

Police FAQ's

ACCIDENTS

When do you have to report an accident?

Immediately

What if someone reports a minor accident that happened a day or two ago?

He or she may complete a voluntary report and send it to Madison on their own.

ALCOHOL

Is my driver license automatically suspended when I get an OWI?

If you take a chemical test and the results are .08 alcohol concentration or more, you will be automatically suspended. If you refuse to take test(s), the penalties will be different.

How long is my driver license revoked if I refuse the Intoxilyzer test?

One to three years. Mandatory one year for a first offense.

May you have alcoholic beverages in your vehicle in Wisconsin?

No, you cannot have an opened container on your person in a motor vehicle on a public highway. Containers of alcoholic beverages with the seal broken must be transported in the trunk, or in a portion of the vehicle not normally occupied by passengers if the vehicle does not have a trunk - not the glove compartment.

May you drink alcohol in a motor home?

Open container laws apply to all motor vehicles, including motor homes and pickup campers, except motor buses which are vehicles designed to transport people and having a passenger carrying capacity of 16 or more persons and chauffeur driven limousines. LIMOS AND BUSES MUST HAVE A HIRED CHAUFFEUR. No one under the legal drinking age may transport any intoxicants - open or closed.

May juveniles drink non-alcoholic beer?

Yes. For a drink to be considered alcoholic, it has to contain 0.5% or more of alcohol by volume. The amount of alcohol in non-alcoholic beer is so minimal that a person would have to drink a huge amount before this would register on a Preliminary Breath Test (PBT).

CHILD RESTRAINTS

Parents can call 1(800)261-WINS (9467) to register their child car seats and receive notification in the event that their seat model is recalled. WINS provides information about proper use of car seats and the state's new child passenger safety law. WINS also has a brochure that tells what to look for when buying a new or used safety seat and loans out instructional videos, Vince and Larry costumes and Buckle Bear suits. See Child safety seat resources.

What is the law on child restraints?

Effective April 30, 1992: All children under age four must be restrained in an approved child car seat. (The law previously stated children up to age two.) Safety belt requirements were also extended to apply to children up to age eight. (The law previously stated children up to age four.) See Child safety seat laws.

What about children under four who are too big to fit into an approved safety seat?

Transportation rule 310 specifically exempts children who are incapable of being transported due to body size, medical condition or disabilities.

What is primary enforcement provision?

Law enforcement officers may stop a vehicle solely because a child passenger under age eight is not properly restrained. The mandatory safety belt law is a primary enforcement provision for adults, too, where a vehicle may be stopped for adults not properly restrained.

CITATIONS

Is the date on my citation the actual trial date?

No. This is an initial appearance date. This may be before a judge or a court commissioner. Please review the reverse side of the citation for more court information.

Am I entitled to pre-trial discovery for a traffic citation?

Generally, neither party is entitled to pretrial discovery in traffic forfeiture actions. But a defendant has a limited right to inspect and test devices used by the state to determine whether a traffic violation has been committed, including speed and alcohol detection devices. Before these devices can be inspected and tested, a defendant must first request court approval within 10 days after the alleged violation, and a court must order that these devices be inspected and tested. See Wisconsin statute 345.421.

I lost my ticket and forgot the appearance date. What should I do?

Contact the Clerk of Courts in Burnett County where the citation was issued.

I have a perfect driving record but the officer gave me a ticket anyway. Why?

Decisions to cite are situational and circumstantial. The nature of the violation, weather conditions or other factors are considered before issuing a citation. An individual's driving record is typically not a factor.

If I file a complaint against an officer will the ticket be dropped?

No. The agency will investigate complaints regarding the conduct of its employees, we believe that the merits of the citation should be assessed by the judiciary.

I have a Minnesota driver license and received a citation in Wisconsin. Will it show on my Minnesota record?

The violation will be reported to your home state. Some states put it on your record and some don't. Check with the Minnesota Division of Motor Vehicles.

COURT

I received a citation. Instead of going to court, I want to pay the fine. How do I go about paying it?

Send the bond and pink copy of the citation to the Clerk of Courts of the county where the citation was issued. The address will be on the citation in the court information area.

Whom do I notify that I won't be in court?

You should contact the Clerk of Court's office in the county where the citation was issued and explain the circumstances.

I received a citation in a county other than the one I live in and never paid it. I found out there is a warrant for my arrest. How and where do I take care of it?

Contact the Clerk of Court in the County where the citation was not paid.

DISABLED & HANDICAPPED

How many adults may sit in the front seat of a car or in the cab of a pickup?

There's no limit, as long as the passengers don't obstruct the driver's view or impede the driver's ability to drive. All original seat belts must be used.

May passengers ride in a fifth-wheel mobile home?

Wisconsin statute 346.938 (6m)(a)(b). A person may ride in a towed fifth-wheel mobile home if it is equipped with a two-way communication system in proper working order, capable of providing voice communications between the operator of the towing vehicle and any occupant of the towed vehicle. Children under 12 may not ride in fifth wheel mobile homes unless a person age 16 or older is also riding in the home.

May you ride in a pickup camper?

Yes, if the camper is attached, bolted, etc. to the truck.

May passengers ride in the back of a pickup truck if there's a topper on?

Yes, so long as the exhaust system extends beyond the body of the truck.

May you ride in the back of a pick-up without a topper?

Yes, if you are over 13 years of age and seated in the box. It is illegal to sit on the sides. No child under the age of 16 may ride in the open cargo area of light trucks without a safety belt or restraint.

DRIVERS LICENSE

Is it illegal to operate in Wisconsin without your driver license on your person?

