



**Division of State Patrol
Policy and Procedure**

Number
14-2

Subject GRADUATED DRIVERS LICENSE	
Author/Originator Bureau of Field Operations	Approved by Superintendent <i>Anthony L. Sussell</i>
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I. POLICY

It is the policy of the Division of State Patrol (DSP) to effectively and uniformly enforce the provisions of 1999 Wisconsin Act 9, commonly referred to as the “Graduated Drivers License Law.”

II. BACKGROUND

1999 Wisconsin Act 9 established the Graduated Drivers License (GDL). Under the GDL law, holders of instruction permits and probationary licenses have restrictions attached to the hours they may drive and the passengers they may transport. This Act was developed to ensure that inexperienced drivers receive more supervised behind-the-wheel instruction and to restrict the number of passengers who may ride with an inexperienced driver.

III. OBJECTIVE

The objective of this policy is to provide guidance in the enforcement of the GDL law as it relates to instruction permits issued after February 1, 2000 and probationary licenses issued after September 1, 2000.

IV. DEFINITIONS

A. **Immediate Family** – limited to parents, including father, mother, brothers and sisters-in-law, parents’ domestic partners, step-parents, foster parents, siblings, including step and half siblings who may or may not reside in the same household as the driver, foster siblings, children and/or stepchildren of the driver, legal guardians, aunts, uncles, spouse, other relatives of the driver residing in the driver’s household, or persons determined by the officer upon review of other information available at the time of the incident.

B. **Qualified Instructor** – has the meaning described in s.343.07(5), Wis. Stats.

V. GENERAL PROVISIONS

- A. GDL restrictions do not apply to those 18 years of age or older.
- B. Instruction Permits – Persons holding an instruction permit are permitted to drive only when accompanied by a person who holds a regular (non-probationary) license with 2 years driving experience who sits in the front passenger seat and is:
1. A qualified instructor 19 years of age or older, (up to 3 others may ride along if the car is equipped with dual controls); **or**
 2. A parent, guardian or spouse 19 years of age or older (immediate family members may ride in the back seats); **or**
 3. A person 21 years of age or older, (if the driver is under 18 years of age, this person must be designated in writing by a parent or guardian prior to accompanying the permit holder).
- C. Probationary License – A licensee under the age of 18 is restricted to the following during the first nine months of their probationary period:
1. From 5:00 a.m. to midnight – The licensee may drive alone and travel anywhere. In addition, any number of immediate family members and the following may ride along:
 - a. One person who holds a valid regular (non-probationary) license with at least 2 years of driving experience and who is one of the following:
 - 1) A qualified instructor, 19 years of age or older; or
 - 2) A person 21 years of age or older.
 - b. One other person.
 2. From midnight to 5:00 a.m. – If driving between home, school, and/or work, the licensee can drive alone. Additionally, they are permitted passengers outlined in section C.1. above. However, if driving anywhere other than between home, school or work, the driver must have one of the following seated in the front passenger seat:
 - a. A parent or guardian.
 - b. One person who holds a valid regular (non-probationary) license with at least 2 years of driving experience and who is one of the following:
 - 1) A qualified instructor or spouse 19 years of age or older, **or**
 - 2) A person 21 years of age or older.

3. Passenger and night driving restrictions can be extended for six months (or until the licensee is 18 years of age) for moving traffic violations, suspensions/revocations and violation of restrictions.
 - a. The driver record will reflect current restrictions.
 - b. The driver license will show restrictions applicable to all drivers under age 18.
 4. If convicted of a moving violation, subsequent moving violations will be assessed twice the number of demerit points as is otherwise allocated (see Chapter Trans 101).
 - a. Violations of Chapter 347 are not included in this provision.
 5. A one-half hour tolerance should be provided for when enforcing the restrictions outlined in sections 1 and 2 above.
- D. Exceptions – The passenger and night driving restrictions noted in Part C do not apply if:
1. The licensee is operating a motor vehicle in the service of an organized program that transports teenagers to their homes, **and**
 - a. The licensee possesses documentation that identifies the program and which authorizes them to operate a motor vehicle in the service of the program on the date and time of the operation, **and**
 - b. The document is signed by a person associated with the program who is at least 25 years of age, **and**
 - c. The licensee is accompanied by another driver (other than a teenager who is being transported) who complies with “a” and “b” above, **and**
 - d. The licensee does not have more than 3 passengers (the other driver in “c” is not counted in this total).
 2. The licensee is driving a motor vehicle to or from a program described in D.1. and has documentation consistent with that in “a” and “b.” The driver may be accompanied by any number of other persons also traveling to and from one of these programs.
 3. The motor vehicle is being operated for emergency purposes.

VI. PROCEDURE

A. Trooper/Inspector

1. Troopers and inspectors should not make traffic stops for suspected violations of a GDL unless they have reasonable suspicion to believe the GDL restrictions apply to the driver **and** that these restrictions are being violated. Simply viewing a young person driving between midnight and 5:00 a.m. does not constitute, in and of itself, reasonable suspicion to stop that individual for a GDL violation.
2. If an individual is stopped while operating under an instruction permit or probationary license:
 - a. Determine which GDL restrictions apply (based on the license type, time of operation and other appropriate factors).
 - b. Verify the restrictions are being honored.
 - c. In accomplishing this verification, utilize a method which will be minimally intrusive to the drivers and passengers.
 - d. Verification may be accomplished through means of identification (ID) cards, drivers license, other reasonably reliable IDs (such as a school ID), or via telephone inquiry.
 - e. In most cases, passengers are not obligated to identify themselves. Troopers/inspectors may ask passengers to voluntarily provide identification.
3. If it is determined that the permit holder or probationary licensee is in violation of GDL restrictions, decisions regarding enforcement action should consider the following:
 - a. The nature of the violation.
 - b. The time of day (a one-half hour tolerance will be honored for GDL curfews).
 - c. Any other pending enforcement action (speeding citation, OWI arrest, etc.).
 - d. Division enforcement policy for violation of license restrictions.
4. If you are unable to verify the status of passengers or otherwise do not have probable cause to believe a violation of the GDL exists, conclude any associated enforcement action and release the driver.

5. If enforcement action for a GDL violation is warranted, the violation should be cited under s. 343(43)(1)(d), Wis. Stats.
 - a. Attempts should be made to secure a driver who can lawfully drive.
 - b. An attempt should be made to contact a parent or guardian in the case where a lawful driver cannot be found.
6. Always take all necessary precautions to safeguard the security of juveniles. In no case shall a trooper/inspector transport a juvenile to a place or location that could potentially result in harm.
7. A DL/Check/Data Sheet (SP4021) shall be completed with the “juvenile letter” box checked and forwarded to post headquarters.

B. Law Enforcement Dispatcher

1. Assist the trooper/inspector in obtaining driver license information, verifying the qualifications of passengers or other information necessary to confirm status.
2. Alert the trooper/inspector if there is an extension of a probationary driver’s license restrictions.

VII. REFERENCES

Ch. 343 Wis. Statutes
Ch. 347 Wis. Statutes
Ch. Trans 101
DSP Policy & Procedure 14-1, Uniform Enforcement Policy