

2007 DRAFTING REQUEST

Bill

Received: **12/06/2007**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gottlieb (608) 267-2369**

By/Representing: **Darcy Paulson**

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

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **BAB**

Submit via email: **YES**

Requester's email: **Rep.Gottlieb@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Employer notification program

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>
/?				_____			State
/P1	agary 12/07/2007	bkraft 12/10/2007	nnatzke 12/10/2007	_____	mbarman 12/10/2007		State
/P2	agary 12/19/2007	bkraft 12/26/2007	pgreensl 01/03/2008	_____	cduerst 01/03/2008		State
/1	agary 01/28/2008	bkraft 01/28/2008	pgreensl 01/28/2008	_____	mbarman 01/28/2008	mbarman 01/28/2008	

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↳ At
Intro.

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/P2	agary 12/19/2007	bkraft 12/26/2007	pgreensl 01/03/2008		cduerst 01/03/2008		

FE Sent For:

11 bjk 1/28

[Handwritten signatures]

[Handwritten note in a bubble: PAs: Please Jacket "1/1" Thanks. AMG]

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1/P2 bjk 12/26 B PG
PG /nw

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/?	agary	/PI bjk 12/10	nwn 12/10	nwn 12/10			

FE Sent For:

<END>

Gary, Aaron

From: Paulson, Darcy
Sent: Thursday, December 06, 2007 12:06 PM
To: Gary, Aaron
Subject: Drafting instructions for allowing Class D drivers into Employer Notification program

Aaron:

Not sure if this would be your area of drafting-if not, let me know.

At the very bottom of this email is a letter taken from a constituent email. Just below is some information From DOT to help with drafting a bill for Rep. Gottlieb on the above-referenced subject.

Let me know if you have any questions.

Thank you.

Darcy Paulson
Office of Rep. Mark Gottlieb
60th Assembly District
608.267.2369
888.534.0060

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

From: Egan, Erin [mailto:erin.egan@dot.state.wi.us]
Sent: Thursday, December 06, 2007 11:30 AM
To: Paulson, Darcy
Subject: Drafting instructions for allowing Class D drivers into Employer Notification program

Hi Darcy,

Under current law, section 343.245 (1)(a), Wis. Stats. defines an employee as an operator of a commercial motor vehicle. Section 343.245 (3m) requires the department to establish an employer notification program to permit an employer to register the names of their employees and be notified whenever a conviction or withdrawal order is recorded on the employee's driver's license. Since section (1)(a) limits the definition of an employee to operators of commercial motor vehicles (i.e., persons with a CDL), we cannot let Class D drivers be enrolled in the Employer Notification system now.

To allow Class D drivers to be enrolled in the Employer Notification program, section 343.245 must be amended. Either the definition of an employee should be changed, or section (3m) should be amended to include Class D drivers as well.

I've also included the applicable sections of Chapter 340 that define a commercial motor vehicle and commercial driver's license.

340.01 (8) "Commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property and having one or more of the following characteristics:

(a) The vehicle is a single vehicle with a gross vehicle weight rating of 26,001 or more pounds or the vehicle's registered weight or actual gross weight is more than 26,000 pounds.

(b) The vehicle is a combination vehicle with a gross combination weight rating, registered weight or actual gross weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating, registered weight or actual gross weight of more than 10,000 pounds.

(c) The vehicle is designed to transport or is actually transporting the driver and 15 or more passengers. If the vehicle is equipped with bench type seats intended to seat more than one person, the passenger carrying capacity shall be determined under s. 340.01 (31) or, if the vehicle is a school bus, by dividing the total seating space measured in inches by 13.

(d) The vehicle is transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73.

Hope this helps. Please give me a call if you have further questions.

