



1995 ENGROSSED ASSEMBLY BILL 557

October 13, 1995 - Printed by direction of SENATE CHIEF CLERK.

1 **AN ACT to repeal** 20.395 (1) (bq), 20.395 (1) (bu), 20.395 (2) (bt), 85.20 (4m) (am),
2 85.20 (4m) (e), 86.30 (2) (a) 3. c., 114.002 (4), 114.002 (13), 114.20 (2) (c), 114.20
3 (7), 114.20 (13) (b) 3., 343.03 (1) (c), 343.03 (8) and 343.265 (1) (a) and (b); **to**
4 **renumber** 85.085 (1) and 343.14 (3); **to renumber and amend** 20.395 (1) (bw),
5 85.20 (4m) (a), 114.20 (9) (a) to (c), 343.05 (4) (a) 3. and 343.265 (1) (intro.); **to**
6 **amend** 20.395 (2) (bu), 20.395 (3) (bq), 20.395 (3) (bv), 20.395 (3) (bx), 20.395
7 (3) (cq), 20.395 (3) (cv), 20.395 (3) (cx), 20.395 (3) (eq), 20.395 (3) (ev), 20.395 (3)
8 (ex), 20.395 (5) (cq), 20.395 (5) (dk), 20.866 (2) (uv), 20.866 (2) (uw), 70.337 (7),
9 78.01 (2) (e), 78.01 (2m) (f), 78.40 (1), 78.75 (1m) (a) 2., 78.75 (1m) (a) 3., 84.013
10 (3) (ye), 84.076 (5), 84.59 (6), 85.06 (2) (b), 85.061 (3), 85.08 (4m) (e) 1., 85.085
11 (3), 85.20 (4m) (em) 1., 85.20 (4s), 86.30 (2) (a) 3. d., 86.30 (9), 86.315 (1), 110.08
12 (2), 114.002 (11), 114.20 (1) (title), 114.20 (1) (a), 114.20 (1) (b), 114.20 (2) (intro.),
13 114.20 (5), 114.20 (9) (d), 114.20 (12), 114.20 (13) (b) 1., 114.20 (13) (b) 2., 114.20
14 (13) (b) 5., 114.20 (15) (b), 121.555 (2) (c) 1., 218.01 (2) (bd) 1g., 218.01 (2) (bd)
15 1r., 218.01 (2c) (c), 218.01 (3) (a) 24., 218.01 (3x) (b) 2., 218.01 (3x) (b) 3., 218.01
16 (3x) (c) 1. (intro.), 218.01 (3x) (c) 2., 218.01 (7m) (a), 218.01 (7m) (c), 340.01 (7m),
17 340.01 (7r), 341.43, 341.45 (title), 341.45 (1g) (a), 341.45 (1g) (b), 341.45 (2),

1 341.45 (3), 341.45 (5), 343.02 (1), 343.03 (1) (a), 343.03 (1) (b), 343.03 (5), 343.05
2 (2) (a) 2., 343.05 (2) (c), 343.055 (5), 343.06 (1) (c), 343.06 (2), 343.065 (title),
3 343.065 (1), 343.065 (2), 343.10 (2) (a) 1., 343.10 (10) (a), 343.12 (2) (h), 343.16
4 (1) (a), 343.17 (3) (e) 1., 343.21 (1) (g), 343.23 (2), 343.245 (3) (b) 3. and 4.,
5 343.245 (4) (b), 343.28 (1), 343.28 (2), 343.305 (10) (em), 343.315 (2) (f) (intro.),
6 343.315 (3) (a), 343.315 (3) (b), 343.32 (4), 343.325 (title), 343.325 (2), 343.325
7 (3), 343.325 (3m), 343.325 (4), 343.325 (5), 343.325 (6) (a), 343.44 (title), 343.44
8 (1), 343.44 (3), 344.12, 344.14 (2) (e), 346.70 (1), 348.15 (3) (bg), (br), (bv) and
9 (e), 348.175, 348.19 (2) (b) and (4), 348.27 (4), (9m) and (9r) and 967.055 (2) (a);
10 **to repeal and recreate** 20.395 (2) (bq) (title), 218.01 (2) (bd) 1g., 218.01 (3x)
11 (b) 2., 218.01 (3x) (b) 3. and 343.03 (1) (title); and **to create** 20.395 (1) (bw),
12 20.395 (1) (dq), 20.395 (1) (dr), 20.395 (1) (ds), 20.395 (1) (dt), 25.40 (1) (a) 12.,
13 25.40 (2) (b) 15g., 78.005 (13g), 84.013 (2) (d), 84.013 (3) (kb) to (km), 84.183,
14 84.185 (6r), 84.61, 85.022 (2), 85.085 (1b), 85.20 (4m) (a) 1. to 4., 85.20 (7), 86.30
15 (2) (a) 3. e., 86.30 (2) (a) 3. f., 86.30 (2) (bg), 114.20 (9m) (intro.), 341.21, 341.45
16 (4g), 341.45 (4m), 343.01 (2) (cb), 343.01 (2) (d), 343.027, 343.05 (2) (c) 2., 343.14
17 (3) (b), 343.21 (1) (jm), 343.21 (1) (m), 343.245 (3) (b) 5., 343.315 (2) (fm), 343.315
18 (2) (h), 343.315 (2) (i) and 343.44 (4r) of the statutes; **relating to:** state finances
19 and appropriations for the department of transportation; taxation of motor
20 vehicle fuel that is not sold for use on highways; motor vehicle fuel and alternate
21 fuels taxes and qualified motor vehicles; repaving a portion of I 43 in Milwaukee
22 County; rehabilitation of private road crossings; rail passenger service; funding
23 for a study of high-speed rail service; creation of a state trunk highway; vehicle
24 accidents resulting in property damage; performance of motor vehicle
25 registration and titling functions by motor vehicle dealers; exempting railroad

1 property acquired by the department of transportation from the tax-exempt
2 property reporting requirement; registration period and fees applicable to
3 aircraft; transportation facilities economic assistance and development aid;
4 creating a reserve fund for state highway rehabilitation associated with a
5 stadium for the Milwaukee Brewers and construction activities on the
6 East-West Freeway; creation of a high-cost bridge program; demerit point
7 reduction for completion of a rider course relating to Type 1 motorcycle
8 operation; local transportation aids; the international fuel tax agreement and
9 the oil inspection fee; authorizing construction of additional major highway
10 projects; aids for county forest roads; the urban mass transit operating
11 assistance program; the employment transit assistance program; signatures
12 and digitized images; vehicle weight limit exceptions on a part of the national
13 system of interstate and defense highways; numerous changes to the classified
14 driver license system and commercial motor vehicle operation; eligibility for an
15 occupational license; railroad construction loans; delaying the expiration date
16 of the disadvantaged business demonstration and training program; granting
17 bonding authority; granting rule-making authority; making appropriations;
18 and providing penalties.

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed 1995 Assembly Bill 557 consists of the following documents adopted in the assembly on October 12, 1995: Assembly Substitute Amendment 2, as affected by the following Assembly Amendments: Assembly Amendment 4, Assembly Amendment 5, Assembly Amendment 7 and Assembly Amendment 13. The text also includes the October 11, 1995, chief clerk's correction to the substitute amendment.

INTRODUCTION

This bill contains appropriations from segregated funds and from the general fund for the department of transportation (DOT) for the 1995-97 fiscal biennium.

The bill repeals and recreates the appropriation schedule in chapter 20 of the statutes as it relates to s. 20.395, stats., thereby setting the appropriation levels for DOT for the 1995-97 fiscal biennium. With minor exceptions, the bill does not affect appropriations other than those for DOT. The descriptions that follow relate to the most significant changes in the law proposed in the bill. In many cases, changes in the amounts of existing spending authority are not discussed.

TRANSPORTATION

TRANSPORTATION REVENUE

Under current law, diesel fuel sold for off-highway use is exempt from the motor vehicle fuel tax. Under this bill, diesel fuel sold for off-highway use in a snowmobile, an all-terrain vehicle that is not registered for private use or a recreational motorboat is taxable.

Under current law, the tax on alternate fuels attaches at the time that the fuel is delivered into the tank of a motor vehicle or, if it is not delivered that way, at the time that the fuel is used. Under this bill, the tax also attaches at the time that the fuel is delivered into the fuel tank of a snowmobile, all-terrain vehicle that is not registered for private use or motorboat.

Under current law, refunds for motor vehicle fuel taxes or alternate fuel taxes paid on fuel used in motorboats, except those registered as motor vehicles, may not be claimed. This bill allows claims for taxes paid for fuel used in nonrecreational motorboats.

Under current law, any person who operates a certain type of motor vehicle for the transportation of persons or property in this state is required to pay a Wisconsin motor vehicle fuel or alternate fuels tax on the gallons of fuel that were purchased or obtained outside this state and which are consumed by the vehicle while being operated in this state. This bill authorizes DOT to issue a 72-hour fuel trip permit at a fee of not less than \$15 to a person who would otherwise be required to pay the Wisconsin motor vehicle fuel or alternate fuels tax. DOT is required to promulgate rules regarding the issuance and use of these permits.

HIGHWAYS

Current law requires that any major highway project, unlike other construction projects undertaken by DOT, receive the approval of the transportation projects commission (TPC) and the legislature before the project may be constructed. A major highway project is a project having a total cost of more than \$5,000,000 and involving construction of a new highway 2.5 miles or more in length; reconstruction or reconditioning of an existing highway that relocates at least 2.5 miles of the highway or adds one or more lanes 5 miles or more in length to the highway; or improvement of an existing multilane divided highway to freeway standards. There are currently 66 enumerated major highway projects approved for construction.

This bill adds 3 major highway projects recommended by TPC to the list of enumerated projects and requires DOT to complete the enumerated project involving STH 29 between Green Bay and I 94 by January 1, 2000.

Under current law, a county forest road aid program annually provides \$200 per mile of qualifying road to assist counties with the costs of improving public roads in county forests. This bill increases the county forest road aid rate per mile from \$200 to \$400.

This bill establishes a reserve account of \$15,000,000 in the transportation fund that may be expended either for state highway rehabilitation associated with the construction of a new baseball stadium to be used by the Milwaukee Brewers or for construction activities on the East-West Freeway between Milwaukee and Waukesha. The bill also creates in the transportation fund reserve accounts from which the joint committee on finance may authorize DOT to expend up to \$26,698,000 for construction activities on the East-West Freeway between Milwaukee and Waukesha.

This bill creates a high-cost bridge program to fund the rehabilitation of bridges on the state trunk highway system that have a deck area greater than 40,000 square feet.

Current law imposes weight limitations for vehicles operating on highways in this state and specifies exceptions to those vehicle weight limits. Certain vehicle weight limit exceptions do not apply or are further restricted on highways that are part of the national system of interstate and defense highways. These exceptions include weight limitations for the transportation of raw forest and agricultural products or of metallic or nonmetallic scrap and for transportation of materials between industrial plants.

This bill provides that, for purposes of vehicle weight limit exceptions, USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage are not part of the national system of interstate and defense highways upon their federal designation as I 39.

This bill requires DOT to repave approximately 1.25 miles of I 43, replacing the existing tined surface with a nontined surface, within 8 months.

DRIVERS AND MOTOR VEHICLES

Under current law, DOT administers a classified driver license system to implement the requirements of the federal commercial motor vehicle safety act of 1986. The classified driver license system provides a comprehensive single license authorizing the operation of specific classes and types of motor vehicles, including commercial motor vehicles. In addition, DOT disqualifies any driver who has committed certain serious traffic-related offenses from operating a commercial motor vehicle for a certain period of time, up to a lifetime disqualification.

This bill makes numerous changes to the classified driver license system. These changes include:

1. Creating new disqualifications for certain offenses relating to a commercial driver license application and for operating a commercial motor vehicle while ordered out-of-service for certain alcohol-related offenses. The bill imposes a longer period of disqualification for an out-of-service violation if the person was operating

a hazardous materials transporter or a vehicle designed to carry, or which was actually carrying, 16 or more persons.

2. Requiring a person operating, upon a highway in this state, motorized construction equipment that is designed principally for off-road use, to possess a valid Wisconsin driver's license. The motorized construction equipment operator is exempt from any commercial driver licensing requirements. Current law exempts such operators from all licensing requirements of DOT.

3. Changing restricted commercial driver licenses to prohibit only the operation of commercial motor vehicles in interstate commerce, rather than prohibiting commercial motor vehicle operation outside this state and in interstate commerce.

4. Increasing the fine that may be imposed on an employer who knowingly allows or authorizes an employe to operate a commercial motor vehicle when the employe is not validly authorized to operate the commercial motor vehicle. The penalty is increased from a fine of not more than \$5,000 to a fine of not less than \$2,500 nor more than \$10,000.

5. Making ineligible for an occupational license any person whose license or operating privilege was revoked or suspended within the previous year for a controlled substances violation or a violation of the financial responsibility laws of this state.

Current law permits the secretary of transportation to suspend or revoke a person's operating privilege for repeated violations of state or local traffic laws. The secretary is authorized to establish a schedule of demerit points based on the seriousness of various traffic convictions. The secretary is required to reduce the accumulated demerit points assessed against a person by up to 3 points if the person successfully completes a rider course on motorcycle operation approved by the secretary. Point reduction applies only to demerit points assessed for violations committed before completion of the rider course while the person was driving or operating a Type 1 motorcycle and may not occur more than once.

This bill removes the prohibition against such point reduction occurring more than once per person.

Under current law, the operator of a vehicle involved in an accident resulting in total damage of \$500 or more to a publicly owned vehicle or to private property must report the accident as soon as possible to the state patrol or to the law enforcement agency of the jurisdiction where the accident occurred. Failure to report an accident may result in a forfeiture of not less than \$40 nor more than \$200 or, for a 2nd or subsequent offense within a year, a forfeiture of not less than \$200 nor more than \$500.

Current law also requires DOT to notify the operator or owner of a motor vehicle who is involved in an accident that results in property damage of \$500 or more that he or she must submit to DOT a deposit of security for the accident. A deposit of security is not required if the person can provide proof of financial responsibility (an applicable motor vehicle liability insurance policy or bond in effect at the time of the accident providing minimum levels of liability insurance for bodily injury and property damage). With certain exceptions, failure to provide a deposit of security

or proof of financial responsibility after an accident results in revocation of the operator's motor vehicle operating privilege or of the registration of any vehicles registered by the owner of the vehicle involved in the accident.

This bill raises the minimum property damage for these provisions from \$500 to \$1,000.

Under current law, a motor vehicle dealer may accept from a vehicle purchaser applications and any required fees for registration or titling of the vehicle. The dealer must forward the application and fees to DOT within 7 days after the vehicle sale. DOT processes each application and forwards the applicable certificate of registration or title to the purchaser.

This bill allows a motor vehicle dealer, by contract with DOT, to accept and process applications, and any applicable fees, for vehicle registration or titling, and to issue certificates of registration, certificates of title, registration stickers and license plates. DOT may allow a motor vehicle dealer to charge an applicant a fee for such services.

Under current law, DOT is required to take a photograph of any applicant for a driver's license or identification card (ID card) and affix the photograph to the driver's license or ID card issued to that applicant.

This bill authorizes DOT to take and use a digitized image of an applicant in addition to, or in place of, a photograph for use on a driver's license or ID card issued to that applicant. The bill also requires that any photograph, including a digitized image, be kept confidential by DOT and be used only by DOT, by authorized law enforcement authorities, by state agencies, by federal agencies or as the applicant may direct. The bill also authorizes DOT to keep and maintain signatures of driver's license applicants, but allows DOT to release a signature or signature facsimile only to the signatory.

TRANSPORTATION AIDS

Under current law, DOT administers a local transportation aids program. Under the program, DOT makes aid payments to a county based on a share of costs formula for counties, and to a municipality (city, village or town) based on the greater of a share of costs formula for municipalities or an aid rate per mile (\$1,350 for 1995). This bill increases the aid rate per mile to \$1,390 in 1996 and to \$1,432 for 1997 and thereafter.

Under current law, DOT pays 42% of the operating expenses of an urban mass transit system if the local public body that provides the mass transit system is eligible for aid under the urban mass transit operating assistance program. DOT also makes supplemental operating assistance payments to eligible systems with annual operating expenses greater than \$20,000,000 and an annual ridership of more than 7,000,000 one-way trips.

This bill revises the funding formula for the program and eliminates supplemental operating assistance payments. Under the bill, DOT makes state aid payments sufficient to ensure that the combination of state and federal aids contributed toward the operating expenses of an urban mass transit system equals a uniform percentage established by DOT. The bill requires DOT to establish uniform percentages for each of the following: 1) urban mass transit systems with

annual operating expenses in excess of \$80,000,000; 2) urban mass transit systems with annual operating expenses in excess of \$20,000,000 but less than \$80,000,000; 3) mass transit systems with annual operating expenses of \$20,000,000 or less but serving an urban area having a population of at least 50,000; and 4) mass transit systems in an urban area having a population of less than 50,000.

This bill requires DOT to establish, by rule, cost-efficiency standards for urban mass transit systems and, if a mass transit system incurs costs inconsistent with those standards, to exclude those costs from operating expenses for purposes of mass transit aid or to reduce the amount of aid for the mass transit system under the program. The bill requires DOT to establish a transit committee to assist in developing the cost-efficiency standards and to advise DOT on implementing the standards.

Under current law, DOT administers a transportation facilities economic assistance and development (TEA) program. The TEA program provides grants to private businesses or local governing bodies for up to 50% of the cost of developing or improving transportation facilities, including highways and certain railway, harbor and airport facilities, that are essential to a business development project that will directly and significantly increase the number of jobs in this state. DOT may require the local governing body of the area in which the project is located to guarantee the number of jobs that will be directly created by the business development project within 3 years and maintained after 7 years. If the jobs guarantee is not met, DOT may require the local governing body to repay up to the full amount of the grant.

