

2007 DRAFTING REQUEST

Assembly Joint Resolution

Received: **09/28/2007**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Tamara Grigsby (608) 266-0645**

By/Representing: **Cindy McGinnis**

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.Grigsby@legis.wisconsin.gov**

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

Pre Topic:

No specific pre topic given

Topic:

Operating privilege suspension for drug and controlled substance violations; opt out of federal program for mandatory suspension

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>
/?							
/P1	agary 10/03/2007	lkunkel 10/04/2007	pgreensl 10/04/2007	_____	cduerst 10/04/2007		
/1	agary 10/08/2007	lkunkel 10/08/2007	jfrantze 10/08/2007	_____	mbarman 10/08/2007	cduerst 01/24/2008	

FE Sent For:

NO

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1/21mk 10/8

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Self
10/8

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1?	agary	1/11mk10/4	10/11 pg	10/4 pg 1/15			

FE Sent For:

<END>

Bill Request Form

Legislative Reference Bureau
100 N. Hamilton Street
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date 9-20-07

Legislator, agency, or other person requesting this draft Rep. Grigsby

Person submitting request (name and phone number) Cindy 6-0645

Persons to contact for questions about this draft (names and phone numbers) Bob Anderson

Legal Action of WI 256-3304 ext 106 or Mitch Warren-DOT

Describe the problem, including any helpful examples. How do you want to solve the problem? 6-1449

modification of the mandatory suspension for drug driver license

violations to be discretionary with the court

See attached labeled Bill #2 & Resolution
Also additional info from DOT in e-mail from Mitch Warren

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes: Anyone who asks? YES NO
Any legislator? YES NO

Only the following persons Both Bob Anderson & Mitch Warren

Do you consider this request urgent? YES NO If yes, please indicate why _____

Should we give this request priority over any pending request of this legislator, agency, or person? YES NO

DRIVER'S LICENSE LEGISLATION

At today's meeting (7/3/07) we talked about the following legislation in general:

A second package could be the modification of the mandatory suspension for drug violations to make suspension discretionary with the court instead. This would be accompanied by a joint resolution from the legislature, agreeing to opt out of the federal

Bill
#2
Resolution

program making this mandatory and by a proclamation of the governor agreeing to opt out. This is if this option still exists under federal law.

9/25

VM 256-3304 ext. 106
Mc fr - Bob Anders - Legal Atk

1. ~~_____~~

2. fed. reg. → resolution

• will send e-mail

Gary, Aaron

From: Duerst, Christina
Sent: Tuesday, September 25, 2007 4:52 PM
To: Gary, Aaron
Subject: FW: Message for Aaron Gary
Attachments: Drug Law Memo.doc; drug suspension Resolution.doc

From: Robert Andersen [mailto:RJA@legalaction.org]
Sent: Tuesday, September 25, 2007 4:50 PM
To: LRB.Legal
Subject: Message for Aaron Gary

Attached is a copy of a resolution that I did a couple of years ago and a copy of a memo from DOT on this requirement. Please contact me if you have any questions.

SENATE JOINT RESOLUTION

To Resolve that the Wisconsin State Legislature exercises the federal option to oppose the federal law mandating the suspension or revocation of a driver=s license in all circumstances where an individual has been convicted of a violation of the Controlled Substances Act or has been convicted of any drug offense.

Whereas 23 U.S.C. s. 159 and the regulations promulgated at 23 CFR part 192 require states to comply with either of the two alternatives below, as a prerequisite to receiving certain federal funds:

(1) enact a state law that mandates the suspension or revocation of driver=s license in all circumstances for an individual who has been convicted of a violation of the Controlled Substances Act or an individual who has been convicted of any drug offense. **OR**

(2) resolve, by the governor and by both houses of the legislature, that the governor and both houses of the legislature are opposed to a federal mandate that requires the suspension or revocation of a driver=s license in all circumstances where an individual has been convicted of a violation of the Controlled Substances Act or has been convicted of any drug offense. **AND**

Whereas 23 CFR s. 192.4(c) provides

(c) A state meets the requirements of this section if:

(1) The state has enacted and is enforcing a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception:

(i) The revocation, or suspension for at least 6 months, of the driver=s license of any individual who is convicted, after the enactment of such law, of

(A) Any violation of the Controlled Substances Act, or

(B) Any drug offense, and

(ii) A delay in the issuance or reinstatement of a driver=s license to such an individual for at least 6 months after the individual otherwise would have been eligible to have a driver=s license issued or reinstated if the individual does not have a driver=s license, or the driver=s license of the individual is suspended, at the time the individual is so convicted.

(2) The Governor of the State

(i) Submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the State=s legislature which begins after November 5, 1990, a written certification stating that he or she is opposed to the enactment or enforcement in the State of a law described in paragraph (c)(1) of this section relating to the revocation, suspension, issuance, or reinstatement of driver=s licenses to convicted drug offenders; and

(ii) Submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in paragraph (c)(1) of this section. **AND**

Whereas the state adopted legislation in accordance with this federal law in Chapters 961 and 938, mandating suspensions and convictions for adults and juveniles who have been convicted or adjudicated of a violation of the Controlled Substance Act, **AND**

Whereas the number of suspensions and revocations for violations of the Controlled Substance Act in Wisconsin rose from 8130 in 2001 to 12,162 in 2003, and 11,710 in 2004, **AND**

Whereas, 32 states out of the 52 which had submitted certifications by 2000 have adopted resolutions in opposition to the federal mandate, in accordance with the provisions of federal law described above,

Now therefore be it resolved by the Senate, the Assembly concurring,

That the Wisconsin Senate and Assembly exercise the option to oppose the federal law mandating the suspension or revocation of a driver's license in all circumstances where an individual has been convicted of a violation of the Controlled Substances Act or has been convicted of any drug offense.

