

**2001 DRAFTING REQUEST**

**Bill**

Received: **11/14/2001**

Received By: **fasttn**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Rachel Letzing**

This file may be shown to any legislator: **NO**

Drafter: **fasttn**

May Contact:

Addl. Drafters:

Subject: **Drunk Driving - procedures**

Extra Copies: **PJH, ARG, RPN - 1**

Submit via email: **NO**

**Pre Topic:**

No specific pre topic given

**Topic:**

Act 109 correction

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	fasttn 11/30/2001	rschluet 12/03/2001		_____			State
/P1			pgreensl 12/03/2001	_____	lrb_docadmin 12/03/2001		State
/1	fasttn 01/25/2002	gilfokm 01/25/2002	pgreensl 01/28/2002	_____	lrb_docadmin 01/28/2002	lrb_docadmin 01/30/2002 lrb_docadmin 01/30/2002	

FE Ser: For:

<END>

↳ At  
Intro.

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FE Sent For:

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/P1		1/25 King	pgreensl 12/03/2001	<del>1/25</del> 1/25	1/25 JF		lrb_docadmin 12/03/2001

FE Sent For:

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1/1	fasttn 11/30/2001	lrb_editor 1-11/30 King	12/13 P8	12/13 P8 P81R			
FE Sent For:							
<END>							

## Fast, Timothy

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**From:** Fast, Timothy  
**Sent:** Monday, November 05, 2001 4:17 PM  
**To:** Letzing, Rachel  
**Subject:** RE: DOT remedial bill

Rachel,

Short answer is yes. Hope you had a good weekend.

Peace and light, Tim

-----Original Message-----

**From:** Letzing, Rachel  
**Sent:** Monday, November 05, 2001 3:21 PM  
**To:** Fast, Timothy  
**Subject:** RE: DOT remedial bill

Tim,

Don't worry, you're not the one who is losing their memory...for some reason, DOT sent the request to us to pass on to you at LRB, which didn't happen. So, I'm going to send it over by page right now. According to Carson Frazier, the budget did not address their OWI concerns. Do you think it's possible to have this done in time for the Dec. 11 meeting?

Rachel

-----Original Message-----

**From:** Fast, Timothy  
**Sent:** Monday, November 05, 2001 2:57 PM  
**To:** Letzing, Rachel  
**Subject:** RE: DOT remedial bill

Rachel,

I don't see any request on this. The OWI area was significantly affected by the budget act - perhaps it was handled there to bring the state into compliance with federal law and regulations.

Hope this helps. Peace, Tim

-----Original Message-----

**From:** Letzing, Rachel  
**Sent:** Wednesday, October 31, 2001 1:33 PM  
**To:** Fast, Timothy  
**Subject:** RE: DOT remedial bill

I was just about to email you when I got your message! I was looking through DOT's remedial file and found a request to redraft 1999 Act 109 [vehicle sanctions related to OWI convictions] for 2001. My memory is also going, so I'm not sure if you told me about the status of that particular request or not. Do you mind checking into it? Thanks.

-----Original Message-----

**From:** Fast, Timothy  
**Sent:** Wednesday, October 31, 2001 12:57 PM  
**To:** Letzing, Rachel  
**Subject:** FW: DOT remedial bill

The memory is the third thing to go! If I had remembered this, I wouldn't have bothered you with my earlier e-mail.

TNF

-----Original Message-----

**From:** Letzing, Rachel

**Sent:** Monday, October 22, 2001 3:41 PM  
**To:** Fast, Timothy  
**Subject:** RE: DOT remedial bill

Next week for the compile draft would be great. You can send the GDL bill to me here, and we'll pass it on to DOT for review. Thanks, Tim!

-----Original Message-----

**From:** Fast, Timothy  
**Sent:** Monday, October 22, 2001 2:35 PM  
**To:** Letzing, Rachel  
**Subject:** RE: DOT remedial bill

Rachel,

The compile (LRB-3828) is in editing. If you'd like it this week, please let me know. Otherwise my guess is that the editors won't get to it until next week. Re the GDL remedial (LRB-2768), Peggy started working on a preliminary draft. I've inherited it and will finish it by the end of the week. However, it has Leg Council down as requester. Is this correct? Should DOT be the requester or, alternatively, should I put them down for a copy?

Details, details, details. Please take care.