Under this bill, a local governing body is not required to repay a grant for failing to meet the jobs guarantee if, before accepting the grant, the electors of the locality petition the local governing body for a referendum on whether the proposed business development project should be undertaken or whether the political subdivision should guarantee a number of jobs that will be created by the project. This exemption does not apply if a referendum is held on the jobs guarantee requirement and the question is approved by a majority of ballots cast.

This bill increases the level of revenue bonding for major highway projects and transportation administrative facilities from \$950,834,000 to \$1,083,638,100, of which not more than \$1,041,341,000 may be used to fund such projects and facilities.

RAIL AND AIR TRANSPORTATION

Under current law, DOT is authorized to contract up to \$10,000,000 in public debt for the acquisition of rail property and for grants and loans awarded by DOT for certain rail property acquisitions and improvements. This bill increases this authorized general obligation bonding limit from \$10,000,000 to \$14,500,000.

Under current law, with specified exceptions, any aircraft based in this state is required to be registered annually by its owner with DOT. An annual registration fee is collected by DOT on the basis of the maximum gross weight of the aircraft, up to a maximum of \$3,125 for aircraft with a maximum gross weight of more than 100,000 pounds. DOT collects a charge for late payment of the annual registration fee of up to 20% of the applicable fee.

This bill makes a number of changes in aircraft registration. The bill:

1. Establishes biennial registration for aircraft with a maximum gross weight of not more than 3,000 pounds, with the current annual registration fee for the aircraft doubled.

2. Requires a minimum late payment charge of \$50.

3. Eliminates an aircraft dealer exemption from aircraft registration.

4. Changes the definition of "antique aircraft" to apply to any aircraft manufactured in 1944 or earlier instead of aircraft more than 35 years old. Current law permits antique aircraft to be registered with DOT for a one-time registration fee of \$50 that remains valid while the aircraft is owned by the registrant.

This bill allows the use of state funds for freight rail infrastructure improvement loans to also be used for the loan component of the local share of rehabilitation projects on publicly owned railroad lines.

Current law requires DOT to fund the rebuilding of any private road that crosses the railroad tracks of a rail transit commission if, among other eligibility requirements, the railroad tracks were rehabilitated during fiscal year 1992-93 or thereafter. This bill specifies that "rehabilitated" means a significant rebuilding of track that increases the service standard of the track.

OTHER TRANSPORTATION

Under current law, the state is authorized to issue general obligation bonds to finance grants awarded by DOT for harbor improvements, with the principal repayment and interest payments to be made from transportation fund revenue.

This bill increases the authorized general obligation bonding limit for grants awarded by DOT for harbor improvements from \$9,000,000 to \$12,000,000.

Under current law, DOT administers a demonstration and training program for the purpose of developing the capability of disadvantaged businesses to participate in DOT construction projects. Under the program, disadvantaged businesses include those businesses that are at least 51% owned by minority group members, women or other individuals found by DOT to be socially and economically disadvantaged according to certain federal criteria. The program is scheduled to expire on June 30, 1995.

This bill extends the expiration date for the disadvantaged business demonstration and training program until September 30, 1997.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes, as it affects 20.395 of the
2 statutes, is repealed and recreated to read:

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
20.395 Transportation, department of				
(1) AIDs				
(ar) Corrections of transportation aid payments	SEG	S	-0-	-0-
(as) Transportation aids to counties, state funds	SEG	A	67,587,800	69,615,400
(at) Transportation aids to municipalities, state funds	SEG	A	211,439,400	216,618,600
(bq) Transit operating aids, state funds	SEG	A	52,267,600	-0-
(br) Milwaukee urban area rail transit system planning study, state funds	SEG	A	-0-	-0-
(bs) Demand management and ride-sharing grants, state funds	SEG	A	300,000	300,000
(bt) Urban rail transit system grants	SEG	C	-0-	-0-
(bu) Supplemental transit operating aids, state funds	SEG	A	1,747,600	-0-
(bv) Transit aids, local funds	SEG-L	C	-0-	-0-
(bw) Employment transit aids, state funds	SEG	A	579,100	-0-
(bx) Transit aids, federal funds	SEG-F	C	13,800,000	6,600,000

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(by) Employment transit aids, federal				
2	funds	SEG-F	C	-0-	-0-
3	(bz) Employment transit aids, federal				
4	oil overcharge funds	SEG-F	C	-0-	-0-
5	(cq) Elderly and disabled capital aids,				
6	state funds	SEG	A	712,300	712,300
7	(cr) Elderly and disabled county aids,				
8	state funds	SEG	A	5,749,600	5,749,600
9	(cv) Elderly and disabled aids, local				
10	funds	SEG-L	C	453,100	453,100
11	(cx) Elderly and disabled aids, federal				
12	funds	SEG-F	C	1,100,000	1,100,000
13	(dq) Larger communities transit				
14	operating aids, state funds	SEG	A	10,782,900	43,131,700
15	(dr) Large communities transit				
16	operating aids, state funds	SEG	A	2,499,600	9,998,500
17	(ds) Medium-sized communities transit				
18	operating aids, state funds	SEG	A	3,930,100	15,858,100
19	(dt) Small communities transit				
20	operating aids, state funds	SEG	A	1,073,700	4,331,400
21	(ex) Highway safety, local assistance,				
22	federal funds	SEG-F	C	1,700,000	1,700,000
23	(fq) Connecting highways aids, state				
24	funds	SEG	A	11,412,400	11,474,900

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(fs) Flood damage aids, state funds	SEG	S	600,000	600,000
2	(ft) Lift bridge aids, state funds	SEG	B	1,400,000	1,400,000
3	(fu) County forest road aids, state funds	SEG	A	361,000	361,000
4	(gq) Expressway policing aids, state				
5	funds	SEG	A	804,300	804,300
(1) P R O G R A M T O T A L S					
	SEGREGATED FUNDS			390,300,500	390,808,900
	FEDERAL			(16,600,000)	(9,400,000)
	OTHER			(373,247,400)	(380,955,800)
	LOCAL			(453,100)	(453,100)
	TOTAL-ALL SOURCES			390,300,500	390,808,900
6	(2) LOCAL TRANSPORTATION ASSISTANCE				
7	(aq) Accelerated local bridge				
8	improvement assistance, state				
9	funds	SEG	C	-0-	-0-
10	(av) Accelerated local bridge				
11	improvement assistance, local				
12	funds	SEG-L	C	-0-	-0-
13	(ax) Accelerated local bridge				
14	improvement assistance, federal				
15	funds	SEG-F	C	-0-	-0-
16	(bq) Rail service assistance, state funds	SEG	C	638,800	638,800
17	(br) Rail passenger service, state funds	SEG	B	572,500	572,500
18	(bu) Freight rail infrastructure				
19	improvements, state funds	SEG	C	5,579,800	5,579,800
20	(bv) Rail service assistance, local funds	SEG-L	C	500,000	500,000

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(bw) Freight rail assistance loan				
2	repayments, local funds	SEG-L	C	-0-	-0-
3	(bx) Rail service assistance, federal				
4	funds	SEG-F	C	50,000	50,000
5	(cq) Harbor assistance, state funds	SEG	C	572,500	572,500
6	(dq) Aeronautics assistance, state funds	SEG	C	11,937,300	12,437,300
7	(dv) Aeronautics assistance, local funds	SEG-L	C	6,985,200	6,985,200
8	(dx) Aeronautics assistance, federal				
9	funds	SEG-F	C	20,000,000	20,000,000
10	(eq) Highway and local bridge				
11	improvement assistance, state				
12	funds	SEG	C	7,385,900	7,385,900
13	(ev) Local bridge improvement				
14	assistance, local funds	SEG-L	C	8,060,400	8,060,400
15	(ex) Local bridge improvement				
16	assistance, federal funds	SEG-F	C	24,538,200	24,538,200
17	(fr) Local roads improvement program,				
18	state funds	SEG	C	11,006,200	11,006,200
19	(fv) Local transportation facility				
20	improvement assistance, local				
21	funds	SEG-L	C	25,153,200	25,153,200
22	(fx) Local transportation facility				
23	improvement assistance, federal				
24	funds	SEG-F	C	56,138,000	56,138,000

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(gq) Railroad crossing improvement and				
2	protection maintenance, state funds	SEG	A	2,250,000	2,250,000
3	(gr) Railroad crossing improvement and				
4	protection installation, state funds	SEG	A	450,000	450,000
5	(gs) Railroad crossing repair assistance,				
6	state funds	SEG	C	250,000	250,000
7	(gv) Railroad crossing improvement,				
8	local funds	SEG-L	C	-0-	-0-
9	(gx) Railroad crossing improvement,				
10	federal funds	SEG-F	C	1,849,300	1,849,300
11	(hq) Multimodal transportation studies,				
12	state funds	SEG	C	1,000,000	1,000,000
13	(hx) Multimodal transportation studies,				
14	federal funds	SEG-F	C	-0-	-0-
15	(iq) Transportation facilities economic				
16	assistance and development, state				
17	funds	SEG	C	3,500,000	3,500,000
18	(iv) Transportation facilities economic				
19	assistance and development, local				
20	funds	SEG-L	C	3,500,000	3,500,000
21	(iw) Transportation facility				
22	improvement loans, local funds	SEG-L	C	-0-	-0-
23	(ix) Transportation facilities economic				
24	assistance & development, federal				
25	funds	SEG-F	C	-0-	-0-

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(jq) Surface transportation grants, state				
2	funds	SEG	C	-0-	-0-
3	(jv) Surface transportation grants, local				
4	funds	SEG-L	C	680,000	680,000
5	(jx) Surface transportation grants,				
6	federal funds	SEG-F	C	2,720,000	2,720,000
7	(kv) Congestion mitigation and air				
8	quality improvement, local funds	SEG-L	C	1,502,400	1,502,400
9	(kx) Congestion mitigation and air				
10	quality improvement, federal funds	SEG-F	C	6,009,500	6,009,500
11	(mq) Local assistance administration,				
12	state funds	SEG	A	1,205,800	1,205,800
13	(mv) Local assistance administration,				
14	local funds	SEG-L	C	-0-	-0-
15	(mx) Local assistance administration,				
16	federal funds	SEG-F	C	300,000	300,000
		(2) PROGRAM TOTALS			
	SEGREGATED FUNDS			204,335,000	204,835,000
	FEDERAL			(111,605,000)	(111,605,000)
	OTHER			(46,348,800)	(46,848,800)
	LOCAL			(46,381,200)	(46,381,200)
	TOTAL-ALL SOURCES			204,335,000	204,835,000
17	(3) STATE HIGHWAY FACILITIES				
18	(bq) Major highway development, state				
19	funds	SEG	C	4,355,700	4,355,700
20	(br) Major highway development,				
21	service funds	SEG-S	C	108,534,800	110,535,300

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(bv) Major highway development, local				
2	funds	SEG-L	C	-0-	-0-
3	(bx) Major highway development,				
4	federal funds	SEG-F	C	60,443,800	60,443,700
5	(cq) State highway rehabilitation, state				
6	funds	SEG	C	204,613,700	204,630,300
7	(cv) State highway rehabilitation, local				
8	funds	SEG-L	C	2,000,000	2,000,000
9	(cx) State highway rehabilitation,				
10	federal funds	SEG-F	C	167,272,700	167,272,800
11	(eq) Highway maintenance, repair and				
12	traffic operations, state funds	SEG	B	138,046,400	138,046,400
13	(ev) Highway maintenance, repair and				
14	traffic operations, local funds	SEG-L	C	250,000	250,000
15	(ex) Highway maintenance, repair and				
16	traffic operations, federal funds	SEG-F	C	-0-	-0-
17	(iq) Administration and planning, state				
18	funds	SEG	A	16,199,400	16,199,400
19	(ir) Disadvantaged business				
20	mobilization assistance, state funds	SEG	C	-0-	-0-
21	(iv) Administration and planning, local				
22	funds	SEG-L	C	-0-	-0-
23	(ix) Administration and planning,				
24	federal funds	SEG-F	C	3,282,700	3,282,700

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995-96	1996-97
(3) PROGRAM TOTALS					
SEGREGATED FUNDS				704,999,200	707,016,300
FEDERAL				(230,999,200)	(230,999,200)
OTHER				(363,215,200)	(363,231,800)
SERVICE				(108,534,800)	(110,535,300)
LOCAL				(2,250,000)	(2,250,000)
TOTAL-ALL SOURCES				704,999,200	707,016,300
1	(4) GENERAL TRANSPORTATION OPERATIONS				
2	(aq) Departmental management and				
3	operations, state funds	SEG	A	41,023,500	41,023,500
4	(ar) Minor construction projects, state				
5	funds	SEG	C	323,100	323,100
6	(as) Information technology				
7	development projects	PR-S	A	-0-	-0-
8	(at) Capital building projects, service				
9	funds	SEG-S	C	2,000,000	2,785,400
10	(av) Departmental management and				
11	operations, local funds	SEG-L	C	369,000	369,000
12	(ax) Departmental management and				
13	operations, federal funds	SEG-F	C	6,825,000	6,825,000
14	(bh) Hazardous materials				
15	transportation fees	PR	B	113,600	113,600
16	(ch) Gifts and grants	PR	C	-0-	-0-
17	(dq) Demand management	SEG	A	250,500	250,500
18	(eq) Data processing services, service				
19	funds	SEG-S	C	15,109,600	15,109,600
20	(er) Fleet operations, service funds	SEG-S	C	10,543,900	10,543,900

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(es) Other department services,				
2	operations, service funds	SEG-S	C	1,714,700	1,714,700
3	(et) Equipment acquisition	SEG	A	-0-	-0-
(4) PROGRAM TOTALS					
	PROGRAM REVENUE			113,600	113,600
	OTHER			(113,600)	(113,600)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			78,159,300	78,944,700
	FEDERAL			(6,825,000)	(6,825,000)
	OTHER			(41,597,100)	(41,597,100)
	SERVICE			(29,368,200)	(30,153,600)
	LOCAL			(369,000)	(369,000)
	TOTAL-ALL SOURCES			78,272,900	79,058,300
4	(5) MOTOR VEHICLE SERVICES AND ENFORCEMENT				
5	(cg) Vehicle registration, telephone				
6	renewal transactions, state funds	PR	C	-0-	-0-
7	(ch) Repaired salvage vehicle				
8	examinations, state funds	PR	C	-0-	-0-
9	(cq) Vehicle reg., inspection &				
10	maintenance & driver licensing,				
11	state funds	SEG	A	59,580,300	59,533,100
12	(cx) Vehicle registration and driver				
13	licensing, federal funds	SEG-F	C	200,000	200,000
14	(dk) Public safety radio management,				
15	service funds	PR-S	C	143,600	143,600
16	(dq) Vehicle inspection, traffic				
17	enforcement and radio				
18	management, state funds	SEG	A	38,286,400	38,321,900

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97	
1	(dx) Vehicle inspection and traffic					
2	enforcement, federal funds	SEG-F	C	2,029,300	2,029,300	
3	(hq) Motor veh. emission insp. and					
4	maint. program; contractor costs;					
5	state funds	SEG	A	8,021,700	8,021,700	
6	(hx) Motor vehicle emission inspection					
7	and maintenance programs, federal					
8	funds	SEG-F	C	-0-	-0-	
9	(iv) Municipal and county registration					
10	fee, local funds	SEG-L	C	-0-	-0-	
	(5) P R O G R A M T O T A L S					
	PROGRAM REVENUE			143,600	143,600	
	OTHER			(-0-)	(-0-)	
	SERVICE			(143,600)	(143,600)	
	SEGREGATED FUNDS			108,117,700	108,106,000	
	FEDERAL			(2,229,300)	(2,229,300)	
	OTHER			(105,888,400)	(105,876,700)	
	LOCAL			(-0-)	(-0-)	
	TOTAL-ALL SOURCES			108,261,300	108,249,600	
11	(6) DEBT SERVICES					
12	(aq) Principal repayment and interest,					
13	transportation facilities, state funds	SEG	S	8,643,300	7,241,500	
14	(ar) Principal repayment and interest,					
15	buildings, state funds	SEG	S	686,800	645,100	
16	(as) Transportation facilities and					
17	highway projects revenue					
18	obligation repayment	SEG	C	-0-	-0-	
	(6) P R O G R A M T O T A L S					
	SEGREGATED FUNDS			9,330,100	7,886,600	

1 20.445 (1) (uy) *Employment transit aids, state funds.* The From the
2 transportation fund, the amounts in the schedule for the employment transit
3 assistance program under s. ~~85.26~~ 106.26.

4 **SECTION 8d.** 20.395 (1) (dq) of the statutes is created to read:

5 20.395 (1) (dq) *Larger communities transit operating aids, state funds.* The
6 amounts in the schedule for mass transit aids to larger communities under s. 85.20
7 (4m) (a) 1.

8 **SECTION 8g.** 20.395 (1) (dr) of the statutes is created to read:

9 20.395 (1) (dr) *Large communities transit operating aids, state funds.* The
10 amounts in the schedule for mass transit aids to large communities under s. 85.20
11 (4m) (a) 2.

12 **SECTION 8j.** 20.395 (1) (ds) of the statutes is created to read:

13 20.395 (1) (ds) *Medium-sized communities transit operating aids, state funds.*
14 The amounts in the schedule for mass transit aids to medium-sized communities
15 under s. 85.20 (4m) (a) 3.

16 **SECTION 8m.** 20.395 (1) (dt) of the statutes is created to read:

17 20.395 (1) (dt) *Small communities transit operating aids, state funds.* The
18 amounts in the schedule for mass transit aids to small communities under s. 85.20
19 (4m) (a) 4.

