

..Number

121063

..Version

PROPOSED SUBSTITUTE

..Reference

..Sponsor

ALD. WITKOWSKI

..Title

A substitute ordinance relating to the waiver of testing requirements for a public passenger vehicle driver's license applicants under certain circumstances.

..Sections

100-54-2-d am

100-54-2-e am

100-54-2-f-1 am

100-54-11-c am

100-54-12-a am

..Analysis

This ordinance provides that an applicant for a public passenger vehicle driver's license shall be exempt from various testing requirements as follows:

1. Defensive driving and safety course – the applicant shall be exempt from the requirement to take this course if, at any time within the 2-year period prior to the date of filing the application with the city clerk, the applicant held a city-issued public passenger vehicle driver's license for motorized vehicles.
2. Passenger assistance techniques training program – this requirement is waived if, at any time within the 2-year period prior to the date of filing the application with the city clerk, the applicant held a city-issued public passenger driver's license for handicapped-elderly vehicles.
3. A test regarding knowledge of city streets, major buildings, facilities and city regulations regarding public passenger vehicles – this requirement is waived if, at any time within the 2-year period prior to the date of filing the application with the city clerk, the applicant held a city-issued public passenger vehicle driver's license for taxicabs.

This ordinance also provides that an applicant who has held a public passenger vehicle driver's license in the past 12 months shall be required to file a renewal application. If more than 12 months have elapsed since the date of license expiration, the applicant may file either a new application or a renewal application, except that any application filed after the expiration date of the license period following the license period for which the license was issued shall be considered a new license application.

Finally, this ordinance provides that, based on evidence presented at the licensing committee regarding a license applicant's driving record, the common council may direct the city clerk to withhold issuance of a license until the applicant provides the city

clerk with documentation indicating the applicant has successfully completed a defensive driving and safety course.

..Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 100-54-2-d, e and f-1 of the code is amended to read:

100-54. Public Passenger Vehicle Driver's License.

2. QUALIFICATIONS.

d. If a driver of motorized vehicles, have successfully completed within 3 years prior to the date of any original application a defensive driving and safety course approved by the police department [~~], or have retaken the course if convicted of more than 4 moving violations within one licensing period~~]. The defensive driving course requirement is waived for drivers of non-motorized vehicles. >>The defensive driving course requirement shall also be waived if, at any time within the 2-year period prior to the date of filing the application with the city clerk, the applicant held a public passenger vehicle driver's license for motorized vehicles issued under this chapter<< .

e. If a driver of handicapped-elderly vehicles, have successfully completed within 3 years prior to the date of any original application a passenger assistance techniques training program approved by the commissioner of health. >>This requirement shall be waived if, at any time within the 2-year period prior to the date of filing the application with the city clerk, the applicant held a public passenger vehicle driver's license for handicapped-elderly vehicles issued under this chapter.<<

f-1. To satisfy this requirement, the applicants for licenses to operate taxicabs must, within 3 years prior to the date of any original application, pass a test established and administered by the city clerk regarding knowledge of city streets, major buildings, facilities and city regulations regarding public passenger vehicles. >This testing requirement shall be waived if, at any time within the 2-year period prior to the date of filing the application with the city clerk, the applicant held a public passenger vehicle driver's license for taxicabs issued under this chapter.<<

Part 2. Section 100-54-11-c of the code is amended to read:

11. RENEWAL AND NON-RENEWAL.

c. >>An applicant who has held a public passenger vehicle driver's license in the past 12 months shall be required to file a renewal application. If more than 12 months have elapsed since the date of license expiration, the applicant may file either a new application or a renewal application, except that any<< ~~[[Any]]~~ application filed after the expiration date of the license period following the license period for which the license was issued shall be considered a new license application and is subject to the requirements for an original license provided in sub. 2.

Part 3. Section 100-54-12-a of the code is amended to read:

12. PROCEDURES FOR NON-RENEWAL, SUSPENSION OR REVOCATION.

a. Any license issued under this section may be subject to non-renewal, suspension or revocation for cause by the common council after notice to the licensee and a hearing. >>In addition, based on evidence presented at the licensing committee regarding a license applicant's driving record, the common council may direct the city clerk to withhold issuance of a license until the applicant provides the city clerk with documentation indicating the applicant has successfully completed a defensive driving and safety course.<<

..LRB

APPROVED AS TO FORM

Legislative Reference Bureau

Date:_____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date:_____

..Requestor

..Drafter

LRB143939-2

Jeff Osterman

01/17/2013