Peace again, Tim

P.S. "There is no civilization without peace." - Pope Paul VI

-----Original Message-----

**From:** Letzing, Rachel  
**Sent:** Monday, October 22, 2001 11:14 AM  
**To:** Fast, Timothy  
**Subject:** RE: DOT remedial bill

Hi Tim,

Thanks for the great news about Peggy! The last time I spoke with Peggy, I asked that the DOT remedial drafts approved by the law revision committee [1671/p2, 1672/p1, 3705/p1, 2767/p1, 3512/p1] be rolled into one 2001 bill, and then sent over here so that we can add Section notes. Once we get the Section notes done, we send the notes back to you to insert. If you've got the DOT bill done, feel free to send it to me so that I can write the notes.

Also, I think she was working on a graduated drivers license bill for DOT--any news on that one? Once that one is completed, it will be a separate bill that the law revision committee will review. Any questions, please email or call. Thanks!

Rachel

-----Original Message-----

**From:** Fast, Timothy  
**Sent:** Monday, October 22, 2001 11:04 AM  
**To:** Letzing, Rachel  
**Subject:** DOT remedial bill

Ms. Letzig:

Greetings! I don't know if we've met or not. Aaron Gary and I will be handling Peggy's drafts while she's on maternity leave. She and her husband acquired a bundle of joy - otherwise known as a baby daughter - last Tuesday. Everyone is fine.

I will be handling the DOT remedial bill until Peggy returns in mid-January or so. I know the individual drafts pretty well as I reviewed Peggy's drafts before they went into editing. So

when you're ready to go to a /1, send me any changes and I'll incorporate. Thanks.

Peace, Tim

TJF  
2

**WISCONSIN DEPARTMENT OF TRANSPORTATION  
LEGISLATIVE PROPOSAL FORM  
BUDGET / NON-BUDGET: Remedial Bill**

SHORT TITLE OF ISSUE: Act 109 Correction

DIVISION(S): Motor Vehicles, Bureau of Vehicle Services	DIVISION ADMINISTRATORS' SIGNATURES:
DATE: April 27, 2001	
OPB CONTACT PERSON: Karen Porter	TELEPHONE #:266-0179
LEAD DIVISION CONTACT PERSON: Carson P. Frazier	TELEPHONE #:266-7857
OGC CONTACT PERSON: John Sobotik	TELEPHONE #:267-9320

**DEFINE PROBLEM PRECISELY**

1999 Act 109 contains several vehicle sanctions related to convictions for OWI. The sanctions include Ignition Interlock Device (restriction on a driver license), vehicle immobilization and vehicle seizure. In the case of vehicle immobilization and seizure, DOT is required under S.342.12(4) to place a "transfer stop" on vehicle records. These sanctions apply depending on the number of prior convictions for certain OWI offenses. Language in S.342.12(4)(a) and S.342.12(4)(b), and S.343.301, S. 343.305(10m), S343.31 and S.346.65(6) all have references to the number of offenses or prior offenses. As DMV prepares to implement S.342.12(4)(a) and (b), we believe there may be some inconsistency in the references to the number of prior convictions – or stated as which incident – the seizure and immobilization sanctions apply to. We speculate, from recollection of bill actions, that the Legislature may have wanted Ignition Interlock Devices and Immobilization to apply on the second or subsequent offense (1 or more priors) and Seizure to apply on the third or subsequent offense (2 or more priors). However, we are not sure and we are not in a position to make that determination.

**PROPOSED SOLUTION**

Request LRB to review the relevant statutory provisions and bill history, and determine the correct number of prior offenses for each sanction, and consistency in all the provisions.

**LEGISLATIVE BACKGROUND**

1999 Act 109.

Additional contact: Julie Clark 6-2239

2001

Date (time) needed

Monday  
12/3

LRB - 42671 P1

BILL

TNF KING:

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the

statutes; relating to: *prohibiting the issuance of certificates of title transferring motor vehicle ownership in certain cases involving a refusal to take a test to determine an individual's blood alcohol concentration (suggested as remedial*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of legislation by standard phrases.] *the department of transportation).*

*Analysis by the Legislative Reference Bureau*

If titles are needed in the analysis, in the component bar:

- For the main heading, execute: . . . . . create → anal: → title: → head
  - For the subheading, execute: . . . . . create → anal: → title: → sub
  - For the sub-subheading, execute: . . . . . create → anal: → title: → sub-sub
- For the analysis text, in the component bar:
- For the text paragraph, execute: . . . . . create → anal: → text

( Attached )

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

SECTION #.