20 **SECTION 9.** 20.395 (2) (bq) (title) of the statutes is repealed and recreated to
21 read:

22 20.395 (2) (bq) (title) *Rail service assistance, state funds.*

23 **SECTION 10.** 20.395 (2) (bt) of the statutes is repealed.

24 **SECTION 11.** 20.395 (2) (bu) of the statutes is amended to read:

1 20.395 (2) (bu) *Freight rail infrastructure improvements, state funds.* As a
2 continuing appropriation, the amounts in the schedule for loans under s. 85.08 (4m)
3 (d) and (e) and to make payments under s. 85.085.

4 **SECTION 13.** 20.395 (3) (bq) of the statutes is amended to read:

5 20.395 (3) (bq) *Major highway development, state funds.* As a continuing
6 appropriation, the amounts in the schedule for major development of state trunk and
7 connecting highways and, before ~~July 1, 1995~~ October 1, 1997, for the disadvantaged
8 business demonstration and training program under s. 84.076.

9 **SECTION 14.** 20.395 (3) (bv) of the statutes is amended to read:

10 20.395 (3) (bv) *Major highway development, local funds.* All moneys received
11 from any local unit of government or other source for major development of state
12 trunk and connecting highways, including the railroad and utility alteration and
13 relocation loan program under s. 84.065, and, before ~~July 1, 1995~~ October 1, 1997,
14 the disadvantaged business demonstration and training program under s. 84.076,
15 for such purposes.

16 **SECTION 15.** 20.395 (3) (bx) of the statutes is amended to read:

17 20.395 (3) (bx) *Major highway development, federal funds.* All moneys received
18 from the federal government for major development of state trunk and connecting
19 highways and, before ~~July 1, 1995~~ October 1, 1997, the disadvantaged business
20 demonstration and training program under s. 84.076, for such purposes.

21 **SECTION 16.** 20.395 (3) (cq) of the statutes is amended to read:

22 20.395 (3) (cq) *State highway rehabilitation, state funds.* As a continuing
23 appropriation, the amounts in the schedule for improvement of existing state trunk
24 and connecting highways; for improvement of bridges on state trunk or connecting
25 highways and other bridges for which improvement is a state responsibility, for

1 necessary approach work for such bridges and for replacement of such bridges with
2 at-grade crossing improvements; for the construction and rehabilitation of the
3 national system of interstate and defense highways and bridges and related
4 appurtenances; for special maintenance activities under s. 84.04 on roadside
5 improvements; for bridges under s. 84.10; for payment to a local unit of government
6 for a jurisdictional transfer under s. 84.02 (8); and, before ~~July 1, 1995~~ October 1,
7 1997, for the disadvantaged business demonstration and training program under s.
8 84.076.

9 **SECTION 17.** 20.395 (3) (cv) of the statutes is amended to read:

10 20.395 (3) (cv) *State highway rehabilitation, local funds.* All moneys received
11 from any local unit of government or other source for the specific information sign
12 program under s. 86.195; for improvement of existing state trunk and connecting
13 highways; for improvement of bridges on state trunk or connecting highways and
14 other bridges for which improvement is a state responsibility, for necessary approach
15 work for such bridges and for replacement of such bridges with at-grade crossing
16 improvements; for the construction and rehabilitation of the national system of
17 interstate and defense highways and bridges and related appurtenances; for special
18 maintenance activities under s. 84.04 on roadside improvements; for the railroad
19 and utility alteration and relocation loan program under s. 84.065 and, before ~~July~~
20 ~~1, 1995~~ October 1, 1997, for the disadvantaged business demonstration and training
21 program under s. 84.076, for such purposes.

22 **SECTION 18.** 20.395 (3) (cx) of the statutes is amended to read:

23 20.395 (3) (cx) *State highway rehabilitation, federal funds.* All moneys
24 received from the federal government for improvement of existing state trunk and
25 connecting highways; for improvement of bridges on state trunk or connecting

1 highways and other bridges for which improvement is a state responsibility, for
2 necessary approach work for such bridges and for replacement of such bridges with
3 at-grade crossing improvements; for the construction and rehabilitation of the
4 national system of interstate and defense highways and bridges and related
5 appurtenances; for special maintenance activities under s. 84.04 on roadside
6 improvements and, before ~~July 1, 1995~~ October 1, 1997, for the disadvantaged
7 business demonstration and training program under s. 84.076, for such purposes.

8 **SECTION 19.** 20.395 (3) (eq) of the statutes is amended to read:

9 20.395 (3) (eq) *Highway maintenance, repair and traffic operations, state*
10 *funds.* Biennially, the amounts in the schedule for the maintenance and repair of
11 roadside improvements under s. 84.04, state trunk highways under s. 84.07 and
12 bridges that are not on the state trunk highway system under s. 84.10; for highway
13 operations such as permit issuance, pavement marking, highway signing, traffic
14 signalization and highway lighting under ss. 84.04, 84.07, 84.10 and 348.25 to 348.27
15 and ch. 349; and, before ~~July 1, 1995~~ October 1, 1997, for the disadvantaged business
16 demonstration and training program under s. 84.076. This paragraph does not apply
17 to special maintenance activities under s. 84.04 on roadside improvements.

18 **SECTION 20.** 20.395 (3) (ev) of the statutes is amended to read:

19 20.395 (3) (ev) *Highway maintenance, repair and traffic operations, local*
20 *funds.* All moneys received from any local unit of government or other sources for
21 the maintenance and repair of roadside improvements under s. 84.04, state trunk
22 highways under s. 84.07 and bridges that are not on the state trunk highway system
23 under s. 84.10; for signing under s. 86.195; for highway operations such as permit
24 issuance, pavement marking, highway signing, traffic signalization and highway
25 lighting under ss. 84.04, 84.07, 84.10 and 348.25 to 348.27 and ch. 349; and, before

1 ~~July 1, 1995~~ October 1, 1997, for the disadvantaged business demonstration and
2 training program under s. 84.076; for such purposes. This paragraph does not apply
3 to special maintenance activities under s. 84.04 on roadside improvements.

4 **SECTION 21.** 20.395 (3) (ex) of the statutes is amended to read:

5 20.395 (3) (ex) *Highway maintenance, repair and traffic operations, federal*
6 *funds.* All moneys received from the federal government for the maintenance and
7 repair of roadside improvements under s. 84.04, state trunk highways under s. 84.07
8 and bridges that are not on the state trunk highway system under s. 84.10; for
9 highway operations such as permit issuance, pavement marking, highway signing,
10 traffic signalization and highway lighting under ss. 84.04, 84.07, 84.10 and 348.25
11 to 348.27 and ch. 349; and, before ~~July 1, 1995~~ October 1, 1997, for the disadvantaged
12 business demonstration and training program under s. 84.076; for such purposes.
13 This paragraph does not apply to special maintenance activities under s. 84.04 on
14 roadside improvements.

15 **SECTION 23.** 20.395 (5) (cq) of the statutes is amended to read:

16 20.395 (5) (cq) *Vehicle registration, inspection and maintenance and driver*
17 *licensing, state funds.* The amounts in the schedule for administering the vehicle
18 registration and driver licensing program, including the traffic violation and
19 registration program and the driver license reinstatement training program under
20 s. 85.28, for administering the motor vehicle emission inspection and maintenance
21 program under s. 110.20, for the training of inspectors under s. 110.22, for
22 administering the fuel tax and fee reporting program under s. 341.45 and to
23 compensate for services performed, as determined by the secretary of transportation,
24 by any county providing registration services.

25 **SECTION 24.** 20.395 (5) (dk) of the statutes is amended to read:

1 20.395 (5) (dk) *Public safety radio management, service funds.* From the
2 general fund, all moneys received by the department from the department and from
3 other state agencies for purposes related to the statewide public safety radio
4 management program under s. 85.12, for that purpose.

5 **SECTION 29.** 20.866 (2) (uv) of the statutes is amended to read:

6 20.866 (2) (uv) *Transportation, harbor improvements.* From the capital
7 improvement fund, a sum sufficient for the department of transportation to provide
8 grants for harbor improvements. The state may contract public debt in an amount
9 not to exceed ~~\$9,000,000~~ \$12,000,000 for this purpose.

10 **SECTION 30.** 20.866 (2) (uw) of the statutes is amended to read:

11 20.866 (2) (uw) *Transportation; rail acquisitions and improvements.* From the
12 capital improvement fund, a sum sufficient for the department of transportation to
13 acquire railroad property under ss. 85.08 (2) (L) and 85.09; and to provide grants and
14 loans for rail property acquisitions and improvements under s. 85.08 (4m) (c) and (d);
15 ~~and to credit the appropriation account under s. 20.395 (2) (bt) as reimbursement for~~
16 ~~initial temporary funding of acquisitions, grants or loans authorized under 1993~~
17 ~~Wisconsin Act 16, section 9154 (4n).~~ The state may contract public debt in an amount
18 not to exceed ~~\$10,000,000~~ \$14,500,000 for these purposes.

19 **SECTION 35.** 25.40 (1) (a) 12. of the statutes is created to read:

20 25.40 (1) (a) 12. Fees collected under s. 341.45 (1g) (a) that are required under
21 s. 341.45 (4m) to be deposited in the petroleum inspection fund.

22 **SECTION 36m.** 25.40 (2) (b) 15g. of the statutes is created to read:

23 25.40 (2) (b) 15g. Section 20.445 (1) (uy).

24 **SECTION 37b.** 70.337 (7) of the statutes is amended to read:

1 70.337 (7) This section does not apply to property that is exempt under s. 70.11
2 (13), (13m), (15), (15m), (21) or (30), property that is exempt under s. 70.11 (18) if a
3 payment in lieu of taxes is made for that property, lake beds owned by the state, state
4 forests under s. 28.03 or 28.035, county forests under s. 28.10, property acquired by
5 the department of transportation under s. 85.08 (2) (L) or 85.09 or highways, as
6 defined in s. 340.01 (22).

7 **SECTION 41.** 78.005 (13g) of the statutes is created to read:

8 78.005 (13g) “Recreational motorboat” means a motorboat used predominantly
9 for the entertainment, amusement or recreation of the owner of the motorboat,
10 whether or not it is used in a trade or business.

11 **SECTION 42.** 78.01 (2) (e) of the statutes is amended to read:

12 78.01 (2) (e) Gasoline sold for nonhighway use in mobile machinery and
13 equipment; other than use in a snowmobile, an all-terrain vehicle that is not
14 registered for private use under s. 23.33 (2) (d) or a recreational motorboat; and
15 delivered directly into the consumer’s storage tank in an amount of not less than 100
16 gallons.

17 **SECTION 43.** 78.01 (2m) (f) of the statutes is amended to read:

18 78.01 (2m) (f) It is sold for off-highway use other than use in a snowmobile, an
19 all-terrain vehicle that is not registered for private use under s. 23.33 (2) (d) or a
20 recreational motorboat or if no claim for a refund for the tax on the diesel fuel may
21 be made under s. 78.75 (1m) (a) 3.

22 **SECTION 47.** 78.40 (1) of the statutes is amended to read:

23 78.40 (1) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate
24 determined under s. 78.405 is imposed on the use of alternate fuels. The tax, with
25 respect to all alternate fuel delivered by an alternate fuel dealer into supply tanks

1 of motor vehicles in this state, attaches at the time of delivery and shall be collected
2 by the dealer from the alternate fuels user and shall be paid to the department. The
3 tax, with respect to alternate fuels acquired by any alternate fuels user other than
4 by delivery by an alternate fuel dealer into a fuel supply tank of a motor vehicle, or
5 of a snowmobile, an all-terrain vehicle that is not registered for private use under
6 s. 23.33 (2) (d) or a recreational motorboat, attaches at the time of the use of the fuel
7 and shall be paid to the department by the user. The department may permit any
8 supplier of alternate fuels to report and pay to the department the tax on alternate
9 fuels delivered into the storage facility of an alternate fuels user or retailer which will
10 be consumed for alternate fuels tax purposes or sold at retail.

11 **SECTION 50.** 78.75 (1m) (a) 2. of the statutes is amended to read:

12 78.75 **(1m)** (a) 2. A person who uses motor vehicle fuel or an alternate fuel upon
13 which has been paid the tax required under this chapter for the purpose of operating
14 a snowmobile, as defined under s. 340.01 (58a), an aircraft, as defined under s. 78.55
15 (2), or a motorboat, as defined under s. 30.50 (6), unless the motorboat is exempt from
16 ~~registration as a motor vehicle under s. 341.05 (20)~~ not a recreational motorboat, may
17 not be reimbursed or repaid the amount of tax paid.

18 **SECTION 51.** 78.75 (1m) (a) 3. of the statutes is amended to read:

19 78.75 **(1m)** (a) 3. Claims under subd. 1. shall be made and filed upon forms
20 prescribed and furnished by the department. The forms shall indicate that refunds
21 are not available for motor vehicle fuel or alternate fuels used for motorboats, except
22 motorboats exempt from registration as motor vehicles under s. 341.05 (20) and
23 recreational motorboats, or motor vehicle fuel or alternate fuels used for
24 snowmobiles and that the estimated snowmobile motor vehicle fuel or alternate fuels
25 tax payments are used for snowmobile trails and areas. The forms shall indicate that

1 refunds are not available for motor vehicle fuel or alternate fuels used for all-terrain
2 vehicles unless the all-terrain vehicle is registered for private use under s. 23.33 (2)
3 (d) and shall indicate that estimated all-terrain vehicle motor vehicle fuel or
4 alternate fuels tax payments are used for all-terrain vehicle trails and areas. The
5 forms shall also indicate that refunds are not available for the tax on less than 100
6 gallons. The department shall distribute forms in sufficient quantities to each
7 county clerk.

8 **SECTION 51m.** 84.013 (2) (d) of the statutes is created to read:

9 84.013 (2) (d) The department shall complete the major highway project
10 authorized in sub. (3) (yd) by January 1, 2000.

11 **SECTION 53.** 84.013 (3) (kb) to (km) of the statutes are created to read:

12 84.013 (3) (kb) USH 151 extending approximately 18.2 miles between USH 151
13 west of Belmont and STH 23 south of Dodgeville, designated as the Belmont to
14 Dodgeville project, in Lafayette and Iowa counties.

15 (kg) STH 16 and STH 16/67 extending approximately 7.4 miles from the
16 junction of STH 16 with the Rock River to the STH 16/67 interchange east of
17 Oconomowoc, designated as the Oconomowoc bypass, in Jefferson and Waukesha
18 counties.

19 (km) USH 53 extending approximately 7.5 miles between USH 53 south of the
20 USH 53/STH 93 interchange in Eau Claire and the USH 53/STH 124 interchange
21 south of Chippewa Falls, designated as the Eau Claire freeway, in Eau Claire and
22 Chippewa counties.

23 **SECTION 54.** 84.013 (3) (ye) of the statutes is amended to read:

24 84.013 (3) (ye) USH 10 between Appleton and Marshfield, in Winnebago,
25 Outagamie, Waupaca, Portage and Wood counties.

1 **SECTION 55.** 84.076 (5) of the statutes is amended to read:

2 84.076 (5) SUNSET. This section does not apply after ~~June 30, 1995~~ September
3 30, 1997.

4 **SECTION 56m.** 84.183 of the statutes is created to read:

5 **84.183 High-cost bridge program. (1)** In this section, “high-cost bridge”
6 means a bridge on the state trunk highway system that has a deck area greater than
7 40,000 square feet.

8 **(2)** The department shall administer a high-cost bridge program to fund the
9 rehabilitation of high-cost bridges. From the appropriations under s. 20.395 (3) (cq),
10 (cv) and (cx), the department shall encumber not less than any of the following for
11 the cost of constructing or reconstructing high-cost bridges:

12 (a) In fiscal year 1995-96, \$20,800,000.

13 (b) In fiscal year 1996-97, \$21,400,000.

14 (c) In fiscal year 1997-98, \$22,100,000.

15 (d) In fiscal year 1998-99, \$22,700,000.

16 **SECTION 56r.** 84.185 (6r) of the statutes is created to read:

17 84.185 (6r) REPAYMENT OF AID. The department may not require repayment of
18 any aid provided under this section on the basis of the number of jobs that the
19 improvement or economic development project causes to be retained or created in
20 this state if all of the following apply:

21 (a) The formal project agreement entered into by the department, under s.
22 Trans. 510.08, Wis. Adm. Code, relating to the improvement or economic
23 development project was executed after December 31, 1994.

24 (b) Prior to the execution of the formal project agreement, a petition signed by
25 a number of electors at least equal to 50% of the number of electors voting in the last

1 general election is submitted to the governing body of the political subdivision in
2 which the improvement or economic development project is to be located requesting
3 a referendum on any of the following:

4 1. Whether the proposed improvement or economic development project should
5 be constructed.

6 2. The question specified under par. (c) 3.

7 (c) The governing body, upon receiving a petition described in par. (b), does any
8 of the following:

9 1. Takes no formal action with respect to the petition.

10 2. Formally denies the request for a referendum.

11 3. Holds a referendum in which the ballot question is, "Shall the [name of
12 the political subdivision] guaranty that [description of the proposed improvement
13 or economic development project] will directly create or retain [number of jobs
14 guaranteed in the jobs guaranty] jobs?", together with a statement that, if the
15 proposed improvement or economic development project does not directly create or
16 retain that number of jobs, the political subdivision is obligated to repay up to the
17 full amount of the aid provided under this section. This subdivision applies only if
18 the question is rejected by a majority of votes cast on the question at that election.

19 **SECTION 57.** 84.59 (6) of the statutes is amended to read:

20 84.59 (6) Revenue obligations may be contracted by the building commission
21 when it reasonably appears to the building commission that all obligations incurred
22 under this section can be fully paid from moneys received or anticipated and pledged
23 to be received on a timely basis. Revenue obligations issued under this section shall
24 not exceed ~~\$950,834,000~~ \$1,083,638,100 in principal amount, excluding obligations
25 issued to refund outstanding revenue obligations. Not more than ~~\$841,634,000~~

1 \$1,041,341,000 of the ~~\$950,834,000~~ \$1,083,638,100 may be used for transportation
2 facilities under s. 84.01 (28) and major highway projects under ss. 84.06 and 84.09.