CORRESPONDENCE MEMORANDUM

DT1175 97

Wisconsin Department of Transportation

Date:

September 26, 2007

July 31, 2003

← auto date

To:

Sen. Alberta Darling

cc:

Robert Anderson, Legal Action of Wisconsin
Randy Romanski, Executive Assistant DOT

From:

John J. Sobotik, Assistant General Counsel

Subject:

Driver License Suspension on Drug Convictions – Federal Requirements

Bob Anderson of Legal Action of Wisconsin asked me to summarize for you the federal requirements that led Wisconsin to adopt s. 961.50, Stats., and to discuss whether Wisconsin can meet those federal requirements in some other fashion. Section 961.50, Stats., requires judges to suspend the driver licenses of individuals convicted of any drug offense under Ch. 961, Stats.

23 U.S.C. s. 159 and the regulations promulgated at 23 CFR part 192, require states to do one of two things as a prerequisite to receiving certain federal funds:

Either (1) passes a law that takes driving privileges from drug offenders (whether the offense had anything to do with driving or not in EXACTLY the manner the federal government demands;

OR (2) Both the Governor and both houses of the legislature resolve not to have a law suspending driver licenses exactly the way the federal government wants.

The full text of the law is attached. I think the technical requirements for a conforming law are set forth pretty clearly in the CFR:

(c) A State meets the requirements of this section if:

(1) The State has enacted and is enforcing a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception:

(i) The revocation, or suspension for at least 6 months, of the driver's license of any individual who is convicted, after the enactment of such law, of

(A) Any violation of the Controlled Substances Act, or

(B) Any drug offense, and

(ii) A delay in the issuance or reinstatement of a driver's license to such an individual for at least 6 months after the individual otherwise would have been eligible to have a driver's license issued or reinstated if the individual does not have a driver's license, or the driver's license of the individual is suspended, at the time the individual is so convicted... 23 CFR s. 192.4(c)(1)

Wisconsin's current law, s. 961.50, Stats., complies with federal requirements because it takes operating privileges from any drug offender upon conviction, and requires the 6 month suspension be imposed AFTER any suspension or revocation in effect at the time of the conviction. Wisconsin has NOT adopted a "compelling circumstance" exception from this suspension provision. Regardless of the circumstances, current law requires state judges to revoke driving privileges on each an every criminal drug conviction.

"Drug offense" under the federal law means only criminal offenses. Therefore, Wisconsin is not required to and does not impose such suspensions upon conviction for local ordinance forfeiture violations.

The alternative method of meeting federal requirements is also laid out specifically in the statute and CFR:

(c) A State meets the requirements of this section if: ...

(2) The Governor of the State:

(i) Submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the State's legislature which begins after November 5, 1990, a written certification stating that he or she is opposed to the enactment or enforcement in the State of a law described in paragraph (c)(1) of this section relating to the revocation, suspension, issuance, or reinstatement of driver's licenses to convicted drug offenders; and

(ii) Submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in paragraph (c)(1) of this section. 23 CFR 192.4(c)(2).

For your information, I am attaching the last list I have, for FY 2000, detailing which states have adopted and which states have rejected drug laws meeting the 23 CFR s. 159 requirements. I will attempt to get a more current list from NHTSA or FHWA.

Finally, I am frequently asked about sanctions for non-compliance. The FHWA website indicates a number of states have forfeited federal highway dollars as a result of noncompliance. A search for "23 USC 159 compliance" at the FHWA search page, <http://www.fhwa.dot.gov/search.html>, yielded a surprising number of notices of sanctions. I attach one issued to Indiana as an example.

From the U.S. Code Online via GPO Access
[wais.access.gpo.gov]
[Laws in effect as of January 2, 2001]
[Document not affected by Public Laws enacted between
January 2, 2001 and January 28, 2002]
[CITE: 23USC159]

TITLE 23--HIGHWAYS

CHAPTER 1--FEDERAL-AID HIGHWAYS

SUBCHAPTER I--GENERAL PROVISIONS

Sec. 159. Revocation or suspension of drivers' licenses of
individuals convicted of drug offenses

(a) Withholding of Apportionments for Noncompliance.--

(1) Beginning in fiscal year 1994.--For each fiscal year the Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) of section 104(b) on the first day of each fiscal year which begins after the second calendar year following the effective date of this section if the State does not meet the requirements of paragraph (3) on such date.

(2) Beginning in fiscal year 1996.--The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) of section 104(b) on the first day of each fiscal year which begins after the fourth calendar year following the effective date of this section if the State does not meet the requirements of paragraph (3) on the first day of such fiscal year.

(3) Requirements.--A State meets the requirements of this paragraph if--

(A) the State has enacted and is enforcing a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception--

(i) the revocation, or suspension for at least 6 months, of the driver's license of any individual who is convicted, after the enactment of such law, of--

(I) any violation of the Controlled Substances Act,

or

(II) any drug offense; and

(ii) a delay in the issuance or reinstatement of a driver's license to such an individual for at least 6 months after the individual applies for the issuance or reinstatement of a driver's license if the individual does not have a driver's license, or the driver's license of the individual is suspended, at the time the individual is so convicted; or

(B) the Governor of the State--

(i) submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the State's legislature which begins after the effective date of this section a written certification stating that the Governor is opposed to the enactment or enforcement in the State of a law described in subparagraph (A), relating to the revocation, suspension, issuance, or reinstatement of drivers' licenses to convicted drug offenders; and

(ii) submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in clause (i).