Erin Egan, Chief
Citations & Withdrawals Section
Bureau of Driver Services
(608) 266-9901

Taken from letter from constituent:

Our company employs many skilled and professional tradesmen in the
> construction industry. This includes Crane operators, Mechanics, and
> Truck Drivers. It also includes a battery of support people, including
> salesmen, shuttle-supply trucks, parts runners, apprentices, and
> trainees, all entrusted with company vehicles on the State's and Nation's Highways.
> The Wisconsin Department of Transportation, through the State
> Legislators, has created an excellent program to assist employers in
> reviewing the driving records of it's employees as prescribed in
> Federal Motor Carrier Regulations 391.25 (2) which states that "The
> motor carrier must consider the driver's accident record and any
> evidence that the driver has violated laws governing the operation of
> motor vehicles, and must give great weight to violations such as
> speeding, reckless driving, and operating while under the influence of
> alcohol or drugs, that indicate that the driver has exhibited a
> disregard for the safety of the public." This program is called the "
> Employers Notification Program" administered through the new PARS
> system, and regulated by State Statute 345.245 (3m). This notifies
> Companies of changes in their employees Drivers Records, shortly after
> they are recorded, automatically, thus allowing us to monitor and take
> corrective action where needed to guarantee the safety of the public. It is an
invaluable tool to all safety minded companies.
> There is one problem with this program however, which I believe can be
> easily corrected. Enrollment of employees into this program is
> restricted by definition to the State's definition of a commercial
> motor vehicle, which is a vehicle with a gross vehicle weight of
> greater than 26,000 LBS, or requires a Commercial Driver's License to
> operate, as found in Wisconsin Statute 340.01 (8). Thus eliminating a
> good portion of our support vehicles, and others entrusted with the
> operation of our company's vehicles. For the sake of Safety, this
> program should be opened up to drivers of all Company vehicles so we can monitor their
driving habits.
>

soon ←

in 12/7

Lbjk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ✓

D-note ←

SA ✓
X-ref ✓

gen. cat.

1 AN ACT ...; **relating to:** extending the employer notification program
 2 administered by the Department of Transportation to noncommercial motor
 3 vehicle drivers. ✓

Analysis by the Legislative Reference Bureau ✓

Under current law, the Department of Transportation (DOT) administers an employer notification program. The program permits an employer of a commercial motor vehicle driver to register the driver's name with DOT and to be informed by DOT whenever a traffic-related conviction, suspension, revocation, cancellation, disqualification, or out-of-service order is recorded on the person's driving record. ✓

This bill extends the employer notification program to allow employers to register employees who do not operate commercial motor vehicles if the employee's employment responsibilities include the operation of any motor vehicle owned or leased by the employer. ✓

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:

4 SECTION 1. 85.103 (6) of the statutes is amended to read: ✓

1 ✓ 85.103 (6) The department may disclose the personal identifier of any person
 2 who has made a designation under sub. (2) or (3) if the department discloses the
 3 personal identifier under s. 341.17 (9), 342.06, 343.027, 343.14, 343.234, 343.235,
 4 343.24 (3) and (4), or ~~343.245 (3m)~~ ✓ 343.247.

5 **History:** 1999 a. 88; 2001 a. 93; 2005 a. 25, 59. ✓

5 **SECTION 2.** ~~343.245 (3m)~~ ✓ (title) of the statutes is renumbered 343.247 (title). ✓

6 **SECTION 3.** ~~343.245 (3m)~~ ✓ (a) and (b) of the statutes are renumbered 343.247 (2)
 7 (a) and (b). ✓

8 **SECTION 4.** ~~343.247 (1)~~ ✓ of the statutes is created to read:

9 ✓ 343.247 (1) In this section:

10 (a) ✓ "Employee" has the meaning given in s. 343.245 (1) (a) and also includes any
 11 person who, as part of the person's employment responsibilities, operates a motor
 12 vehicle owned or leased by the employer. ✓

13 (b) ✓ "Employer" has the meaning given in s. 343.245 (1) (b) and also includes any
 14 person, including the state or a political subdivision thereof, who owns or leases a
 15 motor vehicle and employs a person whose employment responsibilities include the
 16 operation of any motor vehicle.

17 **SECTION 5. Effective date.**

18 (1) This act takes effect on the first day of the 3rd month beginning after
 19 publication. ✓

20 (END) ✓

→ *D-Note*

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3608/P1dn

ARG:.....

