdrawal of operating privileges, whichever is earlier. In this case the department will deny the instructor's license until 4 years has passed since the reinstatement from the last affected withdrawal.

On the example below, the violation date is located on the far left. In this case it is 10/15/05. If this was a violation that caused the applicant to accumulate more than 6 points in one year, the applicant would not be eligible for an instructor's license10/16/06.

Addendum F - Links to other forms

Cooperative Driver Testing Program Intent to participate (BFS D18)

Request for Forms (DT1435)

Transportation Safety Materials Request (DT1265)

Supplement A - Online Failure to Yield Right of Way

School Application Requirements and Process:

- **Pre-Application:**
  - School Name Approval – School name must be approved prior to application submitted (as per Section 3, page 7 of this manual).

- **Required Application Forms:**

  1. **MV3110** – Driver School Application (as per section 4, page 9-10 of this manual) – all pertinent questions must be answered or application will be denied.
  2. **MV3764** (Bond) or **MV3755** (Bond Alternative) must be completed (as per section 4, page 14 of this manual). Bond or alternative for each online school shall be in the amount of $5,000.
  3. **Completed Failure to Yield Right of Way (FYR) Memorandum of Understanding (MOU)**. The MOU acts as the contract or agreement and must be signed and dated prior to operation.
  4. **Completed Driver Education Completion (DEC) Memorandum of Understanding (MOU)**. This MOU references and serves as an agreement for use of the online Driver Education Completion application.

- **Required Application Documents:**
  5. **Course Outline** -All online Failure to Yield Right of Way organizations are required to provide an outline for their FYR curriculum. The department provides a minimum guideline summary of what must be included within each course (found below within this supplement).
  6. **Maximum Fee Schedule** – A fee schedule must be submitted to the department
  7. **Contract** - The contract used between the safety organization and the consumer must be approved by the Department.

Background Check:
A background check will be required for each and every owner/manager of an online Failure to Yield Right of Way organization (see addendum H).

Course Standards & Requirements:

- **Consumer Screening Process:** Schools must provide pre-course sample and specifications for consumers so they can determine whether they can function and use the internet as required to complete the course.
- **Course Outline:** The online Failure to Yield course must, at a minimum, cover what is noted in Outline of Curriculum Right of Way found in Addendum Q of this document.
- **Contract & Receipt:** Any and all contracts must be pre-approved by the Department prior to issuance and instruction. Consumers must receive a contract and receipt, printable and e-mailed as well as a completion certificate. If e-mail is not an option for a consumer, a physical copy must be mailed (for additional information, see Section 4, page 15 of this manual).

Additional Standards:

1. Complete disclosure of fee structure, including any potential additional fees
2. All fees and/or changes to fees must be approved by the Department.
3. Testing must contain all multiple choice questions, minimum of 15 questions with 80% correct for passing grade.
4. In the event of failure, consumers must be given the option to retake the test one time before being required to go through all course material again at no additional charge
5. Test questions must be reshuffled with no more than 25% reused.
6. Help option (phone or e-mail) must be made available and standard hours must be documented within the consumer contract

7. Any non-course related content is not allowed during any portion of the pre-course, course or post course program. This includes but is not limited to advertising, political content, or any business solicitations.