(b) Period of Availability; Effect of Compliance and Noncompliance.--

(1) Period of availability of withheld funds.--

(A) Funds withheld on or before september 30, 1995.--Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 1995, shall remain available for apportionment to such State as follows:

(i) If such funds would have been apportioned under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) but for this section, such funds shall remain available until the end of the fiscal year for which such funds are authorized to be appropriated.

(ii) If such funds would have been apportioned under section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) but for this section, such funds shall remain available until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

(iii) If such funds would have been apportioned under paragraph (1), (3), or (5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) of section 104(b) but for this section, such funds shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

(B) Funds withheld after september 30, 1995.--No funds withheld under this section from apportionment to any State after September 30, 1995, shall be available for apportionment to such State.

(2) Apportionment of withheld funds after compliance.--If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements of subsection (a)(3), apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

(3) Period of availability of subsequently apportioned funds.--

Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure as follows:

(A) Funds which would have been originally apportioned under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) shall remain available until the end of the fiscal year succeeding the fiscal year in which such funds are apportioned under paragraph (2).

(B) Funds which would have been originally apportioned under paragraph (1), (3), or (5)(B) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) of section 104(b) shall remain available until the end of the third fiscal year succeeding the fiscal year in which such funds are so apportioned.

Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century), shall lapse and be made available by the Secretary for projects in accordance with section 118(b).

(4) Effect of noncompliance.--If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century), such funds shall lapse and be made available by the Secretary for projects in accordance with section 118(b).

(c) Definitions.--For purposes of this section--

(1) Driver's license.--The term "driver's license" means a license issued by a State to any individual that authorizes the individual to operate a motor vehicle on highways.

(2) Drug offense.--The term "drug offense" means any criminal offense which proscribes--

(A) the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance the possession of which is prohibited under the Controlled Substances Act; or

(B) the operation of a motor vehicle under the influence of such a substance.

(3) Convicted.--The term "convicted" includes adjudicated under juvenile proceedings.

(Added Pub. L. 102-143, title III, Sec. 333(a), Oct. 28, 1991, 105 Stat. 944; amended Pub. L. 102-388, title III, Sec. 327(a), Oct. 6, 1992, 106 Stat. 1547; Pub. L. 105-178, title I, Sec. 1103(l)(3)(E), June 9, 1998, 112 Stat. 126.)

References in Text

The date of enactment of the Transportation Equity Act for the 21st Century, referred to in subsecs. (a)(1), (2) and (b)(1)(A), (3), (4), is

the date of enactment of Pub. L. 105-178, which was approved June 9, 1998.

The effective date of this section, referred to in subsec. (a)(1), (2), (3)(B)(i), is Nov. 5, 1990. See section 333(e) of Pub. L. 102-143, set out as a note below.

The Controlled Substances Act, referred to in subsecs. (a)(3)(A)(i)(I) and (c)(2)(A), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (Sec. 801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

Amendments

1998--Subsec. (a)(1), (2). Pub. L. 105-178, Sec. 1103(l)(3)(E)(i), substituted ``5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) of" for ``5) of" before ``section 104(b)".

Subsec. (b)(1)(A)(i). Pub. L. 105-178, Sec. 1103(l)(3)(E)(ii)(I), substituted ``section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)" for ``section 104(b)(5)(A)".

Subsec. (b)(1)(A)(ii). Pub. L. 105-178, Sec. 1103(l)(3)(E)(ii)(II), substituted ``section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)" for ``section 104(b)(5)(B)".

Subsec. (b)(1)(A)(iii). Pub. L. 105-178, Sec. 1103(l)(3)(E)(i), substituted ``5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) of" for ``5) of" before ``section 104(b)".

Subsec. (b)(3). Pub. L. 105-178, Sec. 1103(l)(3)(E)(ii)(IV), substituted ``section 104(b)(5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)" for ``section 104(b)(5)" in concluding provisions.

Subsec. (b)(3)(A). Pub. L. 105-178, Sec. 1103(l)(3)(E)(ii)(I), substituted ``section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)" for ``section 104(b)(5)(A)".

Subsec. (b)(3)(B). Pub. L. 105-178, Sec. 1103(l)(3)(E)(ii)(III), substituted ``5)(B) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)" for ``5)(B)".

Subsec. (b)(4). Pub. L. 105-178, Sec. 1103(l)(3)(E)(ii)(IV), substituted ``section 104(b)(5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)" for ``section 104(b)(5)".

1992--Pub. L. 102-388 amended section generally, substituting ``Beginning in fiscal year 1994" for ``After second calendar year" as subsec. (a)(1) heading, ``paragraphs (1), (3), and (5)" for ``paragraphs (1), (2), (5), and (6)" in subsec. (a)(1) and (2), ``Beginning in fiscal year 1996" for ``After fourth calendar year" as subsec. (a)(2) heading, ``paragraph (1), (3), or (5)" for ``paragraph (1), (2), or (6)" in subsec. (b)(1)(A)(iii), and ``paragraph (1), (3), or (5)(B)" for ``paragraph (1), (2), (5)(B), or (6)" in subsec. (b)(3)(B).

Effective Date of 1992 Amendment

Section 327(b) of Pub. L. 102-388 provided that: "The amendments made by subsection (a) of this section [amending this section] shall take effect November 5, 1990."

Effective Date

Section 333(e) of Pub. L. 102-143 provided that: "The amendments made by subsection (a) of this section [enacting this section] shall take effect November 5, 1990."