3 **SECTION 57m.** 84.61 of the statutes is created to read:

4 **84.61 Milwaukee Brewers stadium project; East-West Freeway. (1) (a)**

5 There is established in the transportation fund a reserve account consisting of
6 \$15,000,000 for the purpose of funding state highway rehabilitation associated with
7 the construction of a new stadium to be used by the Milwaukee Brewers, a
8 professional baseball team located in Milwaukee County, or construction activities
9 relating to highway resurfacing or bridge repair on the East-West Freeway from
10 downtown Milwaukee to Waukesha. The department may submit a request to the
11 joint committee on finance to provide funding from the reserve account for either of
12 the projects specified in this paragraph.

13 (b) Notwithstanding s. 13.101 (3) (a), the joint committee on finance may
14 supplement, from the reserve account established under par. (a), the appropriation
15 under s. 20.395 (3) (cq), for either of the projects specified in par. (a). The reserve
16 account shall be reduced by the amount of any supplemental appropriation made
17 under this paragraph. If the joint committee on finance makes a supplemental
18 appropriation for one of the projects specified in par. (a), the department may not
19 request that any supplemental appropriation be made under this subsection for the
20 other project specified in par. (a).

21 **(2) (a)** There is established in the transportation fund a reserve account
22 consisting of \$13,349,000 for the purpose of funding construction activities relating
23 to highway resurfacing or bridge repair on the East-West Freeway from downtown
24 Milwaukee to Waukesha.

1 (b) Notwithstanding s. 13.101 (3) (a), the joint committee on finance may
2 supplement, from the reserve account established under par. (a), the appropriation
3 under s. 20.395 (3) (cq), for the project specified in par. (a). The reserve account shall
4 be reduced by the amount of any supplemental appropriation made under this
5 paragraph.

6 (3) (a) There is established in the transportation fund on July 1, 1996, a
7 supplemental reserve account consisting of \$13,349,000 for the purpose of funding
8 construction activities relating to highway resurfacing or bridge repair on the
9 East-West Freeway from downtown Milwaukee to Waukesha.

10 (b) Notwithstanding s. 13.101 (3) (a), the joint committee on finance may
11 supplement, from the reserve account established under par. (a), the appropriation
12 under s. 20.395 (3) (cq), for the project specified in par. (a). The reserve account shall
13 be reduced by the amount of any supplemental appropriation made under this
14 paragraph.

15 (4) The department may not encumber any funds in the 1995-97 fiscal
16 biennium for the purpose of funding state highway rehabilitation associated with the
17 construction of a new stadium to be used by the Milwaukee Brewers, a professional
18 baseball team located in Milwaukee County, or construction activities relating to
19 highway resurfacing or bridge repair on the East-West Freeway from downtown
20 Milwaukee to Waukesha except as provided in this section. This subsection does not
21 apply to the encumbrance of funds pursuant to a federal demonstration grant.

22 (5) This section does not apply after June 30, 1999.

23 **SECTION 57mm.** 85.022 (2) of the statutes is created to read:

24 85.022 (2) (a) The department shall allocate \$250,000 in each fiscal year of the
25 1995-97 biennium from the appropriation under s. 20.395 (2) (hq) for a study of

1 high-speed rail service in the southern transportation corridor between this state
2 and the state of Minnesota.

3 (b) 1. Except as provided in subd. 2., funds may be expended under par. (a) only
4 to match funds, at the ratio of 1 to 1, from the state of Minnesota for the study.

5 2. No funds may be expended under par. (a) unless the federal government
6 contributes funds for a study under par. (a) in an amount equal to the total amount
7 of funds from this state and the state of Minnesota for the study.

8 **SECTION 57p.** 85.06 (2) (b) of the statutes is amended to read:

9 85.06 (2) (b) Contract with Amtrak or an applicable railroad to provide rail
10 passenger service.

11 **SECTION 57r.** 85.061 (3) of the statutes is amended to read:

12 85.061 (3) PROGRAM. The department shall administer a rail passenger route
13 development program. From the appropriation under s. 20.866 (2) (up), the
14 department may fund capital costs related to Amtrak service extension routes or
15 other rail service routes between the cities of Milwaukee and Madison and between
16 the cities of Milwaukee and Green Bay. ~~The extension of the~~ Any route between the
17 cities of Milwaukee and Green Bay funded under the program shall provide service
18 to population centers along the route in a manner that makes the route most
19 economically feasible. The department may not use any proceeds from the bond issue
20 authorized under s. 20.866 (2) (up) for ~~the extension of~~ a route under this subsection
21 unless the department submits evidence to the joint committee on finance that
22 Amtrak or the applicable railroad has agreed to provide rail passenger service on
23 that ~~extension~~ route and the joint committee on finance approves the use of the
24 proceeds. The department may contract with Amtrak, railroads or other persons to
25 perform the activities under this subsection.

1 **SECTION 58.** 85.08 (4m) (e) 1. of the statutes is amended to read:

2 85.08 (**4m**) (e) 1. Upon the request of an eligible applicant, the department may
3 negotiate and enter into a loan agreement with the eligible applicant for purposes
4 of rehabilitating a rail line or to finance an economic development and transportation
5 efficiency project, including a project designed to promote safety or the viability of
6 a statewide system of freight rail service, to assist intermodal freight movement or
7 to provide industry access to a rail line. A loan made under this paragraph shall
8 finance a project that confers a public benefit or enhances economic development in
9 this state. Loans made under this paragraph shall be paid from the appropriation
10 under s. 20.395 (2) (~~bt~~), (bu), (bw) or (bx).

11 **SECTION 59.** 85.085 (1) of the statutes is renumbered 85.085 (1m).

12 **SECTION 60.** 85.085 (1b) of the statutes is created to read:

13 85.085 (**1b**) In this section, “rehabilitated” means a significant rebuilding of
14 railroad track that restores severely deteriorated track to a minimum service
15 standard or, for track that is at or above a minimum service standard, that increases
16 the service standard of the track.

17 **SECTION 61.** 85.085 (3) of the statutes is amended to read:

18 85.085 (**3**) The department shall not make any payment under this section
19 unless the applicable private road crossing permit provides that the rail transit
20 commission shall, at the user’s sole cost and expense, maintain, repair and renew the
21 private road crossing. “Maintain, repair and renew” does not include any rebuilding
22 of a private road crossing that is required because the applicable tracks have been
23 rehabilitated.

24 **SECTION 62.** 85.20 (4m) (a) of the statutes is renumbered 85.20 (4m) (a) (intro.)
25 and amended to read:

1 85.20 (4m) (a) (intro.) ~~From the amounts appropriated under s. 20.395 (1) (bq),~~
2 ~~an amount equal to 42% of the projected operating expenses of each eligible~~
3 ~~applicant's urban mass transit system. An amount shall be allocated to each eligible~~
4 ~~applicant. to ensure that the sum of state and federal aids for the projected operating~~
5 ~~expenses of each eligible applicant's urban mass transit system is equal to a uniform~~
6 ~~percentage, established by the department, of the projected operating expenses of~~
7 ~~the mass transit system. The department shall make allocations as follows:~~

8 **SECTION 63.** 85.20 (4m) (a) 1. to 4. of the statutes are created to read:

9 85.20 (4m) (a) 1. From the appropriation under s. 20.395 (1) (dq), the uniform
10 percentage for each eligible applicant in an urban area served by an urban mass
11 transit system with annual operating expenses in excess of \$80,000,000.

12 2. From the appropriation under s. 20.395 (1) (dr), the uniform percentage for
13 each eligible applicant in an urban area served by an urban mass transit system with
14 annual operating expenses greater than \$20,000,000 but not more than \$80,000,000.

15 3. From the appropriation under s. 20.395 (1) (ds), the uniform percentage for
16 each eligible applicant served by an urban mass transit system operating within an
17 urban area having a population as shown in the 1990 federal decennial census of at
18 least 50,000 and not specified in subd. 1. or 2.

19 4. From the appropriation under s. 20.395 (1) (dt), the uniform percentage for
20 each eligible applicant served by an urban mass transit system operating within an
21 urban area having a population as shown in the 1990 federal decennial census of less
22 than 50,000.

23 **SECTION 64.** 85.20 (4m) (am) of the statutes is repealed.

24 **SECTION 65.** 85.20 (4m) (e) of the statutes is repealed.

25 **SECTION 66b.** 85.20 (4m) (em) 1. of the statutes is amended to read:

1 85.20 (4m) (em) 1. An amount equal to ~~42%~~ the same percentage of the audited
2 operating expenses for the project year of the applicant's urban mass transit system
3 that is specified for allocations to the applicant under par. (a) 1. to 4.

4 **SECTION 67b.** 85.20 (4s) of the statutes is amended to read:

5 85.20 (4s) PAYMENT OF AIDS UNDER THE CONTRACT. The contracts executed
6 between the department and eligible applicants under this section shall provide that
7 the payment of the state aid allocation under sub. (4m) (a) for the last quarter of the
8 state's fiscal year shall be provided from the following fiscal year's appropriation
9 under s. 20.395 (1) ~~(bq)~~ (dq), (dr), (ds) or (dt).

10 **SECTION 68b.** 85.20 (7) of the statutes is created to read:

11 85.20 (7) COST-EFFICIENCY STANDARDS. (a) The department shall establish
12 cost-efficiency standards for the urban mass transit system specified in sub. (4m) (a)
13 1. to 4. The contracts executed between the department and eligible applicants
14 under this section for any period beginning on or after January 1, 1997, shall provide
15 that the department may do any of the following if costs are incurred by the eligible
16 applicant's urban mass transit system which are inconsistent with the standards
17 established under this subsection:

18 1. Exclude those costs from operating expenses for purposes of sub. (4m).

19 2. Reduce the amount of state aid allocation under sub. (4m) (a).

20 (b) The department shall specify by rule the cost-efficiency standards under
21 this subsection, including rules for the implementation of par. (a) 1. and 2.

22 **SECTION 76m.** 86.30 (2) (a) 3. c. of the statutes is repealed.

23 **SECTION 77m.** 86.30 (2) (a) 3. d. of the statutes is amended to read:

24 86.30 (2) (a) 3. d. In calendar year 1995 and thereafter, \$1,350.

25 **SECTION 78m.** 86.30 (2) (a) 3. e. of the statutes is created to read:

1 86.30 (2) (a) 3. e. In calendar year 1996, \$1,390.

2 **SECTION 79m.** 86.30 (2) (a) 3. f. of the statutes is created to read:

3 86.30 (2) (a) 3. f. In calendar year 1997 and thereafter, \$1,432.

4 **SECTION 79p.** 86.30 (2) (bg) of the statutes is created to read:

5 86.30 (2) (bg) *Maximum payments for 1st class cities.* Notwithstanding par. (b),
6 no 1st class city may be paid an amount for any calendar year transportation aid
7 payment greater than a mileage aid payment for each mile of road or street under
8 the jurisdiction of the 1st class city as determined under s. 86.302 equal to the
9 following:

10 1. In calendar year 1996, \$15,750.

11 2. In calendar year 1997 and thereafter, \$15,900.

12 **SECTION 80m.** 86.30 (9) of the statutes is amended to read:

13 86.30 (9) AIDS CALCULATIONS. (b) For the purpose of calculating and
14 distributing aids under sub. (2), the amounts for aids to counties are ~~\$63,392,900 in~~
15 ~~calendar year 1994~~ and \$66,588,900 in calendar year 1995, \$68,586,600 in calendar
16 year 1996 and \$70,644,200 in calendar year 1997 and thereafter. These amounts,
17 to the extent practicable, shall be used to determine the statewide county average
18 cost-sharing percentage in the particular calendar year.

19 (c) For the purpose of calculating and distributing aids under sub. (2), the
20 amounts for aids to municipalities are ~~\$197,814,700 in calendar year 1994~~ and
21 ~~\$209,496,900 in calendar year 1995~~, \$213,381,800 in calendar year 1996 and
22 \$219,855,300 in calendar year 1997 and thereafter. These amounts, to the extent
23 practicable, shall be used to determine the statewide municipal average
24 cost-sharing percentage in the particular calendar year.

25 **SECTION 82m.** 86.315 (1) of the statutes is amended to read:

1 86.315 (1) From the appropriation under s. 20.395 (1) (fu), the department
2 shall annually, on March 10, pay to counties having county forests established under
3 ch. 28, for the improvement of public roads within the county forests which are open
4 and used for travel and which are not state or county trunk highways or town roads
5 and for which no aids are paid under s. 86.30, the amount of \$200 \$400 per mile of
6 road designated in the comprehensive county forest land use plan as approved by the
7 county board and the department of natural resources. If the amount appropriated
8 under s. 20.395 (1) (fu) is insufficient to make the \$200 \$400 per mile payments under
9 this subsection, the department shall prorate the amount appropriated in the
10 manner it deems desirable.

11 **SECTION 86.** 110.08 (2) of the statutes is amended to read:

12 110.08 (2) Except as provided under s. 343.16 (1) (b) and (c), all examinations
13 for operator's licenses and permits shall be given by state examiners.

14 **SECTION 87.** 114.002 (4) of the statutes is repealed.

15 **SECTION 88.** 114.002 (11) of the statutes is amended to read:

16 114.002 (11) "Antique aircraft" means an aircraft ~~more than 35 years old as~~
17 ~~determined by the~~ which has a date of manufacture of 1955 or earlier and which is
18 used solely for recreational or display purposes.

19 **SECTION 89.** 114.002 (13) of the statutes is repealed.

20 **SECTION 90.** 114.20 (1) (title) of the statutes is amended to read:

21 114.20 (1) (title) ANNUAL REGISTRATION REQUIRED.

22 **SECTION 91.** 114.20 (1) (a) of the statutes is amended to read:

23 114.20 (1) (a) Except as provided under sub. (2), all aircraft based in this state
24 shall be registered by the owner of the aircraft with the department annually on or
25 before November 1 or, for aircraft with a maximum gross weight of not more than

1 3,000 pounds that are not subject to sub. (10), biennially on or before the first
2 November 1. Annual registration fees shall be determined in accordance with sub.
3 (9) or (10). Biennial registration fees shall be determined in accordance with sub.
4 (9m).

5 **SECTION 92.** 114.20 (1) (b) of the statutes is amended to read:

6 114.20 (1) (b) Aircraft determined by the department to be based in this state
7 shall be subject to the annual or biennial registration fees under sub. (9) or (9m).
8 Aircraft which are determined to be not based in this state shall be exempt from the
9 annual or biennial registration fees.

10 **SECTION 93.** 114.20 (2) (intro.) of the statutes is amended to read:

11 114.20 (2) (title) EXCEPTIONS TO ANNUAL REGISTRATION REQUIREMENTS. (intro.)
12 The annual registration requirements under sub. (1) do not apply to aircraft based
13 in this state that are:

14 **SECTION 94.** 114.20 (2) (c) of the statutes is repealed.

15 **SECTION 95.** 114.20 (5) of the statutes is amended to read:

16 114.20 (5) UNAIRWORTHY AIRCRAFT. Any person desiring to have an aircraft
17 designated as an unairworthy aircraft may apply to the department in the manner
18 the department prescribes. No application may be acted upon unless all information
19 requested is supplied. Upon receipt of an application and a registration fee of \$5 to
20 be established by rule and after determining from the facts submitted and
21 investigation that the aircraft qualifies as an unairworthy aircraft, the department
22 shall issue an unairworthy aircraft certificate. The certificate shall expire upon
23 transfer of ownership or restoration. An aircraft is presumed restored if it is capable
24 of operation. The annual or biennial registration fee is due on the date of restoration.
25 Operation of the aircraft is conclusive evidence of restoration. An additional

1 administrative fee of \$5 A late payment charge to be established by rule shall be
2 charged assessed on all applications filed later than 30 days after the date of
3 restoration.

4 **SECTION 96.** 114.20 (7) of the statutes is repealed.

5 **SECTION 97.** 114.20 (9) (a) to (c) of the statutes are renumbered 114.20 (9m) (a)
6 to (c) and amended to read:

- 7 114.20 **(9m)** (a) Not more than 2,000 ~~\$ 30~~ \$ 60
- 8 (b) Not more than 2,500 ~~39~~ 78
- 9 (c) Not more than 3,000 ~~50~~ 100

10 **SECTION 98.** 114.20 (9) (d) of the statutes is amended to read:

- 11 114.20 **(9)** (d) Not more than 3,500 ~~70~~ \$ 70

12 **SECTION 99.** 114.20 (9m) (intro.) of the statutes is created to read:

13 114.20 **(9m)** BIENNIAL REGISTRATION FEES. (intro.) Except as provided in sub.
14 (10), the owner of an aircraft subject to the biennial registration requirements under
15 sub. (1) shall pay a biennial registration fee established in accordance with the
16 following gross weight schedule:

17 [Maximum gross	[Annual
18 Weight in pounds]	fee]

19 **SECTION 100.** 114.20 (12) of the statutes is amended to read:

20 114.20 **(12)** (title) INITIAL ANNUAL REGISTRATION. For new aircraft, aircraft not
21 previously registered in this state or unregistered aircraft for which annual
22 registration is required under sub. (9), the fee for the initial year of registration shall
23 be computed from the date of purchase, restoration, completed construction or entry
24 of the aircraft into this state on the basis of one-twelfth of the registration fee
25 specified in sub. (9) multiplied by the remaining number of months in the current

1 registration year which are not fully expired. For new aircraft, aircraft not
2 previously registered in this state or unregistered aircraft for which biennial
3 registration is required under sub. (9m), the fee for the initial 2-year period of
4 registration shall be computed from the date of purchase, restoration, completed
5 construction or entry of the aircraft into this state on the basis of one twenty-fourth
6 of the registration fee specified in sub. (9m) multiplied by the remaining number of
7 months in the current 2-year registration period which are not fully expired.
8 Application for registration shall be filed within 30 days from the date of purchase,
9 restoration, completed construction or entry of the aircraft into this state and if filed
10 after that date an additional administrative fee of \$5 shall be charged. If the date
11 of purchase, restoration, completed construction or entry into this state is not
12 provided by the applicant, the full annual or biennial registration fee provided in sub.
13 (9) or (9m) shall be charged for registering the aircraft.