Lbjk

Date

ATTN: Darcy Paulson

Please review the attached draft carefully to ensure that it is consistent with your intent. ✓

Please note that the scope of the draft is limited to employees operating their employers' vehicles, not operating their own vehicles, in the course of employment. Is this consistent with your intent? Also, as discussed, the attached draft does not include any appropriation increase to cover potential computer reprogramming costs to DMV. ✓

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft. ✓

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3608/P1dn

ARG:bjk:nwn

December 10, 2007

ATTN: Darcy Paulson

Please review the attached draft carefully to ensure that it is consistent with your intent.

Please note that the scope of the draft is limited to employees operating their employers' vehicles, not operating their own vehicles, in the course of employment. Is this consistent with your intent? Also, as discussed, the attached draft does not include any appropriation increase to cover potential computer reprogramming costs to DMV.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

Gary, Aaron

From: Paulson, Darcy
Sent: Tuesday, December 18, 2007 9:25 AM
To: Gary, Aaron
Subject: FW: Draft review: LRB 07-3608/P1 Topic: Employer notification program

Aaron-

Could you do a second draft consistent with what Erin says below? Not sure which way we are headed yet, but just to be ready.

Thanks-Darcy

Darcy Paulson
Office of Rep. Mark Gottlieb
60th Assembly District
608.267.2369
888.534.0060

From: Egan, Erin[SMTP:ERIN.EGAN@DOT.STATE.WI.US]
Sent: Monday, December 17, 2007 8:21:28 AM
To: Rep.Gottlieb
Cc: Warren, Mitchell - DOT; McGinn, Reed - DOT
Subject: RE: Draft review: LRB 07-3608/P1 Topic: Employer notification program
Auto forwarded by a Rule

Representative Gottlieb,

Thank you for sharing this draft with us. In Section 4, I think the definition of "Employee" should be broader, so that it is not limited to a vehicle owned or leased by the employer. We do have situations where an employee is operating their own vehicle on behalf of their employer (ex: taxi drivers and pizza delivery drivers). I think the language in the "Employer" definition related to operation of a motor vehicle would be better.

The fiscal impact would likely be small. There wouldn't be any programming changes needed, and since this is a self-service system, there would be little workload impact. We could have a small revenue increase because of increased participation in the program as well.

Thank you for your interest in this program. Please let me know if we can provide any more assistance.

Erin Egan, Chief
Citations & Withdrawals Section
Bureau of Driver Services
(608) 266-9901

12/18/2007

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

From: Rep.Gottlieb [mailto:Rep.Gottlieb@legis.wisconsin.gov]

Sent: Wednesday, December 12, 2007 9:51 PM

To: Egan, Erin - DOT

Subject: FW: Draft review: LRB 07-3608/P1 Topic: Employer notification program

Erin

Would you please review the attached bill draft to see if you see any problems with it.

Senator Grothman and I are probably going to introduce it in the near future.

Any idea what a fiscal estimate would be?

Mark Gottlieb

State Representative

60th Assembly District



State of Wisconsin
2007 - 2008 LEGISLATURE

500v

LRB-3608/P1

ARG:hjk:awn

12/19

stay

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ✓

SA ✓

regen. cat.

1 AN ACT to renumber 343.245 (3m) (title) and 343.245 (3m) (a) and (b); to amend
2 85.103 (6); and to create 343.247 (1) of the statutes; relating to: extending the
3 employer notification program administered by the Department of
4 Transportation to noncommercial motor vehicle drivers.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) administers an employer notification program. The program permits an employer of a commercial motor vehicle driver to register the driver's name with DOT and to be informed by DOT whenever a traffic-related conviction, suspension, revocation, cancellation, disqualification, or out-of-service order is recorded on the person's driving record.

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

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16 operation of any motor vehicle.

17 SECTION 5. **Effective date.**

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19 publication.

20 (END)

include the operation of any



TODAY

stay

RMR

in 1/28

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1/28 - Per Barry - 1A jacket
2007 Bill

SA ✓

No changes
regen. cat.

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