Study on State Compliance With Requirements for Revocation and Suspension of Drivers' Licenses

Pub. L. 102-240, title I, Sec. 1094, Dec. 18, 1991, 105 Stat. 2025, provided that:

"(a) Study.--The Secretary shall conduct a study of State efforts to comply with the provisions of section 333 of the Department of Transportation and Related Agencies Appropriations Acts, 1991 and 1992 [section 333 of Pub. L. 102-143 (1992 Act) enacted this section and provisions set out as a note above and repealed section 333 of Pub. L. 101-516 (1991 Act) which amended section 104 of this title and enacted provisions set out as a note thereunder], relating to revocation and suspension of drivers' licenses.

"(b) Report.--Not later than December 31, 1992, the Secretary shall transmit to Congress a report on the results of the study conducted under this section."

[Code of Federal Regulations]
[Title 23, Volume 1]
[Revised as of April 1, 2003]
From the U.S. Government Printing Office via GPO Access
[CITE: 23CFR192]

[Page 24-27]

TITLE 23--HIGHWAYS

CHAPTER I--FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 192--DRUG OFFENDER'S DRIVER'S LICENSE SUSPENSION

Sec.

- 192.1 Scope.
- 192.2 Purpose.
- 192.3 Definitions.
- 192.4 Adoption of drug offender's driver's license suspension.
- 192.5 Certification requirements.
- 192.6 Period of availability of withheld funds.
- 192.7 Apportionment of withheld funds after compliance.
- 192.8 Period of availability of subsequently apportioned funds.
- 192.9 Effect of noncompliance.
- 192.10 Procedures affecting States in noncompliance.

Authority: 23 U.S.C. 159 and 315.

Source: 57 FR 35999, Aug. 12, 1992, unless otherwise noted.
Redesignated at 60 FR 50100, Sept. 28, 1995.

Sec. 192.1 Scope.

This part prescribes the requirements necessary to implement 23 U.S.C. Sec. 159, which encourages States to enact and enforce drug offender's driver's license suspensions.

Sec. 192.2 Purpose.

The purpose of this part is to specify the steps that States must take in order to avoid the withholding of Federal-aid highway funds for noncompliance with 23 U.S.C. 159.

Sec. 192.3 Definitions.

As used in this part:

- (a) Convicted includes adjudicated under juvenile proceedings.
- (b) Driver's license means a license issued by a State to any individual that authorizes the individual to operate a motor vehicle on highways.
- (c) Drug offense means:
 - (1) The possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance the possession of which is prohibited under the Controlled Substances Act, or
 - (2) The operation of a motor vehicle under the influence of such a

substance.

(d) Substance the possession of which is prohibited under the Controlled Substances Act or substance means a controlled or counterfeit chemical, as those terms are defined in subsections 102 (6) and (7) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802 (6) and (7) and listed in 21 CFR 1308.11-15.

[57 FR 35999, Aug. 12, 1992; 58 FR 62415, Nov. 26, 1993; 59 FR 39256, Aug. 2, 1994]

Sec. 192.4 Adoption of drug offender's driver's license suspension.

(a) The Secretary shall withhold five percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(5) of title 23 of the United States Code on the first day of fiscal years 1994 and 1995 if the States does not meet the requirements of this section on that date.

(b) The Secretary shall withhold ten percent of the amount required to be

[[Page 25]]

apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(5) of title 23 of the United States Code on the first day of fiscal year 1996 and any subsequent fiscal year if the State does not meet the requirements of this section on that date.

(c) A State meets the requirements of this section if:

(1) The State has enacted and is enforcing a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception:

(i) The revocation, or suspension for at least 6 months, of the driver's license of any individual who is convicted, after the enactment of such law, of

- (A) Any violation of the Controlled Substances Act, or
- (B) Any drug offense, and

(ii) A delay in the issuance or reinstatement of a driver's license to such an individual for at least 6 months after the individual otherwise would have been eligible to have a driver's license issued or reinstated if the individual does not have a driver's license, or the driver's license of the individual is suspended, at the time the individual is so convicted, or

(2) The Governor of the State:

(i) Submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the State's legislature which begins after November 5, 1990, a written certification stating that he or she is opposed to the enactment or enforcement in the State of a law described in paragraph (c)(1) of this section relating to the revocation, suspension, issuance, or reinstatement of driver's licenses to convicted drug offenders; and

(ii) Submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in paragraph (c)(1) of this section.

(d) A State that makes exceptions for compelling circumstances must do so in accordance with a State law, regulation, binding policy directive or Statewide published guidelines establishing the conditions

for making such exceptions and in exceptional circumstances specific to the offender.

Sec. 192.5 Certification requirements.

(a) Each State shall certify to the Secretary of Transportation by April 1, 1993 and by January 1 of each subsequent year that it meets the requirements of 23 U.S.C. 159 and this regulation.

(b) If the State believes it meets the requirements of 23 U.S.C. 159 and this regulation on the basis that it has enacted and is enforcing a law that suspends or revokes the driver's license of drug offenders, the certification shall contain:

(1) A statement by the Governor of the State that the State has enacted and is enforcing a Drug Offender's Driver's License Suspension law that conforms to 23 U.S.C. 159(a)(3)(A). The certifying statement may be worded as follows: I, (Name of Governor), Governor of the (State or Commonwealth) of -----, do hereby certify that the (State or Commonwealth) of -----, has enacted is enforcing a Drug Offender's Driver's License Suspension law that conforms to section 23 U.S.C. 159(a)(3)(A).