14 **SECTION 101.** 114.20 (13) (b) 1. of the statutes is amended to read:

15 114.20 (13) (b) 1. If an annual or biennial registration fee is not paid by
16 November 1, from November 2 to the following April 30, the department shall add
17 a late payment charge of \$50 or 10% of the amount specified for the registration
18 under sub. (9), (9m) or (10), whichever is greater, to the fee.

19 **SECTION 102.** 114.20 (13) (b) 2. of the statutes is amended to read:

20 114.20 (13) (b) 2. If an annual or biennial registration fee is not paid by the
21 following April 30, from May 1 to October 31 or, for a biennial registration, the end
22 of the biennial period, the department shall add a late payment charge of \$50 or 20%
23 of the amount specified for the registration under sub. (9), (9m) or (10), whichever
24 is greater, to the fee.

25 **SECTION 103.** 114.20 (13) (b) 3. of the statutes is repealed.

1 **SECTION 104.** 114.20 (13) (b) 5. of the statutes is amended to read:

2 114.20 **(13)** (b) 5. This paragraph applies after October 31, ~~1989~~ 1995.

3 **SECTION 105.** 114.20 (15) (b) of the statutes is amended to read:

4 114.20 **(15)** (b) The lien against the aircraft for the original registration fee
5 shall attach at the time the fee is first payable, ~~and the lien for all renewals of annual~~
6 registration shall attach on November 1 of each year thereafter and the lien for all
7 renewals of biennial registration shall attach on the first November of the
8 registration period and every 2 years thereafter.

9 **SECTION 106.** 121.555 (2) (c) 1. of the statutes is amended to read:

10 121.555 **(2)** (c) 1. Shall possess a valid Wisconsin operator's license or a valid
11 operator's license issued by another jurisdiction, as defined in s. 340.01 (41m), or a
12 valid commercial driver license issued by Mexico.

13 **SECTION 109g.** 218.01 (2) (bd) 1g. of the statutes is amended to read:

14 218.01 **(2)** (bd) 1g. The manufacturer, distributor or importer shall send a
15 notice of discontinuation or cancellation by certified mail, and forward a copy of the
16 notice to the department, not less than 20 days before the effective date of
17 discontinuation or cancellation of the agreement, if the dealer or distributor fails to
18 conduct its customary sales and service operations during its customary business
19 hours for 7 consecutive business days unless the failure is caused by an act of God,
20 by work stoppage or delays due to strikes or labor disputes or other reason beyond
21 the dealer's or distributor's control or by an order of the department or the ~~office of~~
22 ~~the commissioner of transportation~~ division of hearings and appeals.

23 **SECTION 109m.** 218.01 (2) (bd) 1g. of the statutes, as affected by 1995 Wisconsin
24 Acts 27 and (this act), is repealed and recreated to read:

1 218.01 **(2c)** (c) The ownership, operation or control of a dealership by a
2 manufacturer, importer or distributor, or subsidiary thereof, which does not meet the
3 conditions under par. (a) or (b), if the ~~office of the commissioner of transportation~~
4 division of hearings and appeals determines, after a hearing on the matter at the
5 request of any party, that there is no prospective independent dealer available to own
6 and operate the dealership in a manner consistent with the public interest and that
7 meets the reasonable standard and uniformly applied qualifications of the
8 manufacturer, importer or distributor.

9 **SECTION 112.** 218.01 (3) (a) 24. of the statutes is amended to read:

10 218.01 **(3)** (a) 24. Being a manufacturer, importer or distributor who fails to
11 comply with the procedures in sub. (3x) regarding a dealer's request for approval of
12 a change of ownership or executive management, transfer of its dealership assets to
13 another person, adding another franchise at the same location as its existing
14 franchise, or relocation of a franchise or who fails to comply with an order of the ~~office~~
15 ~~of the commissioner of transportation~~ division of hearings and appeals issued under
16 sub. (3x).

17 **SECTION 113g.** 218.01 (3x) (b) 2. of the statutes is amended to read:

18 218.01 **(3x)** (b) 2. An affected grantor who does not approve of the proposed
19 action shall, within 30 days after receiving the dealer's written notice of the proposed
20 action or within 30 days after receiving all the information specified in a written list
21 served on the dealer under subd. 1., whichever is later, file with the department and
22 serve upon the dealer a written statement of the reasons for its disapproval. The
23 reasons given for the disapproval or any explanation of those reasons by the
24 manufacturer, distributor or importer shall not subject the manufacturer,
25 distributor or importer to any civil liability unless the reasons given or explanations

1 made are malicious and published with the sole intent to cause harm to the dealer
2 or a transferee of the dealer. Failure to file and serve a statement within the
3 applicable period shall, notwithstanding the terms of any agreement, constitute
4 approval of the proposed action by the grantor. If an affected grantor files a written
5 statement within the applicable period, the dealer may not voluntarily undertake
6 the proposed action unless it receives an order permitting it to do so from the office
7 of the commissioner of transportation division of hearings and appeals under par. (c)
8 2.

9 **SECTION 113m.** 218.01 (3x) (b) 2. of the statutes, as affected by 1995 Wisconsin
10 Acts 27 and (this act), is repealed and recreated to read:

11 218.01 (3x) (b) 2. An affected grantor who does not approve of the proposed
12 action shall, within 30 days after receiving the dealer's written notice of the proposed
13 action or within 30 days after receiving all the information specified in a written list
14 served on the dealer under subd. 1., whichever is later, file with the department of
15 transportation and serve upon the dealer a written statement of the reasons for its
16 disapproval. The reasons given for the disapproval or any explanation of those
17 reasons by the manufacturer, distributor or importer shall not subject the
18 manufacturer, distributor or importer to any civil liability unless the reasons given
19 or explanations made are malicious and published with the sole intent to cause harm
20 to the dealer or a transferee of the dealer. Failure to file and serve a statement within
21 the applicable period shall, notwithstanding the terms of any agreement, constitute
22 approval of the proposed action by the grantor. If an affected grantor files a written
23 statement within the applicable period, the dealer may not voluntarily undertake
24 the proposed action unless it receives an order permitting it to do so from the division
25 of hearings and appeals under par. (c) 2.

1 **SECTION 114g.** 218.01 (3x) (b) 3. of the statutes is amended to read:

2 218.01 (3x) (b) 3. A dealer who is served with a written statement by an affected
3 grantor under subd. 2. may file with the department and the ~~office of the~~
4 ~~commissioner of transportation~~ division of hearings and appeals and serve upon the
5 affected grantor a complaint for the determination of whether there is good cause for
6 permitting the proposed action to be undertaken. The ~~office of the commissioner of~~
7 ~~transportation~~ division of hearings and appeals shall promptly schedule a hearing
8 and decide the matter. The proposed action may not be undertaken pending the
9 determination of the matter.

10 **SECTION 114m.** 218.01 (3x) (b) 3. of the statutes, as affected by 1995 Wisconsin
11 Acts 27 and (this act), is repealed and recreated to read:

12 218.01 (3x) (b) 3. A dealer who is served with a written statement by an affected
13 grantor under subd. 2. may file with the department of transportation and the
14 division of hearings and appeals and serve upon the affected grantor a complaint for
15 the determination of whether there is good cause for permitting the proposed action
16 to be undertaken. The division of hearings and appeals shall promptly schedule a
17 hearing and decide the matter. The proposed action may not be undertaken pending
18 the determination of the matter.

19 **SECTION 115.** 218.01 (3x) (c) 1. (intro.) of the statutes is amended to read:

20 218.01 (3x) (c) 1. (intro.) In determining if there is good cause for permitting
21 a proposed action to be undertaken, the ~~office of the commissioner of transportation~~
22 division of hearings and appeals may consider any relevant factor including:

23 **SECTION 116.** 218.01 (3x) (c) 2. of the statutes is amended to read:

24 218.01 (3x) (c) 2. The decision of the ~~office of the commissioner of~~
25 ~~transportation~~ division of hearings and appeals shall be in writing and shall contain

1 findings of fact and a determination of whether there is good cause for permitting the
2 proposed action to be undertaken. The decision shall include an order that the dealer
3 be allowed or is not allowed to undertake the proposed action, as the case may be.
4 The order may require fulfillment of appropriate conditions before and after the
5 proposed action is undertaken.

6 **SECTION 117.** 218.01 (7m) (a) of the statutes is amended to read:

7 218.01 **(7m)** (a) A licensee may not file a complaint or petition with the office
8 ~~of the commissioner of transportation~~ division of hearings and appeals or bring an
9 action under sub. (9) (a), based on an alleged violation of this section by any other
10 licensee or pursuant to sub. (3) (f) or (fm), (3c) or (3x), unless the licensee serves a
11 demand for mediation upon the other licensee before or contemporaneous with the
12 filing of the complaint or petition or the bringing of the action. A demand for
13 mediation shall be in writing and served upon the other licensee by certified mail at
14 an address designated for that licensee in the licensor's records. The demand for
15 mediation shall contain a brief statement of the dispute and the relief sought by the
16 licensee filing the demand.

17 **SECTION 118.** 218.01 (7m) (c) of the statutes is amended to read:

18 218.01 **(7m)** (c) The service of a demand for mediation under par. (a) shall stay
19 the time for the filing of any complaint or petition with the ~~office of the commissioner~~
20 ~~of transportation~~ division of hearings and appeals or for bringing an action under
21 sub. (9) (a), based on an alleged violation of this section by the other licensee or
22 pursuant to sub. (3) (f) or (fm), (3c) or (3x), until the representatives of both licensees
23 have met with a mutually selected mediator for the purpose of attempting to resolve
24 the dispute. If a complaint or petition is filed before the meeting, the ~~office of the~~
25 ~~commissioner of transportation~~ division of hearings and appeals or the court shall

1 enter an order suspending the proceeding or action until the meeting has occurred
2 and may, upon the written stipulation of all parties to the proceeding or action that
3 they wish to continue to mediate under this subsection, enter an order suspending
4 the proceeding or action for as long a period as the ~~commissioner of transportation~~
5 division of hearings and appeals or court considers to be appropriate. A suspension
6 order issued under this paragraph may be revoked upon motion of any party or upon
7 motion of the ~~office of the commissioner of transportation~~ division of hearings and
8 appeals or the court.

9 **SECTION 119.** 340.01 (7m) of the statutes is amended to read:

10 340.01 (7m) "Commercial driver license" means a license issued to a person by
11 this state or another jurisdiction which is in accordance with the requirements of the
12 federal commercial motor vehicle safety act of 1986, 49 USC 2701 to 2716 31301 to
13 31317, or by Canada or Mexico, and which authorizes the licensee to operate certain
14 commercial motor vehicles.

15 **SECTION 120.** 340.01 (7r) of the statutes is amended to read:

16 340.01 (7r) "Commercial driver license information system" means the
17 information system established pursuant to the federal commercial motor vehicle
18 safety act of 1986, 49 USC 2701 to 2716 31301 to 31317, to serve as a clearinghouse
19 for information related to the licensing and identification of commercial motor
20 vehicle drivers.

21 **SECTION 128.** 341.21 of the statutes is created to read:

22 **341.21 Registration and title transactions by dealers.** The department
23 may contract with a motor vehicle dealer for services relating to the processing or
24 distribution of original or renewal registrations under this chapter or certificates of
25 title under ch. 342. The department may not compensate a motor vehicle dealer for

1 services provided under this section. A contract with a motor vehicle dealer shall
2 contain the following provisions:

3 (1) The amount of fees, if any, that the motor vehicle dealer may charge a person
4 for services relating to the processing or distribution of an original or renewal
5 registration or a certificate of title.

6 (2) Within 7 business days after the completion of an application, the motor
7 vehicle dealer shall process the application and submit any required fees and other
8 documentation to the department.

9 (3) The motor vehicle dealer shall retain all records related to an application
10 for original or renewal registration or a certificate of title for at least 5 years.

11 (4) The department or its representative may, without any prior notice, conduct
12 random inspections and audits of the motor vehicle dealer.

13 **SECTION 132.** 341.43 of the statutes is amended to read:

14 **341.43 Audits.** The department may conduct such audits as it deems
15 necessary to determine the adequacy of fees paid under the international
16 registration plan or other proportional registration law or agreement and taxes and
17 fees paid under s. 341.45. Audits shall be conducted during normal business hours.
18 Credits shall be given for overpayments and deficiencies shall be assessed, with
19 interest. Actual and necessary expenses incurred by an auditor, plus wages, may be
20 assessed against the person audited.

21 **SECTION 133.** 341.45 (title) of the statutes is amended to read:

22 **341.45 (title) Importation in vehicle tanks regulated; taxes; fee;**
23 **permits.**

24 **SECTION 134.** 341.45 (1g) (a) of the statutes is amended to read:

1 341.45 (1g) (a) ~~Every~~ Except as provided in subs. (3) and (4g), every person who
2 purchases or obtains motor vehicle fuel or an alternate fuel outside of this state and
3 operates any qualified motor vehicle into this state upon a highway and transports
4 that fuel in an attached or unattached fuel supply tank for the sole purpose of
5 operating the qualified motor vehicle shall pay the Wisconsin motor vehicle fuel or
6 alternate fuels tax and the oil inspection fee under s. 168.12 on the gallons consumed
7 by the qualified motor vehicle while operated on the highways of this state. The
8 person shall pay the tax and fee by purchasing motor vehicle fuel or alternate fuels
9 within this state in an amount that is equivalent to the gallonage consumed while
10 operating the qualified motor vehicle on the highways of this state, or by remitting
11 the tax and fee directly to the department or to another jurisdiction that is a party
12 to the international fuel tax agreement.

13 **SECTION 135.** 341.45 (1g) (b) of the statutes is amended to read:

14 341.45 (1g) (b) The department may require any person required to pay under
15 par. (a) to report on forms prescribed by it, to display evidence of compliance with par.
16 (a) and to pay taxes and the fee in the manner specified by the department.

17 (c) The department shall require any person convicted of evading the tax or fee
18 due under par. (a) to report on forms and in the manner prescribed by the
19 department.

20 **SECTION 136.** 341.45 (2) of the statutes is amended to read:

21 341.45 (2) Every person regularly or habitually operating qualified motor
22 vehicles upon the highways of any other state and using in those qualified motor
23 vehicles motor vehicle fuel or an alternate fuel purchased or obtained in this state
24 shall be allowed a credit or refund equal to the oil inspection fee and the tax on the
25 motor vehicle fuel or alternate fuel actually paid to the state in which it is used, but

1 not to exceed the tax and fee imposed on motor vehicle fuel or alternate fuels by this
2 state.

3 **SECTION 137.** 341.45 (3) of the statutes is amended to read:

4 341.45 (3) The department may enter into reciprocal agreements with the
5 appropriate officials of any other state under which it may waive all or any part of
6 the requirements imposed by this section upon those who use motor vehicle fuel or
7 alternate fuels upon which the tax ~~has~~ and fee have been paid to another state if the
8 officials of the other state grant equivalent privileges with respect to motor vehicle
9 fuel or alternate fuels used in that state but upon which the tax ~~has~~ and fee have been
10 paid to Wisconsin.

11 **SECTION 138.** 341.45 (4g) of the statutes is created to read:

12 341.45 (4g) The department may issue trip permits for 72-hour periods to
13 persons who would otherwise be required to pay the Wisconsin motor vehicle fuel or
14 alternate fuels tax under sub. (1g). The department shall charge a fee of not less than
15 \$15 for each permit issued under this subsection. A person who has obtained a
16 permit under this subsection is exempt from the purchasing requirement of sub. (1g)
17 (a).

18 **SECTION 139.** 341.45 (4m) of the statutes is created to read:

19 341.45 (4m) All oil inspection fees paid to the department of transportation
20 under sub. (1g) (a) in excess of oil inspection fee credits or refunds under sub. (2) shall
21 be deposited in the petroleum inspection fund. All oil inspection fees credited or
22 refunded by the department of transportation under sub. (2) in excess of oil
23 inspection fees paid to the department of transportation under sub. (1g) (a) shall be
24 paid from the petroleum inspection fund.

25 **SECTION 140.** 341.45 (5) of the statutes is amended to read:

1 341.45 (5) The department shall promulgate rules under ch. 227 necessary to
2 administer this section. The rules shall include provisions relating to the issuance
3 and use of the permits authorized under sub. (4g). The rules may include provisions
4 relating to the payment of interest on late payments of motor vehicle fuel and
5 alternate fuels taxes and oil inspection fees, and fees for the late payment or
6 underpayment of motor vehicle fuel and alternate fuels taxes and oil inspection fees.

7 **SECTION 141.** 343.01 (2) (cb) of the statutes is created to read:

8 343.01 (2) (cb) “Motorized construction equipment” means motor-driven
9 construction equipment designed principally for off-road use, including a
10 motorscraper, backhoe, motorgrader, compacter, excavator, tractor, trencher and
11 bulldozer.

12 **SECTION 142.** 343.01 (2) (d) of the statutes is created to read:

13 343.01 (2) (d) “Photograph” means an unretouched image recorded by a camera
14 and reproduced on a photosensitive surface, or a digitized image.