→ Insert 1-KA ←

Section #. 342.12 (4) (b) of the statutes is amended to read: as affected by 1999 Wisconsin Act 109,

~~342.12 (4) (b) Except as provided under par. (c), the department may not issue a certificate of title transferring ownership of any motor vehicle owned by a person upon receipt of a notice of intent to revoke the person's operating privilege under s. 343.305 (9) (a), if the person has 2 or more prior convictions, suspensions or revocations, as counted under s. 343.307 (1), until the court assigned to the hearing under s. 343.305 (9) issues an order permitting the department to issue a certificate of title.~~

~~NOTE: Par (b) is amended eff. 1-1-02 by 1999 Wis. Act 109 to read:~~

(b) Except as provided under par. (c), the department may not issue a certificate of title transferring ownership of the motor vehicle owned by a person and involved in the violation upon receipt of a notice of intent to revoke the person's operating privilege under s. 343.305 (9) (a), if the person has 3 or more prior convictions, suspensions, or revocations, as counted under s. 343.307 (1), until the court assigned to the hearing under s. 343.305 (9) issues an order permitting the department to issue a certificate of title.

History: 1973 c. 116 s. 6; 1977 c. 29 s. 1654 (7) (a); 1991 a. 39, 277; 1993 a. 317, 490; 1997 a. 199, 237; 1999 a. 31, 109, 179, 185.

LPS:  
give  
font

**INITIAL APPLICABILITY**

- In the component bar:  
 For the action phrase, execute: ..... create → action: → \*NS: → inappl  
 For the budget action phrase, execute: ..... create → action: → \*NS: → 93XX  
 For the text, execute: ..... create → text: → \*NS: → inappl
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

**SECTION #**   93   **Initial applicability; .....**

( #1 ) (    ) .....

The treatment of sections ...

of the statutes

first applies to .....

- In the component bar:  
 For the action phrase, execute: ..... create → action: → \*NS: → inappl  
 For the text, execute: ..... create → text: → \*NS: → inappl
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

**SECTION #**   AAA   **Initial applicability; .....**

( #1 )   AAA   ..... This act first

applies to certificates of title issued on the effective date of this subsection.

*whichever is later.*

*(SEC. #. Effective date, (END) on January 1, 2002, or on the day after publication, (rev: 8/28/00 2001inapp(fm) (#) This act takes effect*

## Analysis

Under current law, if a person arrested for operating a motor vehicle while under the influence of an intoxicant (OWI) refuses to take a test to determine the amount of alcohol in his or her blood or breath, the law enforcement officer who requested the test takes possession of the person's license, prepares a notice of intent to revoke the person's operating privilege, and gives a copy of the notice to the person, the circuit court, the district attorney, and the department of transportation (DOT). If the person has <sup>three</sup> or more prior OWI-related convictions, suspensions, or revocations, DOT is generally prohibited from issuing a certificate of title transferring ownership of a motor vehicle if the vehicle is owned by the person and involved in the violation.

1999 Wisconsin Act 109 inadvertently increased the number of prior OWI-related convictions, suspensions,

or revocations for this purpose from two to three.  
This bill restores two prior OWI-related convictions,  
suspensions, or revocations for purposes of DOT  
withholding the issuance of certificates of title  
in these cases.

For further information, see the <sup>(CS)</sup> NOTES provided by  
the law revision committee of the joint legislative  
council.

FE-S

anal:jlcnote

*Ins. 1-KA*

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the ~~CD~~ and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. This bill is introduced by the law revision committee under s. 13.83 (1) (c), stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

*department  
of transportation*

## Fast, Timothy

---

**From:** Zavos, Nicholas  
**Sent:** Friday, January 25, 2002 11:07 AM  
**To:** Fast, Timothy  
**Subject:** law revision bill

Tim -  
At its last meeting, the law revision committee recommended introduction of LRB-4267. Could you put that draft in introducible form. I have attached the section notes.



Section Notes -  
DOT.doc

Plases let me know if you have any questions. Thanks

*Nicholas R. Zavos*  
Staff Attorney  
Wisconsin Legislative Council  
(608) 266-1308  
nicholas.zavos@legis.state.wi.us

## Section Notes

### LRB-4267

NOTE: Under current law, if a person who is arrested for operating a motor vehicle while under the influence of an intoxicant (OWI) refuses to take a test to determine the amount of alcohol in the person's blood or breath, the law enforcement officer must take possession of the person's license and prepare a notice of intent to revoke the person's operating privilege. That notice must be sent to the Department of transportation (DOT), among others. If the person has three or more OWI-related convictions, revocations or suspensions, DOT is then prohibited from issuing a certificate of title transferring ownership of the person's motor vehicle.