(2) Until a State has been determined to be in compliance with the requirements of 23 U.S.C. 159 and this regulation, the certification shall include also:

(i) A copy of the State law, regulation, or binding policy directive implementing or interpreting such law or regulation relating to the suspension, revocation, issuance or reinstatement or driver's licenses of drug offenders, and

(ii) A statement describing the steps the State is taking to enforce its law with regard to within State convictions, out-of-State convictions, Federal convictions and juvenile adjudications. The statement shall demonstrate that, upon receiving notification that a State driver has been convicted of a within State, out-of-State or Federal conviction or juvenile adjudication, the State is revoking, suspending or delaying the issuance of that drug offender's driver's license; and that, when the State convicts an individual of a drug offense, it is notifying the appropriate State office or, if the offender is a non-resident driver, the appropriate office in the driver's home State. If the State is not yet making

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these notifications, the State may satisfy this element by submitting a plan describing the steps it is taking to establish notification procedures.

(c) If the State believes it meets the requirements of 23 U.S.C. 159(a)(3)(B) on the basis that it opposes a law that requires the suspension, revocation or delay in issuance or reinstatement of the driver's license of drug offenders that conforms to 23 U.S.C. 159(a)(3)(A), the certification shall contain:

(1) A statement by the Governor of the State that he or she is opposed to the enactment or enforcement of a law that conforms to 23 U.S.C. 159(a)(3)(A) and that the State legislature has adopted a resolution expressing its opposition to such a law. The certifying statement may be worded as follows: I, (Name of Governor), Governor of the (State or Commonwealth of -----, do hereby certify that I am opposed to the enactment or enforcement of a law that conforms to 23

U.S.C. 159(a)(3)(A) and that the legislature of the (State or Commonwealth) of -----, has adopted a resolution expressing its opposition to such a law.

(2) Until a State has been determined to be in compliance with the requirements of 23 U.S.C. 159(a)(3)(B) and this regulation, the certification shall include a copy of the resolution.

(d) The Governor each year shall submit the original and three copies of the certification to the local FHWA Division Administrator. The FHWA Division Administrator shall retain the original and forward one copy each to the FHWA Regional Administrator, FHWA Chief Counsel, and the Director of the Office of Highway Safety.

(e) Any changes to the original certification or supplemental information necessitated by the review of the certifications as they are forwarded, State legislative changes or changes in State enforcement activity (including failure to make progress in a plan previously submitted) shall be submitted in the same manner as the original.

[57 FR 35999, Aug. 12, 1992. Redesignated and amended at 60 FR 50100, Sept. 28, 1995]

Sec. 192.6 Period of availability of withheld funds.

(a) Funds withheld under Sec. 1212.4 from apportionment to any State on or before September 30, 1995, will remain available for apportionment as follows:

(1) If the funds would have been apportioned under 23 U.S.C. 104(b)(5)(A) but for this section, the funds will remain available until the end of the fiscal year for which the funds are authorized to be appropriated.

(2) If the funds would have been apportioned under 23 U.S.C. 104(b)(5)(B) but for this section, the funds will remain available until the end of the second fiscal year following the fiscal year for which the funds are authorized to be appropriated.

(3) If the funds would have been apportioned under 23 U.S.C. 104(b)(1) or 104(b)(3) but for this section, the funds will remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

(b) Funds withheld under Sec. 1212.4 from apportionment to any State after September 30, 1995 will not be available for apportionment to the State.

Sec. 192.7 Apportionment of withheld funds after compliance.

Funds withheld under Sec. 1212.4 from apportionment, which remain available for apportionment under Sec. 1212.6(a), will be made available to any State that conforms to the requirements of Sec. 1212.4 before the last day of the period of availability as defined in Sec. 1212.6(a).

[57 FR 35999, Aug. 12, 1992, as amended at 59 FR 39256, Aug. 2, 1994]

Sec. 192.8 Period of availability of subsequently apportioned funds.

(a) Funds apportioned pursuant to Sec. 1212.7 will remain available for expenditure as follows:

(1) Funds originally apportioned under 23 U.S.C. 104(b)(5)(A) will remain available until the end of the fiscal year succeeding the fiscal

year in which the funds are apportioned.

(2) Funds originally apportioned under 23 U.S.C. 104(b)(1), 104(b)(2), 104(b)(5)(B), or 104(b)(6) will remain available until the end of the third fiscal year succeeding the fiscal year in which the funds are apportioned.

(b) Sums apportioned to a State pursuant to Sec. 1212.7 and not obligated at the end of the periods defined in Sec. 1212.8(a), shall lapse or, in the case of

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funds apportioned under 23 U.S.C. 104(b)(5), shall lapse and be made available by the Secretary for projects in accordance with 23 U.S.C. 118(b).

Sec. 192.9 Effect of noncompliance.

If a State has not met the requirements of 23 U.S.C. 159(a)(3) at the end of the period for which funds withheld under Sec. 1212.4 are available for apportionment to a State under Sec. 1212.6, then such funds shall lapse or, in the case of funds withheld from apportionment under 23 U.S.C. 104(b)(5), shall lapse and be made available by the Secretary for projects in accordance with 23 U.S.C. 118(b).

Sec. 192.10 Procedures affecting States in noncompliance.

(a) Each fiscal year, each State determined to be in noncompliance with 23 U.S.C. 159, based on FHWA's preliminary review of its statutes, will be advised of the funds expected to be withheld under Sec. 1212.4 from apportionment, as part of the advance notice of apportionments required under 23 U.S.C. 104(e), normally not later than ninety days prior to final apportionment.

(b) If FHWA determines that the State is not in compliance with 23 U.S.C. 159 based on the agencies' preliminary review, the State may, within 30 days of its receipt of the advance notice of apportionments, submit documentation showing why it is in compliance. Documentation shall be submitted to the Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590.