15 **SECTION 143.** 343.02 (1) of the statutes is amended to read:

16 343.02 (1) The department shall administer and enforce this chapter and may
17 promulgate for that purpose such rules as the secretary considers necessary. Rules
18 promulgated under this chapter may not conflict with and shall be at least as
19 stringent as standards set by the federal commercial motor vehicle safety act, 49
20 USC ~~2701 to 2716~~ 31301 to 31317 and the regulations adopted under that act.

21 **SECTION 143m.** 343.027 of the statutes is created to read:

22 **343.027 Confidentiality of signatures.** Any signature collected under this
23 chapter may be maintained by the department and shall be kept confidential. The
24 department may release a signature or a facsimile of a signature only to the person
25 to whom the signature relates.

1 **SECTION 144.** 343.03 (1) (title) of the statutes is repealed and recreated to read:
2 343.03 (1) (title) COMPLIANCE WITH FEDERAL STANDARDS.

3 **SECTION 145.** 343.03 (1) (a) of the statutes is amended to read:

4 343.03 (1) (a) The department shall institute a classified driver license system
5 meeting all federal standards under 49 USC ~~2701 to 2716~~ 31301 to 31317 and 49 CFR
6 383.

7 **SECTION 146.** 343.03 (1) (b) of the statutes is amended to read:

8 343.03 (1) (b) The department shall ~~begin issuance of~~ issue operator's licenses
9 in conformity with the classified driver license system to each licensee upon renewal,
10 reinstatement or initial application ~~by April 1, 1991.~~

11 **SECTION 147.** 343.03 (1) (c) of the statutes is repealed.

12 **SECTION 148.** 343.03 (5) of the statutes is amended to read:

13 343.03 (5) INQUIRIES BEFORE ISSUANCE. Before issuing a license under this
14 chapter, the department shall obtain driver record information from the national
15 driver registry and commercial driver license information system to determine
16 whether the applicant holds a commercial driver license, or a license that is revoked,
17 suspended or canceled, or is otherwise disqualified. If the applicant is currently
18 licensed in another state, the department shall obtain information on the applicant's
19 license status with the state of licensure before issuing a license.

20 **SECTION 149.** 343.03 (8) of the statutes is repealed.

21 **SECTION 150.** 343.05 (2) (a) 2. of the statutes is amended to read:

22 343.05 (2) (a) 2. A nonresident who has in his or her immediate possession a
23 valid commercial driver license issued to the person in ~~his or her home~~ another
24 jurisdiction or Mexico bearing all endorsements required for the specific class and
25 type of vehicle being operated. A license is not valid under this subdivision if the

1 license is restricted to operation inside the person's home jurisdiction, or if the person
2 is otherwise violating restrictions or exceeding operating authorization stated on the
3 person's license. If the nonresident is operating a commercial motor vehicle in
4 interstate commerce, he or she must be at least 21 years of age.

5 **SECTION 151.** 343.05 (2) (c) of the statutes is amended to read:

6 343.05 (2) (c) A tow truck operator holding a valid commercial driver license
7 who is engaged in the removal of a disabled or wrecked vehicle from the highway or
8 eliminating a hazard is not required to hold an endorsement to his or her commercial
9 driver license regardless of the type of vehicle being towed. This exception to the
10 requirement for an endorsement does not apply to any subsequent towing of the
11 vehicle, including moving the vehicle from one repair facility to another, unless the
12 one of the following applies:

13 1. The tow truck operator holds a commercial driver license and is accompanied
14 by a driver who holds the required endorsements.

15 **SECTION 152.** 343.05 (2) (c) 2. of the statutes is created to read:

16 343.05 (2) (c) 2. The vehicle is a vehicle that requires a "P" endorsement for its
17 operation.

18 **SECTION 153.** 343.05 (4) (a) 3. of the statutes is renumbered 343.05 (2) (a) 5. and
19 amended to read:

20 343.05 (2) (a) 5. A person temporarily operating motorized construction
21 equipment designed principally for off-road use, including a motorscraper, backhoe,
22 motorgrader, compacter, excavator, tractor, trencher and bulldozer upon a highway
23 in this state who possesses a valid operator's license issued to the person by the
24 department which is not revoked, suspended, canceled, disqualified or expired. This

1 subdivision does not apply to a truck or a construction vehicle designed or equipped
2 for use on a highway or to any vehicle exceeding a speed of 35 miles per hour.

3 **SECTION 154.** 343.055 (5) of the statutes is amended to read:

4 343.055 (5) RULES. As soon as possible after the federal commercial motor
5 vehicle safety act, 49 USC ~~2701 to 2716~~ 31301 to 31317, or the regulations adopted
6 under that act permit any commercial driver license waiver, the department shall
7 promulgate rules governing eligibility for the waiver. This subsection applies to
8 waivers not permitted by federal law on May 12, 1992.

9 **SECTION 155.** 343.06 (1) (c) of the statutes is amended to read:

10 343.06 (1) (c) To any person under age 18 unless the person is enrolled in a
11 school program or high school equivalency program and is not a habitual truant as
12 defined in s. 118.16 (1) (a), has graduated from high school or been granted a
13 declaration of high school graduation equivalency or is enrolled in a home-based
14 private educational program, as defined in s. 115.001 (3g), and has satisfactorily
15 completed a course in driver education in public schools approved by the department
16 of public instruction, or in technical colleges approved by the technical college system
17 board, or in nonpublic and private schools which meet the minimum standards set
18 by the department of public instruction, or has satisfactorily completed a
19 substantially equivalent course in driver training approved by the department and
20 given by a school licensed by the department under s. 343.61, or has satisfactorily
21 completed a substantially equivalent course in driver education or training approved
22 by another state and has attained the age of 16, except as provided in s. 343.07 (1).
23 The department shall not issue a license to any person under the age of 18
24 authorizing the operation of "Class M" vehicles unless the person has successfully
25 completed a basic rider course approved by the department. The department may,

1 by rule, exempt certain persons from the basic rider course requirement of this
2 paragraph. Applicants for a license under s. 343.08 or 343.135 are exempt from the
3 driver education, basic rider or driver training course requirement. The secretary
4 shall prescribe rules for licensing of schools and instructors to qualify under this
5 paragraph. The driver education course shall be made available to every eligible
6 student in the state. Except as provided under s. 343.16 (1) (c) and (2) (cm) to (e), no
7 operator's license may be issued unless a driver's examination has been
8 administered by the department.

9 **SECTION 156.** 343.06 (2) of the statutes is amended to read:

10 343.06 (2) ~~After March 31, 1992, the~~ The department shall not issue a
11 commercial driver license, including a renewal, occupational or reinstated license,
12 to any person during any period of disqualification under s. 343.315 or 49 CFR 383.51
13 or the law of another jurisdiction in substantial conformity therewith, as the result
14 of one or more disqualifying offenses committed on or after July 1, 1987. ~~Beginning~~
15 ~~on April 1, 1992, the department shall cancel any commercial driver license~~ Any
16 person who is known to the department to ~~have been issued to a person who is~~
17 ~~disqualified~~ be subject to disqualification under s. 343.315 (1) (a) shall be disqualified
18 by the department, unless the required period of disqualification ~~specified in s.~~
19 ~~343.315 for the disqualifying offense~~ has already expired.

20 **SECTION 157.** 343.065 (title) of the statutes is amended to read:

21 **343.065** (title) ~~Intrastate restricted~~ **Restricted** commercial driver
22 **license.**

23 **SECTION 158.** 343.065 (1) of the statutes is amended to read:

24 343.065 (1) If an applicant for a commercial driver license is less than 21 years
25 of age or does not meet the physical qualifications for drivers contained in 49 CFR

1 391 or an alternative federally approved driver qualification program established by
2 the department by rule but is at least 18 years of age and otherwise qualified under
3 this chapter and the rules of the department, the department may issue the
4 applicant a commercial driver license restricted to authorizing the operation of
5 commercial motor vehicles ~~only within this state and~~ not in interstate commerce.

6 **SECTION 159.** 343.065 (2) of the statutes is amended to read:

7 343.065 (2) A commercial driver license issued under this section shall clearly
8 identify that the license does not authorize the operation of commercial motor
9 vehicles ~~outside this state or~~ in interstate commerce.

10 **SECTION 160.** 343.10 (2) (a) 1. of the statutes is amended to read:

11 343.10 (2) (a) 1. Except for a revocation or suspension that arose out of the same
12 incident or occurrence for which the person's license or operating privilege is
13 currently revoked or suspended, the person's license or operating privilege was not
14 revoked or suspended previously under this chapter or ch. 344 or s. 161.50 within the
15 one-year period immediately preceding the present revocation or suspension.

16 **SECTION 161.** 343.10 (10) (a) of the statutes is amended to read:

17 343.10 (10) (a) If the petitioner's commercial driver license has been suspended
18 or revoked solely for a violation of s. 346.63 (1) or a local ordinance in conformity
19 therewith or a law of a federally recognized American Indian tribe or band in this
20 state in conformity with s. 346.63 (1) and the person was not operating a commercial
21 motor vehicle at the time of the violation, a petition seeking issuance of an
22 occupational license authorizing operation of "Class A", "Class B" or "Class C"
23 vehicles may be filed directly with the department. The petition may also seek
24 authorization to operate "Class D" or "Class M" vehicles.

25 **SECTION 162.** 343.12 (2) (h) of the statutes is amended to read:

1 343.12 (2) (h) Prior to the initial issuance or renewal of the endorsement, takes
2 and passes a special examination prescribed by the department and administered
3 by the department or by a 3rd-party tester under s. 343.16 (1) (b) to determine his
4 or her ability to safely operate a school bus. This special examination may include
5 the examination required under sub. (3). The department may renew the
6 endorsement without retesting the licensee, except under sub. (3).

7 **SECTION 163.** 343.14 (3) of the statutes is renumbered 343.14 (3) (a).

8 **SECTION 164.** 343.14 (3) (b) of the statutes is created to read:

9 343.14 (3) (b) Any photograph taken of an applicant under par. (a) or s. 343.50
10 (4) may be maintained by the department and shall be kept confidential. The
11 department may release a photograph only to the person whose photograph was
12 taken.

13 **SECTION 166.** 343.16 (1) (a) of the statutes is amended to read:

14 343.16 (1) (a) *General.* The department shall examine every applicant for an
15 operator's license, including applicants for license renewal as provided in sub. (3),
16 and every applicant for authorization to operate a vehicle class or type for which the
17 applicant does not hold currently valid authorization, other than an instruction
18 permit. Except as provided in sub. (2) (cm) and (e) and ~~s. 343.03 (8) (b) and (e)~~, the
19 examinations of applicants for licenses authorizing operation of "Class A", "Class B",
20 "Class C", "Class D" or "Class M" vehicles shall include both a knowledge test and
21 an actual demonstration in the form of a driving skills test of the applicant's ability
22 to exercise ordinary and reasonable control in the operation of a representative
23 vehicle. The department shall not administer a driving skills test to a person
24 applying for authorization to operate "Class M" vehicles who has failed 2 previous
25 such skills tests unless the person has successfully completed a rider course

1 approved by the department. The department may, by rule, exempt certain persons
2 from the rider course requirement of this paragraph. The driving skills of applicants
3 for endorsements authorizing the operation of commercial motor vehicles equipped
4 with air brakes, the transportation of passengers in commercial motor vehicles or the
5 operation of school buses, as provided in s. 343.04 (2) (b), (d) or (e), shall also be tested
6 by an actual demonstration of driving skills. The department may endorse an
7 applicant's commercial driver license for transporting hazardous materials, or the
8 operation of tank vehicles or vehicles towing double or triple trailers, as described
9 in s. 343.04 (2) (a), (c) or (f), based on successful completion of a knowledge test. In
10 administering the knowledge test, the department shall attempt to accommodate
11 any special needs of the applicant. ~~The Except as may be required by the department~~
12 ~~for an "H" or "S" endorsement, the~~ knowledge test is not intended to be a test for
13 literacy or English language proficiency. This paragraph does not prohibit the
14 department from requiring an applicant to correctly read and understand highway
15 signs.

16 **SECTION 167.** 343.17 (3) (e) 1. of the statutes is amended to read:

17 343.17 (3) (e) 1. "K" restriction, which restricts a person issued a license under
18 s. 343.065 to from operating commercial motor vehicles ~~only within this state and not~~
19 in interstate commerce.

20 **SECTION 168.** 343.21 (1) (g) of the statutes is amended to read:

21 343.21 (1) (g) For removing a "K" restriction against operation of commercial
22 motor vehicles ~~outside this state or~~ in interstate commerce, the same fee as for a
23 duplicate license.

24 **SECTION 169.** 343.21 (1) (jm) of the statutes is created to read:

1 343.21 (1) (jm) For reinstatement of a previously disqualified authorization to
2 operate a commercial motor vehicle, \$50. This fee is not applicable to
3 disqualifications under s. 343.315 (2) (g).

4 **SECTION 170.** 343.21 (1) (m) of the statutes is created to read:

5 343.21 (1) (m) For reinstatement of a previously canceled license or
6 endorsement, \$50. This fee includes reinstatement of any classification or
7 endorsement applied for at the same time for which the applicant is qualified.

8 **SECTION 171.** 343.23 (2) of the statutes is amended to read:

9 343.23 (2) The department shall maintain a file for each licensee containing
10 the application for license, permit or endorsement, a record of reports or abstract of
11 convictions, the status of the licensee's authorization to operate different vehicle
12 groups, a record of any out-of-service orders issued under s. 343.305 (7) (b) or (9)
13 (am) and a record of any reportable accident in which the licensee has been involved,
14 including specification of the type of license and endorsements issued under this
15 chapter under which the licensee was operating at the time of the accident and an
16 indication whether or not the accident occurred in the course of the licensee's
17 employment as a law enforcement officer, fire fighter or emergency medical
18 technician — paramedic or as a person engaged, by an authority in charge of the
19 maintenance of the highway, in highway winter maintenance snow and ice removal
20 during either a storm or cleanup following a storm. This information must be filed
21 by the department so that the complete operator's record is available for the use of
22 the secretary in determining whether operating privileges of such person shall be
23 suspended, revoked, canceled or withheld in the interest of public safety. The record
24 of suspensions, revocations and convictions that would be counted under s. 343.307
25 (2) and of convictions for disqualifying offenses under s. 343.315 (2) (h) shall be

1 maintained for at least 10 years. The record of convictions for disqualifying offenses
2 under s. 343.315 (2) (f) shall be maintained for at least 3 years. The record of
3 convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be
4 maintained permanently, except that 5 years after a licensee transfers residency to
5 another state such record may be transferred to another state of licensure of the
6 licensee if that state accepts responsibility for maintaining a permanent record of
7 convictions for disqualifying offenses. Such reports and records may be cumulative
8 beyond the period for which a license is granted, but the secretary, in exercising the
9 power of revocation granted under s. 343.32 (2) may consider only those reports and
10 records entered during the 4-year period immediately preceding the exercise of such
11 power of revocation. For purposes of this subsection, "highway winter maintenance
12 snow and ice removal" includes plowing, sanding, salting and the operation of
13 vehicles in the delivery of those services.

14 **SECTION 173.** 343.245 (3) (b) 3. and 4. of the statutes are amended to read:

15 343.245 (3) (b) 3. Is subject to an out-of-service order in any state; or

16 4. Has more than one operator's license, except during the 10-day period
17 beginning on the date on which the employe is issued an operator's license.; or

18 **SECTION 174.** 343.245 (3) (b) 5. of the statutes is created to read:

19 343.245 (3) (b) 5. Does not possess a valid commercial driver license properly
20 endorsed to permit operation of the vehicle.

21 **SECTION 175.** 343.245 (4) (b) of the statutes is amended to read:

22 343.245 (4) (b) Any person who violates sub. (3) (b) shall be fined not more than
23 \$5,000 less than \$2,500 nor more than \$10,000 or imprisoned for not more than 90
24 days or both.

1 **SECTION 176.** 343.265 (1) (intro.) of the statutes is renumbered 343.265 (1) and
2 amended to read:

3 343.265 (1) The department may accept the voluntary surrender of the
4 operator's license of a person who has a mental or physical disability or disease or
5 a medical condition which prevents or may prevent the person from exercising
6 reasonable control over a motor vehicle if the person's operating privilege is not
7 subject to suspension or revocation for any reason ~~and if either of the following~~
8 ~~conditions are satisfied.~~

9 **SECTION 177.** 343.265 (1) (a) and (b) of the statutes are repealed.

10 **SECTION 178.** 343.28 (1) of the statutes is amended to read:

11 343.28 (1) Whenever a person is convicted of a moving traffic violation under
12 chs. 341 to 349 or under a local ordinance enacted under ch. 349, the clerk of the court
13 in which the conviction occurred, or the justice, judge or magistrate of a court not
14 having a clerk, shall, as provided in s. 345.48, forward to the department the record
15 of such conviction. The record of conviction forwarded to the department shall state
16 whether the offender was involved in an accident at the time of the offense, whether
17 the offender was operating a commercial motor vehicle at the time of the offense and,
18 if so, whether the offender was transporting hazardous materials or operating a
19 vehicle designed to carry, or actually carrying, 16 or more passengers, including the
20 driver. Whenever a person is convicted of exceeding a posted speed limit, the record
21 of conviction forwarded to the department shall include the number of miles per hour
22 in excess of the posted speed limit.

23 **SECTION 179.** 343.28 (2) of the statutes is amended to read:

24 343.28 (2) Whenever a person is convicted of any offense for which s. 343.31
25 makes mandatory the revocation by the secretary of such person's operating

1 privilege, the court in which the conviction occurred shall require the surrender to
2 it of any license then held by such person. The clerk of the court, or the justice, judge
3 or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward to the
4 department the record of conviction and any surrendered licenses. The record of
5 conviction forwarded to the department shall state whether the offender was
6 involved in an accident at the time of the offense, whether the offender was operating
7 a commercial motor vehicle at the time of the offense and, if so, whether the offender
8 was transporting hazardous materials or operating a vehicle designed to carry, or
9 actually carrying, 16 or more passengers, including the driver.