Yes. RE: Wisconsin statute 343.18(1)

I am visiting Wisconsin from another state. How many days do I have to get a Wisconsin license?

See License requirements, Visitors, students and members of the Armed Forces. RE: Wisconsin statute 343.05(2)(C).

I just moved. How long do I have to get my address changed on my license?

Ten days.

Do you need a driver license to operate a maintenance vehicle on the roadway?

Yes, unless it is an implement of husbandry.

Do you need a driver license to operate a construction vehicle in a construction zone?

No

I have a suspended Wisconsin driver license, but a valid Minnesota license. May I operate a vehicle in Wisconsin?

No. You have lost your operating privileges. When your suspension period is over, you must reinstate your privileges by appearing at a DMV service center in Wisconsin before driving here again.

ENFORCEMENT

I was stopped for what seemed like a long time. What was the officer doing in his car all that time?

The officer is doing more than filling out a form. License and registration checks are made via radio or mobile data computer. Like the Internet, these inquiries are subject to delay due to volume or other technical circumstances. Officers need to make these checks and try their best to conclude the traffic stop as expeditiously as possible.

Should I stay in my car after I am stopped or should I get out and meet the officer?

You should remain in your car. An officer might interpret someone suddenly exiting their car and approaching him/her as a threat. Stay put and refrain from a lot of movement--even if it is simply to tidy up your car. The officer will come to you.

Why are the traffic forfeitures so high?

The traffic forfeitures are so high because they include fees for jail assessment, crime lab and drug assessment, justice information, court support services, penalty assessment, and court costs.

Does a traffic warning end up on my driving record?

No

Is there a law that says that an officer has to show me the reading on the radar or laser unit?

No. In many cases, the officer does not lock in the reading in order to obtain a tracking history of the speed or to identify correctly the offending vehicle.

Are radar detectors legal?

They are unlawful for commercial motor vehicles. Otherwise, they are only unlawful if they constitute a view obstruction

Do you need a driver license to operate a construction vehicle in a construction zone?

No

I have a suspended Wisconsin driver license, but a valid Minnesota license. May I operate a vehicle in Wisconsin?

No. You have lost your operating privileges. When your suspension period is over, you must reinstate your privileges by appearing at a DMV service center in Wisconsin before driving here again.

EQUIPMENT

I am replacing my rear bumper. What must I follow?

Cars must have a rear bumper attached the same way it came from the manufacturer. Pick-up trucks do not need a rear bumper.

What is the height requirement for vehicle bumpers?

For cars, the requirement is two-inches plus or minus manufacturers specifications. Pickup trucks may have up to four-inches plus for tires, and five-inches plus for suspension for a combination of an additional nine-inches over manufacturers specifications.

What are the limitations concerning tinted windows?

50% front side windows only; 65% rear windows (35% light).

May I operate with a cracked windshield?

Yes, depending on where the crack is. It cannot be in the critical area (windshield wiper area). Transportation rules 305.32 & 305.34

Is it illegal to have decals on my windshield?

Stickers authorized by law (i.e., state park stickers or others issued by a government agency) are allowed four (4) inches up from the bottom of the windshield. SBB MVD 5.51

May I operate without a rear view mirror?

No, there must be a rear view mirror located inside or outside the vehicle, or both. Side mirrors are required if you cannot see 300 feet to the rear.

Is it legal to operate my vehicle with things hanging from my rear view mirror?

No, it is an obstruction of view.

When may I operate my fog lights? Off road lights?

During inclement weather with two headlamps (no more than four lights on). Off road lamps mounted outside restrictions cannot be operated on roads and must be covered. Wisconsin statute 305.075(5).

May I have a red light visible in my vehicle? (Firemen, EMT's, etc.)

Yes, but the red light does not give you the right to disobey the law when driving.

Is it legal to drive with your dome light on?

Yes, however, it is more difficult to see at night with a light on in the vehicle. The light affects night vision. Inattentive driving may be involved, depending why the driver has the light on.

It is legal to flash your bright lights at another vehicle to get them to turn their bright lights off?

No, if you are within 500 feet of the other vehicle before dimming, following or meeting.

I have auxiliary lights mounted above the cab of my pickup. Are there restrictions?

Yes. They cannot be used for highway use. They must be covered.

When is a tire considered to be illegal?

If the tire is worn to the point where part of the ply or cord construction is exposed, or there is less than 2/32 inch tread depth measured at two points no less than 15 inches apart in any major tread groove, at or near the center of the tire.

How does tire size affect speed?

One tire size may increase speed 5%.

How far may tires stick out past the fender wall?

Two inches.

How high can I lift my vehicle?

Four inches.

Where may I have my speedometer checked?

Listed in the Yellow Pages, under "Speedometer."

MISCELLANEOUS

How can an aircraft check my speed?

The pilot times vehicles as they cross pavement markings of known distance. A device in the aircraft takes the distance and time and converts it to MPH. The pilot then radios this information to patrol cars.

What is a class B highway?

This is a road that restricts axle weights to 60% of ordinary legal weight limitations.

Does the DMV accept credit cards at the counter?

The public can only use credit cards to renew via on-line or phone renewal of plates, not in person at any of the DMV offices.

Is it legal to drive without shoes?

Yes

Do you have to have insurance on your car to operate in Wisconsin?

No, private vehicles don't unless the operator is restricted to financial responsibility. If you are driving for hire, you have to have insurance.

What is the legal method of carrying a weapon in my vehicle in Wisconsin?

With the weapon cased and unloaded. Applies to firearms and bow hunting equipment.