(c) Each fiscal year, each State determined not to be in compliance with 23 U.S.C. 159(a)(3), based on FHWA's final determination, will receive notice of the funds being withheld under Sec. 1212.4 from apportionment, as part of the certification of apportionments required under 23 U.S.C. 104(e), which normally occurs on October 1 of each fiscal year.

[57 FR 35999, Aug. 12, 1992. Redesignated and amended at 60 FR 50100, Sept. 28, 1995]

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23 U.S.C. SECTION 159

*FY 2000 Certifications

This chart reflects the dates by which each Governor certifies compliance that the State has either enacted and is enforcing a Drug Offender's Driver's License Suspension law or, continues to oppose the enactment and enforcement of a law that conforms to Section 23 U.S.C. 159 (a) (3) (A).

SECTION 159: FY 2000 CERTIFICATIONS

STATES	RESOLUTION	LEGISLATION
ALABAMA	-----	11/23/99
ALASKA	1/31/2000	-----
ARIZONA	1/20/2000	-----
ARKANSAS	-----	1/4/2000
CALIFORNIA	3/15/2000	-----
COLORADO	2/14/2000	-----
CONNECTICUT	12/13/99	-----
DELAWARE	-----	2/2000
DISTRICT OF COLUMBIA	-----	2/9/2000
FLORIDA	-----	12/29/99
GEORGIA	-----	2/1/2000
HAWAII	2/1/2000	-----
IDAHO	12/14/99	-----
ILLINOIS	12/15/99	-----
INDIANA	-----	12/22/99
IOWA	-----	10/22/99
KANSAS	11/17/99	-----
KENTUCKY	1/12/2000	-----
LOUISIANA	12/16/99	-----
MAINE	2/10/2000	-----
MARYLAND	12/7/99	-----
MASSACHUSETTS	-----	12/23/99
MICHIGAN	3/2/2000	-----
MINNESOTA	3/9/2000	-----

STATES	RESOLUTION	LEGISLATION
MISSISSIPPI	-----	12/29/99
MISSOURI	1/28/2000	-----
MONTANA	1/31/2000	-----
NEBRASKA	11/9/99	-----
NEVADA	12/23/99	-----
NEW HAMPSHIRE	2/15/2000	-----
NEW JERSEY	-----	4/4/2000
NEW MEXICO	6/9/2000	-----
NEW YORK	-----	6/7/2000
NORTH CAROLINA	3/3/2000	-----
NORTH DAKOTA	11/12/99	-----
OHIO	-----	12/27/99
OKLAHOMA	-----	3/1/2000
OREGON	-----10/1/99	-----
PENNSYLVANIA	-----	1/21/2000
PUERTO RICO	-----	2/4/2000
RHODE ISLAND	3/1/2000	-----
SOUTH CAROLINA	-----	12/14/99
SOUTH DAKOTA	1/4/2000	-----
TENNESSEE	3/13/2000	-----
TEXAS	-----	2/14/2000
UTAH	1/27/2000	-----
VERMONT	4/6/2000	-----
VIRGINIA	-----	9/30/99
WASHINGTON	12/20/99	-----
WEST VIRGINIA	1/24/2000	-----
WISCONSIN	-----	10/20/99
WYOMING	12/15/99	-----
Manner of Compliance	32	20

STATES	RESOLUTION	LEGISLATION
States in Compliance	52 as of 6/12/2000	

To prevent fund transfer on October 1, 2000 (FY 2001), States should submit their certifications by January 1, 2000.

As of 6-12-2000, all the States' certifications have been received.
 C:\TEMP\FY2000S159.wpd

NOTICE
APPORTIONMENT OF FUNDS WITHHELD FROM
INDIANA UNDER THE PROVISIONS OF
23 U.S.C. 159
N 4510.316
July 15, 1994

1. PURPOSE

- a. To transmit the certificate of apportionment for Indiana of funds authorized for FY 1994 which were withheld pursuant to the provisions of 23 U.S.C. 159.
- b. To allocate FY 1994 obligation authority to support the apportioned funds.

1. BACKGROUND. Indiana was found in noncompliance with the requirements relating to revocation or suspension of drivers' licenses of individuals convicted of drug offenses pursuant to the provisions of 23 U.S.C. 159. Five percent of Indiana's Interstate Maintenance, National Highway System, Surface Transportation Program, and Apportionment Adjustment funds were withheld from apportionment by Federal Highway Administration (FHA) Notices N 4510.295, N 4510.297, N 4510.299, and N 4510.303, respectively. A proportional amount of FY 1994 obligation authority was withheld by FHA Notice N 4520.127. On May 27, 1994, the State of Indiana submitted to FHA evidence of compliance. In accordance with 23 U.S.C. 159, the withheld funds are being apportioned to Indiana effective immediately.

2. AVAILABILITY

- a. Funds withheld pursuant to 23 U.S.C. 159, which are subsequently apportioned, are available for expenditure when apportioned and remain available for expenditure pursuant to the availability provisions of 23 U.S.C. 159.
- b. The funds resulting from this apportionment are subject to lapse if not obligated for projects by September 30, 1997.
- c. The apportioned funds are subject to obligation controls in force at the time of obligation.

1. OBLIGATION LIMITATION. The 91.1 percent of FY 1994 obligation authority distributed to support obligation of these funds is shown on the attachment.

2. ACTION. The Division Administrator for the State of Indiana should ensure that copies of this Notice are furnished to the State highway agency.