10 **SECTION 180.** 343.305 (10) (em) of the statutes is amended to read:

11 343.305 (10) (em) One penalty for improperly refusing to submit to a test for
12 intoxication regarding a person arrested for a violation of s. 346.63 (2m) or (7) or a
13 local ordinance in conformity therewith is revocation of the person's operating
14 privilege for 6 months. After the first 15 days of the revocation period, the person
15 is eligible for an occupational license under s. 343.10. Any such improper refusal or
16 revocation for the refusal does not count as a prior refusal or a prior revocation under
17 this section or ss. 343.30 (1q), 343.307 and 346.65 (2). The person shall not be
18 required to submit to and comply with any assessment or driver safety plan under
19 pars. (c) and (d).

20 **SECTION 181.** 343.315 (2) (f) (intro.) of the statutes is amended to read:

21 343.315 (2) (f) (intro.) A person is disqualified for a period of 60 days from
22 operating a commercial motor vehicle if convicted of 2 serious traffic violations, ~~or~~
23 and 120 days if convicted of 3 serious traffic violations, arising from separate
24 occurrences committed within a 3-year period while driving or operating a
25 commercial motor vehicle. ~~The department shall consider only offenses committed~~

1 ~~on or after November 2, 1989 in applying 120-day period of disqualification under~~
2 ~~this paragraph shall be in addition to any other period of disqualification imposed~~
3 ~~under~~ this paragraph. In this paragraph, “serious traffic violations” means:

4 **SECTION 182.** 343.315 (2) (fm) of the statutes is created to read:

5 343.315 (2) (fm) A person is disqualified for a period of 60 days from operating
6 a commercial motor vehicle if convicted of violating s. 343.14 (5) or 345.17, if the
7 violation relates to an application for a commercial driver license.

8 **SECTION 183.** 343.315 (2) (h) of the statutes is created to read:

9 343.315 (2) (h) Except as provided in par. (i), a person is disqualified for a period
10 of 90 days from operating a commercial motor vehicle if convicted of an
11 out-of-service violation, or one year if convicted of 2 out-of-service violations, or 3
12 years if convicted of 3 or more out-of-service violations, arising from separate
13 occurrences committed within a 10-year period while driving or operating a
14 commercial motor vehicle. A disqualification under this paragraph shall be in
15 addition to any penalty imposed under s. 343.44. In this paragraph, “out-of-service
16 violation” means violating s. 343.44 (1) by operating a commercial motor vehicle
17 while ordered out-of-service under state or federal law.

18 **SECTION 184.** 343.315 (2) (i) of the statutes is created to read:

19 343.315 (2) (i) If the violation listed in par. (h) occurred in the course of
20 transporting hazardous materials or while operating a vehicle designed to carry, or
21 actually carrying, 16 or more passengers, including the driver, the person shall be
22 disqualified from operating a commercial motor vehicle for 180 days upon a first
23 conviction, or for a 3-year period for a 2nd or subsequent conviction, arising from
24 separate occurrences committed within a 10-year period while driving or operating

1 a commercial motor vehicle. A disqualification under this paragraph shall be in
2 addition to any penalty imposed under s. 343.44.

3 **SECTION 185.** 343.315 (3) (a) of the statutes is amended to read:

4 343.315 (3) (a) Notwithstanding s. 343.39, if a person's license or operating
5 privilege is revoked or suspended as the result of an offense committed after March
6 31, 1992, which results in disqualification under sub. (2), the department shall
7 immediately disqualify the person from operating a commercial motor vehicle for the
8 period required under sub. (2). The person's authorization to operate a commercial
9 motor vehicle shall not be reinstated upon expiration of the period of revocation or
10 suspension unless the period of disqualification has also expired. During any period
11 of disqualification in which the person's license or operating privilege is not revoked
12 or suspended, the department may issue an operator's license to the person for the
13 operation of vehicles other than commercial motor vehicles. ~~Upon expiration of the~~
14 ~~period of disqualification, the person may apply for authorization to operate~~
15 ~~commercial motor vehicles as provided in s. 343.14.~~

16 **SECTION 186.** 343.315 (3) (b) of the statutes is amended to read:

17 343.315 (3) (b) If a person's license or operating privilege is not otherwise
18 revoked or suspended as the result of an offense committed after March 31, 1992,
19 which results in disqualification under sub. (2) (a) to (f), (h) or (i), the department
20 shall immediately ~~cancel the person's license~~ disqualify the person from operating
21 a commercial motor vehicle for the period required under sub. (2) (a) to (f), (h) or (i).

22 Upon proper application by the person and payment of a duplicate license fee, the
23 department may issue a separate license authorizing only the operation of vehicles
24 other than commercial motor vehicles. Upon expiration of the period of

1 disqualification, the person may apply for authorization to operate commercial
2 motor vehicles under s. 343.26.

3 **SECTION 187.** 343.32 (4) of the statutes is amended to read:

4 343.32 (4) In adopting rules for weighing traffic convictions by their
5 seriousness under sub. (2), the secretary shall provide by rule for a reduction of up
6 to 3 points if a person shows to the department satisfactory evidence of completion
7 of a rider course approved by the secretary. This subsection applies only to demerit
8 points relating to violations committed before completion of the rider course by a
9 person while driving or operating a Type 1 motorcycle. ~~No person is eligible for more
10 than one point reduction of up to 3 points under this subsection.~~

11 **SECTION 188.** 343.325 (title) of the statutes is amended to read:

12 **343.325 (title) Courts to report appeals; when appeal stays suspension**
13 **or, revocation or disqualification.**

14 **SECTION 189.** 343.325 (2) of the statutes is amended to read:

15 343.325 (2) Notwithstanding ss. 343.31, 343.315 and 343.32 and except as
16 otherwise provided in sub. (4), the secretary shall not suspend or revoke a person's
17 operating privilege or disqualify a person from operating a commercial motor vehicle
18 on the basis of a conviction if the secretary receives from the court in which the
19 conviction occurred a certificate stating that an appeal from the conviction has been
20 taken. If the secretary receives such certificate after suspension or revocation of the
21 operating privilege, the operating privilege shall be reinstated without requiring
22 compliance with s. 343.38. If the secretary receives the certificate after suspension
23 of the operating privilege or disqualification, the operating privilege or authorization
24 to operate a commercial motor vehicle shall be reinstated automatically.

25 **SECTION 190.** 343.325 (3) of the statutes is amended to read:

1 343.325 (3) Whenever suspension or revocation of an operating privilege or a
2 disqualification has been withheld as provided in sub. (2) and the department
3 receives notice that the conviction in question has been affirmed on appeal or that
4 the appeal has been dropped, the secretary shall suspend or revoke such operating
5 privilege or disqualify the person from operating a commercial motor vehicle on the
6 same basis as if the appeal had not been taken, but the period of suspension ~~or~~,
7 revocation or disqualification shall run from the date of suspension ~~or~~, revocation or
8 disqualification following the affirmance of the conviction or dropping of the appeal,
9 less any time the operating privilege had been suspended or revoked or the
10 authorization to operate a commercial motor vehicle had been disqualified prior to
11 the receipt by the secretary of the certificate under sub. (2).

12 **SECTION 191.** 343.325 (3m) of the statutes is amended to read:

13 343.325 (3m) Whenever the suspension or revocation of an operating privilege
14 or a disqualification has been rescinded or withheld because of administrative
15 action, an appeal, or a court order to reopen, stay or vacate a conviction, suspension
16 ~~or~~, revocation or disqualification, and that suspension ~~or~~, revocation or
17 disqualification is subsequently reimposed, the period of suspension ~~or~~, revocation
18 or disqualification so reimposed shall be reduced by the period of suspension ~~or~~,
19 revocation or disqualification previously served.

20 **SECTION 192.** 343.325 (4) of the statutes is amended to read:

21 343.325 (4) If a person whose suspension ~~or~~, revocation or disqualification was
22 stayed pursuant to sub. (2) is convicted of an offense for which revocation or
23 disqualification is mandatory under s. 343.31 or 343.315, during the pendency of the
24 appeal of the original conviction, the secretary shall forthwith revoke such person's
25 operating privilege or disqualify the person from operating a commercial motor

1 vehicle on account of the latter conviction, notwithstanding the appeal of either or
2 both convictions.

3 **SECTION 193.** 343.325 (5) of the statutes is amended to read:

4 343.325 (5) This section shall not prevent suspension or revocation of an
5 operating privilege or a disqualification if there are grounds for suspension or
6 revocation or disqualification other than the conviction in question.

7 **SECTION 194.** 343.325 (6) (a) of the statutes is amended to read:

8 343.325 (6) (a) If a court enters an order reopening, vacating or staying a
9 conviction or a suspension or revocation of an operating privilege or a
10 disqualification, the court shall promptly forward a copy of that order to the
11 department.

12 **SECTION 195.** 343.44 (title) of the statutes is amended to read:

13 **343.44 (title) Driving while disqualified, out of service or ordered**
14 **out-of-service or after license revoked or suspended.**

15 **SECTION 196.** 343.44 (1) of the statutes is amended to read:

16 343.44 (1) No person whose operating privilege has been duly revoked or
17 suspended pursuant to the laws of this state shall operate a motor vehicle upon any
18 highway in this state during such suspension or revocation or thereafter before filing
19 proof of financial responsibility or before that person has obtained a new license in
20 this state, including an occupational license, or the person's operating privilege has
21 been reinstated under the laws of this state. No person may operate a commercial
22 motor vehicle while ordered out-of-service ~~as provided in s. 343.305 (7) (b) or (9) (am)~~
23 under state or federal law. No person may operate a commercial motor vehicle ~~after~~
24 ~~March 31, 1992,~~ while disqualified as provided in s. 343.315.

25 **SECTION 197.** 343.44 (3) of the statutes is amended to read:

1 343.44 (3) Refusal to accept or failure to receive an order of revocation or,
2 suspension or disqualification mailed by 1st class mail to such person's last-known
3 address shall not be a defense to the charge of driving after revocation or, suspension
4 or disqualification. If the person has changed his or her address and fails to notify
5 the department as required in s. 343.22 then failure to receive notice of revocation
6 or, suspension or disqualification shall not be a defense to the charge of driving after
7 revocation or, suspension or disqualification.

8 **SECTION 198.** 343.44 (4r) of the statutes is created to read:

9 343.44 (4r) In addition to other penalties for violation of this section, if a person
10 has violated this section after he or she was ordered out-of-service under state or
11 federal law, the violation shall result in disqualification under s. 343.315 (2) (h) or
12 (i).

13 **SECTION 199.** 344.12 of the statutes is amended to read:

14 **344.12 Applicability of provisions relating to deposit of security for**
15 **past accidents.** Subject to the exceptions contained in s. 344.14, the provisions of
16 this chapter requiring deposit of security and requiring revocation for failure to
17 deposit security apply to the operator and owner of every motor vehicle which is in
18 any manner involved in an accident in this state which has resulted in bodily injury
19 to or death of any person or damage to property of any other person in excess of \$500
20 \$1,000.

21 **SECTION 200.** 344.14 (2) (e) of the statutes is amended to read:

22 344.14 (2) (e) To the operator or owner of a vehicle involved in an accident
23 wherein no injury was caused to the person of anyone other than such operator or
24 owner and wherein damage to property of any one person other than such operator
25 or owner did not exceed ~~\$500~~ \$1,000.

1 **SECTION 201.** 346.70 (1) of the statutes is amended to read:

2 346.70 (1) IMMEDIATE NOTICE OF ACCIDENT. The operator of a vehicle involved in
3 an accident resulting in injury to or death of any person, any damage to state or other
4 government-owned property, except a state or other government-owned vehicle, to
5 an apparent extent of \$200 or more or total damage to property owned by any one
6 person or to a state or other government-owned vehicle to an apparent extent of \$500
7 \$1,000 or more shall immediately by the quickest means of communication give
8 notice of such accident to the police department, the sheriff's department or the
9 traffic department of the county or municipality in which the accident occurred or
10 to a state traffic patrol officer. In this subsection, "injury" means injury to a person
11 of a physical nature resulting in death or the need of first aid or attention by a
12 physician or surgeon, whether or not first aid or medical or surgical treatment was
13 actually received; "total damage to property owned by one person" means the sum
14 total cost of putting the property damaged in the condition it was before the accident,
15 if repair thereof is practical, and if not practical, the sum total cost of replacing such
16 property. For purposes of this subsection if any property which is damaged is held
17 in a form of joint or multiple ownership, the property shall be considered to be owned
18 by one person.

19 **SECTION 202.** 348.15 (3) (bg), (br), (bv) and (e) of the statutes are amended to
20 read:

21 348.15 (3) (bg) In the case of a vehicle or combination of vehicles transporting
22 exclusively milk from the point of production to the primary market and the return
23 of dairy supplies and dairy products from such primary market to the farm, the gross
24 weight imposed on the highway by the wheels of any one axle may not exceed 21,000
25 pounds or, for 2 axles 8 or less feet apart, 37,000 pounds or, for groups of 3 or more

1 consecutive axles more than 9 feet apart, a weight of 2,000 pounds more than is
2 shown in par. (c), but not to exceed 80,000 pounds. This paragraph does not apply
3 to the national system of interstate and defense highways, except for that portion of
4 USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51
5 and the I 90/94 interchange near Portage upon their federal designation as I 39.

6 (br) In the case of a vehicle or combination of vehicles transporting exclusively
7 peeled or unpeeled forest products cut crosswise or in the case of a vehicle or
8 combination of vehicles transporting exclusively scrap metal, the gross weight
9 imposed on the highway by the wheels of any one axle may not exceed 21,500 pounds
10 or, for 2 axles 8 or less feet apart, 37,000 pounds or, for groups of 3 or more consecutive
11 axles more than 9 feet apart, a weight of 4,000 pounds more than is shown in par. (c),
12 but not to exceed 80,000 pounds. This paragraph does not apply to the national
13 system of interstate and defense highways, except for that portion of USH 51
14 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the
15 I 90/94 interchange near Portage upon their federal designation as I 39.

16 (bv) In the case of a vehicle or combination of vehicles used primarily for the
17 transportation of septage, as defined in s. 144.08 (1) (a), the gross weight imposed on
18 the highway by the wheels of any one axle may not exceed 21,500 pounds or, for 2
19 axles 8 or less feet apart, 37,000 pounds or, for groups of 3 or more consecutive axles
20 more than 9 feet apart, a weight of 4,000 pounds more than is shown in par. (c) or,
21 for groups of 4 or more consecutive axles more than 10 feet apart, a weight of 6,000
22 pounds more than is shown in par. (c) or, for groups of 5 or more consecutive axles
23 more than 14 feet apart, a weight of 7,000 pounds more than is shown in par. (c), but
24 not to exceed 80,000 pounds. This paragraph does not apply to the national system
25 of interstate and defense highways, except for that portion of USH 51 between

1 Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94
2 interchange near Portage upon their federal designation as I 39.

3 (e) Notwithstanding pars. (a), (b) and (c), in the case of a vehicle or combination
4 of vehicles transporting exclusively livestock, the gross weight imposed on the
5 highway by the wheels of any one axle or axle group may exceed the applicable weight
6 limitation specified in pars. (a), (b) and (c) by 15% if the gross weight of the vehicle
7 or combination of vehicles does not exceed the maximum gross weight specified for
8 that vehicle or combination of vehicles under par. (c). This paragraph does not apply
9 to the national system of interstate and defense highways, except for that portion of
10 USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51
11 and the I 90/94 interchange near Portage upon their federal designation as I 39.

12 **SECTION 203.** 348.175 of the statutes is amended to read:

13 **348.175 Seasonal operation of vehicles hauling peeled or unpeeled**
14 **forest products cut crosswise or abrasives or salt for highway winter**
15 **maintenance.** The transportation of peeled or unpeeled forest products cut
16 crosswise or of abrasives or salt for highway winter maintenance in excess of gross
17 weight limitations under s. 348.15 shall be permitted during the winter months
18 when the highways are so frozen that no damage may result thereto by reason of such
19 transportation. If at any time any person is so transporting such products or
20 abrasives or salt upon a class "A" highway in such frozen condition then that person
21 may likewise use a class "B" highway without other limitation, except that chains
22 and other traction devices are prohibited on class "A" highways but such chains and
23 devices may be used in cases of necessity. The officers or agencies in charge of
24 maintenance of highways, upon determination of such frozen condition and freedom
25 of damage to such highways by transportation shall declare particular highways, or

1 highways within areas of the state as eligible for increased weight limitations. Such
2 declaration shall include the maximum weight on each axle, combination of axles
3 and the gross weight allowed. Any person transporting any such product over any
4 highway of this state under this section is liable to the maintaining authority for any
5 damage caused to such highway. This section does not apply to the national system
6 of interstate and defense highways, except for that portion of USH 51 between
7 Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94
8 interchange near Portage upon their federal designation as I 39.

9 **SECTION 204.** 348.19 (2) (b) and (4) of the statutes are amended to read:

10 348.19 (2) (b) If upon weighing a vehicle transporting livestock a traffic officer
11 determines that the gross weight of the vehicle exceeds the limitations imposed by
12 s. 348.15 or 348.16 or a limitation posted as provided in s. 348.17 (1), and if the point
13 of apprehension is 15 miles or less from the destination of the vehicle, the traffic
14 officer shall permit the operator of the vehicle to proceed to such destination without
15 requiring the vehicle to be reloaded or unloaded as provided in par. (a). This
16 paragraph does not apply to vehicles transporting livestock on the national system
17 of interstate and defense highways, except for that portion of USH 51 between
18 Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94
19 interchange near Portage upon their federal designation as I 39.