The number of prior OWI-related convictions, revocations or suspensions was inadvertently increased from two to three by 1999 Act 109. Section 1 restores the requirement of two OWI-related convictions, revocations or suspensions.

WANTED MON  
1/28/02

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

note: std.

Gen Cat

1 AN ACT to amend 342.12 (4) (b) of the statutes; relating to: prohibiting the  
2 issuance of certificates of title transferring motor vehicle ownership in certain  
3 cases involving a refusal to take a test to determine an individual's blood alcohol  
4 concentration (suggested as remedial legislation by the department of  
5 transportation).

**Analysis by the Legislative Reference Bureau**

Under current law, if a person arrested for operating a motor vehicle while under the influence of an intoxicant (OWI) refuses to take a test to determine the amount of alcohol in his or her blood or breath, the law enforcement officer who requested the test takes possession of the person's license, prepares a notice of intent to revoke the person's operating privilege, and gives a copy of the notice to the person, the circuit court, the district attorney, and the department of transportation (DOT). If the person has three or more prior OWI-related convictions, suspensions, or revocations, DOT is generally prohibited from issuing a certificate of title transferring ownership of a motor vehicle if the vehicle is owned by the person and involved in the violation.

1999 Wisconsin Act 109 inadvertently increased the number of prior OWI-related convictions, suspensions, or revocations for this purpose from two to three. This bill restores two prior OWI-related convictions, suspensions, or revocations for purposes of DOT withholding the issuance of certificates of title in these cases.

Insert 2-9

~~This bill is explained in the Notes provided by the joint legislative council in the bill.~~

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the the department of transportation and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. This bill is introduced by the law revision committee under s. 13.83 (1) (c), stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

from a fiscal note

1 SECTION 1. 342.12 (4) (b) of the statutes, as affected by 1999 Wisconsin Act 109,  
2 is amended to read:

3 342.12 (4) (b) Except as provided under par. (c), the department may not issue  
4 a certificate of title transferring ownership of the motor vehicle owned by a person  
5 and involved in the violation upon receipt of a notice of intent to revoke the person's  
6 operating privilege under s. 343.305 (9) (a), if the person has 3 2 or more prior  
7 convictions, suspensions, or revocations, as counted under s. 343.307 (1), until the  
8 court assigned to the hearing under s. 343.305 (9) issues an order permitting the  
9 department to issue a certificate of title.

10 SECTION 2. Initial applicability.

11 (1) This act first applies to certificates of title issued on the effective date of this  
12 subsection.

13 SECTION 3. Effective date.

14 (1) This act takes effect on on January 1, 2002, or on the day after publication,  
15 whichever is later.

16 (END)

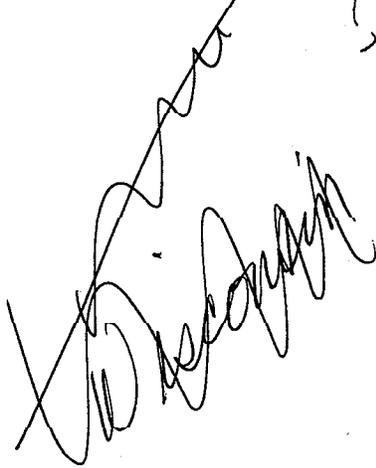
Insert 2-9

~~Section Notes~~

~~LRB 4267~~

NOTE: Under current law, if a person who is arrested for operating a motor vehicle while under the influence of an intoxicant (OWI) refuses to take a test to determine the amount of alcohol in the person's blood or breath, the law enforcement officer must take possession of the person's license and prepare a notice of intent to revoke the person's operating privilege. That notice must be sent to the Department of transportation (DOT), among others. If the person has three or more OWI-related convictions, revocations or suspensions, DOT is then prohibited from issuing a certificate of title transferring ownership of the person's motor vehicle.

The number of prior OWI-related convictions, revocations or suspensions was inadvertently increased from two to three by 1999 Act 109. Section 1 restores the requirement of two OWI-related convictions, revocations or suspensions.

A large, stylized handwritten signature in black ink, located in the lower right quadrant of the page. The signature is highly cursive and difficult to decipher.



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

January 28, 2002

### MEMORANDUM

To: Legislative Council - LRC

From: Timothy N. Fast, Senior Legislative Attorney

Re: LRB-4267/1 Act 109 correction

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

~~X~~ JACKET FOR ASSEMBLY \_\_\_\_\_ JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-9739 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.