/s/
Rodney E. Slater
Federal Highway Administrator

Attachment

CERTIFICATE OF APPORTIONMENT FROM THE SUMS OF \$2,914,000,000 AUTHORIZED TO BE APPROPRIATED FOR THE INTERSTATE MAINTENANCE PROGRAM AND \$3,599,000,000 AUTHORIZED TO BE APPROPRIATED FOR THE NATIONAL HIGHWAY SYSTEM AND \$4,096,000,000 AUTHORIZED TO BE APPROPRIATED FOR THE SURFACE TRANSPORTATION PROGRAM AND

\$790,789,588 AUTHORIZED TO BE APPROPRIATED FOR APPORTIONMENT ADJUSTMENTS FOR
THE FISCAL YEAR ENDING SEPTEMBER 30, 1994

TO--

The Secretary of the Treasury of the United States and the State Highway Departments:
Pursuant to section 9503 of the Internal Revenue Code of 1986, the Intermodal Surface Transportation
Efficiency Act of 1991, title 23, United States Code, and the delegation of authority from the Secretary of
Transportation to the Federal Highway Administrator in section 1.48, title 49, Code of Federal Regulations,
I certify--

First, that under the provisions of section 159 of title 23, United States Code, relating to the revocation or
suspension of drivers' licenses of individuals convicted of drug offenses, I did, on October 1 and October
27, 1993, withhold from the State of Indiana, five (5) percentum of the amounts required to be apportioned
to such State for Interstate Maintenance, National Highway System, the Surface Transportation Program,
and Hold Harmless for the fiscal year 1994, pending the enactment of a complying law relating to
revocation or suspension of drivers' licenses of individuals convicted of drug offenses.

Second, that the State of Indiana, effective March 18, 1993, enacted a complying law and therefore, the
withheld apportionments are required to be made pursuant to the provisions of section 159 of title 23,
United States Code.

Third, that the sums which are hereby apportioned and made available to Indiana effective immediately,
are as follows:

U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
APPORTIONMENT OF FUNDS
WITHHELD FROM INDIANA
PURSUANT TO THE PROVISIONS OF
23 U.S.C. 159

FUNDS	AMOUNT APPORTIONED PER THIS NOTICE
INTERSTATE MAINTENANCE	\$3,151,181.00
NATIONAL HIGHWAY SYSTEM	\$3,641,212.00
SURFACE TRANSPORTATION PROGRAM	\$5,085,248.00
HOLD HARMLESS	\$33,836.00
TOTAL	\$11,911,477.00
FY 1994 OBLIGATION LIMITATION	\$10,851,355.00

APPROVED EFFECTIVE July 15, 1994

/s/

Rodney E. Slater
Federal Highway Administrator

Mcginnis, Cindy

From: Warren, Mitchell - DOT
Sent: Friday, August 17, 2007 9:15 AM
To: 'Robert Andersen'; Warren, Mitchell - DOT; David Pifer; Rep.Grigsby
Subject: RE: Driver's license legislation

Attachments: Comments on 23 USC 159.doc



Comments on 23
USC 159.doc (14...

I finally received confirmation from the FHWA on Wednesday of this week that the opt-out to the federal drug law is available, it has not lapsed, nor was it restricted to opting-out at the time of implementation.

I don't have an answer for the second question yet, although I've since found the published rule guidance and I believe it is clear that we do not have to make suspensions effective "after application". Here is the language from the final rule publication in 1992:

If the drug offender does not have a driver's license or if the offender's driver's license is suspended at the time the individual is convicted, Section 159(a)(3)(A)(ii) requires that the State law must provide for a delay in the issuance or reinstatement of the individual's driver's license for at least six months after the individual applies for issuance or reinstatement of his or her driving privileges. The agencies indicated, in the NPRM, that the statute seems to provide that the six month period would not begin to run until the individual initiates the issuance or reinstatement process by submitting an actual application.

The agencies requested comments from the States regarding whether this would impose unnecessary burdens on driver licensing operations, and whether there is a preferable method for marking the beginning of the six month period within the meaning of the statute.

Specifically, the agencies requested comments on whether it would be preferable instead to require that issuance or reinstatement of the individual's driver's license be delayed for at least six months after the individual otherwise would have been eligible to have his or her driver's license issued or restored.

In general, the commenters agreed that a strict reading of the statute would result in the imposition of unnecessary burdens for State driver licensing operations and were in favor of the agencies' approach. Accordingly, today's final rule modifies the regulatory language proposed in the NPRM to make it clear that individuals need not apply for issuance or reinstatement of their driving privileges for the six month period to begin to run.

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

From: Robert Andersen [mailto:RJA@legalaction.org]
Sent: Tuesday, August 14, 2007 9:52 AM
To: mitchell.warren@dot.state.wi.us; David Pifer; rep.grigsby@legis.state.wi.us
Subject: Driver's license legislation

Cindy has found out that the suspension for failure to pay child support is not a federal requirement, so we are good to go there. Mitch was going to find out about two things below --

* whether the state still has the option of not making the drug suspension mandatory, or whether that option has lapsed.

* whether the state is required to make the drug suspension begin with the date of application or whether it can begin with the date of eligibility.

Mitch, have you been able to get any information on these items? As for our legislation relating to installment payment plans in lieu of automatic suspension and the definition of indigency, we should be able to proceed with that. Was there anything else we were supposed to be doing?

soon

in 10/3

D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2007 ASSEMBLY JOINT RESOLUTION

1 **Relating to:** opposing a federal mandate requiring the suspension or revocation of
 2 driver's licenses in all circumstances where a person has been convicted of a
 3 drug or other controlled substances violation and exercising the state's option
 4 to opt out of this federal mandate.