20 (4) Subsection (1) (b) shall not apply to vehicles transporting peeled or
21 unpeeled forest products on the national, interstate or defense highway systems,
22 except for that portion of USH 51 between Wausau and STH 78 and that portion of
23 STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal
24 designation as I 39.

25 **SECTION 205.** 348.27 (4), (9m) and (9r) of the statutes are amended to read:

1 348.27 (4) INDUSTRIAL INTERPLANT PERMITS. The department may issue, to
2 industries and to their agent motor carriers owning and operating oversize vehicles
3 in connection with interplant, and from plant to state line, operations in this state,
4 annual or consecutive month permits for the operation of such vehicles over
5 designated routes, provided that such permit shall not be issued under this section
6 to agent motor carriers or, except for that portion of USH 51 between Wausau and
7 STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near
8 Portage upon their federal designation as I 39, from plant to state line for vehicles
9 or loads of width exceeding 102 inches upon routes of the national system of
10 interstate and defense highways. If the routes desired to be used by the applicant
11 involve city or village streets or county or town highways, the application shall be
12 accompanied by a written statement of route approval by the officer in charge of
13 maintenance of the highway in question.

14 **(9m)** TRANSPORTATION OF RAW FOREST AND AGRICULTURAL PRODUCTS. The
15 department may issue annual or consecutive month permits for the transportation
16 of raw forest products or for the transportation of fruits or vegetables from field to
17 storage or processing facilities in vehicles or vehicle combinations that exceed the
18 maximum gross weight limitations under s. 348.15 (3) (c) by not more than 10,000
19 pounds. A permit issued under this subsection does not authorize the operation of
20 any vehicle or vehicle combination at a maximum gross weight in excess of 90,000
21 pounds. This subsection does not apply to highways designated as part of the
22 national system of interstate and defense highways, except for that portion of USH
23 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and
24 the I 90/94 interchange near Portage upon their federal designation as I 39.

1 **(9r)** TRANSPORTATION OF SCRAP. The department may issue an annual or
2 consecutive month permit for the transportation of metallic or nonmetallic scrap for
3 the purpose of recycling or processing on a vehicle or combination of vehicles which
4 exceeds statutory weight or length limitations and for the return of the vehicle or
5 combination of vehicles when empty. This subsection does not apply to the
6 transportation of scrap on highways designated as part of the national system of
7 interstate and defense highways, except for that portion of USH 51 between Wausau
8 and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange
9 near Portage upon their federal designation as I 39.

10 **SECTION 206.** 967.055 (2) (a) of the statutes is amended to read:

11 967.055 **(2)** (a) Notwithstanding s. 971.29, if the prosecutor seeks to dismiss
12 or amend a charge under s. 346.63 (1) or (5) or a local ordinance in conformity
13 therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the
14 use of a vehicle or an improper refusal under s. 343.305, the prosecutor shall apply
15 to the court. The application shall state the reasons for the proposed amendment or
16 dismissal. The court may approve the application only if the court finds that the
17 proposed amendment or dismissal is consistent with the public's interest in deterring
18 the operation of motor vehicles by persons who are under the influence of an
19 intoxicant, a controlled substance or both, under the influence of any other drug to
20 a degree which renders him or her incapable of safely driving, or under the combined
21 influence of an intoxicant and any other drug to a degree which renders him or her
22 incapable of safely driving, or in deterring the operation of commercial motor
23 vehicles by persons with an alcohol concentration of 0.04 or more. The court may not
24 approve an application to amend the vehicle classification from a commercial motor
25 vehicle to a noncommercial motor vehicle unless there is evidence in the record that

1 the motor vehicle being operated by the defendant at the time of his or her arrest was
2 not a commercial motor vehicle.

3 **SECTION 9137. Nonstatutory provisions; legislature.**

4 (1g) STUDIES OF THE DEPARTMENT OF TRANSPORTATION.

5 (a) The legislative audit bureau is requested to perform a performance
6 evaluation audit of every program administered by the department of
7 transportation. If an audit is performed, the bureau shall submit, in the manner
8 described under section 13.94 (1) (b) of the statutes, a report summarizing the results
9 of the audit by September 1, 1996.

10 (b) The joint legislative council is requested to study alternative revenue
11 sources for the department of transportation and to report its findings, conclusions
12 and recommendations, including recommendations concerning appropriate funding
13 levels and means of providing significant transportation cost savings for the state
14 and for local governments, to the legislature by December 1, 1996. If an audit is
15 performed under paragraph (a), the council shall consider the results of that audit
16 in preparing its report under this paragraph.

17 **SECTION 9146. Nonstatutory provisions; public service commission.**

18 (1) FENCING, FARM CROSSING AND CATTLE GUARD COSTS. The commissioner of
19 railroads shall develop a plan for phasing in state reimbursement of 100% of the costs
20 incurred by railroads for fencing, farm crossings and cattleguards, and shall submit
21 a report containing findings, conclusions and recommendations, including
22 recommended statutory changes, to the joint committee on finance by the first day
23 of the 6th month beginning after the effective date of this subsection.

24 **SECTION 9155. Nonstatutory provisions; transportation.**

25 (1) COST-EFFICIENCY STANDARDS.

1 (a) In promulgating rules under section 85.20 (7) (b) of the statutes, as created
2 by this act, the department of transportation shall establish a transit committee to
3 assist the department in developing the cost-efficiency standards for the purposes
4 of section 85.20 (7) (a) of the statutes, as created by this act. The transit committee
5 shall advise the department on implementation of the cost-efficiency standards.

6 (b) This subsection does not apply after June 30, 1997.

7 (2u) APPROPRIATION ADJUSTMENTS.

8 (a) The department of transportation shall submit to the joint committee on
9 finance for review and approval 2 plans identifying how the department proposes to
10 adjust its appropriations for an applicable fiscal year to reflect the actual levels of
11 federal aid for this state for that fiscal year under the federal intermodal surface
12 transportation efficiency act of 1991, as amended, or a substantially similar
13 subsequent federal legislative act establishing levels of federal aid for this state. The
14 plans shall be submitted as follows:

15 1. For appropriation adjustments for the 1995-96 fiscal year, not later than
16 December 1, 1995, or 30 days after the applicable federal legislation for that fiscal
17 year has been enacted, whichever is later.

18 2. For appropriation adjustments for the 1996-97 fiscal year, not later than
19 December 1, 1996, or 30 days after the applicable federal legislation for that fiscal
20 year has been enacted, whichever is later.

21 (b) The plans submitted under paragraph (a) may not propose any reductions
22 from the appropriations under section 20.395 (2) (eq), (ex) and (fx) of the statutes.

23 (c) The appropriation adjustments in a plan submitted under paragraph (a)
24 may not be implemented as proposed without the approval of the joint committee on
25 finance.

1 (3) EFFICIENCY MEASURES. By December 1, 1995, the department of
2 transportation shall submit recommendations to the joint committee on finance if
3 the department wishes to reallocate reductions resulting from budgetary efficiency
4 measures and position vacancy reductions among the segregated fund revenue
5 appropriations of the department of transportation for state operations. If the
6 department submits recommendations under this subsection, the recommendations
7 shall be implemented if the committee approves the recommendations, or does not
8 schedule a meeting for the purpose of reviewing the recommendations within 14
9 working days after their receipt.

10 (3t) SURPLUS LAND SALE. The department of transportation shall sell sufficient
11 surplus land, as defined in section 84.09 (8) (a) of the statutes, during the 1995-97
12 fiscal biennium to deposit not less than \$4,500,000 in the transportation fund from
13 such sales.

14 (3tx) STUDY OF COMMUTER RAIL SERVICE. The department of transportation shall
15 conduct a study on the feasibility of extending commuter rail service between the
16 state of Illinois and the cities of Beloit and Janesville. The department shall submit
17 a report summarizing its findings and recommendations no later than July 1, 1996,
18 to the appropriate standing committees in the manner provided under section 13.172
19 (3) of the statutes.

20 (3x) STATE TRUNK HIGHWAY DESIGNATION. The department of transportation
21 shall negotiate the jurisdictional transfer of CTH "X" in Winnebago County from the
22 county to the state. Upon completion of the transfer under this subsection, the
23 department shall, notwithstanding section 84.02 of the statutes, mark as a new state
24 trunk highway the route commencing at the junction of STH 44 and USH 41 in
25 Winnebago County and proceeding southerly on STH 44 to its junction with CTH "X";

1 then proceeding westerly on CTH "X" to its junction with STH 116; and then
2 proceeding westerly on STH 116 to the city of Berlin in Green Lake County.

3 (3y) TRANSPORTATION FINANCING STUDY.

4 (a) The department of transportation shall create a committee to study
5 transportation financing. The committee shall consist of the following members:

- 6 1. One member of the assembly, appointed by the speaker of the assembly.
- 7 2. One member of the senate, appointed by the majority leader of the senate.
- 8 3. One member of the assembly, appointed by the assembly minority leader.
- 9 4. One member of the senate, appointed by the senate minority leader.
- 10 5. Three members appointed by the secretary of transportation.

11 (b) The committee shall study revenue sources for transportation funding,
12 including the impact of differences in the tax rates of this state and bordering states
13 on retailers in border areas. The committee shall submit a report containing its
14 findings, conclusions, and recommendations for appropriate transportation funding
15 sources for this state, to the legislature in the manner provided under section 13.172
16 (2) of the statutes and to the governor no later than July 1, 1996.

17 (4) AGENCY REQUEST. Notwithstanding section 16.42 (1) (e) of the statutes, in
18 submitting information under section 16.42 of the statutes for purposes of the
19 1997-99 biennial budget bill, the department of transportation shall include
20 recommendations for statutory changes that would provide for the separation of
21 vehicle ownership from vehicle registration, to be effective with the completion of the
22 redesign of the vehicle registration database.

23 (5) ELDERLY AND DISABLED TRANSPORTATION EXPENDITURES STUDY. The
24 department of transportation shall conduct a study to determine the total amount
25 and sources of all funds expended in this state on transportation services for the

1 elderly and disabled. On or before July 1, 1996, the department of transportation
2 shall report the results of its study to the governor, and to the chief clerk of each house
3 of the legislature for distribution in the manner provided under section 13.172 (2) of
4 the statutes. All other state agencies shall cooperate with the department of
5 transportation in conducting the study.

6 (6) REPAVING OF I 43. The department of transportation shall repave that
7 portion of I 43 having a tined surface beginning before Henry Clay Street and
8 extending beyond Bender and Devon streets in Milwaukee County, no later than the
9 first day of the 8th month beginning after the effective date of this subsection, for the
10 purpose of eliminating the tined surface.

11 (6y) OUTDOOR ADVERTISING DISPLACEMENT COMPENSATION. The department of
12 transportation shall, with the cooperation of the Outdoor Advertising Association
13 and any other interested person, develop a fixed payment schedule of amounts to
14 reimburse a person, at that person's election and in lieu of any payments under
15 section ILHR 202.64, Wisconsin Administrative Code, who is displaced from an
16 outdoor advertising sign by a transportation project and who is eligible for payment
17 under section ILHR 202.64, Wisconsin Administrative Code, for expenses related to
18 the displacement. The department shall submit the payment schedule to the
19 cochairpersons of the joint committee on finance no later than January 1, 1996, for
20 the approval of the joint committee on finance.

21 (8y) MAIN STREET BRIDGE. The department of transportation shall request the
22 federal department of transportation to make an advance commitment of future
23 federal funds to this state for the replacement of the Main Street bridge in the city
24 of Green Bay and to specify the amount of those funds. The department of

1 transportation shall contract, as soon as practicable after receiving a favorable
2 response to that request, for the replacement of that bridge.

3 (10g) FOND DU LAC AIRPORT CONSTRUCTION ACCELERATION. Notwithstanding
4 section 16.42 (1) (e) of the statutes, in submitting information under section 16.42
5 of the statutes for purposes of the 1997-99 biennial budget bill, the department of
6 transportation shall submit information concerning the appropriation under section
7 20.395 (2) (dq) of the statutes as though an increase of \$500,000, for the purpose of
8 accelerating the completion of airport improvement projects at the Fond du Lac
9 County general aviation airport, by this act had not been made.

10 **SECTION 9242. Appropriation changes; natural resources.**

11 (1) STATEWIDE PUBLIC SAFETY RADIO MANAGEMENT PROGRAM. There is transferred
12 from the appropriation account to the department of natural resources under section
13 20.370 (9) (mr) of the statutes, as affected by the acts of 1995, to the appropriation
14 account to the department of transportation under section 20.395 (5) (dk) of the
15 statutes, as affected by the acts of 1995, \$52,100 in fiscal year 1996-97.

16 **SECTION 9255. Appropriation changes; transportation.**

17 (1) STATEWIDE PUBLIC SAFETY RADIO MANAGEMENT PROGRAM.

18 (a) There is transferred from the appropriation account to the department of
19 transportation under section 20.395 (5) (dq) of the statutes, as affected by the acts
20 of 1995, to the appropriation account to the department of transportation under
21 section 20.395 (5) (dk) of the statutes, as affected by the acts of 1995, \$35,500 in fiscal
22 year 1996-97.

23 (b) There is transferred from the appropriation account to the department of
24 transportation under section 20.395 (3) (cq) of the statutes, as affected by the acts of
25 1995, to the appropriation account to the department of transportation under section

1 20.395 (5) (dk) of the statutes, as affected by the acts of 1995, \$16,600 in fiscal year
2 1996-97.

3 **SECTION 9348. Initial applicability; revenue.**

4 (1) MOTOR VEHICLE FUEL EXEMPTIONS. The treatment of sections 78.005 (13g),
5 78.01 (2) (e) and (2m) (f), 78.40 (1) and 78.75 (1m) (a) 2. and 3. of the statutes first
6 applies to fuel purchased on the first day of the first month beginning after
7 publication.

8 **SECTION 9355. Initial applicability; transportation.**

9 (1) TRAFFIC ACCIDENTS AND PROPERTY DAMAGE. The treatment of sections
10 344.12, 344.14 (2) (e) and 346.70 (1) of the statutes first applies to accidents occurring
11 on the effective date of this subsection.

12 (2) COMMERCIAL DRIVER LICENSES. The treatment of sections 343.10 (2) (a) 1.,
13 343.245 (4) (b), 343.28 (1) and (2), 343.315 (2) (f) (intro.), (fm), (h) and (i) and 343.44
14 (4r) of the statutes first applies to offenses and refusals committed on the effective
15 date of this subsection, but does not preclude the counting of other convictions,
16 suspensions, revocations, disqualifications or refusals as prior convictions,
17 suspensions, revocations, disqualifications or refusals for purposes of sentencing a
18 person, suspending or revoking a person's operating privilege, disqualifying a person
19 from operating a commercial motor vehicle or determining eligibility for an
20 occupational license or authorization to operate certain vehicles.

21 (9j) TRANSPORTATION FACILITIES ECONOMIC ASSISTANCE AND DEVELOPMENT. The
22 treatment of section 84.185 (6r) of the statutes first applies to aid provided under
23 formal agreements executed after December 31, 1994.

24 (9t) MASS TRANSIT OPERATING ASSISTANCE. The treatment of sections 20.395 (1)
25 (bq), (bu), (dq), (dr), (ds) and (dt) and 85.20 (4m) (a), (am), (e) and (em) 1. and (4s)

1 of the statutes and the creation of section 85.20 (4m) (a) 1. to 4. of the statutes first
2 apply to urban mass transit operating assistance payments for calendar year 1996.

3 **SECTION 9400. Effective dates; general.** Except as otherwise provided in
4 SECTIONS 9401 to 9459 of this act, this act takes effect on the day after publication.

5 **SECTION 9455. Effective dates; transportation.**

6 (1x) EMPLOYMENT TRANSIT ASSISTANCE PROGRAM. The treatment of section 25.40
7 (2) (b) 15g. of the statutes and the renumbering and amendment of section 20.395 (1)
8 (bw) of the statutes take effect on July 1, 1996.

9 (2) AUTO DEALER LICENSES. The repeal and recreation of section 218.01 (2) (bd)
10 1g. and (3x) (b) 2. and 3. of the statutes takes effect on July 1, 1996.

11 (3) TRAFFIC ACCIDENTS AND PROPERTY DAMAGE. The treatment of sections 344.12,
12 344.14 (2) (e) and 346.70 (1) of the statutes and SECTION 9355 (1) of this act take effect
13 on January 1, 1996.

14 (5) EXEMPTION REPORTS. The treatment of section 70.337 (7) of the statutes
15 takes effect on March 31, 1996.

16 (6) INTERNATIONAL FUEL TAX AGREEMENT; PERMITS; FEES. The treatment of sections
17 20.395 (5) (cq), 25.40 (1) (a) 12., 341.43 and 341.45 (title), (1g) (a) and (b), (2), (3), (4m)
18 and (5) of the statutes takes effect on January 1, 1996.

19 (7) AIRCRAFT REGISTRATION.

20 (a) The treatment of sections 114.002 (4), (11) and (13) and 114.20 (1) (title), (a)
21 and (b), (2) (intro.) and (c), (5), (7), (9) (a) to (c) and (d), (9m) (intro.), (12), (13) (b) 1.,
22 2., 3. and 5. and (15) (b) of the statutes takes effect on November 1, 1996.

23 (8) MASS TRANSIT OPERATING ASSISTANCE. The treatment of sections 20.395 (1)
24 (bq), (bu), (dq), (dr), (ds) and (dt) and 85.20 (4m) (a), (am), (e) and (em) 1. and (4s) of

1 the statutes and the creation of section 85.20 (4m) (a) 1. to 4. of the statutes take effect
2 on January 1, 1996.

3 (END)