5 Whereas, federal law, under 23 USC 159 and regulations promulgated under
 6 this federal statute, including 23 CFR 192, requires states, as a prerequisite to
 7 receiving certain federal transportation-related funds, either to enact a state law
 8 mandating the suspension or revocation of driver's licenses in all circumstances
 9 where a person has been convicted of a drug or other controlled substances violation
 10 or to resolve that the state is opposed to a federal mandate requiring the suspension
 11 or revocation of driver's licenses in these circumstances; and

12 Whereas, this state adopted legislation in accordance with this federal law in
 13 Chapters 938 and 961 of the Wisconsin Statutes, mandating driver's license

1 suspensions for adults and juveniles convicted or adjudicated of a violation of this
2 state's Uniform Controlled Substances Act; and ✓

3 ~~Whereas, the number of suspensions for violations of this state's Uniform~~
4 ~~Controlled Substances rose from 8,130 in 2001 to 12,162 in 2003 and 11,710 in 2004;~~
5 and

6 Whereas, 32 states have adopted resolutions in opposition to the federal
7 mandate, in accordance with the provisions of federal law described above; ✓ and

8 Whereas, the state desires to modify its legislation that was adopted in
9 accordance with this federal law and to instead opt out of this federal mandate, and
10 to do so without loss of federal transportation-related funds to the state; now,
11 therefore, be it ✓

12 ***Resolved by the assembly, the senate concurring, That:*** NOA →

13 ~~The State of Wisconsin~~ opposes a federal mandate requiring the suspension
14 or revocation of driver's licenses in all circumstances where a person has been
15 convicted of a drug or other controlled substances violation and exercises its option
16 to opt out of this federal mandate; and, be it further

17 ***Resolved, That*** the assembly chief clerk shall send copies of this joint
18 resolution to the Secretary of ^{the} U.S. Department of Transportation and to each
19 member of the congressional delegation from this state.

20 (END)

D-note

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

LRB-3250/P1dn
ARG:.....

lmk

(date)

ATTN: Cindy McGinnis

Please review the attached draft carefully to ensure that it is consistent with your intent. I relied in part on the suggested language provided to me by Bob Andersen, and relied entirely on the statistics included with that suggested language. I have not attempted to verify or update any of these statistics.

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-3250/P1dn
ARG:lmk:pg

October 4, 2007

ATTN: Cindy McGinnis

Please review the attached draft carefully to ensure that it is consistent with your intent. I relied in part on the suggested language provided to me by Bob Andersen, and relied entirely on the statistics included with that suggested language. I have not attempted to verify or update any of these statistics.

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: Mcginnis, Cindy
Sent: Friday, October 05, 2007 2:42 PM
To: Gary, Aaron
Subject: lrb 3250

Aaron-

I found some updated stats for LRB 3250/p1. On Page 2 line 4 use the 8,130 for 2001 then delete all the other numbers and insert " to 14,849 in 2006;"

Then on line 6 delete the number "32" and replace it with the number "37"

Thanks.

Cindy McGinnis
Office of State Representative Tamara Grigsby
122 North State Capitol
P.O. Box 8952
Madison, WI 53708
1-888-534-0018 - toll free
(608) 266-0645
(608) 282-3618 - fax



State of Wisconsin
2007 - 2008 LEGISLATURE

sohn

LRB-3250/P1

ARG:lmk:pg

in 10/8

↑
stays
RAM

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
2007 ASSEMBLY JOINT RESOLUTION

1 **Relating to:** opposing a federal mandate requiring the suspension or revocation of
2 driver's licenses in all circumstances where a person has been convicted of a
3 drug or other controlled substances violation and exercising the state's option
4 to opt out of this federal mandate.

5 Whereas, federal law, under 23 USC 159 and regulations promulgated under
6 this federal statute, including 23 CFR 192, requires states, as a prerequisite to
7 receiving certain federal transportation-related funds, either to enact a state law
8 mandating the suspension or revocation of driver's licenses in all circumstances
9 where a person has been convicted of a drug or other controlled substances violation
10 or to resolve that the state is opposed to a federal mandate requiring the suspension
11 or revocation of driver's licenses in these circumstances; and

12 Whereas, this state adopted legislation in accordance with this federal law in
13 chapters 938 and 961 of the Wisconsin statutes, mandating driver's license

1 suspensions for adults and juveniles convicted or adjudicated of a violation of this
2 state's Uniform Controlled Substances Act; and

3 Whereas, the number of suspensions for violations of this state's uniform
4 controlled substances rose from 8,130 in 2001 to ^{14,849} ~~12,162~~ in 2003 and ~~11,710~~ ⁶ in 2004;
5 and

6 Whereas, ³⁷ ~~32~~ states have adopted resolutions in opposition to the federal
7 mandate, in accordance with the provisions of federal law described above; and

8 Whereas, the state desires to modify its legislation that was adopted in
9 accordance with this federal law and to instead opt out of this federal mandate, and
10 to do so without loss of federal transportation-related funds to the state; now,
11 therefore, be it

12 **Resolved by the assembly, the senate concurring, That** the state of
13 Wisconsin opposes a federal mandate requiring the suspension or revocation of
14 driver's licenses in all circumstances where a person has been convicted of a drug or
15 other controlled substances violation and exercises its option to opt out of this federal
16 mandate; and, be it further

17 **Resolved, That** the assembly chief clerk shall send copies of this joint
18 resolution to the secretary of the U.S. department of transportation and to each
19 member of the congressional delegation from this state.

20 (END)

Duerst, Christina

From: McGinnis, Cindy

Sent: Thursday, January 24, 2008 2:23 PM

To: LRB.Legal

Subject: Draft Review: LRB 07-3250/1 Topic: Operating privilege suspension for drug and controlled substance violations; opt out of federal program for mandatory suspension

Please Jacket LRB 07-3250/1 for the ASSEMBLY.

1/24/2008